УДК 342.95:342.7(477)
DOI https://doi.org/10.32850/sulj.2024.3.2

CONCILIATION PROCEDURES ASA TOOL FOR PROTECTING THE RIGHTS AND LEGITIMATE INTERESTS OF CITIZENS

Bokshorn A. V., Sirko V. S.

Ukraine's vector towards European integration requires harmonization of national legislation with the legal norms of the European Union, as well as realization of the State's aspirations for European values and modern legal standards. Compliance with these standards is important in the process of conflict resolution. Ukraine, as a democratic state, demonstrates the ability to resolve conflicts without recourse to state judicial proceedings and the use of administrative coercion. Therefore, the issue of peaceful settlement of disputes between the parties involved in a conflict is of considerable interest to both Ukrainian and international academic circles. In this article, the authors draw attention to the use by the legislator of various categories, in particular, such as "pre-trial dispute resolution" and "pre-trial dispute resolution measures", "alternative (out-of-court) dispute resolution", "conciliation procedures", none of which has a clear definition and cannot be applied to cases that are in different legal areas (belong to different branches of law). The authors of the article refer to conciliation procedures as all mechanisms for protecting the rights and legitimate interests of a person and a citizen which are provided for by the current legislation (or are not expressly prohibited by it), but do not refer to dispute resolution measures in administrative and judicial proceedings. The article examines certain conciliation procedures, including mediation, consiliation, mini-trial, negotiation, and others. The authors determine that the availability of these procedures is a positive borrowing of the provisions of international law, since it provides people with more opportunities to resolve an existing public law (administrative agreement) or private law dispute, and also does not deprive a person of the right to go to court to protect their rights and legitimate interests, and accordingly, their application is consistent with the Constitution of Ukraine.

Key words: *conciliation procedures, pre-trial dispute resolution, dispute resolution with the participation of a judge, mediation, consiliation, mini-trial, dispute resolution, foreign experience in dispute resolution.*

Боксгорн А. В., Сірко В. С. Примирні процедури як інструмент захисту прав та законних інтересів громадян

Вектор України на євроінтеграцію вимагає гармонізації національного законодавства з правовими нормами Європейського Союзу, а також реалізації прагнення держави до європейських цінностей і сучасних правових стандартів. Дотримання цих стандартів є важливим у процесі вирішення конфліктів. Україна, як демократична держава, демонструє здатність врегульовувати конфлікти без звернення до державного судового процесу та застосування адміністративного примусу. Тому питання мирного врегулювання спорів між сторонами, які опинилися в конфлікті, викликає значний інтерес як в українських, так і в міжнародних наукових колах. В цій статті авторами звернено увагу на оперування законодавцем різними категоріями, зокрема такими, як «досудовий порядок урегулювання спору» та «заходи досудового врегулювання спору», «альтернативне (позасудове) вирішення спорів», «примирні процедури», жодна з яких не має чіткого визначення та не може бути застосована щодо справ, які знаходяться у різній юридичній площині (відносяться до різних галузей права). Автори статті до примирних процедур відносять всі механізми захисту прав та законних інтересів людини та громадянина, які передбачені нормами чинного законодавства (або прямо не заборонені ним), проте не відносяться до заходів вирішення спорів в адміністративному та судовому порядках. В роботі розглянуто окремі примирні процедури, зокрема медіація, консиліація, міні-розгляд, переговори та інші. Авторами визначено, що наявність даних процедур є позитивним запозиченням положень міжнародного законодавства, оскільки надає людям більше можливостей задля вирішення наявного публічно-правового (адміністративний договір) чи приватно-правового спору, а також не позбавляє особу права звернутися до суду за захистом свої прав та законних інтересів, відповідно їх застосування відповідає Конституції України.

Ключові слова: *примирні процедури, досудове врегулювання спорів, урегулювання спорів за участю судді, медіація, консиліація, міні-розгляд, вирішення спорів, зарубіжний досвід вирішення спорів.*

Statement of the problem and its relevance. According to Article 1 of the Constitution, Ukraine is a social, democratic and legal state. Its development in accordance with the constitutional provisions is impossible without effective means of protecting human rights and freedoms. However, in the context of war and certain difficulties in access to justice, as well as given the need to harmonize Ukrainian legislation with EU legislation, the issues of improving conciliation procedures in the framework of criminal, labor, civil and other disputes are relevant.

Analysis of recent research and publications. Conciliation procedures in labor, civil, criminal and other disputes have been the subject of research by a large number of scholars around the world, in particular, the works of such scholars as: Bondarenko-Zelinska N., Voloshyna A., Malinnikova D., Mamnytskyi V., Riabko E. and others.

The purpose of the article is to study conciliation procedures through the prism of their correlation with the pre-trial dispute resolution procedure and their place in the system of instruments for protection of rights and legitimate interests of a person and a citizen.

Summary of the main material. Ukraine's vector towards European integration necessitates harmonization of national legislation with EU legislation, embodiment of the State's aspirations for European values and legal standards of modern society, and their observance in conflict resolution. Ukraine is a democratic state, and a democratic society demonstrates its ability to resolve conflicts without resorting to state judicial proceedings (government coercion). That is why the peaceful settlement of disputes between parties in conflict is of great interest to both domestic and foreign scholars. It is worth noting that the introduction of non-judicial methods of conflict resolution does not contradict the constitutional right of every person to judicial protection of their rights and freedoms, because if the result is not achieved out of court, individuals have the right to go to court. For Ukraine, the study of this issue is extremely relevant, since some mechanisms of this institution were introduced relatively recently. Thus, in mid-2016, the Basic Law was amended to provide that the law may determine a mandatory pre-trial procedure for dispute resolution (part 4 of Article 124 of the Constitution of Ukraine) [9].

The codified legal acts, including the Commercial Procedure Code of Ukraine[4], the Code of Administrative Procedure of Ukraine [8], the Civil Procedure Code of Ukraine [19] in the versions that followed these amendments, took this provision into account. Thus, Article 162 of the Code of Commercial Procedure of Ukraine provides that the statement of claim must contain information on the pre-trial settlement of the dispute, if the law establishes a mandatory pre-trial procedure for the settlement of the dispute. A similar provision is contained in Article 175 of the Civil Procedure Code of Ukraine and Article 160 of the Code of Administrative Procedure of Ukraine. The importance of alternative (out-of-court) and pre-trial dispute resolution is also stated in the Strategy for the Development of the Justice System and Constitutional Justice for 2021-2023 of June 1, 2021 [14].

They have been identified as one of the areas of development to improve access to justice. However, despite the fact that alternative dispute resolution has been identified as one of the areas of development of the national legal system, there is currently no unanimity among scholars in understanding the legal nature of this institution. The problems are caused by the lack of a unified position of the legislator. The following categories are mentioned in legal acts: "pre-trial dispute resolution" and 'pre-trial dispute resolution measures', 'alternative (out-of-court) dispute resolution', 'conciliation procedures'.

In order to formulate our own position, let us first consider the approaches to understanding the above categories:

Conciliation procedures are forms of protection of investors' rights in the field of business, including mediation, transaction, consiliation, mini-trial, mediation, and negotiation [18].

Settlement of a dispute with the participation of a judge is a conciliation procedure in civil proceedings [6, p. 184-188].

In his professional article "The Essence of Conciliation Procedures in the System of Alternative Dispute Resolution", T. Shynkar notes that alternative dispute resolution methods include negotiations, mediation, and arbitration [20].

N. Gren, in the context of analyzing alternative methods of dispute resolution in court proceedings, classifies them, depending on the general nature of the procedure and, as a result, the specifics of the judge's participation in it, into adversarial and conciliatory (conciliation, consensus) [5, p. 203].

T. Stepanova, analyzing such concepts as "mediation", "pre-trial settlement of disputes" and "settlement of disputes with the participation of a judge", defines pre-trial settlement of commercial disputes as a set of measures for enterprises and organizations whose rights have been violated to directly resolve a dispute that has arisen with the entities violating these rights and interests before filing a claim with the commercial court. In her research, the author notes that this procedure is intended to prevent recourse to court and should precede it. The scholar holds the position that this concept covers negotiations, mediation, and the claim procedure for dispute resolution [16, p. 26].

Particularly noteworthy is the position of D. Bereznitsky (although some of the above positions are very similar), who notes that reconciliation procedures are called differently in the scientific literature. There are the following names: mediation, mediation, consiliation, moderation or simply reconciliation procedure [2, p. 148]. This approach deserves critical reflection and more in-depth analysis. If we turn to the etymological analysis of some concepts and norms of foreign legislation, we can note that the term "conciliation" is translated from English as "reconciliation". At the same time, in the EU countries, consiliation is defined as a separate type of alternative dispute resolution (although not everything is clear). For example, in Italy, conciliation is defined as "another dispute resolution process that involves building positive relations between the parties to the dispute, but in several respects it is fundamentally different from mediation and arbitration. In conciliation, a neutral party is usually seen as an authoritative figure responsible for finding the best solution for the parties" [21]. If we turn to the interpretation of the word "reconcile" (in the Ukrainian dictionary), it means "to establish peaceful relations between someone, to restore harmony" [1]. At the same time, it does not seem appropriate to define the restoration of peace between the conflicting parties and their relations as the main goal of alternative dispute resolution, since their purpose is to focus on conflict resolution. However, the first option is not completely excluded and may take place – it all depends on which dispute resolution method is chosen. From this we can conclude that "conciliation procedures" cannot be defined as a generalized term for methods of conflict resolution other than through the courts.

In our opinion, conciliation procedures and pre-trial dispute resolution are ways (types) of alternative dispute resolution. That is why these concepts must be distinguished, and their use in the scientific and practical spheres as synonyms in the general characterization of means of dispute resolution that are alternatives to court is erroneous". Having distinguished the category of "conciliation procedures" from related ones, we consider it possible to proceed to their deeper analysis through the prism of protection of rights and legitimate interests of a person and a citizen.

Thus, among the shortcomings of the judicial system is the heavy workload of the courts (here we should not forget about Part 1 of Article 26 of the Law of Ukraine "On the Legal Regime of Martial Law", which states that justice in the territory where martial law has been introduced is administered only by the courts. The courts established in accordance with the Constitution of Ukraine operate on this territory) [12], the long duration and complexity of the proceedings (the reasons may lie in both the reduction in the number of courts (we are talking about the temporarily occupied territories) and problems in the work of the courts caused by air raids, etc.), significant court costs, the lack of a well-developed mechanism for achieving competitiveness and equality of the parties in the process, the presence of "tools" for deliberate delay of consideration of cases in some cases by the parties.

In this context, it is also worth mentioning the fact that the criteria of fairness of dispute resolution, which are in the legal plane (and are taken into account by judges), often do not coincide with the perceptions of justice of people who do not have knowledge of the legal field, which means that very often court decisions cause a negative reaction from the parties to a legal dispute, and as a result, the conflict is terminated by force, but not resolved. The latter, in turn, leads to the fact that acts of justice are not always properly enforced. In commercial disputes, there is another factor that leads to increased interest in conciliation dispute resolution procedures – excessive formalization of court actions and the peculiarities of the relationship between the conflicting parties, which are typical of legal procedures, become an obstacle to the coordination of agreements and further cooperation between the parties.

Blocked transactions, frozen funds on accounts, inability to develop business, reputational losses, etc. It is worth noting that today there is an increasing emphasis on the need and expediency of combining approaches from the position of the parties' interests

and from the legal side, which helps to resolve a legal conflict in the most efficient, professional and cost-effective manner (both in terms of money and time). The result of this alternative process is the realization by each party to the legal conflict of the fairness of the decision, which will gradually but significantly influence the development of a culture of harmony in society, as opposed to a culture of claims, lawsuits and accusations [15]. We will analyze certain procedures that are defined by scholars as conciliation procedures and provide our own assessment of them. These include, in particular:

Dispute resolution with the participation of a judge in civil procedure law. This institute is the newest in the civil procedural law of Ukraine and domestic doctrine. In the scientific literature, this type of conciliation procedure is called judicial mediation. This novelty is provided for in Article 201 of the Civil Procedure Code of Ukraine, which states the following: "The dispute settlement with the participation of a judge shall be carried out by agreement of the parties before the commencement of the case on the merits". In other words, this procedural institution can be implemented at the moment when a legal conflict has already been transformed into a dispute by filing a claim with a competent court.

We agree with the position of Tikhansky O., who notes that this institute has such features of the conciliation procedure as: a civil dispute is not resolved by a court, but is settled by a specific competent highly qualified mediator – also by a court represented by a judge, but not during the latter's proceedings, but during a series of formal and informal actions aimed at settling a civil dispute within the law: create all the necessary conditions for the settlement of a civil dispute with the mutual consent of the parties (settlement agreement, recognition of the claim by the defendant, withdrawal of the claim by the plaintiff), and as a result, the judge issues a relevant ruling [17]. It should be noted at the outset that the scholar holds a different position on the essence of conciliation procedures. He expresses the view that conciliation procedures cannot be distinguished as a generic category of alternative ways of resolving a civil dispute, since there are no solid grounds for this. In this context, it should be noted that the effectiveness of judicial mediation raises certain doubts in academic circles. In particular, research on the work of private mediators in Germany suggests that they remain dissatisfied with the introduction of the judicial mediation procedure. Thus, they defined judicial mediation solely as a manifestation of competition and a direct threat to out-of-court mediation.

The disadvantages of this procedure are that it has a certain authoritative character (judge – mediator) and limited timeframe. The latter make it impossible to ensure the proper level of clarification of the real interests of the parties and to achieve genuine reconciliation. It was the community of private mediators and attorneys who insisted on enshrining in the law a ban on mediation by judges and on regulating the model of external judicial mediation, in which a judge must refer the parties to a private mediator for mediation. In our opinion, this approach is quite reasonable.

Negotiation. This form of dispute resolution is carried out independently by the parties to the dispute, and no mediator is involved. Negotiations are the primary way to resolve a conflict that can be used if the parties are constructive. However, little attention is paid to this method in the scientific literature, as the subjective component plays a very important role here, as does the psycho-emotional component. The effectiveness of this method also raises questions, since subjectively formed positions of the parties are difficult to change in the minds of the parties. We define this procedure as conciliation, but we can note that it will be effective only in commercial legal relations where the dispute should be resolved as soon as possible, where the court fee is very high and where reputational risks are of predominant preventive importance. In negotiations, the parties come to a common compromise and at first glance everything seems to be fine and the prospects are good, but this procedure is not without certain drawbacks – there is always a risk that the party whose interests were not fully taken into account will not "recognize" the decision and implement it. This will essentially nullify the results of the negotiations. A similar opinion is shared by N. Bondarenko-Zelinska, who notes that "negotiations are a form of resolving a legal conflict by discussing it by the parties to the conflict in order to reach a mutually beneficial (compromise) solution" [3, p. 165].

Mediation. This is also a negotiation process, the peculiarity of which is that it is carried out with the help of an independent neutral qualified intermediary, a mediator. The mediator is called upon to assist the parties to a dispute in a conflict situation in such a way that the parties can independently choose a way to resolve the dispute that will best meet the interests of both parties. The

advantages of mediation are flexibility, accessibility, time and money savings, and, most importantly, a greater willingness of the parties to fulfill the agreement. When considering mediation, the Law of Ukraine "On Mediation" cannot be ignored. Without going into a detailed analysis of this procedure, we will consider only some of its aspects.

Thus, in accordance with Part 2 of Article 3 of the aforementioned Law, mediation may be conducted before applying to a court, arbitration court, international commercial arbitration or during a pre-trial investigation, court, arbitration, arbitration proceedings, or during the execution of a court, arbitration court or international commercial arbitration decision. On the positive side, there are certain restrictions on mediation procedures. The same article states that mediation shall not be conducted in conflicts (disputes) that affect or may affect the rights and legitimate interests of third parties who are not parties to this mediation. This means that the rights and freedoms of individuals cannot be violated in any way. The introduction of this institution in Ukraine meaningfully links the current development of the Ukrainian legal system with European legal systems, values and priorities of the modern civilized world.

Consiliation. This type of procedure, as well as mediation, is characterized by the participation of an independent third party who is only intended to facilitate the resolution of the dispute. However, the functions and role of the mediator in these procedures are somewhat different. Thus, the mediator takes an active part in resolving the dispute between the parties, investigating all the circumstances of the case and listening to the position of the parties, while the independent third party in the mediation only creates conditions for communication between the parties so that they can continue negotiations. However, the scientific literature still debates the content of these procedures, and some define them as identical.

Mini-trial. This conciliation procedure involves the following: lawyers or other consultants of each party present their "short" position in the case. This procedure does not require the mandatory participation of a neutral, but it is usually more effective (if the case is considered under the guidance of a qualified third party). A mini-trial can create the impression of a court hearing to a greater extent than mediation. That is why it is often referred to as a "mini-trial", which is widely used to resolve commercial disputes. "The dispute is settled in a "mini-trial" with the participation of senior executives of each party, who meet in the presence of a neutral consultant, listen to the parties' representatives on the circumstances of the case and try to reach an agreement on the dispute" [3, p. 164].

Conciliation procedures in labor disputes. They are carried out by conciliation commissions (conciliation commission is a body designed to develop a solution that can satisfy the parties to a collective labor dispute (conflict) and consisting of representatives of the parties. The functions of the conciliation commission are: exchange of views of the parties' representatives on the terms and procedure for resolving a collective labor dispute (conflict) consultations of the parties' representatives with the interested state authorities, other competent organizations, institutions and individuals; discussion of options for resolving a collective labor dispute (conflict) and selection of the most appropriate solution. This is stated in the Order of the National Mediation and Conciliation Service "On Approval of the Regulation on the Procedure for Conducting Conciliation Procedures for Resolving Collective Labor Disputes (Conflicts)" [11].

Despite the considerable interest of scholars in these institutions, they cannot be called popular among citizens, and their practical application is still low. There are a number of reasons for this situation. We agree with S. Zadorozhna, who, analyzing these factors, identifies the following: lack of awareness of the parties to the dispute about the possibility of resolving the dispute without the participation of the court (the processes of popularization of such methods need to be improved); lack of confidence in their effectiveness, efficiency, and, above all, in the fact that a compromise satisfying the interests of both parties will be reached and, most importantly, de facto implemented.

Such fears are quite logical and, moreover, may lead not to a reduction in the time for resolving the dispute, but, on the contrary, to a delay in the process. The issue of adequate legislative regulation of both private law and private procedural issues of mediation, as well as public law assessment of the fact of application of conciliation procedures and public law consequences of agreements reached as a result of conciliation, cannot be ignored. At the same time, although Ukraine is only at the stage of forming a national model of restorative justice, it is worth noting that the idea of introducing the institution of reconciliation in the national legal system is supported by a wide range of specialists. Such interest is in line with Ukraine's desire to

harmonize national legislation with the legislation of the European Union, where considerable attention is paid to the conciliation procedure [7, p. 191].

In this context, it is also worth noting that there is no legislative requirement for conciliation procedures in dispute resolution. However, analyzing the experience of foreign countries, it can be noted that it demonstrates a sufficiently positive effect of these rules. In particular, the Italian legislation contains a rule according to which a person who intends to apply to the court for the resolution of a dispute relating to joint ownership of real estate, property rights, division of property, inheritance rights, family agreements, lease agreements, free use, lease of enterprises, compensation for damage caused by the movement of vehicles and ships, compensation for damage caused by medical professionals, compensation for damage from defamatory information disseminated by printed publications or other media, must apply to the court for the resolution of a dispute. Mediation is a precondition for consideration of a case in court.

In Germany, as a general rule, the conciliation procedure is mandatory in all cases heard by a court of first instance. The only exceptions are cases where an attempt at conciliation has already been made or where the conciliation procedure is deemed to have no prospects. It is difficult to say whether such provisions are positive or negative. On the one hand, the mandatory application of the conciliation procedure can be defined as a kind of state coercion. On the other hand, such an approach provides an opportunity to relieve the court and does not violate the principle of the rule of law and equal access to justice for all.

Conclusions. Summarizing the definition of the essence and significance of conciliation procedures through the prism of ensuring the protection of rights and legitimate interests of a person and a citizen, it may be noted that there is no unanimity in science regarding their definition, and even more so regarding the content of the list. At the same time, there are positions in academic circles that consider the following to be conciliation procedures: negotiations, mediation, consiliation, dispute resolution with the participation of a judge in civil procedural law, etc. Each of them has both disadvantages and advantages. It should be noted that we refer to conciliation procedures as all mechanisms for protecting the rights and legitimate interests of a person and a citizen that are provided for by the current legislation (or are not expressly prohibited by it), but do not apply to dispute resolution measures in administrative and judicial proceedings. In general, the existence of these procedures can be considered a positive borrowing of international law, as it provides people with more opportunities to resolve an existing public law (administrative agreement) or private law dispute. It is important to note that recourse to conciliation procedures does not deprive a person of the right to go to court to protect their rights and legitimate interests, and their use is therefore consistent with the Constitution of Ukraine.

Bibliography

1. Academic explanatory dictionary of the Ukrainian language. Online version of the academic explanatory Dictionary of the Ukrainian Language in 11 volumes (1970-1980). URL: http://sum.in.ua/s/prymyrjaty.

2. Bereznitsky D. A. Consiliation as an alternative way of considering civil cases. Comparative and analytical law. 2020. № 1. 147–150.

3. Bondarenko-Zelinska N. L. Introduction of alternative dispute resolution methods: European experience for Ukraine. *Private international law: development, comparative aspect, harmonization*. 2010. № 3. 162–165.

4. Commercial Procedure Code of Ukraine: Law of Ukraine 06.11.1991 No. 1798-XII. URL: https://zakon.rada.gov.ua/laws/card/1798-12 (date of application: 15.08.2024 p.)

5. Gren N. M. Mediation as a newest social phenomenon. Customs business. 2014. № 5 (2.2). 201–205

6. Gulyk A. G. Conciliation procedures as one of the forms of optimization of civil proceedings. Journal of Kyiv University of Law. 2019. № 4. 184–188

7. Zadorozhna S. F. Prospects for the introduction of conciliation (mediation) in Ukraine. Private law and entrepreneurship: a collection of scientific papers. Issue 8. 2009. 189–192.

8. Code of Administrative Procedure of Ukraine: Law of Ukraine 06.07.2005 № 2747-IV. URL: https://zakon.rada.gov.ua/laws/card/2747-15 (date of application: 15.08.2024 p.)

9. The Constitution of Ukraine: The Law of Ukraine of 28.06.1996 № 254к/96-ВР. URL: https://zakon.rada.gov.ua/laws/show/254к/96-вр#Text (date of application: 15.08.2024 p.).

10. Online version of the academic explanatory Dictionary of the Ukrainian Language in 11 volumes (1970–1980). URL: http://sum.in.ua/s/prymyrjaty. Ukraine's European Choice, Development of Science and E24 National Security in the Realities of Large-scale Military Aggression and Global Challenges of the XXI Century" (to the 25th anniversary of the

National University ‘Odesa Law Academy’ and the 175th anniversary of the Odesa School of Law): in 2 volumes: materials of the International Scientific and Practical Conference (Odesa, June 17, 2022) / edited by S. Kivalov: Helvetica Publishing House, 2022. Vol. 2.

11. On Approval of the Regulation on the Procedure for Conducting Conciliation Procedures for Resolving Collective Labor Disputes (Conflicts). URL: https://zakon.rada.gov.ua/rada/show/v0092299-01#Text (date of application: 15.08.2024 p.)

12. On mediation: The Law of Ukraine of 16.11.2021 №1875-IX. URL: https://zakon.rada.gov.ua/laws/card/1875-20 (date of application: 20.08.2024 p.)

13. On the legal regime of martial law: Law of Ukraine of 12.05.2015 №389-VIII. URL: https://zakon.rada.gov.ua/laws/show/389-19#Text (date of application: 17.08.2024 p.)

14. On the Strategy for the Development of the Justice System and Constitutional Justice for 2021-2023: Presidential Decree of 11.06.2021 № 231/2021. URL: https://zakon.rada.gov.ua/laws/card/231/2021 (date of application: 15.08.2024 p.)

15. Romanadze L. J. Dispute resolution with the participation of a judge and other procedural novelties: impact on the development of mediation. URL: http://mediation.ua/wp-content/uploads/2017/05/Stattya-pro-Mediatsiyu-v-proektah-protses-kodeksiv-2.pdf.

16. Stepanova T. V. On the distinction between the concepts of “mediation”, “pre-trial settlement of disputes” and “settlement of disputes with the participation of a judge”. South Ukrainian Law Journal. 2018. No 4. C. 24–27

17. Tikhansky O.B. Place of the Institute of Civil Dispute Settlement with the Participation of a Judge in the Systematics of Conciliation Procedures. Scientific Bulletin of the National Academy of Internal Affairs. 2018. No 2 (107). P. 31–39

18. Hrimley O. Conciliation procedures as a form of protection of investors’ rights in the field of business. Entrepreneurship, economy and law. 2016. No12. C. 100–104

19. Civil Procedure Code of Ukraine: The Law of of 18.03.2004 №№ 1618-IV. URL: https://zakon.rada.gov.ua/laws/card/1618-15 (date of application: 15.08.2024 p.)

20. The essence of reconciliation procedures in the system of alternative resolution of legal conflicts (disputes). URL: https://science.lpnu.ua/sites/default/files/journal-paper/2018/jun/13220/219 226.pdf

21. Sgubini A., Marighetto A., Prieditis M. Arbitration, Mediation and Conciliation: differences and similarities from an International and Italian business perspective. 2014. URL: https://mediate.com/arbitration-mediation-and-conciliation-differences-and-similarities-from-an-international-and-italian-business-perspective/

Боксгорн А. В.,
доктор філософії в галузі «Право»,
старший викладач кафедри
адміністративно-правових дисциплін
Одеського державного університету
внутрішніх справ

Сірко В. С.,
кандидат юридичних наук
доцент кафедри
адміністративно-правових дисциплін
Одеського державного університету
внутрішніх справ