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## **ROLE AND PLACE OF MEDIATION IN THE LEGAL TRADITION OF THE PEOPLE OF KAZAKHSTAN**

**Abstract.** A legal conflict occupies certain position among different conflicts in the society. A conflict is considered as legal, if there are certain signs as an object, object, subject, and also motivation, sides conduct the definite dispute; usually, the conflict has some legal consequences. Dispute, for instance, is necessary to examine as the objectively expressed contradiction of wills of two sides, that consists of carrying legal character of requirements of one side, resisting to the legal requirement of the second side, that hampers the real satisfaction of this requirement. Under legal status the actual position of person is understood as the legal in accordance with that application of compulsion in regard to the approval of public organs subject. From the origin of dispute about the right of its subjects the personal interest appears in the permission. A legal conflict has the constituents, such as an object and subject of conflict. To our mind, the sides of the conflict are the physical persons, foreigners, persons without citizenship; state, public organizations, possessing legal personality come forward the subjects of conflict. On the basis of legal personality there is cooperation between each other in the process of conflict.

**Keywords:** legal conflict, mediation, mediator, legal traditions, customs, motivation, dispute, legal requirement, legal status, pre-conflict situation.

There are no explicit constraints in the Supreme Court of Kazakhstan's mediation program. A broad definition of mediation means that the mediation has been introduced into the litigation process and there are no restrictions on the kinds of mediation that may be practiced. Despite the fact that there are no explicit limitations placed upon court-connected mediation, in practice there appears to be a focus on settling based upon a discussion of the legal issues. This limited scope and practice of court-connected mediation has been confirmed consistently in empirical research.

There are the reasons, which allowed to mediation, been practiced in the Supreme Court of the Republic of Kazakhstan:

1. Non-legal interests tend to be ignored;
2. Lawyers rather than disputants are the main participants;
3. There is a tendency for competitive approaches were adopted.

This thesis also offers an explanation, why court-connected mediation has particular characteristics. The influences of the connection with the formal civil justice system, court-connected mediators' practices and the ways, that lawyers approach during the mediation procedure.

It is argued that in court-connected mediation, the potential scope of mediation is affected partly by the dilemma of court-connection. This dilemma is that when courts sanction mediation processes, they face the following tensions:

- Whether the court has an obligation to ensure the fairness of a private, consensual process conducted under its supervision.
- Whether court-connected mediated outcomes should comply with the law.
- How much courts (and mediators) should interfere in lawyer-client relationships and lawyers' promotion of their clients' interests and management of their legal cases, by encouraging direct disputant participation.

The private and consensual nature of the mediation process impedes courts' ability to monitor mediation in the way that they can monitor other litigation processes. Formal rules of procedural fairness and the doctrine of precedent equip courts to monitor the trial process. These formal standards are difficult to monitor in mediation, largely because it is a private process. A record of trial proceedings is kept and can be examined if allegations of unfairness in process or outcome are raised. Records of mediation proceedings are confidential and generally inadmissible [1, p. 11].

Furthermore, when mediation takes place in connection with the formal litigation system, the direct participation of disputants is an unusual practice within that system. The conventions of legal representation are that lawyers speak on behalf of their clients, often negotiating without their clients being present.

In formal trial processes, lawyers carefully manage the communications that occur and manage the legal case. Clients only participate directly by giving evidence in the witness box and giving instructions to their lawyer in private.

There is also tension between the cooperative opportunity of mediation and the context of a primarily adversary litigation system. This tension impacts upon the way that participants, including mediators and lawyers, approach mediation in the context of litigation.

Lawyers and mediators are officers of the Court and therefore share some responsibility for responding to the dilemma of court-connection. This thesis examines the ways that the Supreme Court of Kazakhstan, mediators and lawyers who practice within the mediation program have responded to the tensions arising from connection with the litigation system.

The way that lawyers understand the mediation process also impacts upon the nature of court-connected mediation. Lawyers' perspectives of the potential opportunities that may be realized through mediation processes are affected by their awareness of the range of practices within the mediation field and their understandings of the purposes of court-connected mediation. This thesis provides detailed insight into the perspectives and approaches of lawyers to mediation in the Supreme Court of Kazakhstan.

The qualitative analysis does not support generalization of the statements made by interviewees in this research to lawyers in a broader context. This research nonetheless contributes to the growing body of evidence about lawyers' practices and perspectives of court-connected mediation processes. Trends and themes are identified and compared to the findings in other court-connected contexts.

The research focuses on general civil disputes. The types of matters that are mediated in the Supreme Court of Kazakhstan's program are mixed general civil cases and therefore caution should be exercised when drawing comparisons with mediation practice in specialist courts. For example, the nature of mediation practice in the Family Court of Kazakhstan would be expected to differ markedly from the nature of mediation practice in personal injuries or commercial disputes, which make up the bulk of the Supreme Court of Kazakhstan's case load.

The practices and perceptions of lawyers who participate in the mediation program are the main focus of this thesis. The practices and perceptions of mediators are also considered. The other group of participants in court-connected mediation is disputants, whose perspectives fall outside the scope of this research.

This monograph is not an evaluation of the effectiveness of the mediation program at the Supreme Court of Kazakhstan. It therefore does not seek to draw any conclusions about whether or not the mediation program is 'successful.' The success of mediation is difficult to determine and depends upon the perspective from which the program is evaluated. In any event, the institutional objectives of the Court's mediation program have not been clearly defined by the Court. The quality of the mediation program cannot be determined in the absence of clearly defined objectives.

One of the consequences of a lack of clear institutional objectives is a diversity of participants' expectations. The diversity of lawyers' and mediators' expectations of the mediation program is demonstrated in this monograph.

Whether or not disputants are satisfied with the way that court-connected mediation is practiced within the Court is not considered here. Disputants' perceptions about mediation would address the question of whether it matters to disputants that court-connected mediation differs from the potential of mediation in other contexts. However, that question is not posed by this research. One of the reasons for not addressing that question is that attempts to identify disputants' views were unsuccessful.

This monograph does not seek to evaluate the performance of either the mediators or lawyers who practice within the Court's mediation programmer. In relation to the nature and outcomes of the programmer, the roles of participants and the style of mediation practice, it is not asserted that there are 'right' and 'wrong' approaches. However, the approaches that are adopted shape the scope, potential and nature of court-connected mediation. This thesis investigates what is happening in the court-connected mediation programmer and asks whether that is the optimum that could be achieved, in terms of the full potential of mediation within the litigation context.

The nature of mediation practice in courts is under-researched. There is insufficient evidence of both the way that court-connected mediation is practiced and the way that lawyers perceive court-connected mediation. This thesis provides empirical evidence that addresses both of these deficiencies. It is the first examination of the way that mediation is practiced in the Supreme Court of Kazakhstan and of the way that Kazakhstan lawyers approach and perceive court-connected mediation in general civil disputes. This research therefore contributes a unique and significant insight into lawyers' perspectives of court-connected mediation in Kazakhstan.

The qualitative analysis in this research is based upon in depth interviews of lawyers and mediators. It is the largest Kazakhstan study to date based upon in-depth interviews of lawyers about their practices and perspectives of mediation. The richness of the qualitative data complements quantitative survey-based research about lawyers' perspectives of mediation. This research also complements research based upon in depth interviews of plaintiffs involved in court processes, by providing the perspectives of lawyers.

It will therefore contribute to the debate about whether lawyers tend to act in a way that impact on the potential of mediation, and if so, why they do so. Particular approaches to mediation by lawyers may be explained by developing a better understanding of factors that influence their perspectives of court-connected mediation.

The present research contributes a unique insight into Kazakhstan lawyers' perspectives and practices in court-connected mediation, which is compared and contrasted with research about international lawyers' perspectives of mediation, about which there has been more research conducted.

It is generally recognized that court-connected mediation tends to be very lawyer-driven. It has been suggested that legal culture contributes to the legalistic nature of court-connected mediation. However, there is a dearth of empirical research addressing the influence of lawyers in mediation. This thesis provides empirical evidence of the shaping of court-connected mediation by lawyers, provides a better understanding about how legal perspectives impact on the practice of court-connected mediation and the implications of this for the civil justice system and the mediation field [2, p. 64].

Therefore, the case study of the mediation programmer at the Supreme Court of Kazakhstan is detailed. The description of the programmer provides important contextual information. It is recognized that there are limitations to the application of research findings between different court-connected mediation programmers. However, where programmer characteristics are clearly defined, some qualified conclusions may be drawn about similar programmers operating in other locations.

Core features of mediation are then identified and it is concluded that each of these features is universal within the mediation field and that a degree of each is expected in every mediation process. The impact of the connection of mediation with the litigation system on each of the core features is considered. The key opportunities linked to each of the core features are identified and form the theoretical construct upon which the examination of the Supreme Court of Kazakhstan's mediation program is built, through a testing of the hypotheses.

This research also concludes that although there is a tendency for mediation at the Court to have a narrow legal focus, there are some cases where a broader range of issues are discussed. Mediators are able to respond to the individual preferences of the disputants in relation to process and content. They actively support direct disputant participation in private sessions and are supportive of direct disputant participation in joint mediation sessions. However, mediators tend to take a 'hands off' approach to many decisions about process and content, leaving it primarily to lawyers to shape the mediation process and outcomes.

The findings demonstrate that lawyers actively narrow the scope of mediation, perceive its primary purpose to be the efficient resolution of legal issues and generally prefer to act as spokespersons for their clients. Lawyers, through their interactions with their clients and their approaches to the mediation

process, limit the capacity for court-connected mediation to realize the key opportunities of mediation. This thesis examines how one programmer, and the lawyers in it, has responded to that dilemma and it measures the consequent impact on the potential of mediation in that programmer.

The particular issues that arise when mediation is connected with courts are considered throughout this chapter. The tensions that arise when mediation is conducted within the context of the formal legal system reflect distinctions between the way that the formal legal system resolves disputes and the alternative approaches to dispute resolution that are embedded in the mediation field. Some tensions arise from the court's obligations as the public institution of justice compared with the private ordering that may occur in mediation. Other tensions arise from uncertainty about the appropriate roles of lawyers and their clients in court-connected mediation. The dilemma of court-connection presents inevitable challenges for mediation within the legal system and must be resolved in some way.

This begs consideration of the extent to which different ideologies, practice models and purposes might be promoted in the court-connected context. Consideration of this matter contributes to the justification for the hypotheses to be tested in the examination of court-connected mediation in the Supreme Court of Kazakhstan. Court-connected mediation generally operates within a context of broad definition and non-restrictive guidelines. This is true for the Supreme Court of Kazakhstan. It is concluded that it is inappropriate to restrict expectations about court-connected mediation practice to particular theories or practices of mediation, as there is an opportunity for any of them to be promoted in the court-connected context[3, p. 825].

The history of mediation as an alternative to formal justice systems, the multiple directions in which mediation has grown, the use of mediation in Kazakhstan and the interaction between mediation and courts is discussed. This introduces the diversity of the mediation field, the foundations on which the field is grounded and issues particular to court-connected mediation. Intervention in disputes by a third party has always been a common method of conflict management and has been practiced in diverse communities and circumstances. Modern understandings of mediation reflect contemporary values of individualism, self-determination and consensus, values which became prominent in Kazakhstan during the 2011-th.

These values contrast with the importance in the formal legal system of universal application of legal standards, determination by a third party decision-maker and competition between perspectives rather than cooperation. The contrasting underlying values of the mediation field and the formal legal system create the dilemma of court-connection that is presented when mediation is conducted within the legal system.

The history of the modern dispute resolution field demonstrates that mediation gained prominence as an alternative to formal legal processes and is laden with values that may conflict with the values of the adversary justice system. The development of mediation as an alternative is of particular relevance when examining mediation within the context of the court system. The way that the mediation field has developed in Kazakhstan is considered, particularly trends in court-connected programs. This part concludes by considering some of the ways that courts and mediation have interacted within the court-connected context.

The modern dispute resolution field, of which mediation is a part, emerged from dissatisfaction with existing processes, promises about what new approaches offered and changed attitudes towards conflict. New approaches to dispute resolution arose from dissatisfaction with dominant paradigms and practices of negotiation and conflict resolution. These included: the adversarial nature of the justice system, competitive approaches to dispute resolution and determination by third parties rather than participatory decision-making. Dissatisfaction with existing conflict resolution paradigms and practices emerged in the context of rapid social change that challenged existing hierarchies, prioritized individual freedom over state control and promoted peace.

Theorists and practitioners of dispute resolution started developing alternative ideas about "how people might more effectively interact to solve problems". Advocates of new approaches to dispute resolution maintain a conviction that a cooperative problem-solving approach to dispute resolution is preferable to an adversarial positional approach.

The adversarial, positional approach to dispute resolution is a defining feature of the adversary justice system. In that system, parties compete to have their own position accepted as the "truth" by the third party decision-maker. Conflict is resolved through competition, from which there emerges a "winner" and a "loser".



Mediation is said to provide an opportunity to treat conflict as a positive learning experience, to celebrate diversity, to prioritize cooperation over competition and to resolve the underlying issues that have contributed to the conflict. Such claims present mediation as a process that overcomes the inadequacies of traditional approaches to dispute resolution. Mediation is presented as an educative, inclusive and cooperative process that promotes peace. Its potential includes the achievement of longer lasting resolutions and social change[4, p. 180].

The dispute resolution field is founded on recognition that conflict is an inevitable consequence of living in a human community and it should not be feared, avoided or unexpected. Theories have developed which assume the inevitability of conflict and propose means of managing that conflict in a constructive, peaceful way. Therefore, to be in conflict is not perceived to be a sign that a relationship has failed, but is an opportunity to manage difference. Such theoretical notions are contradicted in the philosophy of the traditional legal system which tends to assume that there is only one truth and that if one understanding of a situation is right, then alternative understandings are wrong. This is a positivist approach that produces binary outcomes. By contrast, dispute resolution tends to emphasize diversity and may encourage imaginative outcomes that side-step the issue of blame.

The distinction between the privacy of mediation and the public nature of the formal justice system is another example of mediation as an alternative. The private, confidential and privileged qualities of mediation are fundamental features of the process. These qualities contrast with the open, accessible and public nature of court proceedings. However, they are qualities that mediation shares with the process of lawyer negotiation, which is a traditional means of resolving litigated disputes. The benefits of confidentiality include: the ability to avoid public scrutiny, the creation of a “safe” environment in which open and free communication is enabled and the protection from exposure of the terms of settlement to the public. Mediation provides an opportunity to enjoy the benefits of confidentiality that are present in informal negotiations with the added potential benefits of a mediator facilitating the process. In this sense, mediation offers an alternative to unassisted negotiations[5, p. 96].

Mediation is a dispute resolution process that offers an alternative to other processes, including the enforcement of rights by a judge, negotiation between lawyers on their client’s behalf and direct negotiation between the parties. The ways in which mediation can be distinguished from alternative processes varies according to the way mediation is practiced.

One of the defining features of mediation is the variety inherent within it. Mediation is flexible and adaptable so that its effectiveness can be maximized. The measures of effectiveness vary between the purposes of mediation, which are also diverse. Mediation may be interest-based, focus on relationships or have a pre-occupation with settlement.

There are a number of potential advantages of problem-solving negotiation over traditional positional negotiation. They include: the creation of an opportunity to address underlying issues, the consideration of a greater range of options, an emphasis on the emotional and procedural needs of the disputants in addition to their substantive needs, the potential for relationship building and trust promotion and the establishment of a model of cooperative behavior that may be valuable in the future. However, problem-solving negotiation is unlikely to achieve these potentials unless both disputants are committed to the problem-solving process. This will happen when their needs to negotiate a solution with each other and to invest time in the resolution of the dispute are prioritized over any desire to punish or take revenge upon their opponent.

Problem-solving approaches have been readily adopted from negotiation theory into the mediation context. Problem-solving theory has dominated mediation policy and literature. In problem-solving mediation the mediator facilitates a mutual problem-solving approach to dispute resolution. This involves educating disputants about the problem-solving process and guiding them through negotiations in that style. The problem-solving approach separates the people from the problem, focuses on interests rather than positions and encourages the generation of a wide range of options before any decision is made.

In the 1990s, in Europe, new approaches to mediation began to emerge that mirrored a shift from the individualistic world view to a relational orientation. Rather than the focus being on problem-solving or transactional approaches to conflict, a transformative approach has emerged that focuses on relational approaches to conflict. Here, the way parties relate to one another is treated as the source of conflict, rather than their competing interests.

Another relatively recent development in the mediation field is narrative mediation, which focuses on the way parties tell stories about their experiences of conflict. The aim is to find a shared narrative and thereby resolve the conflict between individual understandings. Narrative mediation also approaches conflict from a relational perspective.

Particular practices of mediation in connection with the formal legal system have also developed. Connection with the court system has shaped mediation in new ways. In the court-connected context, it has been claimed that the focus of mediation has often become procedural efficiency and a narrow legal definition of the problem. Further, court-connected mediators are said to adopt a directive approach, hear the parties' stories, diagnose the problem, suggest a solution and then try to persuade the parties to accept that solution. An adversarial negotiation style may be adopted to persuade the mediator to support one legal argument over another. Such practices mirror traditional legal processes such as trial and lawyer negotiation. Arrangements and processes for establishing, maintaining and ending the institutional arrangements of affect through which intimacies are legitimately created are supported by confessional experience or cultural taboos sustained by totemic ritual. To the extent that control and regulation over the entire process has become secular, the politics of the modern state legislates to change the nature of the relationships of intimacy. Some changes have emerged from secular interpretations of fundamental rights. To a large extent, political authority may seek to provide progressive change for better equality and protections in different family forms. However, even political authority may be resisted. Human rights law, as well as the higher law of comparative constitutional law, provides important challenges to cultural norms and expectations about questions of sexual morality, intimacy and human dignity [6, p. 122].

They have taken modern mediation away from its origins as an alternative to traditional adversarial approaches to dispute resolution. Such approaches to court-connected mediation practice have been said to reduce the focus on self-determination, choice-making, communication and sharing of perspectives, which are important concepts in the mediation field. In this thesis, these claims about court-connected mediation are tested in the Supreme Court of Kazakhstan.

Formal mediation programmers have emerged in Europe in both the private and public spheres since the late 1970s. The focus of mediation in the private sphere was initially in community disputes, primarily disputes between neighbors. The emphasis was on mediation as an alternative to legal avenues. Mediation was informal, confidential, and responsive to the needs of disputants, flexible, empowering and potentially restorative of the relationship between the parties. Community justice centers were the government funded organizations that pioneered mediation in community, public issues, family and victim-offender disputes. Mediation in public institutions is by far the biggest growth area of mediation. Governments have enthusiastically adopted mediation by legislating for its use in family, commercial, administrative, workers compensation and anti-discrimination disputes. Trials of mediation were also conducted in many Kazakhstan courts and tribunals during the 2011th and 2012s. Since the mid-2011th all Kazakhstan courts and tribunals have referred matters to a dispute resolution programmer of some kind, usually to a process described as "mediation".

The nature of non-determinative processes connected with courts and called "mediation" varies considerably. There are not usually restrictions in legislation, policy, or guidelines, on the style of mediation that may be practiced in the court setting in Australia. Nor are there typically limitations on the roles that might be played by the parties in dispute, the lawyers or the mediator. This leaves scope for a broad range of practices in the court-connected setting [7].

Among the most important issues about gender or sexual identity has been the depreciation of the status of women worldwide. The concern for the equality of women has by implication served to raise the general question of equality and affect in terms of men, women and other variations of gender perspective. This issue of affect and equality has generated fundamental questions about the imposed ascription of identity by culture, society or the state. The critical question is how far should the self's conception of the self be given deference in the ascription of identity by political authority which then allocates rights and obligations. These problems provide a normative challenge of mediating between traditions that are repressive and those that are supportive of a human centered deference to positive emotional values that are compatible with fundamental rights and to develop strategies for change when change is mandated by the moral priority of fundamental human rights values.

The most conspicuous fact of social organization is that human beings identify with and are invariably affiliated with a group of some sort. The reproduction of negative sentiment is about identification, groups and power. If we describe social processes as involving human beings (participants) pursuing values (desired goods, services, honors) through institutions (political parties, corporations, labor unions, colleges, hospitals, churches, etc.), based on resources (bases of power, base values), it will be apparent that institutions are often group-based and specialized to the vindication of basic values. For example, power and ideology find expression in political parties, the wealth interests in commercial actors, the professional concern for health care in the institutions of health care, education in the schools and universities, the skill interest in organized labor and professional groups, as well as the moral concern of religious or faith-based groups.

In the conclusion we would like to note, that in the tradition of Islam, one of the most obvious examples of patriarchy is found in the principle that a husband may unilaterally end a marriage by simply pronouncing three ritual words (talak, talak, talak). This was not a right given to women.

Society places limits on whatever one's feelings are about one's true self. Such feelings, predispositions or orientations cannot be displaced as sexual aggression, predatory sexual practices and the abuse of others. The community and the state seek to protect its vulnerable members who may from time to time be targets of predatory behaviors regardless of the degree of maleness, femaleness or any other aspect of the gender and/or sexual orientation. This is a complex and important discourse. It seeks to understand and mediate between self's perception of the self and the appropriateness of the social and cultural expression of this indicator of personhood. To the extent that the expression of personhood in this sense, invades the boundaries of others by exploitation, coercion, or aggression such conduct must invariably be restrained or proscribed. This is so when those "others", targeted by such conduct are vulnerable and depend on human restraint for their physical and psychological survival and well-being.

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#### ҚАЗАҚСТАН ХАЛҚЫНЫҢ ҚҰҚЫҚТЫҚ ДӘСТҮРЛЕРІНДЕГІ МЕДИАЦИЯНЫҢ ҚЫЗМЕТІ МЕН ОРНЫ

**Аннотация.** Қоғамда кездесетін шиеленістердің ішінде заңгерлік шиеленістер әрқашанда өздерінің нақты орындарына ие деп айтуға болады. Ал енді, заңгерлік шиеленістер деп біз өзіне тән объектісі мен субъектісі бар, анықтағыш белгілері бар, сонымен қатар себеп сардарлары бар және белгілі бір заңнамалық қасиеттерге ие шиеленістерді айтамыз. Шиеленістер деп біз екі жақтың арасында болған белгілі бір қайшылықтарды объективтілік іздеуге бағытталған іс-қимылдарды санаймыз. Бұл жерде екі бағыт та өздерінің

мүдделерін заң арқылы қорғауға тырысады. Даудамайлардың құқықтық статусы деп біз белгілі жағдайдағы субъектінің іс-қимылдарына тек қана мемлекеттік органдарының рұқсаты арқылы берілетін санкцияны айтамыз. Екі субъектінің арасындағы даудың пайда болғанынан бастап олардың осы қайшылықтарды шешуге мүдделілігі қалыптасады. Заңгерлік шиеленістер белгілі бір құрамдан тұрады. Оның ең негізгі құрамы шиеленістің объектісі мен субъектісі. Біздің ойымызша, шиеленістің субъектісі ретінде қандай азаматтар болмасын, шетел азаматтары, азаматтығы жоқ тұлғалар, мемлекеттік, қоғамдық ұйымдар кездесуі мүмкін. Әрбір адамның құқықтың субъекті ретіндегі қасиетіне байланысты қоғамда кездесетін әрбір жағдайлардағы шиеленістер мен даудамайлар құқықтық негізде шешілуге мүмкіндік алады.

**Түйін сөздер:** заңгерлік шиеленіс, медиация, медиатор, құқықтық дәстүрлер, салт, мотивация, дауласу, заңдық талаптар, құқықтық статус, шиеленіс алдындағы жағдай.

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### **РОЛЬ И МЕСТО МЕДИАЦИИ В ПРАВОВОЙ ТРАДИЦИИ НАРОДА КАЗАХСТАНА**

**Аннотация.** Юридический конфликт занимает конкретное положение среди различных конфликтов, имеющих в обществе. Конфликт считается юридическим, если имеются определенные признаками как предмет, объект, субъект, а также мотивация, стороны ведут определенный спор, как правило, конфликт имеет какие-либо юридические последствия. Спор, по сути дела, следует рассматривать, как объективно выраженное противоречие волеизъявлений двух сторон, которое состоит из носящего правовой характер требований одной стороны, противостоящей юридическому требованию второй стороны, что затрудняет реальное удовлетворение этого требования. Под правовым статусом понимается фактическое состояние лица в качестве субъекта права, в соответствии с которым применение принуждения в отношении него возможно только с санкции государственных органов. С возникновения спора о праве у его субъектов появляется заинтересованность в его разрешении. Юридический конфликт имеет свои составляющие, такие как объект и субъект конфликта. На наш взгляд, субъектами конфликта выступают стороны конфликта – физические лица, иностранцы, лица без гражданства, государственные, общественные организации, обладающие правосубъектностью. На основе правосубъектности и происходит взаимодействие друг с другом в процессе конфликта.

**Ключевые слова:** юридический конфликт, медиация, медиатор, правовые традиции, обычаи, мотивация, спор, юридическое требование, правовой статус, предконфликтная ситуация.

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