

POPULAR SCIENCE SUMMARY

Modern society is dominated by a variety of conflicts and disputes, both at the individual and institutional levels. In the context of the Polish legal system, the growing need to resolve these disputes effectively and quickly, as well as the deepening crisis of the judiciary, which for years has been struggling with protracted procedural times, prompts the search for alternative methods of conflict resolution. One of the most important and evolving institutions in this field is mediation.

This research project aims to analyze the state of mediation in Poland and propose legislative changes. Mediation, as a process of voluntary and confidential dispute resolution with the help of a third, neutral party, is becoming an increasingly important tool in the Polish legal system. Its role and importance are likely to evolve, introducing new approaches to conflicts, both in the civil, criminal and administrative spheres. Indeed, the number of cases referred to mediation is growing every year. However, mediation rates and mediation effectiveness still do not reach satisfactory levels. Undoubtedly, the lack of an upward trend in the mediation effectiveness rate should be evaluated negatively, and the project aims to answer the question of why this is the case.

An important research part of the project will be a cross-sectional psychological survey. Their purpose is to collect, using a questionnaire constructed in accordance with the principles of psychometrics, data on beliefs about mediation proceedings in Poland. The questionnaire items from which the tool is constructed comprise three subscales: a scale of beliefs about the institution of mediation, a scale of beliefs about the mediator and his competence, and a scale of beliefs about the state of mediation in Poland. The described study aims to determine what beliefs about mediation dominate in Polish society and to detect correlations between certain beliefs and the outcome of mediation, as well as to identify the correlates of positive completion of mediation proceedings.

The next stage of the research will be an analysis of the laws in force in Poland regulating mediation proceedings and a comparative analysis of these laws in relation to civil, criminal, administrative and administrative procedures. The aforementioned analyses will make it possible to identify the differences between the characteristics of mediation proceedings in each procedure and to characterize how the given differentiating elements correlate and influence the outcome of the proceedings. The current legal regulation of mediation proceedings in Poland has a negative impact on the prevalence of this institution, which causes it to achieve worse results than in other countries, especially in the US or Italy. The regulations governing mediation proceedings in Poland need to be amended, among other things, with regard to the regulation of obtaining the title of mediator. The essence of the conducted study derives from the assumption that the institution of mediation, undoubtedly legal in nature, also has psychological components, and consequently, the introduction of legislative changes in this area must involve their consideration.

The synthesis of the results of the study will make it possible to propose legislative changes in the regulation of mediation proceedings in Poland.