Law Review • vol. XI, issue 2, July-December 2021, pp. 83-96

DISPUTE RESOLUTION

The Culture of Mediation in the Romanian Area. Past, Present, and Future Trends

Constantin Mihalescu*

Abstract

Mediation is and has been represented as an alternative to state justice through which a dispute between the parties is settled amicably. We meet it in antiquity starting with the Justinian Codification, then, on the Roman chain. Between IV-IX centuries, the Romanian legal practice reported that for resolving the disputes regarding the borders the oath was used with the furrow and the conspirators who testified to establish the facts and sometimes gave decisions through the trial procedure of good and old people and/or conspirators, situation which is being perceived as a similar procedure of mediation in resolving disputes outside the judiciary. Mediation has represented and represents an alternative for state justice that impartially solves a conflict between two parties. Mediation used to exist from the early times of the civilization, and in the form we see it nowadays appeared in Europe '90s through the American way, as through Directive CE / 52/2008 of the European Parliament, all the Member States needed to take steps in including the mediation in civil and commercial cases where issues appear most frequently related to the parties' affiliation to different and cross-border legal systems. In Romania, the mediation institution operates based on Law no. 196/2006 in regards to mediation and mediator profession, and in the Republic of Moldova based on Law no. 137/2015in regards to mediation, and Law no. 31/2017 for the completion of C. proc. Civ. of the Republic of Moldova no. 225/2003 - chap. XIII[1] "Judicial mediation", but at this moment the institution of mediation is in a vegetative state.

Keywords: *conflict, reconciliation, dispute, litigation, amicable settlement, ADR, SOL, SAL, mediation, criminal mediation, mediation law, commercial mediation, family mediation, public institution, criminal law, civil law, mediator, lawyer, judge.*

* PhD at Institute of Legal, Political and Sociological Research of the Moldova Academy of Sciences.
constantin_mihalescu@yahoo.com.
https://orcid.org/0000-0002-8762-0311.

1. Introduction. The ancient period

It seems hard to believe, but the institution of mediation has existed since antiquity. In ancient Rome, the principle of solving public or private cases by a third party (e.g. *a judge, magistrate, bonus vir,* and in the tradition of private justice, arbitrator or consul, governor, etc.) had many concrete forms and sinuosities. Thus, the private justice system experienced some limitations since private revenge had to be authorized by elected judges or *arbitrators* within limits imposed by them. In a text from *Pandectae*, attributed to Paul [3, p. 44] (Digesta, L.17.176), this Romanian jurist disavowed the old legal system based on the following considerations: first of all, conflicts between families were never definitively resolved., as the spiral of private revenge remained constant, which was likely to endanger the social order, and secondly, this system benefited the strong, to the detriment of the weak.

As such, Paulus concludes that "private persons should not be allowed to subrogate to the prerogatives of magistrates [3, p.44]", *accepted today under the supreme principle of social organization, according to which "no one has the right to he alone does justice".* The discretion of the Romanian judge in good faith proceedings was extended depending on the nature of the litigious legal relationship [3, p.131].

Therefore, in solving the crimes, *the judge* assessed the author's deed in terms of its existence, its nature, the causal relationship between it and the damage, the extent of the damage, its value and then obliges to pay, to compensate.

If the assessment of the judiciary was necessary for resolving contractual disputes arising from loan agreements, verbal contracts, or literal contracts, consisting of written statements made by creditors or debtors on the trade registers of creditors, within the actions *certae creditae pecuniae* this freedom the appreciation of *the judex* could be completely absent. Thus, litigations within the bona fide contracts, which had their origin in the old arbitrariness, were subject, at the choice of the parties, to the examination by the wise men - *bonus viri* - of the community, as private and disinterested persons [3, p. 132], as at present, when, according to the same principles, the body of accredited mediators also functions. On these disputes, the judge could only investigate and assess the intention and good faith of the parties, as its essential elements, the honesty of the execution of contractual provisions, the consent of each party, to clear vices such as malice, error, and violence. The commitment of the parties had the force of law, and "*trust is a structural element of this commitment*" - (*dictorum conventorumque constantia,* as Cicero says).

2. The period of Roman rule in Dacia

With the establishment of Roman rule in Dacia, along with local, unwritten law, the Roman law was introduced. According to the Roman conception, the local

custom could be applied insofar as it did not contradict the general principles of Roman law. Subsequently, in a process of interpenetration and mutual influence, a new system of law, Daco-Roman, was born, in which the concepts and legal institutions acquired new functions and new purposes. Thus, the trial had a public, nationalized character, and the resolution of the conflicts was done by the state bodies. The cases of the Roman citizens were solved by the judge, and in the way of appeal by the governor or by his representative. Throughout the process, the pilgrims received the quality of Roman citizens, "*with all the consequences related to this quality.*" [2, p.57-58] Mediation, as an out-of-court procedure for amicable settlement of disputes, could have been more likely to be practiced, as the values of the Romanian legal system could have been more easily implemented. Some fundamental evidence preserved for centuries in Romanian legal practice is reported in the IV-IX centuries. Thus, in order to resolve the disputes regarding the borders, there is the oath with the furrow and the conspirators, who testified to establish the facts and sometimes also gave decisions.

In this context, in the Middle Ages, the Geto-Dacians kept and adapted from the Roman law system, through the procedure *of judging moral and old people and/or conspirators*, procedures similar to mediation in resolving disputes outside the system. judicial, litigations similar to the litigations of the Roman law - *lites*- subjected, at the choice of the parties, to the examination by the wise men - bonus viri - of the community, private and disinterested persons.

3. The birth of the mediation institution in Europe

In Europe, the institution of mediation as it is perceived today appeared on the American chain in the early '90s. It was strongly promoted in Europe, out of the desire to increase the quality of justice by relieving the courts of a large number of cases and considering that many of them could be resolved through alternative dispute resolution (ADR) methods.

To this end, at the European level, a number of documents on mediation have been adopted, namely Recommendations and Directives of the Council of Europe and the European Parliament.

Officially, in this structured form, mediation was marked in Europe by the adoption in 1998 by the Council of Europe of Recommendation EC 1/1998 on the use of mediation in family law cases [8], with priority in situations where minors are affected.

This official birth certificate was subsequently succeeded by EC Recommendation 19/1999 on the use of mediation in criminal cases [8], then by EC Recommendation 10/2002 on the use of mediation in civil matters [8], as a result of the Directive EC / 52 / 2008 [12] of the European Parliament, which

obliged all the Member States to take steps in including mediation in civil and commercial cases where aspects related to the parties' affiliation to different and cross-border legal systems most frequently appeared.

4. The difficulties of the mediation institutionalization in Romania and the Republic of Moldova

a) Introduction

Being a relatively new institution, established in Romania by Law no. 196/2006 on mediation and organization of the mediator profession [15], and in the Republic of Moldova by Law no. 134 -XVI / 2007 on mediation [13], repealed by Law no. 137/2015 on mediation [14], the institution of mediation is not yet fully consolidated. Most of the authors who have contributed to the consolidation of this institution are mostly foreigners, from countries with a consolidated democracy system, especially from the USA and the countries of the Commonwealth.

Directive EC / 52/2008 of the European Parliament did not require the Member States to make mediation an obligatory out-of-court procedure, but, in view of the European Parliament Resolution [29] of 12 September 2017, which although contains assessments under Italian law of mediation, does not recommend to the Member States the introduction of compulsory mediation, but only considers "recommendations that will be transmitted to the governments and parliaments of the Member States, regarding:

- *calling on the Member States to step up their efforts to encourage the use of mediation in civil and commercial disputes, in particular through appropriate information campaigns;*
- *the need to develop quality standards at the EU level for the provision of mediation services;*
- *identifying solutions for extending the scope of mediation to other civil or administrative matters;*
- *take further measures to ensure the implementation of mediated agreements in a rapid and accessible manner, in full respect of fundamental rights, Union law, and national law.*"

Practically, through this resolution, the European institution leaves it to the discretion of the governments and parliaments of the Member States to identify the ways in which the mediation institution should function.

b) The current state of the mediation institution in Romania

At this moment, the Romanian law of mediation, Law no. 196/2006 on mediation and organization of the mediator profession, after many amendments

and two amputations by admitting two exceptions of unconstitutionality has become non-functional, which caused most authorized mediators to remain in anticipation.

Moreover, the Mediation Council by Decision no. 10/2021 [30] applies for approximately 3000 mediators the disciplinary sanction of suspension from the exercise of the mediator profession for six months starting with 15.01.2021. It is hard to believe that most of the mediators sanctioned by this decision will want to exercise the mediator profession, especially since the effect of the two decisions of the Constitutional Court they were practically left without helpful and credible tools to practice.

The first instrument through which the mediator could get in touch with the litigant and had a real chance to convince him to choose a solution to the conflict outside the courtroom was annihilated by the effect of the Constitutional Court Decision no. 266/2014 [11] by which the exception of unconstitutionality of the provisions of art.200 of the Code of Civil Procedure was admitted, as well as those of art.2 par. (1) and (1 ^ 2) and art. 60 ^ 1 of Law no. 192/2006 on mediation and organization of the mediator profession, because of the obligation to inform on mediation is in contradiction with art. 21 of the Constitution [31], which provides in paragraphs 1 and 2 that: "*1) Any person may apply to the courts for the defense of his rights, freedoms and legitimate interests. 2) No law may restrict the exercise of this right*".

The second instrument that the Romanian mediator was deprived of is the Decision of the Constitutional Court no. 397 of June 15, 2016 [32], regarding the exception of unconstitutionality of the provisions of art. 67 of Law no. 192/2006 regarding the mediation and organization of the mediator profession, in the interpretation given by Decision no. 9 of April 17, 2015, of the High Court of Cassation and Justice - Panel for resolving legal issues in criminal matters, and of art. 16 para. (1) letter g) the final thesis from the Code of Criminal Procedure "*the provisions of art. 67 of Law no. 192/2006 regarding the mediation and organization of the mediator profession, in the interpretation given by Decision no. 9 of April 17, 2015, of the High Court of Cassation and Justice - Panel for resolving legal issues in criminal matters, are constitutional insofar as the conclusion of a mediation agreement on the offenses for which reconciliation may occur only takes effect if until the reading of the act of notification of the court, since, thus, the principle regarding the uniqueness, impartiality, and equality of justice, enshrined by art. 124 para. (2) of the Constitution*".

Following these decisions of the Constitutional Court, it is rightly argued that mediators no longer have any credible tool to attract their clients. Reducing the competence of the mediator only to the attribute of facilitating dialogue is not a serious reason why a litigant would turn to a mediator.

The consequence of admitting the exception of unconstitutionality because the obligation to inform on mediation is in contradiction with art. 21 of the

Constitution, generated the closure of most of the offices of authorized mediators in the country.

In this sense, European legislation is no longer permissive. The European Parliament's resolution of 12 September 2017 acknowledges that "*recommendations to be sent to the governments and parliaments of the Member States*" *are being taken into account, and one of the recommendations stipulates that further measures be required to ensure the implementation of - in a rapid and accessible manner, with full respect for fundamental rights, Union law, and national law.* "

For the time being, the European legislation has stated that *"compulsory mediation affects the exercise of the right to an effective remedy before a court, as enshrined in art. 47 of the Charter of Fundamental Rights of the European Union.* "

c) The mediation institution in the Republic of Moldova

Starting from Romania's commitment to help the Republic of Moldova, to the website of the Romanian Embassy in the Republic of Moldova [17], through which Romania *"conceives its relationship with the Republic of Moldova on two major coordinates:*

- *considering the special character of this relationship, conferred by the community of language, history, culture, traditions - realities cannot be eluded or denied;*
- *the European dimension of bilateral cooperation, based on the strategic objective of Moldova's integration into the European Union. ",* we feel obliged to take a look at the evolution of the mediation institution and our brothers across the Prut.

At the same time, Romania approaches pragmatically the relationship with the Republic of Moldova, limited to its legitimate interest to see the Republic of Moldova entering a path of European integration while ensuring an area of stability and security at Romania's eastern border, which has become NATO's eastern border. EU [17].

This desideratum became possible with the adoption of art. 8 of the Maastricht Treaty [19] concluded on 7 February 1992, which officially completed the establishment of the European Union. This legal instrument has made it possible for the Republic of Moldova to be included in the European Neighborhood Policy (ENP) since its launch in March 2003 and with the entry into force on 1 July 2016 of the EU-Moldova Association Agreement, a new era that can ensure the consolidation of principles and values common to the European space.

With the declaration of independence on August 27, 1991, Romania has constantly helped and supported, both through diplomatic efforts and through concrete assistance, the European course of the Republic of Moldova. In this sense, Romania has assisted to the creation of democratic institutions compatible

with the requirements imposed by European legislation or transitional institutions with a view to a gradual harmonization, insofar as reality will allow.

The institution of mediation was introduced in the Republic of Moldova through the first platform to promote mediation in the criminal field following the adoption at the European level of Recommendation R / 99/19 on criminal mediation. This Recommendation was adopted by the Criminal Code of the Republic of Moldova [33], adopted on 18.04.2002.

Art. 109 - *Reconciliation*, introduces the principles issued by Recommendation R / 99/19 on criminal mediation and establishes with the legal effect these principles.

The implementation of mediation in criminal cases started in 2001, even though Law no. 134/2007 on mediation [13] entered into practice in 2008.

Law no. 134/2007 on mediation provoked numerous criticisms, both from the civil society, from the legal professionals, and from the mediators.

Thus, an official document was prepared by the Ministry of Justice of the Republic of Moldova in 2011, which states: "*Monitoring report on the implementation of law no. 134 of 14.06.2007 on mediation "*[6] report made with the support of the UNDP project (Transitional Capacity Support for the Public Administration of Moldova) - authors Zinaida Guţu and Daniela Vidaicu, and the stated purpose of the Report" is to present the results, analysis and conclusions on the functionality and efficiency of Law no. 134 of 14.06.2007 on mediation and to propose recommendations for the development of mediation as an institution of public interest in the Republic of Moldova ". In order to achieve this goal, the authors conducted questionnaires that reflected both general questions for all categories of respondents and special, for target groups of respondents, and which aimed to collect the information needed to study the operation, efficiency, degree of implementation of objectives Law, etc. At the same time, the questionnaire was the tool that offered the respondents the opportunity to present proposals and suggestions on changing the legal, policy, and institutional framework, in order to offer more details regarding the institution of mediation.

Subsequently, Law no. 137/2015 on mediation was promulgated [14], but this law, although it is more permissive than Romanian law, as the mediator profession is not limited by the requirement of 3 years of experience in the profession (mediators have the opportunity to use any style of mediation they consider appropriate, unlike the Romanian mediator who is conditioned by the requirement of 3 years and is recommended to use only facilitative mediation), the Moldovan mediators can not fully access these facilities due to competition exercised through compulsory judicial mediation.

Although there were opinions [18] contrary to the introduction of the obligation of judicial mediation, the Moldovan legislator found it appropriate

that by Law no. 31/2017 for the completion of the Code of Civil Procedure of the Republic of Moldova no. 225/2003 [35], to introduce a new chapter, XIII ^ *1 "Judicial Mediation"*, and from the economy of the provisions of art. 182 ^ 1, 182 ^ 2, 182 ^ 3,182 ^ 4 and 182 ^ 5, it results that the court establishes the scope of compulsory judicial mediation, sets the date, informs the parties about the law applicable to the dispute, duration of proceedings, possible costs, possible solution of the case and its effects for the parties to the proceedings, and also the duration of the entire procedure shall not exceed 45 days.

Considering this, the Moldovan litigants do not find any reason to follow the amicable settlement of the conflict by appealing to an authorized mediator who acts under the incidence of Law no. 137/2015 on mediation, although the promulgation of Law no. 137/2015 on mediation was perceived by specialists as a functional tool in conducting mediation procedures.

Although judicial mediation, proposed by the Code of Civil Procedure, was introduced in the hope that the number of cases before the courts will decrease and the trust of litigants in the institution of mediation will increase, it seems that this has not happened. On the contrary, there were critical opinions both before the enactment of this law and after this law passed a constitutionality test. More recently, the opinion that this law cannot be in line with the European standards to which the Republic of Moldova aspires is rooted.

Although the exception of unconstitutionality of art. 182 ^ 1, 182 ^ 2, 182 ^ 3,182 ^ 4 and 182 ^ 5 of the Code of Civil Procedure was based on the same recital invoked in Romania in the Decision of the Constitutional Court no. 266/2004, is the fact that *"the obligation of judicial mediation is contrary to the right to a fair trial guaranteed by Article 20 of the Constitution of the Republic of Moldova ", the Moldovan Constitutional Judge rejected the exception invoked on this recital and noted that the objectives of the judicial mediation procedure are costs.*

Thus, the Court found that these objectives can be subsumed to the general legitimate purpose of the public policy provided by Article 54 para. (2) of the Constitution. The Court noted that a purely optional judicial mediation procedure is not as effective as a mandatory procedure that must precede any litigation. She pointed out that, even if one or both parties were reluctant to pursue this procedure, there were still chances that there would be possibilities for resolving the dispute that the parties could not have foreseen before. With regard to the existence of a fair balance between competing principles, the Court has held that the procedure for judicial mediation does not, under normal conditions, lead to a substantial delay in having a trial heard within a reasonable time. In this regard, she referred to paragraphs 1 and 5 of Article 182 ^ 2 of the Code of Civil Procedure which provides that the judicial mediation procedure must be completed within a maximum of 50 days from the date of filing the request for appeal. in trial. The Court found that in judicial mediation the parties have the prerogative to admit or reject any solution to the amicable settlement of the dispute, the judge having only the role of

assisting and facilitating the discussions of the parties, treating them from a neutral position. The Court noted that infringement of the right to a trial within a reasonable time in the case of persons who would not reach a mediation agreement must be qualified as minimal because the advantages associated with the procedure far outweigh the disadvantages. The 50 days required by the preliminary judicial mediation procedure do not constitute a substantial delay in bringing the action to the court. The Court found that the procedure of judicial mediation regulated by the provisions of Chapter XIII ^ 1 of the Code of Civil Procedure does not violate the right guaranteed by Article 20 of the Constitution, in terms of judging the case within a reasonable time."

In the article "*Mediation in the Republic of Moldova - reality and trends", Svetlana Slusarenco* states that although "*the Constitutional Court of the Republic of Moldova found that compulsory judicial mediation does not violate the right to trial within a reasonable time, however, with regard to the direct involvement of judges in the functioning of the mediation institution, the Consultative Council of European Judges, an advisory body to the Council of Europe, adopted Opinion no. 6 (2004) on fair and reasonable trial and the role of judges in trials given alternative means of resolving disputes [9]. The conclusions of this document are the following:*

Recourse to mediation, in civil and administrative proceedings, may be made at the initiative of the parties or, alternatively, the judge must be allowed to recommend it;

- the parties must be allowed to refuse recourse to mediation;

- the refusal must not violate the right of the party to obtain a court decision in his case".

Alongside this view, I would add that judges around the world have a professional profile dictated by international standards such as the "*Bangalore Standards of Judicial Conduct* [4]" and cannot play theater to provoke and take advantage of emotions. in judicial mediation to play the role of mediator, and then to resume the sober attitude of a judge, all the more so as there is no uniform and predictable judicial practice.

5. The qualities of a mediator

A professional mediator who is a true doctor of conflicts, has the task, by applying specific methods, to de-escalate the conflict situation and, eventually, to resolve, amicably, the conflict.

According to Aisberg's theory that six-sevenths of the reasons for a conflict are hidden, and one-seventh is, in some cases, the real reason for the conflict, we can see that, under these conditions, the mediator's art of communicating with the parties is his weapon. main.

The mediator must also be a qualified specialist, be able to assist the parties and be able to pilot the communication between the parties to obtain an advantageous solution for the parties in the mediated conflict.

Knowing all this, we cannot expect a judge or another legal professional, no matter how competent we consider him, to temporarily become a mediator, claiming at the same time that this approach also helps to strengthen the institution of mediation.

During the mediation procedure, the mediator may use specific techniques and strategies to force the parties to communicate.

In the literature, communication is defined *as "an exchange of information, of meanings. Any communication is an interaction. It presents itself as a dynamic phenomenon that implies a transformation, in other words it is subsumed under a process of mutual influence between several factors".* [1, p.17]

The mediator's skills, both native and acquired, condition the successful completion of the mediation procedure. A good mediator must have a sharp spirit of observation, be attentive, think logically, be imaginative and self-controlled, and last but not least, he must be an excellent communicator. As a fine connoisseur of social psychology, the mediator must actively intervene in the communication process, causing the parties to understand the situation, to assess the situation according to the needs and interests of the parties, and finally to reach an agreement respected by all parties.

To be a good mediator, it is very important to know other communication systems, besides the classic one, namely: the non-verbal signal system. This system consists of all the clues, indications, suggestions that we communicate, not through what we say, but through what we do [5, p.347]. The mediator can thus gather relevant information by observing and interpreting this communication system, information that could not have been made known by the parties.

The mediation procedure emphasizes discussions and negotiations assisted by the mediator, so that the parties reach a compromise solution in which their interests are fully accepted, but in compliance with the laws that concern public order and good morals. The mediator not only subjectively assess the situation during the mediation, but also he suggests to the parties, if the problem in question requires specialized knowledge, to turn to a specialist or a specialized expertise.

6. Conclusions

In these conditions, I consider that the entire civil society, both in Romania and in the Republic of Moldova, must ask itself the following questions: do we or do we not need authorized mediators and the institution of mediation? What interest does a legal professional have in directing the litigant to the mediator? What benefits does the fact that the court performs compulsory mediation in the Republic of Moldova bring to the institution of mediation and authorized mediators? Do we let this legal, honorable and millennial institution fall into disuse?

The answer to these questions can only be:

- we cannot have a law of mediation, and mediation should not work and more recently we should remain without active mediators.
- without any liability, other legal professionals with whom litigants come into contact have no interest in promoting mediation.
- as long as the mediation will be mandatory and will be carried out by the court, the institution of mediation and the authorized mediators from the Republic of Moldova will not have visibility.

One solution would be to implement in Romania and the Republic of Moldova, even for a certain period, the Italian model of the mediation law, especially since neither in Romania nor in the Republic of Moldova the real economy shows signs of recovery. The increase of salaries in the budgetary sector at the same time as the decrease in infrastructure investments will determine, in the opinion of economic specialists, that in the medium and long term, we will have a drastic decrease in revenues, implicitly a decrease in living standards, and if we consider that poverty also leads to moral decline, then, in my opinion, in Romania and Republic of Moldova, especially since the pandemic caused by the SARS - CoV-2 virus has exacerbated the phenomenon of poverty, the motivation to implement mandatory mediation by mediators, according to the Italian model could be: urgent provisions *to revive the economy and stop moral degradation*.

This idea was also reinforced by the Report on the state of mediation in the Member States published on 21.11.2018 by the European Parliament [34] which states that "*although mediation is everywhere and praised and promoted by all, it is very little used by citizens and very little encouraged by the Member States. "*, and if Romania had introduced an Italian mediation procedure, "*with a compulsory mediation on the at any time out of mediation, then compulsory mediation would have passed the constitutionality exam. "*

Returning to the opinion of economists regarding the unsustainability of the real economy based on an economic growth based on consumption, I consider that this pessimistic scenario is not desirable, preferably if the Romanian and Moldovan economy would grow on a sustainable basis, the standard of living would rise. people, and on this basis the institution of mediation would naturally strengthen as a result of the prevalence of the rule of dialogue, negotiation and mediation, a practice of an authentic democracy that emphasizes the power of solidarity and communication.

The reason for introducing compulsory mediation in Romania and other countries of the former communist bloc should not only be for economic reasons as in Italy, although in the post-Covid period this reason is universal but moral reasons should also be taken into account, more precisely to regain the moral landmarks with which the Romanian nation was endowed before the values of Stalinism and more recently of "*savage*" capitalism were forced upon it.

A return to the millennial moral values of the Romanian people, values affected in the over 50 years of forced communist dictatorship and 30 years of "*savage*" capitalist, will be possible by introducing in the legislation, at least for a certain period, mediation mandatory as a preliminary procedure to the court. The measure as a treatment would be a remedy to improve mental health which manifests itself as an inhibition of the desire to resort to mediation.

Our society should take the model of Western individualistic culture of conflict management and turn more and more to confession, repentance, restitution, reconciliation, and forgiveness. While Western individualistic societies are the ones who take the first timid steps in disinhibiting the desire to resort to mediation, our supposedly traditionally collectivist society is waiting and waiting for "*someone*" to force mediation on them.

References

1. Abric Jean-Claude, *Psihologia comunicării. Teorii şi metode*, Ed. Polirom, Iaşi, 2002.

2. Cernea Emil, Emil Molcuț, *Istoria statului şi dreptului românesc*, Ed. Press Mihaela SRL, Bucureşti, 1999, 278 p, ISBN 973-9415-04-0

3. Ciucă Valerius M., *Lecții de drept roman*, vol. I, Ed. Polirom, Iaşi, 1998, 320 p, ISBN: 973-683-139-6.

4. Danileț Cristi - *Standardele de la Bangalore privind conduita judiciara*
https://www.unodc.org/documents/corruption/Publications/2017/Bangalore_principles_commentary_Romanian.pdf.

5. Gorghiu Alina, Stănescu Nicolae, Bogdan Codruț, Sîrbu Manuela, Munteanu Mihai, Dedu Ion, *Medierea oxigen pentru afaceri*, Editura Universul Juridic, Bucureşti, 2011

6. Guțu Zinaida şi Daniela Vidaicu, *Raport de monitorizare privind implementarea legii nr. 134 din 14.06.2007,* Chişinău, Republica Moldova.
http://www.justice.gov.md/file/reforma%20judiciara/Raport%20de%20monitorizare%20a%20Legii%20cu%20privire%20la%20mediere.pdf

7. Slusarenco Svetlana - *Medierea în Republica Moldova – realitate şi tendințe* https://ibn.idsi.md/sites/default/files/imag_file/RSI_2018_1-2_pp233-244.pdf.

8. Şustac Zeno Daniel, Dr. Jamie Walker, Claudiu Ignat, Anca Elisabeta Ciucă, Sandală Elena Lungu - *Ghid de bune practici privind utilizarea medierii în cauzele transfrontaliere - https://www.cmediere.ro/corpul-profesional-al-mediatorilor/.*

9. Consiliul judecatorilor europeni https://www.coe.int/en/web/ccje/home.

10. Curtea Constituțíonala a Republicii Moldova https://ibn.idsi.md/sites/default/files/imag_file/RSI_2018_1-2_pp233-244.pdf.

11. Decizia Curții Constituționale a României nr.266/2004 http://legislatie.just.ro/Public/DetaliiDocumentAfis/159260

12. Directiva 52/2008/CE a Parlamentului European şi Consiliului Europei https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=uriserv:OJ.L_.2008.136.01.0003.01.RON

13. Legea nr.134/2007, cu privire la mediere din Republica Moldova. https://www.google.com/search?q=legea+134%2F2007+md&oq=legea+134&aqs=chrome.1.69i57j69i59j0l4j0i22i3 0l4.15169j0j7&sourceid=chrome&ie=UTF-8.

14. Legea nr.137/2015 cu privire la mediere din Republica Moldova. https://www.legis.md/cautare/getResults?doc_id=110536&lang=ro.

15. Legea nr.192/2006 privind medierea şi organizarea profesiei de mediator din România. https://www.google.com/search?q=legea+medierii+actualizata+2020+pdf&oq=legea&aqs=chrome.0.69i59l2j69i57j69i59l2j0j69i60l2.5294j0j7&sourceid=chrome&ie=UTF-8

16. Legea nr. 31/2017 privind modificarea Codului de procedură civilă al Republicii Moldova nr. 225/2003. https://www.legis.md/cautare/getResults?doc_id=110536&lang=ro.

17. Ministerul Afacerilor Externe al României https://chisinau.mae.ro/node/221

18. Opinie *cu privire la riscurile asociate inițiativei de introducere a medierii judiciare obligatorii în cauzele civile,* Chişinău, Republica Moldova. *https://www.google.com/search?q=18.+OPINIE+cu+privire+la+riscurile+asociate+ini%C5%A3iativei+de+introducere+a+medierii+judiciare+obligatorii+%C3%AEn+cauzele+civile%2C+Chi%C8%99in%C4%83u%2C+Republica+Moldova.&oq=18.%09OPINIE+cu+privire+la+riscurile+asociate+ini%C5%A3iativei+de+introducere+a+medierii+judiciare+obligatorii+%C3%AEn+cauzele+civile%2C+Chi%C8%99in%C4%83u%2C+Republica+Moldova.&aqs=chrome..69i57.1061j0j7&sourceid=chrome&ie=UTF-8*

19. Tratatul de la Maastrich https://eur-lex.europa.eu/resource.html?uri=cellar:9e8d52e1-2c70-11e6-b497-01aa75ed71a1.0020.01/DOC_2&format=PDF.

Internet

20. https://crjm.org/wp-content/uploads/2016/11/2016-11-16-Opinie-Mediere-Obligatorie.pdf.

21. http://www.justice.gov.md/file/reforma%20judiciara/Raport%20de%20monitorizare%20a%20Legii%20cu%20privire%20la%20mediere.pdf.

22. https://ibn.idsi.md/sites/default/files/imag_file/RSI_2018_1-2_pp233-244.pdf.

23. https://www.unodc.org/documents/corruption/Publications/2017/Bangalore_principles_commentary_Romanian.pdf.

24. https://www.legis.md/cautare/getResults?doc_id=110536&lang=ro.

25. http://old.just.ro/LinkClick.aspx?fileticket=v1J63UAUWnc%3D&tabid=2563.

26. http://eur-lex.europa.eu/LexUriServ/LexUriServ.do.

27. https://www.google.com/search?q=legea+medierii+actualizata+2020+pdf&oq=legea&aqs=chrome.0.69i59l2j69i57j69i59l2j0j69i60l2.5294j0j7&sourceid=chrome&ie=UTF-8 .

28. https://www.google.com/search?q=legea+134%2F2007+md&oq=legea+134&aqs=chrome.1.69i57j69i59j0l4j0i22i3 0l4.15169j0j7&sourceid=chrome&ie=UTF-8.

29. https://www.google.com/search?q=Rezolu%C5%A3ia+Parlamentului+European+%5B146%5D+din+data+de+12+septembrie+2017%2C&oq=Rezolu%C5%A3ia+Parlamentului+European++%5B146%5D+din+data+de+12+septembrie+2017%2C&aqs=chrome..69i57.1270j0j7&sourceid=chrome&ie=UTF-8 .

30. file:///C:/Users/HP/Downloads/h%2010%2008.01.2021%20(2).pdf..

31. https://www.google.com/search?q=constitutia+romaniei&oq=constitu%27ia&aqs=chrome.1.69i57j0i13l9.8535j0j7&sourceid=chrome&ie=UTF-8

32. https://www.google.com/search?q=Deciziei+Cur%C5%A3ii+Constitu%C5%A3ionale+nr.+397+din+15+iunie+2016&oq=Deciziei+Cur%C5%A3ii+Constitu%C5%A3ionale+nr.+397+din+15+iunie+2016&aqs=chrome..69i57.1246j0j7&sourceid=chrome&ie=UTF-8 .

33. https://www.google.com/search?q=codul+penal+moldova&oq=codul+penal+moldova&aqs=chrome..69i57j0i22i30l9.17407j0j7&sourceid=chrome&ie=UTF-8

34. https://www.google.com/search?q=Raportul+privind+starea+medierii+%C3%AEn+statele+membre+publicat+%C3%AEn+data+de+21.11.2018+de+Parlamentul+European&sxsrf=ALeKk0013mWWtbS8f5yehLloA7sU0ADJwQ%3A1622997639684&ei=h_q8YJmZKfCMrgTDqaYY&oq=Raportul+privind+starea+medierii+%C3%AEn

35. https://www.legis.md/cautare/getResults?doc_id=98967&lang=ru