

Mediation as an Alternative Form of Dispute Resolution, Abstract,

Keywords

Abstract

My Rigorosum Thesis “Mediation as an alternative form of dispute resolution” reflects the legal regulation of mediation in force in the legal order of the Czech Republic, analyses this regulation and subjects it to critical assessment. It is possible to state that mediation and its use has been existing in our society since time immemorial, however it is necessary to point out that modern society got to know mediation better only in connection with its legislative alteration in the Act on Mediation which implemented the Directive of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters. Following this circumstance, this alternative becomes supported and mediation services are deliberately used. With regard to the above stated, the purpose of this Rigorosum Thesis is to determine whether the current regulation of mediation in the Czech legal order is efficient or not and at the same time, based on the made analysis, the Thesis proposes how to remove the application as well as interpretation problems contained in the current legal regulation.

The Rigorosum Thesis is coherently divided into chapters which logically follow one another and each of them deals with a partial premises and partial questions providing a basis for the final critical assessment and answer to the abovementioned hypothesis. At this point, it should be mentioned that the Thesis also deals with the concept of mediation itself, as the mediation provides an alternative to court proceedings and other manners of legal dispute resolution using the assistance of an impartial third person, further the history of mediation in the context of foreign legislation, as well as the role of the person of a mediator, who is subject to specific requirements, but mainly it deals with the process of mediation according to the Czech Mediation Act, which is subjected to a detailed analysis. In order to approach the topic of mediation in a complex manner, the Thesis contains a comparative study of foreign legislation emphasizing particularly the French law. Last but not least, an inseparable part of this Thesis is a chapter containing proposals *de lege ferenda*. This chapter presents final conclusions while reflecting the research question and answers the given hypothesis with the help of proposals of legislative changes.

Keywords

Mediation, Mediator, Alternative Dispute Resolution, Legal Order, Conflicts, Motivation