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HISTORICAL ASPECT OF DEVELOPMENT OF THE INSTITUTE OF MEDIATION AND CURRENT TRENDS OF ITS DEVELOPMENT

The article examines mediation as one of the alternative methods of solving legal conflicts. The historical aspect of the emergence of the institute of mediation is analyzed. In general, the conciliation proceedings, which include mediation, have gone through long evolution and were applied differently in different historical circumstances and regarding different people. History of conflict resolution is a history of changing of its three main forms: violent (anti-legal), judicial (through coercive restoration of violated right in court), and conciliation.

In the history of Ukraine it is also possible to identify trends related to non-judicial means of dispute resolution. Thus, in Zaporizhian Sich important gatherings, including the ones of the military council took place in a circle. Discussions of the circle continued until the community came to a consensus acceptable to all its members. In XV-XVI centuries in Ruthenian Voivodeship existed common procedures of “amicable recon-

ciliation” with the umpire, who used to resolve conflicts between nobles.

It was determined that in its modern sense mediation began to develop in the second half of the twentieth century. Especially in countries of Anglo-American legal system – USA, Australia, UK, and later it gradually began to spread to other countries.

There are new models of effective mediation.

Now the terms of the settlement of the dispute are based on the interests of the parties. Most researchers and lawyers believe that the purpose of the conciliation procedure is not justice or material truth, but the feasibility, benefits for the parties to the dispute.

Modern mediation is a structured process that has certain rules. Mediation is a procedure where a mediator who does not have the authority of the judiciary, facilitates interaction between the parties to the conflict in order to create conditions for the parties to solve their conflict.