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Summary

The doctor all thesis concern focuses on mediation as means of dealing with divorce proceedings. Mediation gives hopes and expectations in many different social fields. These hopes were expressed not only by the legislator but also by lawyers, social organizations, and society. The main goal of the dissertation is to comprehensively present the issues of mediation family law in divorce cases based on the provisions of civil procedure. Family mediation in divorce conflicts is one of the most important civil process issues.

The theoretical part of the thesis aims at explaining the idea of mediation in Polish legal system including different forms and mediatorial action. The object of the empirical part on the other hand, is an attempt to determine features of the people who take part in mediatorial processes and who can affect the success of mediation. To answer the question of how family mediation in the divorce process can be more widely used, the research questions should be answered:

- what is the essence of mediation in the functional and objective sense in the divorce process?
- what is the advisability of using mediation in the divorce process?
- what is the assessment of mediation in terms of the psychological aspects of the process divorce?
- what is the obligatory nature of mediation as a tool providing relief opposing interests of the parties?
- what is the influence of the mediator and the assessment of his role in the divorce process?
- whether the mediator should have appropriate skills and knowledge in the field of psychology and pedagogy?

The issues contained in this work were analyzed comprehensively and assessed family mediation from a systemic, historical, social and functional perspective and prognostic.

The basic empirical method we can see research, but and observation, which became possible thanks to reading: documents, scientific publications, and statistics. We can see the survey technique and standardized interview technique too.

It should be noted that the doctoral thesis was divided into three parts. The first part consists of three chapters and applies conceptualization of mediation as an alternative dispute resolution by example divorce matters.

In the first chapter we can find terms of mediation are being defined and what regulations govern mediation in law. Additionally, genesis of mediation has been discussed as well as regulations of European council law, and Polish law, particularly the ones concerning divorce proceedings. In the following part of the first chapter we discuss family mediation according to the code of civil procedure, as well as the regulations of the Council of Europe and the European Union in the field of the family mediation. In the second chapter we can find a definition of divorce, including description aims of divorce proceedings. In the another part of second chapter discusses the grounds for divorce. Next, we can read about characteristics of divorce proceedings. The chapter discusses of divorce of terms of fault, in terms of parental authority over a minor child, the terms of parents' contact with the child, in terms of the spouses' use of the shared apartment after divorce, and in the terms of alimony for the child and for the spouse who is not at fault for the breakdown life. In the third chapter discusses the interests of the parties involved in the divorce conflict and how this interest is viewed from the point of view the social interest and interest of the state. The chapter raises the issue of the interest of the child of divorcing spouses and the spouses themselves from the point of view of the state's interest.

The second part of the work concerns mediation in a dynamic approach and what role the mediator plays in resolving the divorce conflict. The fourth chapter concerns mediation proceedings in divorce cases. This chapter presents the stages of the mediation procedure. The legal nature of the mediation agreement is discussed later in the chapter. The last part of the chapter we can find discusses about legal nature on the mediated settlement. The fifth chapter we learn about the role of mediator in divorce proceeding, specially we can read about requirement concerning mediators and rule of mediation proceeding. The role of the mediator during mediation was also discussed. the chapter describes the end of the mediation proceedings, as well as what roles the mediator can play. The six chapter describe relation between mediator and sides of mediation.

Also we can read about due diligence of mediators, and rules which mediators should respect in mediation. The last part of the chapter describes the mediator's responsibility as an entrepreneur and what the mediator's responsibility is towards public authorities.

The third part of the doctoral thesis is devoted to empirical research that was conducted in 2006-2012 and in 2023. The seventh chapter describes statistical data on family mediations in divorce cases conducted in Poland over the years 2006-2020, according to data from the Ministry of Justice. At the end of the chapter, final conclusions from the presented statistics are discussed. In the eighth chapter discusses the group of mediators who were surveyed and the group of the people who participated in mediation proceedings during a divorce conflict. In this chapter we have only research about familiar mediation in divorce in 2006-2012 years, and in research in 2023 years, and description conclusions of research. The last chapter is about methodology of research. The author describes methods which used to carry research out.

The doctoral thesis confirmed the research thesis that mediation as an institution in the future will lead to the legislator taking action to save conflicting marriages.

Mediation proceedings properly replace conciliation sessions which were abolished many years ago. Another proven research thesis is that the mediator should have the ability to reconcile the parties and should have knowledge in the field of psychology and pedagogy. Conducted research indicates that the education of mediators plays an important role in mediation in divorce proceedings and that the scope of mediators' knowledge should be greater in the field of psychology and pedagogy, and to a lesser extent in the field of legal knowledge. The research also indicates that mediation should be mandatory when divorcing spouses have minor children. This interpretation is supported by the mediator's skills and knowledge of psychology and pedagogy. The last research thesis of the doctoral thesis proves that the institution of mediation fulfills the constitutional tasks of the Polish state in the field of protecting the permanence of the family.

To sum up, it should be said that the institution of family mediation and the role played by the mediator in family proceedings are: proof that the law is constantly changing. Not just by changing the rules, not only by creating new solutions, but also by expanding the legal system with new institutional elements.

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