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**DETERMINATION THE SYSTEM OF FACTORS DEVELOPING
COMMERCIAL MEDIATION IN UKRAINE**

Neskorodieva, I. Determination the system of factors developing commercial mediation in Ukraine [Text] / Inna Neskorodieva, Volodymyr Rodchenko, Olena Parkhomenko, Yuliia Kvitka, Anton Kvitka // Ukrainian Journal of Applied Economics. – 2019. – Volume 4. – № 4. – С. 60–69. – ISSN 2415-8453.

Abstract

Introduction. *Business environment functions according to peculiar laws and rules. That constantly accompanied by commercial risks, setbacks and a variety of conflicts. Failure to resolve and exacerbate conflicts in the business environment threatens to cause unforeseen losses of expected profits, cash or property, bankruptcy, debt growth and more. 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.*

The purpose of the article is to scientifically substantiate the approach to systematization and prioritization of factors of business mediation development in the current conditions of economic

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development of Ukraine as a method of successful non-judicial settlement of commercial conflicts.

Results. *In September 2019, 326 senior and middle managers of Ukrainian companies have surveyed to identify key factors for the development of mediation in the business environment in Ukraine in order to resolve commercial conflicts. It is established that business representatives need immediate practical implementation of business mediation, but at the same time, there is low awareness of Ukrainian entrepreneurs about the existence of a mediation institute, its principles and the procedure for conducting it. Using the principal component method (factor analysis), the factors component composition of business mediation development in modern conditions of Ukrainian economy development has been determined. The hierarchical structure of factors for the business mediation development as an effective institution for resolving commercial conflicts has been determined by calculating the variance percentage. It is determined that the factors of business mediation development are formed by 32,4 % of the potential level by calculating the integral indicator.*

Conclusions. *The following system of key factors of business mediation development in modern conditions has been determined on the empirical research basis: the factor of institutional development; education factor; psychological factor and efficiency factor. The most destructive influence on the business mediation development is played by the retarded factors of institutional development and education. These research results can be used in the state strategy setting of business mediation development in Ukraine. The identified system of factors can serve as a guideline for the introduction of the necessary state measures for the non-judicial settlement development of commercial conflicts in the business environment in Ukraine, and determining the priority of their implementation.*

Keywords: *business mediation, business environment, commercial conflicts, factors of development, non-judicial conflict resolution.*

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ВИЗНАЧЕННЯ СИСТЕМИ ФАКТОРІВ РОЗВИТКУ КОМЕРЦІЙНОЇ МЕДІАЦІЇ В УКРАЇНІ

Анотація

Вступ. *Середовище підприємництва й бізнесу функціонує за своєрідними законами та правилами. Постійно супроводжується комерційним ризикам, невдачами та*

різноманітними конфліктами. Не вирішення та загострення конфліктів в бізнес середовищі загрожує виникненню непередбачених втрат очікуваних прибутків, грошових коштів або майна, банкрутству, зростанню боргів та інше. Тому, з огляду на затяжні строки розгляду справ у суді, загрози несприятливих наслідків комерційних конфліктів, актуалізується питання впровадження та розвитку бізнес-медіації як швидкого методу врегулювання конфліктів на умовах взаємного узгодження інтересів сторін.

Метою статті є наукове обґрунтування підходу до систематизації і визначення пріоритетності чинників розвитку бізнес-медіації в сучасних умовах розвитку економіки в Україні як методу успішного несудового вирішення комерційних конфліктів.

Результати. Шляхом анкетування 326 менеджерів вищої та середньої ланки українських компаній у вересні 2019 року було визначено ключові фактори розвитку медіації в бізнес-середовищі в Україні з метою вирішення комерційних конфліктів. Встановлено, що представники бізнесу потребують негайного практичного впровадження бізнес-медіації, але поряд з цим спостерігається низька поінформованість українських підприємців про існування інституту медіації, її принципи та порядок проведення. З використанням методу головних компонент (факторного аналізу) визначено компонентні складові факторів розвитку бізнес медіації в сучасних умовах розвитку економіки України. Детерміновано шляхом розрахунку відсотку дисперсії ієрархічну структуру факторів розвитку бізнес-медіації як ефективного інституту вирішення комерційних конфліктів. Шляхом розрахунку інтегрального показника визначено, що фактори розвитку бізнес медіації сформовані на 32,4 % від потенційного рівня.

Висновки. На основі проведеного емпіричного дослідження було визначено систему ключових факторів розвитку бізнес-медіації в сучасних умовах: фактор інституційного розвитку; фактор освіти; психологічний фактор і фактор ефективності. Найбільш деструктивний вплив на розвиток бізнес-медіації справляє нерозвиненість факторів інституційного розвитку та освіти. Дані результати дослідження можуть бути використанні при розробці державної стратегії розвитку бізнес-медіації в Україні. Визначена система факторів може слугувати орієнтиром для запровадження необхідних державних заходів щодо розвитку несудового вирішення комерційних конфліктів в бізнес середовищі України, та визначення пріоритетності їх реалізації.

Ключові слова: бізнес-медіація, бізнес середовище, комерційні конфлікти, фактори розвитку, несудове врегулювання конфліктів.

JEL classification: D74; D90; M19

Introduction

Conflict comes in many forms in the business world, with some involving people and some involving practices. There is a conflict of interests of participants, there is a need to apply procedures to manage a problematic situation - a conflict. Usually, commercial conflicts in Ukraine are resolved using the court. The official figures show that more than 50 % of appeals to local and appeal courts of Ukraine are conflicts in the business environment, the number of which is constantly growing every year [1]. More than 60 % of the appeals to the court haven't reviewed or stayed without verdict due to the overload of the judicial system of Ukraine, as well as the difficulty of identifying facts of legal significance [1]. Applying a legal approach to the dispute that has arisen (or threatens to arise), the parties or the lawyers representing them in some cases do not find a definite answer in the current legislation that would completely eliminate doubt about the exact content of mutual rights and obligations. In addition, it should be noted that there are cases when the parties to a business conflict do not even go to court because of: an extremely low level of trust in the judiciary (according to sociological studies, it

is no more than 14 % [2]); political dependence of judges and ultrahigh level of corruption in the judiciary [2]. In other words, there is uncertainty in the relationship between the parties. As a result, businessmen-partners are not resolving conflicts and its continuation is fraught with loss of time, reputation. Developing countries increasingly recognize mediation as an efficient, private, flexible and non-adversarial alternative to the formal judicial process of resolving contractual disputes, which in many countries tends to be slow and arduous [3]. Especially, commercial mediation has been widely used in most advanced economies for over 40 years as an alternative method of dispute resolution. The World Bank Doing Business Report indicated that 174 economies recognize voluntary mediation or conciliation as a valid method of resolving contractual disputes, in addition to formal courts [4]. Commercial mediation offers many benefits, such as reduced legal costs, prevention of future or full-fledged litigation and the flexibility in finding a solution to the dispute based on mutual parties' interest, rather than solely on legal rights. The purpose of commercial mediation is to allow the parties to find a resolution to their conflict in a sustainable and self-determined way [5]. The procedure is constructive and involves the chance for personal development and social growth for the parties of the conflict. The principle of voluntariness and the development of the solution by the parties themselves carry with them the expectation of substantive justice [6]. It is expected that the results agreed with benefit both parties or, at least, avoid that anyone is worse off after the mediation. Additionally, commercial mediation holds the promise of cost-efficient and faster dispute resolution compared with other methods of dispute resolution. Commercial mediation can save litigants thousands, if not hundreds of thousands of dollars in legal expense, as well as months or years of time, thus allowing the parties to resolve their dispute quickly and efficiently [7-8].

Business mediation has long since become widespread around the world. Recently, its popularity has been spreading to gain momentum in Ukraine. The national legislation already has set up the basic foundations for the introduction of mediation in practice, for example, this is a norm in procedural law as reconciliation - Art. 175 The Civil Procedural Code of Ukraine [9] and Art. 78 Commercial and Procedural Code of Ukraine [10], which regulates the conclusion of a settlement agreement among the parties to settle disputes on the basis of mutual conciliation. And despite the absence of a special law in Ukraine, the development and establishment of a mediation institute in Ukraine are now facilitated by public associations, such as: Ukrainian Mediation Academy, Ukrainian Mediation Center, Mediation School of the Bar of Ukraine, Karazin Business School, Mediators League of Ukraine, etc. and a lot of legal practitioners, research scientists in the field. But it should be noted that these organizations, in particular, are aimed at non-judicial resolution in most cases of family conflict, not commercial. In this regard, the issue of finding the factors of development of business mediation is very relevant in the conditions of development of the Ukrainian economy as a pledge for effective settlement of the business conflict, which will provide a more favorable, climate and conditions of doing business.

Commercial (business) mediation is defined as follows - a facilitative and confidential process in which a mediator assists parties to a dispute to attempt by themselves, on a voluntary basis, to reach a mutually acceptable and voluntary agreement to resolve their commercial dispute [5-6].

Through the course of this literature review, it has been illustrated that conflict, remaining unresolved through lack of effective communication, is problematic. Conflicion resolution, in itself, is multifaceted, but, if unsuccessful, can have long term effects [3]. Hence, there is a need for appropriate conflict resolution frameworks. Alternative Dispute Resolution offers such frameworks as options over adversarial litigation, introducing the concept of mediation. Accordingly, with the complexities of conflict and conflict resolution, mediation has

been showed to have a distinct role as a tool to bring about a settlement to such matters [6]. It is evidenced from the summary above that mediation is a continually emerging tool in dispute resolution of Civil and Commercial cases. It can be concluded therefore that, as mediation embeds further in individual jurisdictions and spreads to new jurisdictions, that it is a valuable tool that brings benefit to the various stakeholders. But it should be noted that in Ukrainian literature aspects of the development of commercial mediation has not researched except for theoretical aspects: the concept, advantages and distinctive features of contracts [11-12]. In this regard, in the framework of this study, we have studied the practical aspects of the development of mediation in the business environment in the current economic development of Ukraine.

The purpose of the article

The purpose of the article is the systematization and prioritization of the development factors of commercial mediation in Ukraine as a method of successful non-judicial resolution of economic conflicts.

Outline of the main research material

The statistical base of the study was the quantitative estimates regarding the factors of development of business mediation, which were obtained as a result of a survey conducted in September 2019 among the top and middle managers of Ukrainian companies. In the total, 326 representatives of Ukrainian companies have taken part in the survey: «Bureau of Investment Technologies» Ltd, Asters, PJSC IC «PZU Ukraine», PJSC «ArcelorMittal Kryvyi Rih», Avellum, Nix, Epam, «I-nvest» LLC, «DTEK Pavlohradcoal» PRJSC, JSC «UkrGasVydobuvannya», Equity, «Dragon Capital» LTD, Ferrexpo Poltava Mining, SoftServe. The survey was conducted using the Google Forms application, which made it possible to conduct a remote survey by e-mail from company representatives. The total number of respondents was 326 people, exceeding the minimum requirements to ensure the adequacy of the sample at a significance level of 95 % (273 people). It has provided the adequacy of the sample. Diversified companies (legal, financial, manufacturing, IT-companies) have provided representativeness of the research results.

Respondents were asked to answer questions characterizing the factors manifestation contributing to the development of business mediation in Ukraine. Each question has corresponded to a separate indicator: *X1-X18*. The list of questions (table 1) has based on a theoretical generalization of the research results [5-8]. The questionnaire consisted of 2 blocks: the first one contained questions suggesting answers «Yes» / «No», and the second one contained the questions suggesting an assessment on a 5-point scale, where «0» is the lowest degree of manifestation of the indicator, «5» - the highest. Answers to questions of the 1st block have evaluated on a binary scale, where the answer option «Yes» corresponded to a score of «5», the option «No» to «0».

The quality of the questionnaire has evaluated by the reliability test by calculating the Cronbach's alpha coefficient using Statistica 12.0 software product. The average value of the coefficient was 0,86. Since the calculated value exceeded the threshold of 0,7 [13], the questionnaire was considered consistent and suitable for use. The value of the coefficient in terms of *X3*, *X8*, *X11* exceeded the average: for indicator *X3* it was 0,91, for *X8* – 0,88, for *X11* – 0,90. The exclusion of these indicators from the questionnaire could be lead to an increase in its reliability, but on the other hand, to a narrowing of the information space. Given the high average value of the coefficient, indicators *X3*, *X8*, *X11* from the questionnaire have not excluded. There are average values for a sample of Ukrainian companies in table 2.

According to the survey results, 56 respondents (17,2 %) have participated as one of the parties to business mediation.

Table 1. The manifestation indicators of the factors developing of business mediation in Ukrainian companies

Indicators	Questionnaire
<i>1st block</i>	
X1	Has your company (department, you personally) participated as one of the parties to business mediation?
X2	Do you have a basic mediator education?
X3	Do you have a mediator certificate?
X4	Have you ever taken any internal (in Ukraine) pieces of training, business mediation courses?
X5	Have you ever attended external (abroad) pieces of training, business mediation courses?
X6	Have you ever played the role of a professional mediator?
X7	In practice, do you give pReferences to mediation against legal dispute resolution in business?
<i>2nd block</i>	
X8	Do you aware of the principles, the order of mediation?
X9	How often do you fulfill the role of an informal mediator (without observing the relevant professional requirements of the mediator)?
X10*	Do you have the experience of a professional pick?
X11	Do you tolerant and patient?
X12	What do you know to maintain impartiality?
X13	How balanced you are?
X14	How effective do you think dispute resolution involving a mediator is?
X15	How much do you agree that mediation is a financially more efficient way to resolve disputes in business compared to the legal procedure?
X16	How much do you agree that mediation takes less time to make a decision compared to the legal procedure for resolving conflicts in business?
X17	How familiar you are with the institutional regulation of mediation?
X18	How satisfied you are with the legislative regulation of mediation in Ukraine?
* - lack of experience – «0» points, experience up to six months – «1» point, up to 1 year – «2» points, from 1 to 2 years – «3» points, from 2 to 3 years – «4» points, over 3 years – «5» points	

Table 2. Values of manifestation indicators of factors developing of business mediation in Ukrainian companies

Indicator	Value	Indicator	Value	Indicator	Value
X1	0,86	X7	0,81	X13	4,1
X2	0	X8	0,9	X14	3,1
X3	0,09	X9	3,4	X15	4,4
X4	0,14	X10	0,03	X16	4,7
X5	0,28	X11	4,0	X17	0,7
X6	0,09	X12	3,8	X18	0

None of the respondents has a basic education as a mediator, 6 respondents (1,8 %) have a certificate of mediator who has a legal profession; 9 respondents (2,8 %) took internal training and business mediation courses: 7 - having a legal profession, 2 - economic; 18 respondents took training and courses: 10 - have a legal education, 8 - economic education. 6 respondents have the experience of a professional mediator, 3 of whom have had experience for six months, 2 - up to 1 year, 1 - up to 2 years. Answers to the 2nd block of questions were evidenced by the respondents' positive attitude towards mediation:

the question «Do you consider effective dispute resolution involving a mediator?» have estimated at 3,1 points (62 % of a maximum level);

the question «Do you agree that mediation is a financially more effective way to resolve disputes in business compared to the legal procedure?» - 4,4 points (88 % of the maximum level);

the question «Do you agree that mediation takes less time to make a decision compared to the legal procedure for resolving conflicts in business?» - 4,7 points (94 % of the maximum level).

The question «How often did you perform the role of an informal mediator (without observing the relevant professional requirements of the mediator)?» on average, rated at 3,4 points (68 % of the maximum level); «How tolerant and patient you are?» - 4,0 points (80 % of the maximum level); «How much do you know how to maintain impartiality?» - 3,8 points (76 % of the maximum level); «How balanced you are?» - 4,1 points (82 % of the maximum level).

Along with a positive attitude of respondents to mediation (indicators *X14-X16*) and personal characteristics corresponding to the role of a mediator (indicators *X9, X11-X13*), there is a low awareness of the principles and order of mediation (18 % of the maximum level), lack of familiarity with institutional regulation mediation (awareness level of 14 %), dissatisfaction with the legislative regulation of mediation in Ukraine (rating «0»).

The structure of factors was determined using the factor analysis module of the Statistica 12.0 program. The composition of the factors has determined based on the values of the factorial loads of indicators with the corresponding factor, based on the factorial model (1) [14]:

$$x_i = a_1 * f_1 + a_2 * f_2 + \dots + a_i * f_i + dv, \quad (1)$$

where x_i – standardized indicator value;

a_i – factor loads;

f_i – values of factors;

dv – remnants of the model.

The structure of the factors developing by business mediation in Ukrainian companies, obtained as a result of factor analysis, is presented in the table 3.

Table 3. The structure of the factors developing of business mediation in Ukrainian companies

Factor	Indicators	Factor variance, %
Institutional Development Factor (<i>F1</i>)	<i>X1, X7, X8, X10, X17, X18</i>	42,4
Education factor (<i>F2</i>)	<i>X2-X6</i>	26,6
Psychological factor (<i>F3</i>)	<i>X9, X11-X13</i>	11,7
Performance factor (<i>F4</i>)	<i>X14- X16</i>	5,9

The adequacy of the factor analysis has evidenced by the sufficiency of the sample – 326 observations with the number of variables of 18 and the percentage of factorization, which is 86,6 % with a sufficient level of 80 % [14].

Institutional development factor has prevailed in the structure of business mediation development factors (42,4 % of the variance), including indicators that characterize the level of business mediation development in Ukraine: mediator use by companies, managers' awareness of mediation principles and procedures, mediation experience, institutional and legislative regulation.

The second of the most important factor is the education factor (26,6 % of the variance). This factor has determined by the presence of basic education of a mediator, a mediator certificate, training, business mediation courses.

The psychological factor that has determined the development of business mediation by 11,7 % shows the personal characteristics of managers necessary for the role of a mediator: tolerance, patience, impartiality, balance.

The efficiency factor has determined the overall effectiveness of dispute resolution with the participation of a mediator, financial (requiring less financial costs compared to the legal procedure for resolving conflicts in business) and times (requiring less time to make a decision compared to the legal procedure). The variance of the factor was 5,9 %.

The value of the integral indicator of the development of business mediation factors amounted to 0,95. This is the arithmetic mean of the integral indicators that have calculated using the formula (2) for each respondent.

$$I = \sum w_i \times F_i, i = \overline{1, n} \quad (2)$$

where I – integral indicator developing of business mediation factors;

F_i – the value of the i -th factor developing of business mediation, calculated as the product of the normalized value of the indicators that formed the factor, by the coefficients of linear regression equations, characterizing the relative significance of the j -th indicator in the composition of the i -th factor;

w_i – the coefficient of the significance of the i -th factor, corresponding to the percentage variance of the i -th factor;

n – the number of factors developing of business mediation.

The potential level of the integral indicator has calculated similarly, but with the addition to the data array for factor analysis of the observation corresponding to the potential level of indicators $X1-X18$, and finding normalized values of factors $F1-F4$ corresponding to this observation. The calculations were performed using program Statistica 12.0. The potential level of the integral indicator was 2,93. A comparison of the actual and potential levels of the integral indicator made it possible to determine that the factors for the development of business mediation in Ukraine are formed at 32,4 % of the potential level. The lag of the actual level of development from the potential by 67,6 % is due to the insufficient level of development of factor $F1$ - by 37,7 %, $F2$ - by 26 %, $F3$ - by 2,8 %, $F4$ - by 1,1 %.

Conclusions and prospects for further researches

Thus, based on the results were obtained in this article, we can conclude that commercial mediation offers attractive characteristics, namely (a) cost and time advantages, (b) high success and satisfaction rates, and (c) flexibility to maximize the fulfillment of the interests of the parties. Still, mediation policy and the regulatory context play an important role in providing an attractive environment for the parties to choose the dispute resolution mechanism that best suits their interests.

The most important success factors for the regulation of commercial mediation in Ukraine are as follows: institutional integration of mediation. The challenge is to design dispute resolution institutions that guide conflicts to mediation if the mechanism is best suited to satisfy the interests of the parties enabling mediation law in Ukraine. Mediation policy should provide a reliable framework without limiting the flexibility of mediation and by putting mediation on an equal footing with other dispute resolution mechanisms. This policy applies to both private and judicial mediation. Information: many stakeholders suffer from information deficits. By improving stakeholders' understanding of the characteristics of the dispute resolution mechanisms available, the decision making of the parties, lawyers, judges, in-house counsel, and others will be improved.

In the current conditions of the development of the Ukrainian economy and the conditions for doing business, the development of commercial mediation in view of the identified key factors for its activation seems necessary regulatory incentives and other impulses. This can influence human behavior in dispute resolution and can be an effective strategy to counter parties from making choices that potentially are not in their interests. Such incentives, even if they generate costs, are often a less expensive solution for public finances compared with funding a court system that does not always fit the conflict needs of the parties. We are going to consider these aspects and assessing the economic efficiency of business mediation as an institutional structure of the national economy in the following studies.

Список літератури

1. Стан розгляду справ. Судова влада України. Веб-сайт. URL: <https://court.gov.ua/fair/>

-
2. Судова реформа очима громадян: що може позитивно вплинути на довіру до суду? Центру політико-правових реформ. Веб-сайт. URL: <https://pravo.org.ua/ua/news/20873806-sudova-reforma-ochima-gromadyan-schomogee-pozitivno-vplinuti-na-doviru-do-sudu>
 3. Three New Guides on Commercial Mediation: Good for Debt Resolution, Good for Governance. The World Bank Group. Веб-сайт. URL: <https://www.worldbank.org/en/news/feature/2017/11/21/three-new-guides-on-commercial-mediation>
 4. Doing Business 2019. Training for Reform. A World Bank Group Flagship Report. Веб-сайт. URL: https://www.doingbusiness.org/content/dam/doingBusiness/media/Annual-Reports/English/DB2019-report_web-version.pdf
 5. Radulescu D. M. Mediation—An Alternative way to Solve Conflicts in the International Business Environment. *Procedia - Social and Behavioral Sciences*. 2012. Vol. 62. P. 290-293.
 6. Agapiou A. 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*. 2015. Vol. 7 (3). P. 231-247.
 7. Mediation essentials (English). Mediation series. Washington, D.C. : World Bank Group, 2017. URL: <http://documents.worldbank.org/curated/en/153761503566770915/Mediation-essentials>.
 8. Nadja A, Felix S. Making mediation law (English). Mediation series. Washington, D.C. : World Bank Group, 2017. URL: <http://documents.worldbank.org/curated/en/899611503551941578/Making-mediation-law>
 9. Цивільний процесуальний кодекс України: Закон України № 1618-IV від 18.03.2004 р. URL: <https://zakon.rada.gov.ua/laws/show/1618-15>
 10. Господарський процесуальний кодекс України: Закон України № 1798-XII від 06.11.1991 р. URL: <https://zakon.rada.gov.ua/laws/show/1798-12>
 11. Кармаза О. Інститут медіації: основні концепції розвитку. *Цивільне право і процес*. 2017. № 2. С. 24-28.
 12. Козак В. Чи стане медіація ефективною та затребуваною альтернативою судовому вирішенню спорів. *Закон і бізнес*. 2019. URL: https://zib.com.ua/ua/139131-chi_stane_mediaciya_efektivnoyu_alternativoyu_sudovomu_viris.html
 13. Дубина И. Н. Математические основы эмпирических социально-экономических исследований. Барнаул : Изд-во Алт. ун-та, 2006. 263 с.
 14. Menke W. Factor Analysis. *Geophysical Data Analysis (Fourth Edition)*. New York : Academic Press, 2018. P. 207–222.

References

1. Status of the case. The Judiciary of Ukraine. Веб-сайт. Available at: <https://court.gov.ua/fair/>
2. Judicial reform through the eyes of citizens: what can have a positive impact on confidence in court? Center for Political and Legal Reform. Веб-сайт. Available at: <https://pravo.org.ua/ua/news/20873806-sudova-reforma-ochima-gromadyan-schomogee-pozitivno-vplinuti-na-doviru-do-sudu>
3. Three New Guides on Commercial Mediation: Good for Debt Resolution, Good for Governance. The World Bank Group. Веб-сайт. Available at:

-
- <https://www.worldbank.org/en/news/feature/2017/11/21/three-new-guides-on-commercial-mediation>
4. Doing Business 2019. Training for Reform. A World Bank Group Flagship Report. Веб-сайт. Available at: https://www.doingbusiness.org/content/dam/doingBusiness/media/Annual-Reports/English/DB2019-report_web-version.pdf
 5. Radulescu, D. M. (2012). «Mediation—An Alternative way to Solve Conflicts in the International Business Environment». *Procedia - Social and Behavioral Sciences*. Vol. 62, pp. 290-293.
 6. 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*. Vol. 7 (3), pp. 231-247.
 7. Mediation essentials (English). Mediation series. (2017). World Bank Group. Washington. USA. Available at: <http://documents.worldbank.org/curated/en/153761503566770915/Mediation-essentials>.
 8. Nadja, A. and Felix, S. (2017). Making mediation law (English). Mediation series. World Bank Group. Washington. USA. Available at: <http://documents.worldbank.org/curated/en/899611503551941578/Making-mediation-law>
 9. Tsyvil'nyj protsesual'nyj kodeks Ukrainy. Zakon Ukrayiny. (2004). [The Civil Procedural Code of Ukraine. The Law of Ukraine]. No. 1618-IV dated March 18, 2004. Available at: <https://zakon.rada.gov.ua/laws/show/1618-15>
 10. Hospodars'kyj protsesual'nyj kodeks Ukrainy. Zakon Ukrayiny. (1991). [Commercial and Procedural Code of Ukraine. The Law of Ukraine]. No. 1798-XII dated November 6, 1991. Available at: <https://zakon.rada.gov.ua/laws/show/1798-12>
 11. Karmaza, O. (2017). «Mediation Institute: basic concepts of development». *Tsyvil'ne pravo i protses*. no. 2, pp. 24-28.
 12. Kozak, V. (2019). Chy stane mediatsiia efektyvnoiu ta zatrebuvanoiu al'ternatyvoiu sudovomu vyrishenniu sporiv. [Will mediation become an effective and sought-after alternative to litigation]. *Zakon i biznes*. [Law and business]. Available at: https://zib.com.ua/ua/139131-chi_stane_mediaciya_efektivnoyu_alternativoyu_sudovomu_viris.html
 13. Dubina, I. N. (2006). *Matematicheskie osnovy jempiricheskikh social'no-jekonomicheskikh issledovanij*. [Mathematical Foundations of Empirical Socio-Economic Research]. Izd-vo Alt-un-ta. Barnaul. Russia.
 14. Menke, W. (2018). Factor Analysis. Geophysical Data Analysis (Fourth Edition). Academic Press. New York. USA, pp. 207-222.

Стаття надійшла до редакції 05.10.2019 р.