



THE PLACE OF MEDIATION IN THE SYSTEM OF SOCIAL SCIENCES

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Abstract. In modern conditions, mediation has been increasingly becoming the subject of discussion to determine its place in the social sciences. In this regard, the need for an analysis of the social sciences, which are most closely related to mediation, will be updated. The aim of the article was to determine the structural components of the concept of "mediation" and to determine the place of mediation in the system of social sciences. The main problem in determining the place of mediation in the social sciences is the lack of a unified approach to this issue. Used the content analysis, the following components of the concept of "Mediation" have been identified: process, conflict, mediator, parties. It was found that mediation is an interdisciplinary science, which is at the junction of a number of social sciences: law, economics, sociology, and psychology. Based on the results of the study was made conclusions: today, mediation does not have its definite and fixed place in the system of social sciences. It has been established that at present mediation cannot be considered only within the framework of one science. The scientific results obtained in the study could serve as the basis for the development of the conceptual foundations of mediation and the disclosure of the practical potential of this process in conflict resolution.

Keywords: mediation, system of social sciences, jurisprudence, economy, sociology, psychiatry, conflictology.

JEL Classification: K49, I23, M19, Z13, K40

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Introduction

Today, mediation is increasingly the subject of debate over its place in the social sciences. The development of society creates the need for a more civilized and effective resolution of new conflicts. Today's old institutions of conflict resolution are no longer relevant and do not cope with new challenges. Society needs an effective and rapid resolution of emerging conflicts. It is to solve this problem and there are alternative ways to resolve conflicts. Traditionally, they include: mediation, expert determination, negotiation, facilitated negotiation, conciliation, arbitration, med-arb, adjudication, mini-trial, fact-finding, dispute review boards, private judging, early neutral evaluation, multi-door courthouse, settlement conference, summary jury trial, etc. As we can see, mediation is only one of the types of alternative dispute resolution. Mediation occupies a special place in this system because it is characterized by the participation of a third neutral, impartial, and uninterested in this conflict party - the mediator. The benefits of using mediation are that disputes can be resolved quickly, thus lessening the strain on relationships. As the process of mediation is much faster, the cost is much lower than the costs of litigation. The process is entirely confidential. Thus the conflict is not exposed to public view and information is kept private. Mediation is conducted in an informal setting

(García-Raga, Grau & López-Martín, 2017; Lezak, Ahearn, McConnell & Sternberg, 2019; Li, Li & Lin, 2019; Agapiou, 2015). The parties can be more relaxed. Since the emphasis is on problem-solving, mediation is non-confrontational. The parties find their own solutions through the facilitation of the mediator and therefore, the solutions are usually more workable and permanent.

Establishing a concept of mediation is not an easy task. This is because mediation is not viewed consistently by the various countries using it to resolve domestic conflicts. As a result, depending on the view taken for this supplementary mechanism of conflict resolution, there will be a dissonance as to the enumeration of its core elements, the mediator's performance, the description of its actual objectives, its informative sources – in short, an understanding of its basic structure, which will invariably give rise to an array of different concepts (World Bank Group, 2017; Agapiou, 2015; Bogdanoski, 2009; Ebner & Zeleznikow, 2015; Feasley, 2011). The task of the mediator is to assist the parties in concluding a certain agreement on the dispute, while the parties fully control the decision-making process on the settlement of the dispute and the conditions of its resolution. Thus, mediation is aimed at resolving a certain social conflict. This, in turn, has generated a lot of controversy in the scientific literature regarding the practical



field of mediation. (Rubinson, 2017; Schulz, 2020; Kammerhoff, Lauenstein & Schütz, 2019; Radulescu, 2012; Gendron, 2011; Vinyamata, 2010). In this regard, the question arises of clarifying the substantive elements of the concept of Mediation, as well as determining its place in the social sciences. This concept combines the elements of law, psychology, conflict, sociology, management, and economics. These provisions have become the scientific priority of our study.

Literature Review

Based on a terminological analysis of the concept of mediation, it can be argued that mediation can be understood as the process through which a third party, called a mediator, intervenes technically and impartially in the conflict or even in the existing relationship between the parties, so that they may be able to voluntarily reach a conciliation agreement (Bogdanoski, 2009; Piren & Lozhkina, 1995; García-Raga et al., 2017; Lezak et al., 2019; Li et al., 2019; Ruhe, 2015; Gendron, 2011; Shamlikashvili, 2014; Carrasco, 2016; Gartner, 2013). Thus, without prejudice to the differences and similarities between the most varied concepts of mediation, as shown above, it is worth pointing out that it is possible to extract from these statements a common core, without which, in our view, one cannot even discuss such matters. These are the key elements of mediation: the parties (Piren & Lozhkina, 1995; Lezak et al., 2019; Li et al., 2019; Ruhe, 2015; Neskorođieva et al., 2019; Radulescu, 2012; Gendron, 2011; Shamlikashvili, 2014; Carrasco, 2016; Atkinson, 2018); the mediator (Feasley, 2011; Neskorođieva et al., 2019; Bogdanoski, 2009; Li et al., 2019; Ruhe, 2015; Radulescu, 2012; Shamlikashvili, 2014; Atkinson, 2018); the dispute (Radulescu, 2012; Ebner & Zeleznikow, 2015; Polishchuk, 2014; Carrasco, 2016; Association of Family and Conciliation Courts, 2012; Gartner, 2013) and the intention (Radulescu, 2012; Ruhe, 2015; Korinnyy, 2019; Sereda, 2017; Gendron, 2011) to promote the agreement to end the litigation (Bogdanoski, 2009; Korinnyy, 2019; Sereda, 2017; Gartner, 2013). However, we tend to disagree with this view. This is because, in this hypothesis, it could not be said that there was mediation between the parties when the volitional intention of one party to achieve a mutually agreeable solution, capable of resolving a dispute, arises only during the course of the mediation process. Such an ar-

ray of concepts as to what constitutes this body of mediation has become an obstacle to the application of mediation in different countries, inasmuch as it remains a little-used process nationally. The dogmatic imprecision around mediation only reinforces insecure and hesitant attitudes towards the potential of this process.

The study of mediation is becoming increasingly popular today, but the question of determining its place in the social sciences still remains open. This process demonstrates the technical and structured nature of the legal relationship between the parties during the course of the mediation – which, like the traditional system of dispute resolution, is designed to provide solutions for people in dispute. In this respect, one can perceive the point of contact between mediation and the traditional system, which tends to promote local dispute resolution habits. Dispute resolution is marked by the traces of its unquestionable instrumentality, which gives rise to the emergence of a unified methodological vision that must prevail over procedural law. It is for this reason that mediation is currently linked to the branch of procedural science. Professor Shamlikashvili Ts.A. (2014) “Mediation as an interdisciplinary science and a socially significant institution” emphasizes that media is based on different fields of knowledge, which ensures its effectiveness. Consideration of mediation as an interdisciplinary science and the formation of its scientific base is a necessary condition for its further successful integration into various spheres of society of the XXI century (Shamlikashvili, 2014). Researchers Neskorođieva I., Rodchenko V., Parkhomenko O., Kvitka Y., Kvitka A. (2019) "Determination of the system of factors developing commercial mediation in Ukraine" consider mediation through the prism of business conflicts, economics and market relations. They note, therefore, the threat of adverse effects of commercial conflicts, the issue of implementation and development of business mediation is relevant as a rapid method of conflict resolution on terms of mutual agreement of the parties' interests in view of the lengthy terms of court proceedings (Neskorođieva et al., 2019). Scientist Korinnyy S.O. (2019), in the dissertation research "Introduction of mediation in the administrative process of Ukraine" examines mediation from the standpoint of administrative law. In turn, the scientist Sereda O.G. (2017) "Me-



diation (mediation) as an alternative way to resolve labor disputes" analyzes mediation within the employment relationship. Researchers Krestovska N. and Romanadze L. (2019) "Mediation in the professional activity of a lawyer" conducted a very in-depth study of mediation, considered the theory of conflict, types of alternative dispute resolution, the concept and nature of mediation, mediation participants, mediator skills, mediation procedures and others question. However, even such an in-depth study does not provide an answer as to the place of mediation in the social sciences.

Aims

The main purpose of this scientific article is to determine the place of mediation in the system of social sciences. It is necessary to analyze the social sciences that are most closely related to mediation. The main problem has been determining the place of mediation in the social sciences is the lack of a unified approach to highlighting the content elements of mediation.

Methods

As a methodological basis of the study to clarify the content of the concept of Mediation was used content analysis, which allowed us to analyze the content of the concept of mediation in the modern scientific literature. This is the method of complete-textual data, what alive to dismember out the textual data into the structural elements, highlight keywords in the documents with the specified frequency. This method is leading in the study of the essence of concepts, the content of media reports, answers to questions of sociological research (Graneheim, Lindgren & Lundman 2017). Content analysis was implemented in the software product TextAnalyst. Used semantic analysis as a tool of text mining, a semantic network has been formed as a set of terms that were selected from the analyzed concept (words and phrases), interconnected in content. In the process of semantic analysis, the assumption was used that the structure (S) of the set of definitions of one concept can be represented as follows (Barseghyan, 2014):

$$S = \{M, F\} \quad (1)$$

where M - the set of all have studied definitions;

F - the ratio of "semantic connection".

$$G = (E, V) \quad (2)$$

where E - the set of vertices, which corresponds to a set of related concepts;

V - the set of arcs. This must fulfill the condition:

$$v = (M, F) \in V, M \in E \wedge F \in E \quad (3)$$

The vector V comes from the vertex, which corresponds to the basic concept of a and enters the vertex, which corresponds to the concept, which in content in the text was often used in combination with the concept of a. Each element of the semantic network of the category is characterized by a numerical assessment - "semantic connection". Relationships between pairs of concepts are also characterized by weights that allow us to compare the relative importance of the term (Barseghyan, 2014).

In the semantic graph, the quantitative indicator that stands next to the concept characterizes its semantic weight. Its value in the range from 1 to 100 reflects the meaning of the term for the essence of the whole concept. Thus, a maximum value of 100 indicates that the term is key and defines the meaning of the concept. The number that put on the arcs of the semantic network characterizes the weight of the connection between the corresponding terms. The high importance of the connection between the concepts means that the terms are significantly related (Barseghyan, 2014).

Also, in the study we used general and special scientific methods of cognition of legal phenomena, namely: comparative law, historical, formal-logical, system-structural, dialectical, and other methods. These methods helped us to determine the place of mediation in the system of social sciences.

Results

Definition of the elements of the concept of Mediation

The terminological analysis of the approaches to the formulation of the concepts of "Mediation" and the application of content analysis has allowed us to form a semantic graph of the structural elements of this definition (Fig. 1).

Thus, it can be argued that the elements of mediation are: an impartial process, conflict, mediator, parties of the conflict. Having clarified this point, it is necessary to briefly explore those elements that are considered to be at the core of mediation as a concept. As far as the parties are con-

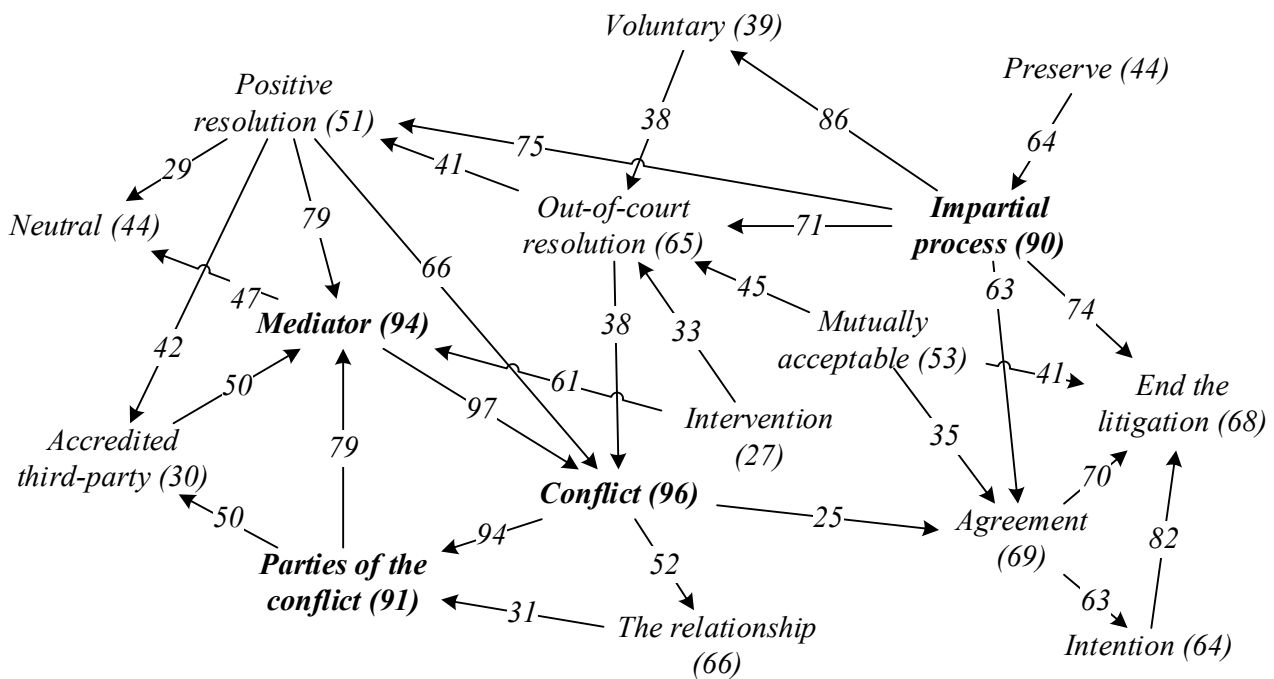


Fig. 1 - Semantic graph of the essential components of the concept of "Mediation"

cerned, they are the subjects in dispute and they may use the mediation to resolve their conflict. Any natural or legal person can be a party to a mediation process.

The dispute consists of the need to satisfy a claim made to the other party, and not reciprocated, and which must be addressed by both parties.

The mediator is the disinterested third party who intervenes in the process of mediation in a technical and impartial manner, in order to foster dialogue between the parties and help them to reach mutual agreement on the dispute. The mediator's function at this point resembles that of a catalyst. Its authority is limited to the process itself, not to the merits of the dispute.

This process demonstrates the technical nature of the legal relationship between the parties during the course of the mediation – which, like the traditional system of dispute resolution, is designed to provide solutions for people in dispute. But, the intention to resolve the conflict cannot be considered an element of mediation. In fact there is a lack of perspective in this argument, since the ultimate intention to reach an agreement would be within the objectives, and not elements, of a mediation. Moreover, it would appear that verification of this intention-based element would, in practice, be difficult to obtain; this would only lead to further complications, which would contribute nothing to the development of this new approach to dispute

resolution. The Central Goals of Mediation are to:

- Reduce obstacles to communication between participants;
- Address the needs of everyone involved;
- Maximize the discovery of alternatives;
- Help participants to achieve their own resolution;
- Provide a proven model for future conflict resolution;

Based on the foregoing, in the framework of this study, mediation was understood as the voluntary resolution (settlement) of conflicts between the parties with the help of an accredited professional, impartial third party (mediator) with the intention to promote an agreement to terminate the trial.

Substantiation of the place of mediation in the social sciences.

Traditionally, the social sciences are understood as any discipline or branch of science that deals with human behavior in its social and cultural aspects (Nisbet, 2020). The social sciences include sociology, social psychology, law, political science, economic theory, history, demography, social statistics, social philosophy and more (Shynkaruk, 2002; Ruhe, 2015; García-Raga et al., 2017; Lezak et al., 2019). Where do scientists generally refer to the social sciences more than 40 branches and subsectors of science (Wilson, 1998; Li et al., 2019). However, mediation is not mentioned directly as part of the social sciences.



Usually, mediation is considered only as one of the technologies of alternative dispute resolution. For example, Polishchuk M.Ya. (2014) defines mediation as an alternative way of resolving a dispute, under which the parties voluntarily participate in negotiations and, with the help of an independent and qualified third party (mediator), try to reach consensus and resolve their own dispute taking into account the interests of each (Polishchuk, 2014). But today, mediation has already gone beyond just the technology of alternative dispute resolution. Mediation has been the subject of in-depth research, conferences and debates. Mediation has started to be taught in higher educational institutions, it is becoming a separate specialty and may already be becoming a full-fledged scientific discipline.

We agree that a scientific discipline is a basic form of organization of professional science, which unites on a substantive basis the field of scientific knowledge into a community engaged in its production, processing and translation, as well as mechanisms for development and reproduction of science as a profession. When it comes to established scientific disciplines, membership in professional societies and reading scientific publications are sufficient signs of such affiliation (Lezak et al., 2019; Philosophy and methodology of science, 2012).

In our opinion, mediation can be attributed to an integral part of one of the classical sciences: jurisprudence, sociology, psychology or economic theory. Consider each of these options.

Mediation and jurisprudence. Traditionally, mediation is seen as a technology for alternative dispute resolution. Therefore, it is logical to assume that mediation is an integral part of jurisprudence. We can assume that mediation is an institution of law. However, if we consider mediation as a legal institution, it is not clear to which branch of law it should be attributed.

Depending on the sphere of public relations, the following types of mediation are distinguished: family mediation, business mediation, mediation in labor relations, mediation in administrative and legal disputes, mediation as a form of restorative justice, mediation in the field of international relations (Rubinson, 2017; Schulz, 2020).

Depending on the field of legal practice, the following types of mediation are distinguished:

mediation in the activity of a judge, mediation in the activity of a lawyer, mediation in the activity of a notary, mediation in the activity of a prosecutor, mediation in the activity of a state executor and private executor (Schulz, 2020).

Thus, mediation cannot be considered as an institution of only one branch of law. Mediation can be used in various fields of law. Because of this, we can assume two options. The first option is that mediation is an institution of law that is duplicated in different areas of law. The second option is that mediation is a larger concept than the institution of law. We lean towards the second option. This is due to the fact that mediation is not only a larger concept than the institution of a particular branch of law, but also the fact that it goes beyond any one science.

The connection between mediation and jurisprudence can be seen in historical essays. Mediation has existed and developed since the time of ancient civilizations. This period is the beginning of the formation of the institution of mediation as a means of resolving disputes and conflicts with the participation of a neutral third party, which is recognized by all parties. Initially, mediation was used as a private trial, which was the only form of conflict resolution, but with the formation of statehood and its institutions, it acquires a legal form. Mediation was first enshrined in law during the Roman Empire in the Justinian Code (530–533 AD), where it was officially recognized as a legal instrument for resolving a dispute through a mediator who had a legal obligation not only to advise the parties. dispute, but also to help them resolve the conflict by finding a compromise solution to prevent destabilization of relations between the parties to the conflict and minimize threats to their security (Korinnyy, 2019).

Today, mediation is also part of the legal system of certain countries. For example, in 1947, as part of this task, a special federal body was created - the Federal Mediation Conciliation Service, FMCS. In Germany, the Bundesverband Mediation in Wirtschaft und Arbeitswelt is active and developing, in Finland a so-called state conciliator is appointed, and in Great Britain the Asac Codes of Practice is in force. According to the South Korean Labor Dispute Settlement Act, the settlement system includes conciliation, mediation, arbitration, emergency settlement, and voluntary settlement



based on an agreement between the parties to the dispute or a collective agreement (Sereda, 2017; OECD, 2020).

Legal science as a system of knowledge is the science of the laws of the process of development of the state and law and, most importantly, the essence of the state and law. It explores their place and role in public life (Schulz, 2020). PM Rabinovych rightly defines the subject of legal science specific laws of law and the state as objective, necessary, essential and permanent links of state and legal phenomena among themselves, as well as with other phenomena that determine the qualitative certainty of these phenomena, which is in their legal properties (Rabinovich, 2007). We understand that mediation is in the realm of jurisprudence, as it serves as an alternative to judicial resolution of the conflict. However, it can be applied even when there are no grounds for litigation. In this case, the parties will not resolve the legal conflict. For example, a couple has a personal family conflict and they want to resolve it. If they go to a lawyer, their conflict can be attributed to the legal field. If the lawyer says that there is no legal conflict in this situation and the parties go to a family psychologist, the conflict remains outside the legal settlement. Similarly, non-legal conflict can be resolved through mediation. Thus, mediation does not always resolve legal conflicts, which means that it can go beyond legal science.

The issue of mediation training deserves special attention. To date, there is no official curriculum that enshrines the possibility of teaching mediation only within a specific specialty. Because of this, mediation training takes place in three areas: law schools, business schools, private training centers (courses, trainings, etc.). Thus, in higher education, mediators are taught within the legal or economic specialty.

This experience is typical of most countries. For example, at Harvard there is a Harvard mediation program within the Faculty of Law (Harvard Mediation Program, 2020). Mediation is also taught at the Faculty of Law at the University of Potsdam in Germany. At the same time, for example, in the Netherlands Business Academy, mediation is taught as a master's program in business education (The Master program for (future) mediators, 2020).

Thus, each university independently choos-

es within which specialty to teach mediation. In V.N. Karazin Kharkiv National University (Ukraine) we have experience teaching mediation in a variety of specialties. The first experience of teaching mediation took place at the Faculty of Law with the support of ERASMUS program. Thus, a master's program in alternative dispute resolution was created. Within this program, students were also taught mediation. Upon completion of the master's program, students received a master's degree in law, which indicated the specialization "alternative dispute resolution". Today this program is completed.

A master's program in mediation is currently being developed at the Karazin Business School in the V.N. Karazin Kharkiv National University (Ukraine). The program should launch in the fall of 2020. After completing the master's program, students must receive diplomas in management. This approach can be seen in other educational institutions of Ukraine. For example, KROK Business School also teaches a master's program in mediation (KROK Business School, 2020).

This allows us to conclude that established practice perceives mediation as an integral part of legal science and education. At the same time, mediation is more than a legal institution or a legal technique. Mediation is increasingly going beyond law and is taught for non-legal specialties.

Mediation and economics (entrepreneurship and management). Economics, social science that seeks to analyze and describe the production, distribution, and consumption of wealth (Kammerhoff et al., 2019; Radulescu, 2012). It is known that economics (economic theory) is a science that studies the fundamental laws and categories of economic life of society. Economics is a great social science and its system can find a place for mediation. The most appropriate is the consideration of mediation within management as a science.

From the Oxford Advanced Learner's Dictionary you can get the following interpretations of management: the way, manner of communicating with people; power and the art of management; special skills and administrative skills; governing body, administrative unit (Turnbull, 2013). These characteristics of management are relevant to mediation. Thus, mediation is a way of communicating with people and is based on administrative skills to manage the reconciliation process. However, to consider mediation as an integral element



of management is considered erroneous. Of course, effective management is about managing and resolving conflicts, and a conciliation procedure is important for it. In this context, mediation can be seen as a mechanism and a set of knowledge and skills necessary for effective management.

As mentioned earlier, mediation training in business schools is gaining popularity today. It is known that business-schools provide specialized economic education for line or top business management, as well as for future entrepreneurs and managers. The classic programs of study in business school include such areas as: accounting; finances; management; Information Technology; marketing; business administration; business modeling; HR; logistics; PR; business processes; outsourcing; organizational behavior. These areas are closely related to mediation. The relevance of the relationship between mediation and economics and business education has several arguments. First, a professional mediator must have economic and business knowledge. The professional activity of a mediator is entrepreneurship. Second, mediation, as a mediation in conflict resolution, is relevant for entrepreneurs and managers in their daily work.

Thus, we believe that mediation may well be part of the business education system and taught in business schools. At the same time, we do not consider it appropriate to define mediation as a component of economics.

Mediation and conflictology (sociology and psychology). Conflictology is the study of conflict, its genesis, course and consequences. It is known that conflictology is a branch of sociology and psychology (social psychology).

Conflictology - a science in many dimensions: it covers man, his place in nature, human society and the specifics of psychological assessments. Conflictology is an interdisciplinary field of knowledge. It contains concepts and categories of many sciences, which to some extent are related to the problems of life and development (Piren & Lozhkina, 1995; Gendron, 2011; Vinyamata, 2010). It is worth recognizing that conflictology is the basis of mediation.

Conflictology can be considered in two perspectives: from the standpoint of sociology and from the standpoint of psychology. The study of the differences between conflictology in these two aspects is not the subject of this article. Because of

this, we will talk about conflictology as an interdisciplinary field of knowledge.

The subject of conflict studies is the causes, consequences, methods of conflict regulation and prevention. All these elements are relevant for mediation, but the most important is the way of resolving conflicts.

Knowledge of how to resolve a conflict is the basis for mediation. The resolution of the conflict itself is the goal of mediation.

We believe that conflictology provides mediation with a basic knowledge of the nature of conflicts and certain mechanics of dispute resolution. Psychology deserves special attention. Enormous empirical experience has been gained in this direction and a number of concepts are discussed in connection with the phenomenon of dispute. Its statics and dynamics are considered in detail, the set of the most various factors influencing origin and the decision of dispute is investigated. The following topics deserve special attention within this area of research: attitude and its influence on human behavior; features of human response depending on his current functional state; the influence of motivation on the interpretation of actions and statements of another person; cognitive mechanisms and patterns of learning; and some others. Much attention is paid to creating a basis for access to internal resources of autonomy and self-determination of the individual based on phenomenology (Ruhe, 2015; Shamlikashvili, 2014).

Thus, mediation uses knowledge of conflict studies, psychology and sociology but is not purely part of them.

It should be noted that we have not found any precedent for teaching mediation within a psychological or sociological specialty.

Discussion and conclusions

Thus, in the framework of this study, the concept of Mediation has been formulated, which, unlike other approaches (Bogdanoski, 2009; Korinnyy, 2019; Sereda, 2017; Gartner, 2013), was based on the substantive part of the definition and reflects such elements as process, parties, mediator, and conflict. The proposed approach to the formulation clearly separates the elements of the concept and purpose of the mediation process, which in turn allows us to most accurately formulate the paradigm of the mediation process in theory and science, and also to fully reveal the practical potential



Table 1 - Conflictological competencies of the mediator (García-Raga et al., 2017; Schulz, 2020; Gendron, 2011; Vinyamata, 2010; Krestovska & Romanadze, 2019)

Competence	Knowledge	Understanding	Skills
Conflict identification (cognitive)	Signs of conflict as a resource	The nature, causes and functions of conflict	Explain to the parties the possibilities of transforming the conflict into constructive interaction
Conflict analysis and intervention opportunities (analytical)	Methods of conflict analysis by their types, species, subject composition, dynamics, etc.	Correspondence of methods of analysis to the purpose of analysis. Dynamics of conflict development	Determine the level of escalation of the conflict. Determine the possibility of intervention in the conflict and choose its method
Influence on style (strategy) of behavior in conflict (behaviorist)	Styles (strategies) of behavior in conflict	Influence of ways of behavior in the conflict on its course, possibility of its decision or transformation	Ensure a balance of power / authority of the parties to the conflict for their effective interaction
Determining the method and design of intervention in the conflict (interventionist)	Ways to intervene in the conflict	The essence, purpose, limits of possible consequences of the intervention	Choose the appropriate method of intervention and its design

Today there is some discussion about determining the place of mediation in the social sciences. Mediation is at the intersection of a number of social sciences: law, economics, sociology and psychology. Scientific doctrine has not developed a unanimous and well-established position on this issue. However, more scholars have traditionally attributed mediation to legal science. In addition, it can be seen that in different countries mediation is researched and taught at different faculties, within different specialties. Mediation is usually researched and taught in law schools or business-schools. Based on the results of the study, we can draw the following conclusions: today mediation does not have its definite and fixed place in the system of social sciences. Mediation is at the stage of active development and actualization. It is a classic understanding of mediation through the prism of legal science, but to consider it only a legal technique or legal institution is not correct. Mediation is a much broader institution than legal technology or legal institute.

In Ukraine, the active implementation of mediation in society begins. More and more people

are starting to use mediation to resolve conflicts. In this context, the professional education of mediators is becoming more relevant. Today in Ukraine mediation is taught at law faculties, business schools and private organizations (associations, training centers, etc.). As a result of the study, we concluded that mediation is an interdisciplinary science that is at the intersection of a number of social sciences: jurisprudence, economics, sociology and psychology.

The place of mediation in the social sciences needs further research. Today, mediation cannot be considered within a single science. We believe that over time, mediation will become a major scientific discipline.

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These studies will be relevant to researchers in the field of interest in the study of mediation.

References:

1. Agapiou, A. (2015). *The factors influencing mediation referral practices and barriers to its adoption: A survey of construction lawyers in England and Wales*. *International Journal of Law in the Built Environment*, 7(3), 231-247.
2. Association of Family and Conciliation Courts. (2012). *Guidelines for Child Protection Mediation*. *Child Protection Mediation Guidelines Workgroup*. Retrieved from <https://www.afccnet.org/Portals/0/Guidelines%20for%20Child%20Protection%20Mediation.pdf>



3. Atkinson, K. (2018). *Making the most of mediation: a case study*. Practical Law Dispute Resolution. Thomson Reuters. Retrieved from <http://disputeresolutionblog.practicallaw.com/making-the-most-of-mediation-a-case-study/>
4. Barseghyan, A. (2014). *Data analysis technologies: Data Mining, Visual Mining, Text Mining*. St. Petersburg: BHV-Peterburg.
5. Bogdanoski, T. (2009). The 'neutral' mediator's perennial dilemma: to intervene or not to intervene? *Queensland University of Technology Law and Justice Journal*, 9(1), 26-43.
6. Carrasco, M.B. (2016). *Community mediation: a tool for citizen participation in public policy*. *Social Work & Society*, 14(1). Retrieved from <https://www.socwork.net/sws/article/view/465/860>.
7. Ebner, N. & Zeleznikow, J. (2015). *Fairness, Trust and Security in Online Dispute Resolution*. *Journal of Public Law and Policy*, 36(2), 142-160.
8. Feasley, A. (2011). *Regulating Mediator Qualifications in the 2008 EU Mediation Directive: The Need for a Supranational Standard*. *Journal of Dispute Resolution*, 2, 333-350.
9. García-Raga, L., Grau, R., & López-Martín, R. (2017). *Mediation as a Process for the Management of Conflict and the Improvement of Coexistence in Educational Centres. A Study Based on the Perceptions of Secondary School Students*. *Procedia - Social and Behavioral Sciences*, 237, 465-470.
10. Gartner, S.S. (2013). *Introduction*. *Symposium: Innovations in the study of mediation and peacemaking*. *Conflict Management and Peace Science*, 30(4), 349-353.
11. Gendron, R. (2011). *The Meanings of Silence during Conflict*. *Journal of Conflictology*, 2(1). Retrieved from <https://www.raco.cat/index.php/Conflictology/article/download/254003/340805/>
12. Graneheim, U.H., Lindgren, B.-M., & Lundman, B. (2017). *Methodological challenges in qualitative content analysis: A discussion paper*. *Nurse Education Today*, 56, 29-34.
13. Harvard Mediation Program. (2020). Retrieved from <https://clinics.law.harvard.edu/hmp/>.
14. Kammerhoff, J., Lauenstein, O., & Schütz, A. (2019). *Leading toward harmony – Different types of conflict mediate how followers' perceptions of transformational leadership are related to job satisfaction and performance*. *European Management Journal*, 37(2), 210-221.
15. Korinnyy, S.O. (2019). *Introduction of mediation in the administrative process of Ukraine*. Thesis, Uzhhorod National University, Uzhhorod.
16. Krestovska, N., & Romanadze, L. (2019). *Mediation in the professional activity of a lawyer*. Odessa: Ecology.
17. KROK Business School. (2020). Retrieved from <https://bs.krok.edu.ua/>.
18. Lezak, S., Ahearn, A., McConnell, F., & Sternberg, T. (2019). *Frameworks for conflict mediation in international infrastructure development: A comparative overview and critical appraisal*. *Journal of Cleaner Production*, 239. doi: 10.1016/j.jclepro.2019.118099.
19. Li, C.-R., Li, C.-X., & Lin, C.-J. (2019). *The effect of individual task conflict on employee creativity: A moderated mediation model*. *Thinking Skills and Creativity*, 31, 112-124.
20. *Mediation - Weiterbildendes Zertifikatsstudium an der Juristischen Fakultät der Universität Potsdam*. (2020). Retrieved from <https://www.uni-potsdam.de/de/mediation/index>.
21. Neskorodieva, I., Rodchenko, V., Parkhomenko, O., Kvitka, Yu., & Kvitka, A. (2019). *Determination the system of factors developing commercial mediation in Ukraine*. *Ukrainian Journal of Applied Economics*, 4(4), 60-69.
22. Nisbet, R.A. (2020). *Social science*. Retrieved from Encyclopædia Britannica website: <https://www.britannica.com/topic/social-science>
23. OECD. (2020). *Justice Transformation in Portugal Building on Successes and Challenges*. Paris: OECD Publishing. Retrieved from <https://doi.org/10.1787/187acf59-en>
24. *Philosophy and methodology of science*. (2012). Kharkiv: National University of Civil Defense of Ukraine
25. Piren, M.I., & Lozhkina, H.V. (1995). *Dictionary-reference book of terms in conflict studies*. Kyiv-Chernivtsi.
26. Polishchuk, M.Ya. (2014). *Concept of mediation as alternative dispute resolution method*. *State and Law*, 65, 134-139.
27. Rabinovich, P.M. (2007). *Fundamentals of the general theory of law and the state (9th ed.)*. Lviv: Krai.
28. Radulescu, D.M. (2012). *Mediation-An Alternative way to Solve Conflicts in the International Business Environment*. *Procedia - Social and Behavioral Sciences*, 62, 290-293.
29. Rubinson, R. (2017). *Realizing Dispute Resolution: Meeting the Challenges of Legal Realism Through Mediation*. Retrieved from University of Baltimore Law. ScholarWorks@University of Baltimore School of Law website: https://scholarworks.law.ubalt.edu/cgi/viewcontent.cgi?article=2067&context=all_fac
30. Ruhe, C. (2015). *Anticipating mediated talks: Predicting the timing of mediation with disaggregated conflict dynamics*. *Journal of Peace Research*, 52(2), 243-257.
31. Schulz, J.L. (2020). *Mediation and Popular Culture*. London; New York: Routledge
32. Sereda, O.G. (2017). *Mediation (mediation) as an alternative way to resolve labor disputes*. *Law and Innovation*, 2(18), 38-45.
33. Shamlkashvili, Ts.A. (2014). *Mediation as an interdisciplinary science and a socially significant institution*. *Psychological Science and Education*, 2, 5-14.
34. Shynkaruk, V.I. (Ed.). (2002). *Social science*. Kyiv: Abris.
35. *The Master program for (future) mediators*. (2020). Retrieved from <https://www.netherlandsbusinessacademy.nl/master->



opleidingen/master-mediation-mme/?lang=en.

36. Turnbull, J. (Ed.). (2013). *Oxford Advanced Learner's Dictionary (8th ed.)*. Oxford: Oxford University Press.

37. Vinyamata, E. (2010). *Conflictology: A Multidisciplinary Vision*. *Journal of Conflictology*, 1(1). Retrieved from <https://webcache.googleusercontent.com/search?q=cache:8Zyh1Um1okgJ:https://dialnet.unirioja.es/download/articulo/5587218.pdf+&cd=11&hl=ru&ct=clnk&gl=ua>

38. Wilson, E.O. (1998). *Consilience: unity of knowledge (1st ed.)*. New York: Vintage Books

39. World Bank Group. (2017). *Mediation essentials (English)*. Mediation series. Washington, DC: World Bank Group. Retrieved from <http://documents.worldbank.org/curated/en/153761503566770915/Mediation-essentials>.