

1. Медіація у професійній діяльності юриста : підручник / авт. кол.: Т. Білик, Р. Гаврилук, І. Городиський [та ін.] ; за ред. Н. Крестовської, Л. Романадзе. Одеса : Екологія, 2019. 456 с.

2. Ромашенко І.О. Участь України в міжнародних об'єднаннях держав. *Вісник Харківського національного технічного університету сільського господарства імені Петра Василенка*. 2018. URL : <http://www.spilnota.net.ua/ua/article/id-2320/>.

Inna KOZUBAI
Senior Lecturer of Social
and Humanities Chair
of Dnipropetrovs'k State
University of Internal Affairs

LINGUISTIC FEATURES OF MEDIATION

Being a form of Alternative Dispute Resolution (ADR) mediation occasionally implicates two parties and a mediator. The mediator is considered to be the «qualified neutral» or unbiased individual who helps the parties communicate [1, p. 134]. The crucial purpose of mediation is for the parties in conflict to come to a mutual agreement concerning the issues which have arisen between them [2, p. 54]. Mediators take up the delicate situation in the mediation. They have to control the process of the mediation simultaneously while giving the parties control over the agreements, decisions and discussions between the parties as well. The parties participating in the mediation can be the individuals in conflict, such as the couple in divorce mediation, the lawyers representing the individuals or even the parties with their lawyers [2]. A different approach is required according to the mediation specific needs. This engages a great deal of flexibility, on the mediator's role, in creating the approach that is necessary for the specific moment within each mediation. Since mediations are centered on conversation and communication between the parties facilitated by the mediator, the mediator has to possess adaptive language skills.

To look into how mediators adapt and alter their language to fit the situation, mediations were observed and analyzed from the perspective of a linguist. A linguistic analysis of mediators' language provided a better idea of what kinds of mediation strategies mediators are using and what steps they take to change the views and attitudes of the parties or issues in the mediation. A study such as this will provide better guidelines for mediation training, as well as linguistically focused identification of the language strategies used. Although mediation training is typically very effective and often emphasizes the personal styles of each mediator, a congruent set of guidelines of the possible techniques that are available for each mediation would help train mediators from different backgrounds, educations, and experience with mediation, law and other forms of ADR.

Many mediation books and mediation training manuals are describing the basic ideas of the most significant and essential mediation techniques. Many scholars in mediation are concerned with how these works focus on learning through experience [3]. Although this is often a very informative way of learning, it does not make the best use or inclusion of the wide variety of techniques available to each mediator. It can cause problems for specialized mediators within real-time, quickly changing, complex and diverse mediations. Although a certain set of strategies may work for a mediator for a few cases, eventually they will be confronted with situations for which they are not prepared. Without a proper understanding of the range of mediation techniques available to each mediator, such conflicts can cause mediators to stumble on the issue and lose control of the mediation process and the parties.

Not only is mediation concentrated on the linguistic definitions of a productive conversation, but it also falls under the theory of legal discourse. Although mediation does not make use of the typical legal discourse found in trials and courtrooms, it is a form of legal discourse having to do with resolving issues and understanding the facts of a specific situation [4, p. 86]. Study in legal discourse is focused on the «nature, functions, and consequences of language use in the negotiation of social order» [4, p.67]. This research focus needs to be narrowed to describe mediation discourse, as mediation is not strictly focused on «social order» but instead tends to focus more on social relationships, personal issues, and, of course, legal issues.

Mediation is not strictly taught in law schools, nor does one have to be a lawyer to become a mediator. Mediation training is usually an independent set of classes or sessions in

which individuals are trained in a particular type of mediation [2]. Additionally, these pieces of training include a certain amount of participation in mediation as a mediator or co-mediator, as well as some mediation observations [3]. The most meaningful part of this mediation training is the practical segment in which the students participate in practical exercises on the different approaches to conflict, differences in approaches to various kinds of mediation, as well as mediating in practice mediations while being observed by experienced mediators. For instance, each state in the USA has different regulations for mediation training and certification [3]. The lengths and scope of this training varies, which makes it impossible to describe a common model for training. Qualified mediators then discuss certain important points and essential aspects to remember when mediating [5]. Additionally, mediators in family and divorce mediation use techniques such as venting emotions as well as discussion of past issues. Because of this, mediation training should include practical techniques to show that mediators must act differently towards these types of mediation, as the situations are often much more delicate and involve a more cautious approach to negotiations since both parties want what is best for themselves, any children involved, and any other family.

This work shows how mediators facilitate the process of mediation in the form of a productive conversation between the two parties in conflict. When looking in mediation training manuals, mediation textbooks, and other literature that aim to teach individuals mediation and inform about the tools available for mediators to facilitate the process of mediation, reality testing questions, as well as open-ended and closed questions are the main focus of any writing about questions used in mediation. The different kinds of questions are abundant in the language of the mediator and I found that there are particular instances and purposes for which different categories of questions are used. Mediation manuals and textbooks should put a larger focus on the use of questions used by mediators and trainees should be given better examples of the types of the wording of these questions as well as specific instructions for their use during mediations.

1. Fisher, R., & Brown, S. (1988). *Getting Together*. Boston, MA: Houghton Mifflin.
2. Kovach, K. K. (2010). *Mediation: Principles and Practice*. St.Paul: West Group.
3. Gmurzynska, E., & Morek, R. (2014). *Mediacje: teoria I praktyka*. Warsaw, PL: Wolters Kluwer.
4. Galdia, M. (2014). *Legal Discourses*. Frankfurt am Main, DE: Peter Lang.
5. Hill, N.J. (1998). *Journal of Dispute Resolution. Qualification Requirements for Mediators*. Vol 1.

Ірина КОНОНОВА

професор кафедри
аналітичної економіки та менеджменту
Дніпропетровського державного
університету внутрішніх справ,
доктор економічних наук, доцент

Наталя ВЕРХОГЛЯДОВА

завідувач кафедри
аналітичної економіки та менеджменту
Дніпропетровського державного
університету внутрішніх справ,
доктор економічних наук, професор

СОЦІАЛЬНО-ЕКОНОМІЧНІ КОНФЛІКТИ

Поняття «соціально-економічний конфлікт» включає всю сукупність соціально-економічних відносин в суспільстві, тобто відносини між владою та бізнесом, між виробництвом та споживанням. Загальною причиною соціально-економічного конфлікту є дефіцит економічних ресурсів. Дефіцит економічних ресурсів та викликані ним конфлікти залежать від двох взаємопов'язаних проблем:

1. Проблеми в сфері виробництва;
2. Проблема в сфері розподілу.

Можливість розподілу ресурсів залежить від: