

Umirzokov Shohrukh Shukhrat ugli

Lecturer, University of World Economy and Diplomacy

umirzoqov.sh@uwed.uz

Vafoyev Abubakir Odiljon ugli

Student, Faculty of International Law, University of World Economy and Diplomacy

Abstract

This article examines the evolution of mediation from its traditional community-based origins to its modern legal and technological forms, with a particular focus on Uzbekistan. The study analyzes the national legal framework governing mediation, especially the Law of the Republic of Uzbekistan “On Mediation,” and identifies key challenges related to enforcement mechanisms, mediator qualifications, and public awareness. Furthermore, the article explores international legal instruments, including the Singapore Convention on Mediation and the EU Mediation Directive, assessing their relevance for the development of mediation in Uzbekistan. Special attention is given to emerging online dispute resolution platforms, such as Alibaba’s ODR system, as examples of technology-driven mediation. The article concludes that aligning national legislation with international standards and adopting best practices can significantly enhance the effectiveness of mediation in both domestic and cross-border disputes.

Keywords: Mediation; Alternative Dispute Resolution (ADR); Singapore Convention; EU Mediation Directive; Uzbek mediation law; enforcement of settlement agreements; online dispute resolution; international commercial disputes.

The essence of traditional mediation lay in facilitating dialogue between disputing parties and leading them toward reconciliation and mutual agreement. This important function was performed by individuals who enjoyed social respect and were considered fair and wise, such as mahalla chairpersons, elders, respected senior members of the community, and tribal leaders [1]. The national and international legal foundations of mediation play a significant role in strengthening its position as an effective dispute resolution mechanism within modern legal systems. This process is based on domestic legislation of states as well as international treaties and conventions. Using Uzbekistan as an example, it is necessary to analyze national legislation alongside the influence of internationally adopted legal instruments on the mediation process and examine their interrelationship.

The mediation process in Uzbekistan is regulated by the Law of the Republic of Uzbekistan “On Mediation”, adopted on June 28, 2018. This law establishes the main principles of mediation - voluntariness, impartiality, confidentiality and equality of parties. Article 1 of the law defines mediation as “an alternative method of pre-trial or in-court dispute resolution” [2]. This legal instrument serves to define the rights and obligations of mediators and regulate their activities. For example, Article 11 of the law requires that a mediator must comply with the qualifications and ethical standards [2], which helps to ensure the transparency of the process. At the same time, the law also regulates the form and content of the mediation agreement. Article 18 requires that the agreement concluded as a result of mediation be in writing and signed by the parties. However, the mechanisms related to the mandatory execution of this agreement are not clear enough [3]. For example, if an agreement is not performed by one of the parties, it may be necessary to apply

to the court for its compulsory execution, but this process is not regulated in detail in the law. This indicates that the national legislation is being tested in practice and needs to be improved in the future.

The introduction of mediation in Uzbekistan was aimed at reducing the burden on the judicial system. According to statistics from 2022, the number of disputes resolved through mediation before going to court has increased significantly [4]. For example, mediation processes in family disputes have increased, which has served to reduce the number of divorces. At the same time, small disputes in the business sector are also resolved through mediation, reducing the need for court proceedings. While this confirms the importance of the law in society, there are a number of problems in its practical application. For example, factors such as the lack of sufficient qualifications of mediators or the insufficient explanation of the process to the population are hindering the wider use of mediation. Therefore, in the future, it is necessary to take additional measures to increase the number of advanced training courses for mediators and inform the population about the possibilities of mediation.

The legal framework for mediation at the international level is strengthened by a number of important documents. The most important of these is the “Convention on International Agreements Resulting from Mediation”, also known as the Singapore Convention, adopted by the United Nations General Assembly on December 20, 2018. This convention entered into force on September 12, 2020, and has been signed by 56 states and ratified by 10 states to date. The main purpose of the Singapore Convention is to ensure the recognition and enforcement between states of international agreements reached through mediation [5]. Article 4 of the Convention requires that the agreement be in writing and that documents be provided confirming that it was concluded as a result of mediation [6]. This document serves as an important tool in resolving international commercial disputes. For example, in 2021, a commercial dispute between two international companies was resolved through mediation in Singapore, and the agreement was enforced under the Convention. Although Uzbekistan has not yet acceded to this Convention, its provisions can serve as a useful experience in developing national legislation. If Uzbekistan accedes to the Singapore Convention, this will increase the country's credibility in resolving international commercial disputes and create favorable conditions for foreign investors [7].

In addition, the European Union Directive on Mediation in Civil and Commercial Matters, adopted on May 21, 2008, is also a document of international importance. This directive serves to encourage mediation in the EU member states and promotes an effective method of resolving disputes out of court [8]. For example, in Germany, based on this directive, more than 30,000 civil disputes were resolved through mediation in 2019, which saved time and resources compared to court proceedings. One of the important aspects of the directive is the requirements for the qualifications of mediators, which will serve to improve the quality of this process. Uzbekistan can use this experience to introduce qualification standards for mediators.

Uzbekistan's Law on Mediation is adapted to local conditions and is mainly focused on resolving civil and family disputes. However, international experience, in particular the Singapore Convention, offers standards that can be applied in resolving cross-border disputes [9]. For example, the provisions of the Singapore Convention could be useful in resolving disputes through mediation that have arisen in Uzbekistan's trade relations with Turkey or China in the textile sector. If Uzbekistan accedes to this convention, it will be able to guarantee the implementation of international commercial agreements, which will strengthen the country's position in global economic relations.

At the same time, there is an opportunity to introduce the experience of the European Union Mediation Directive in improving the skills of mediators and ensuring transparency of the process into the legislation of Uzbekistan. Currently, a system of certification of mediators' activities is being formed in Uzbekistan, but additional reforms are required for this process to fully comply with international standards. For example, in Germany, there are special training programs and certification processes for mediators, which can be an exemplary experience for Uzbekistan. In the current period of development, mechanisms such as mediation are changing slightly from the traditional system and moving to online platforms with the help of technology. In particular, the dispute resolution platform opened by the Chinese company Alibaba is a clear example of this. The Alibaba ODR platform is a monumental achievement in scaling dispute resolution. It successfully resolves millions of disputes annually that would otherwise overwhelm public courts. It demonstrates a highly effective operationalization of the UNCITRAL Technical Notes' procedural framework, particularly its staged design and drive for efficiency [10].

In Uzbekistan, mediation is promoted as an alternative to the judicial system, helping to form a culture of peaceful dispute resolution. The successful use of mediation in family disputes is a clear example of this. At the international level, mediation ensures stability in global economic relations. On the basis of the Singapore Convention, international commercial disputes are resolved quickly and effectively, and cooperation between states is strengthened. For Uzbekistan, this process, along with the development of the domestic legal system, allows for active participation in the international community.

Mediation has evolved from a traditional community-based practice into a sophisticated legal and technological mechanism for dispute resolution. In Uzbekistan, mediation plays an increasingly important role in reducing the burden on courts and fostering a culture of peaceful conflict resolution, particularly in civil and family disputes. However, existing challenges—such as unclear enforcement mechanisms, limited mediator qualifications, and insufficient public awareness—indicate the need for further legal and institutional reforms. International instruments, including the Singapore Convention and the EU Mediation Directive, offer valuable models for enhancing the effectiveness and credibility of mediation. Accession to the Singapore Convention and the adoption of international best practices, including online dispute resolution platforms, would strengthen Uzbekistan's position in international commerce and improve access to justice. Overall, the integration of national traditions with international legal standards represents a promising path for the future development of mediation in Uzbekistan.

REFERENCE

1. Masadikov, Sherzodbek. (2020). Mediation in Uzbekistan //Retrieved from Kluwer Mediation
2. Law of the Republic of Uzbekistan "On mediation"
3. Iriskulov, O. "Differences and shortcomings between the law on mediation of uzbekistan and international legal documents." Science and innovation 1.C8 (2022): 41-48.
4. Hayrulina, Asal. "Comparative analysis of mediation in some foreign countries and Uzbekistan: potential questions and proposals." Janus 15.1 (2024)
5. Alexander, Nadja, Vakhtang Giorgadze, and Shouyu Chong. "The Singapore Convention on mediation: A commentary." (2022): 1-432.
6. Silvestri, Elisabetta. "The Singapore convention on mediated settlement agreements: A new string to the bow of international mediation?." Access to Just. E. Eur. (2019): 5

7. Akhrorova, Xonzodabegim. "Uzbekistan's legal reforms for accessing the singapore convention on mediation: A pathway to enhanced dispute resolution." *Elita. uz-Elektron Ilmiy Jurnal* 2.1 (2024).
8. Marzocco, Antonio Maria, and Michele Nino. "The eu directive on mediation in civil and commercial matters and the principle of effective judicial protection." *LESIJ-Lex ET Scientia International Journal* 19.2 (2012).
9. Schnabel, Timothy. "The Singapore convention on mediation: a framework for the cross-border recognition and enforcement of mediated settlements." *Pepp. Disp. Resol. LJ* 19 (2019): 1.
10. Umirzokov Sh.Sh. Технические примечания юнситрал по онлайн-разрешению споров (ODR): Измерение их проникновения в институциональную практику и национальное законодательство - Национальная правовая система республики таджикистан и стран снг: анализ тенденций и перспектив развития посвященная «году развития цифровой экономики и инноваций» материалы XIII международной научно-практической конференции (Душанбе, 31 октября 2025 г.)