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# Considerations on the Origin and Evolution of Conflict Mediation in Social Life

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## Abstract

Mediation has always represented an alternative to state justice that facilitates the parties' amicable resolution of their dispute. Mediation existed from early times and in the oldest civilizations. In the form we know today, it appeared for first time in Europe in the 90s on the American chain, so that, by Directive CE/52/2008 of the European Parliament (Mihalescu, 2021, p. 71-83), virtually all The Member States should take steps to include mediation in civil and commercial cases where issues related to the parties' belonging to different, respectively cross-border, legal systems appear most frequently. Currently, in Romania, mediation operates on the basis of Law no. 196/2006 on mediation and the organization of the mediator profession, and in the Republic of Moldova, currently, by Law no. 137/2015 on mediation. The current deep crises that contemporary society is facing are the consequence of ignoring and not managing the sources of tension and conflict in time. This fact generated their dangerous development as a consequence of the non-prevalence of the rule of dialogue, negotiation and mediation, a practice of an authentic democracy that values the strength of solidarity and communication. In relation to these practices, slippages of any kind affect the rule of discussion, negotiation and mediation, and on this background individuals and communities become distrustful of alternative methods of conflict resolution and prefer to approach resolution through other means, such as war that dissipates community assets.

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## Introduction

Currently, conflict and conflict mediation represent a topic of reflection that preoccupies current philosophical and social-political thinking, with a rich specialized literature devoted to it.

If we take into account the speed with which contemporary societies are transforming, the contradictory developments manifested in various forms of dispute, from peaceful to violent, between individuals, between social groups and human communities, then we realize that the concern is natural.

Mediation, along with negotiation, conciliation and arbitration, as an alternative method of conflict resolution, represents, in our opinion, the most effective ADR method. The acronym ADR ("Alternative Dispute Resolution", recently replaced by "Appropriate Dispute Resolution") "refers to procedures and techniques for resolving conflicts outside the courtroom, representing a reaction to the inefficiency of traditional ways of resolving conflicts" (Gorghiu *et al*., 2011, p. 29).

The choice of an ADR method for the peaceful resolution of a dispute is closely related to the fact that generally warlike or dysfunctional conflicts waste considerable resources, both human and material, and avoiding or peacefully resolving such conflicts would ensure prosperity and progress. In the works of foreign authors, generally American (Gorghiu *et al*., 2011, p. 8), there are some recommendations on mediation for which societies in the former communist camp are not yet ready to adopt them, as history has proven that Western societies, the USA and the United Europe, knew how to manage the sources of tension and conflict, a fact that generated their economic and social development, and in these societies the rule of dialogue, negotiation and mediation prevailed, a practice of an authentic democracy that emphasizes the strength of solidarity and communication.

In relation to these societies, the societies in the former communist camp are societies where authentic democracy is still being consolidated, and economic and social development does not meet the desired requirements. Against this background, individuals become circumspect and distrustful of alternative conflict resolution methods and prefer to approach conflict resolution in the traditional way, through state justice.

In Romania, the admission of the exception of unconstitutionality the provisions of Law no. 196/2006 on mediation and the organization of the mediator profession, which required litigants, *ab initio*, to go through an information procedure, was justified on the grounds that the obligation to provide information on mediation was in contradiction with art. 21 of the Constitution, which provides in paragraphs 1 and 2 that: "*1) Any person can turn to justice for the defense of his rights, freedoms and legitimate interests. 2) No law can limit the exercise of this right."* This eventually generated the weakening of the authorized mediator profession and the closure of most authorized mediator offices in the country.

On this matter, the European legislation is not more permissive either. Relatively recently, the European Parliament Resolution of September 12, 2017 was adopted. According to this resolution, "recommendations that will be sent to the governments and parliaments of the member states" are to be considered. This is relevant as in one of the recommendations it is stipulated that "additional measures should be taken to ensure the execution of mediated agreements in a fast and accessible way, with full respect of fundamental rights, Union law and national law (EU, Resolution, C 337/2, 2017)."

Or, for the time being, in the European legislation it has been established that "mandatory mediation affects the exercise of the right to an effective appeal before a court, a right enshrined in art. 47 of the Charter of Fundamental Rights of the European Union."

Regarding mediation in the Republic of Moldova, we must bear in mind that with the declaration of independence, Romania constantly and actively helped and supported, both through diplomatic efforts and through concrete assistance, its European course. In this sense, Romania has provided assistance in the creation of democratic institutions compatible with the requirements imposed by European legislation or transitional institutions with the perspective of gradual harmonization, to the extent that reality will allow it. The institution of mediation, as a new legal institution that is part of the second category due to the frequent legislative changes that this legal institution carries, was introduced in the Republic of Moldova through the first platform to promote mediation that appeared in the criminal sector following the adoption at European level of Recommendation R/99/19 regarding criminal mediation. This Recommendation was appropriated by the Criminal Code of the Republic of Moldova, adopted on 18.04.2002.

Thus, art. 109 – Conciliation, introduces the principles emanating from Recommendation R/99/19 regarding criminal mediation and enshrines these principles as mandatory. The Constitution of the Republic of Moldova by para. (2) of art. 20 also enshrines this universal principle "No law can limit access to justice".

However, the Italian legislator found a way to combine national and European legislation, in the sense that, according to the Impact Study launched in April 2013 by the European Parliament in relation to the implementation of the framework Directive 2008/52/EC on mediation, with the title " Restarting the mediation directive: evaluating the limited impact of its implementation and proposing measures to increase the number of mediations in the EU", Italy, by Decree no. 69/2013 – the so-called "Mandatory Mediation Decree" reintroduced mandatory mediation (EU, Study, 2014) . The reasoning that lays behind is that "urgent provisions for relaunching the economy". However, the Resolution of the European Parliament dated September 12, 2017, although it includes assessments of the Italian mediation law, does not recommend to the member states the introduction of mandatory mediation, but only considers "recommendations that will be sent to the governments and parliaments of the Member States, regarding: (a) the request to member states to intensify their efforts to encourage the use of mediation in civil and commercial disputes, especially through appropriate information campaigns; (b) the need to develop quality standards at the EU level for the provision of mediation services; (c) identifying solutions for extending the scope of mediation to other civil or administrative matters; (d) taking additional measures to ensure the execution of mediated agreements in a fast and accessible way, in full respect of fundamental rights, Union law and national law."

Practically, through this resolution, the European Union leaves it to the governments and parliaments of the Member States to identify the ways through which the institution of mediation can be viable.

## The research methodology

Starting from a retrospective, historical approach to the researched field, the article offers the possibility of understanding the importance of the mediation institution regulated or not by mediation legislation. Mediation legislation as a distinct special legislation belonging, in particular, to civil law is regulated by legal norms that use the same methods of application and knowledge as in any branch

of law. Thus, the same methods used in the study of any branch of law were used. Mediation legislation, by its nature and purpose, is a phenomenon with many deep social and human connections and interferences. The research of the phenomenon that is part of law is carried out by using the same methods used in the study of law: general methods and concrete methods. Different general methods have been used in the article, such as: the generalization and abstraction method, the logical method, the historical method, the comparison method, the sociological method, the systemic analysis method and the prospective or forecasting method.

## Considerations regarding conflict resolution through the institution of mediation and its established relevance

In the current circumstances generated by various crises, I believe, that the Italian model of the mediation law should be implemented at the European level. This is even more applicable, in Romania and the Republic Moldovan as both could implement this model, especially since neither in Romania nor in the Republic of Moldova, the real economy, shows signs of recovery.

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 in which it is mentioned that "although mediation is everywhere and praised and promoted by everyone, it is very little used by European citizens and very little encouraged by the member states." The same Report praises the progress achieved by Italy in terms of the mediation procedure by using the mandatory easy-out mediation, a procedure that passed the constitutionality tests, unlike Romania, outlined as a negative example of the implementation of mediation because it did not pass the two constitutionality examinations from 2014 and 2018. The Report also notes the fact that if Romania would have introduced an Italian-style mediation procedure, "with a mandatory mediation on the background of the conflict (not just for informing or probing the conflict) with the possibility for the parties to withdraw from the mediation at any time, then the mandatory mediation would have passed the constitutionality test". It is gratifying that both in Romania and in the Republic of Moldova more and more voices from different social backgrounds, including among magistrates, support and recommend mandatory mediation for a series of disputes.

Recently, gathered in the "Consultative working group in the field of mediation", experts from the Republic of Moldova proposed and discussed the

opportunities to establish mandatory mediation in certain categories of disputes. It is expected that such initiatives will appear in Romania, especially since recital (13) of Directive 2008/52/EC states that the parties "are themselves responsible for the procedure and can organize it as they wish and terminate it at any time". The case law of the Court of Justice of the European Union (eg: related cases C-317/08, C-318/08, C-319/08, C-320/08, Alassini and others, C-75/16, Menini and Rampanelli, etc.) as well as the jurisprudence of the European Court of Human Rights (eg: the case of Momcilovic v. Croatia) have already, in my opinion, established guiding principles and tools in order to achieve the desired goal of introducing mandatory mediation for a series of minor disputes.

## History and nature of the mediation institution

The need for mediation appears as an antidote in a world of controversies of all kinds that are generated by different points of view about historical development. These are determined by the existence of mechanisms of certain orders and by the tendency to explain them and always identify new ways of permanent development of social relations. Along with this development, in the systemic analysis of the social environment, of the relationship between members of society or between individuals and society, with the respective cognitive-axiological connotations, the issue of the conflict perceived at the individual level, brings into discussion the issue of mediation in social life. Mediation, more like other similar approaches, has the "primary ontological and axiological component, in relation to which it legitimizes and gives validity to any form of knowledge of some of the conflicts of society", of the individual and the relationship between society and individual, at a given moment (Florescu & Bordea, 2010, p. 10).

Therefore, the determination of the sociological nature of the institution of mediation, implies the awareness of the emergence process, followed by its generic development. Evolving, human society took over the field of mediation from the ancient period, where it was outlined within the limits of freedom of will in a manifestation of will of private law. This institution of mediation was also applied to some institutions of public law, especially in the sphere of international law, mediation being used, with its valences of communication and negotiation, starting from the 17th century, as one of the functions of the ambassador.

The full international consecration of mediation, however, was obtained in the Hague Convention of October 18, 1907, in Title 2, art. 2, it is specified that "arms shall not be resorted to before the mediation of the conflict". Mediation, as a distinct type of human relationship, in the context of the diversity of human relationships, was and is the object of a multidisciplinary approach, retaining the attention of philosophy, sociology, pedagogy, law and political science "as it had to operate both on an analytical level, discerning the mechanisms of mediation in various areas of people's lives as well as on a synthetic level, subsuming the variety of situations in which the mediation of a theoretical model, a vision of a comprehensive nature intervenes" (Ancheș, 2010, p. 9).

Therefore, born from various pluridisciplinary fields and practices, mediation is a paradigm, representing, like other paradigms (Marcus, 2005) such as: time, space, communication, paradox, information, globalization, etc., a multivalent mixture made up of several disciplines, from which it results in "a richer and more nuanced understanding of the world and human behavior". The resolution of conflicts through mediation is nowadays a subject of real interest, all the actors involved being convinced that this peaceful alternative to conflict brings significant savings in energy, costs, intelligence and material resources. Mediation also adds value, to social relations in the community and ensures their functionality as opposed to open conflict that wastes both the parties' and the community's assets.

Life has proven and proves that those societies that knew how to manage their sources of tension and conflict experienced early economic and social prosperity. The success of the US and of the, United Europe, where dialogue, negotiation and mediation of conflicts have allowed the current prosperity, demonstrates that this strength comes from the practices of an authentic democracy that values the strength of solidarity and communication. Primitive customs preserved, as the immediate and singular form of regulating conflictual relations between the members of a community, private revenge or the law of retaliation (Mihalescu, 2021, p. 71-83). Sometimes even civil obligations had a correspondent in the plan of sanctions in corporal punishments similar, until identification, to the sanctions specific to crimes (Ciucă, 1998, p. 43).

This private justice was in ancient times effective and immediate, even if it was not intended to definitively extinguish a conflicting relationship. An advantage in terms of regulating social relations that custom carries with it is precisely its adaptive capacity, the flexibility in relation to the needs of the

parties. The disadvantages were more evident in litigious relations, when the flexible customary norm, favored the non-execution of conventions, according to the contractual will of the parties or the abuses of judges. With the laying of the foundations of Roman statehood Empire and the implementation of the Servian reforms by Servius Tullius, in the century VI Î.Cr., the system of judicial bodies was also implemented, specialized in the distribution of justice, both in public trials *(judicia publica*), but also in trials between individuals (*ordo judiciorum privatorum or judicia privata*). This legal system became even more rigorous thanks to the regulations contained in the *Lex duodecim Tabularum* (Law of the Twelve Tables), voted in the middle of the 5th century B.C. (450 B.C.) (Ciucă, 1998, p. 43-44).

Previously, an interesting aspect of the Romans, the science of law constituted a source of law since the beginning of the activity of the pontiffs. Their legal consultations (*responsa*), inseparable from religious ones, constituted true enigmas, and only the privileged blanket of the patricians could benefit from these favors (Ciucă 1998, p. 44). This monopol of the pontiffs over the science of law disappeared with the secularization of law, a process that began with the drafting of the Law of the XII Tables and the publication, by Cnacius Flavius, around 304 BC, of the judicial calendar and formulas of actions. The last a publication is known in the history of law as Jus Flavianum (Ciucă, 1998, p. 44).

It should be mentioned that even after the establishment of the state judiciary as the main instrument for making, justice, some vestiges of private justice survived or were assimilated. The principle of solving public or private cases by a third party, whether he is a judge, magistrate, *bonus vir,* in the tradition of private justice, arbitrator or consul, governor, etc. it has known in its application, many concrete forms and sinuosity. Thus, the private justice system experienced some limitations in that private revenge had to be authorized by elected judges or arbitrators within limits imposed by them. In a text from the *Pandectae*, attributed to Paulus (Ciucă, 1998, p. 44) (Digesta, L.17.176), this Roman jurist disavowed the old legal system on the basis of the following considerations: firstly, conflicts between families were never definitively resolved, the spiral of private revenges remained constant, which was likely to endanger the social order and, secondly, this system favored the strong ones, to the detriment of the weak. As such, Paulus concludes that "*private individuals should not be authorized to subrogate the prerogatives of the magistrates"* which we,

today, accept under the supreme, principle of social organization, according to which "*no one has the right to do his own justice*".

During the Middle Ages, the Geto-Dacian peoples of the Carpatho-Danubian-Pontic region preserved many of the legal institutions inherited from the Roman rule. Courts were the same for civil or criminal cases. They were the judes preserved with this name from the Roman practice and of *the good and old people*, who had the competence to investigate and give decisions, until the banishment from the communities of those guilty of serious deeds. By delegation from the wise elders, in the archaic village there were also age groups, sex groups, and work affinity groups, since in addition to the groups of mature people, the groups of young men, and to the groups of children, there were double corresponding female groups. Conflicts were resolved within the community, based on the solidarity of relatives, the law of talion, and the redemption of the crime established by the consensus of the parties (Vasiu, 2009, p. 146) some fundamental evidence preserved for centuries in Romanian legal practice is reported in the sec. IV-IX. Thus, for the resolution of disputes regarding borders are the furrow oath and the conjurers, who gave testimony to establish the facts and sometimes also rendered judgments.

In this context, it can be seen that in the Middle Ages, the Geto-Dacians kept and adapted from the Roman legal system, through the trial procedure of *good and old people* and/or conjurers, procedures similar to mediation in the settlement of disputes outside the judicial system, litigations similar to those in Roman law – *lites*- subject, upon the choice of the parties, to examination by the wise men – *bonus viri* – of the community, private and disinterested persons.

During the period of early feudalism, the centuryes IX-XIV, are characterized by the identification of the Romanian people as a distinct ethnic group, with political organization and its own legal norms, specific to early feudalism. Written law began to be called law, with the appearance of rules – codes of written laws – appeared in the. 17th century, when Romanians had to distinguish between written and unwritten law, which was mainly called custom.

The Romanians kept the institution of the *good and old people* (Gonța, 2011, p. 432), as they had the same conception of the social good, and the *good and old people* were precisely those who, through their behavior, met the appropriate qualities (similar to the qualities currently required of mediators) and, therefore, were called to appreciate the conduct of their peers.

In the Romanian conception, justice is also equity (*acquitas*), i.e. it is in accordance with the ethical principles accepted during the early feudalism countries. The legal consciousness of the time included, in addition to the Daco-Roman heritage, some principles due to Byzantine influence and Christian morality (Noica, 1970, p. 132).

The Law of the Land (Cernea &Molcuț, 1999, p. 74) is the name that has been generalized since the period of early feudalism for the set of legal norms within the unions of Romanian "*countries*", without any territorial-geographical or ethnic determinative, which denotes the unitary character of these norms.

Another name often used alongside the "*Law of the Land"* is that of "*The Custom of the Land",* the word custom being of Slavic origin.

In the feudal era, there was a close relationship between the forms of property related to the existing social classes and the application of legal norms.

Apart from the two social classes: the feudal lords and the enslaved peasants (similar to the condition of the colonists in Roman law), in the Romanian feudal society there were also free peasants, townspeople and slaves, who, in turn, had a series of subdivisions through which it reflected the extremely complex character of the Romanian feudal society (Cernea &Molcuț, 1999, p. 74).

In principle, during this period, legal norms similar to those corresponding to the norms applied in Roman law were applied to the individuals belonging to these social classes. Enslaved peasants, like colonists in the Roman Empire, were personally dependent on the feudal lords on whose estates they worked, but could move to another estate to serve another feudal lord.

At the end of the century XVI and the beginning of the century. XVII, the right of displacement was abolished, consecrating, the binding of enslaved peasants. Under these conditions, it is obvious that the rights of individuals were also greatly restricted, with the natural consequence of worsening the protection of the rights belonging to disadvantaged social classes.

The natural person, from a legal point of view, is a subject of rights and obligations. In this sense, the natural person endowed with legal capacity since the beginning of its existence, as well as with the capacity to exercise rights and obligations, according to the legal norms in force. According to this current principle of law, in feudalism, man was placed in different position social, with apparently unequal legal regimes, which reflected precisely on his legal capacity.

The most privileged class (Cernea &Molcuț, 1999, p. 74), and over whom the full legal capacity was exercised, was constituted by the class of boyars and

clergy. This privilege was also recognized in Transylvania at the beginning. Later, this privilege was recognized only to boyars who fulfilled the condition of Hungarianization and leaving the Orthodox religion. Through the provisions of the *Approbatae et compilatae constutiones* laws, which qualified the Orthodox religion as a tolerant religion, the Orthodox clergy of Transylvania suffered a restriction of rights. Through the act of uniting the churches of Transylvania with Rome, some improvement was brought to the rights of clerics and people practicing the Orthodox religion.

If the townspeople had some similar to the boyars, the peasants, classified into free peasants and enslaved peasants, could not exercise their public rights. In relation to the enslaved peasants, it was argued that the norms of a "Romanian law" (Giurescu, 1943, p. 139) applied to them and not the Law of the Land, which applied to all Romanians as an ethnic group.

To the slaves, Tatars and Gypsies, the provisions of a "slave right" or a "Gypsy right" (Cernea, & Molcuț, 1999, p. 77) were applied. Slavery, in Romanian countries, is older than migration, of these ethnic groups to our lands, it dates back to the time of the Pechenegs and Cumans (Cernea & Molcuț, 1999, p. 77). Like slaves, in Roman law they were considered chattels on which they could transact but could not dispose of their lives. They could be sold or donated (Cernea &Molcuț, 1999, p. 77).

During the period of feudalism proper, the appearance of the "*Law of the Land"* was noted, in this period, by the unitary nature of the legal norms in all three Romanian countries. In the villages, however, the courts made up of *good and old people* were preserved, and in the fairs and cities the sholtuzi (judges) with the 12 jurors (similar to the jurors in the Anglo-Saxon and American law system), over which the state bodies overlapped, the directors: vornici, pârcălabi, bani from the management of counties and lands, judges in their administrative constituencies, great vornici and great bani with competence in the parts of the country under their rule (Cernea & Molcuț, 1999, p. 83). It can be thus be noted that the procedure for solving conflicts through mediation was restricted especially to the poor rural environment, natively predisposed to unconditionally accept moral and Christian values. The institution of amicable reconciliation in this favorable environment could have been very successful.

In the modern and contemporary period, the codifications made until 1821 concern, in particular, the organization of the judicial courts, court procedure and civil law. The special attention given to the trial procedure is

explained by a few provisions of the Kuciuk-Kainardji, treaty. According to it, the Romanian countries could establish a series of relations with the European ones, but there was a fear that the citizens of other states would claim to be convicted, according to their laws on the grounds that the court procedure is backwards, as they did in Turkey. The effort to create a modern court procedure had a double meaning: on the one hand, the application of the capitulation regime in the Romanian countries was avoided, on the other hand, through this peculiarity of the foreigner regime, the idea that the Romanian countries were not part of the part of the Ottoman Empire.

The new laws were designated by the term condica, codice, or code, according to the Roman tradition and European practices of that time. Thus, in Wallachia, probably under the guidance of Enăchiță Văcărescu, in 1780, the Pravilnicea condicia entered into force, applied until the adoption, in 1818, of the Caragea Code (Cernea & Molcuț, 1999, p. 152), but repealed only in 1865 when the Romanian Civil Code entered into force.

The Calimach Code entered into force in Moldova in 1817 and was applied like the Caragea Code until 1865 (Cernea & Molcuț, 1999, p. 153) in the territories occupied by the Romanians. The new elements involved in the organization of the process find their expression in the rules regarding special procedures such as: auction sale, bankruptcy or the trial of merchants by arbitrators or mediators. As a result of the modernization of court procedures, a series of traditional institutions such as ordeals, zaveasca, swearers, etc. they disappeared from practice or fated away. This is also the case with, courts made up of *good and old people*.

## The issue of the institution of mediation in the Republic of Moldova

With the declaration of independence on August 27, 1991, the Republic of Moldova knows the joy of returning to freedom, declaring its independence from the Soviet Union and thus becoming a sovereign, independent and democratic state. As a consequence, from that moment, it was, required the establishment of diplomatic relations with other countries, as well as collaboration links with regional and international bodies.

The Parliament of the Republic of Moldova adopted Law no. 692 of 27.08.1991, regarding the Declaration of Independence of the Republic of Moldova, published in the Official Gazette no. 011, art. no. 103; 118. Promulgated on 27.08.1991, "taking into account the millennial past of the Moldovan people

and its uninterrupted statehood in the historical and ethnic space of its national development, and considering the acts of dismemberment of the national territory from 1775 and 1812 as being in contradiction with the historical and gentile law and with the legal status of the Country of Moldova, acts refuted by the entire evolution of history and by the freely expressed will of the population of Bessarabia and Bucovina".

Romania was the first state to recognize the independence of the Republic of Moldova, only a few hours after the proclamation. Diplomatic relations, at the embassy level, were established on August 29, 1991. The Embassy of Romania was the first diplomatic representation opened by a state in the capital of the Republic of Moldova, in Chisinau.

According to the website of the Embassy of Romania in the Republic of Moldova, Romania conceives its relationship with the Republic of Moldova on two major coordinates:

- affirming the special character of this relationship, conferred by the community of language, history, culture, traditions – realities that cannot be evaded or denied;
- the European dimension of bilateral cooperation, based on the strategic objective of integrating the Republic of Moldova into the European Union.

At the same time, Romania pragmatically approaches the relationship with the Republic of Moldova, circumscribed by its legitimate interest to see the Republic of Moldova entering the path of European integration and to ensure a zone of stability and security on Romania's eastern border, which has become the eastern border of North Atlantic Treaty Organization (NATO) and EU.

Recently, during the European Council of June 23, 2022, the EU leaders granted the Republic of Moldova the status of a candidate country for the EU, and in this context, they invited the European Commission to submit a report to the Council regarding the fulfillment of the conditions set out in the Commission's opinion on the request of accession of the Republic of Moldova.

In this context, a situation also valid in the case of Romania, the institution of mediation, especially the institution of commercial mediation (Mihalescu, 2021, p. 109-119) which can increase its value through digitalization (Mihalache & Mihalescu, 2021, p. 57-67), as well as the institution of the authorized mediator, I believe should be strengthened.

## Conclusions

Therefore, in life we will constantly be witnesses to a panoply, of visible and invisible conflicts, depending on their stage of development, the dynamics and the intensity with which they manifest, which means that not every time the parties involved can realize that they are involved in a real conflict, especially when they are in an early or latent stage.

Conflicts represent a challenge at every step, at any age and in any field of social life as long as we live in a world full of conflicts. Extrapolated from the level of the individual to the level of society, the conflict seen as one of the fundamental conditions of human existence and left unresolved or treated in a destructive manner as in the case of the situation in Ukraine, can cause great damage to the parties involved and not only.

Mediation, as a legal institution part of the legal system, could help de-escalate many conflicts, provided that it is given greater importance by legislators and parties involved.

The institution of mandatory mediation in Romania and the Republic of Moldova appears, in the current national and international context, as a pressing necessity. This can also be supported by the Latin saying "opinion juris sive necessitatis", which would translate to the fact that the written law is equivalent to the unwritten law.

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