

## STUDY ABOUT THE DEGREE OF KNOWLEDGE OF THE MEDIATION PROCEDURE AMONG THE RESIDENTS OF RURAL COMMUNITIES IN THE SOUTH MUNTENIA DEVELOPMENT REGION, ROMANIA

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### Abstract

*Interhuman relations have experienced many moments of peace, which have favored the emergence of progress, but also moments of unrest, which have led to the emergence of tense phases. It was therefore necessary to develop measures and procedures to bring people to the table for dialogue and cooperation. The mediation procedure is a special feature of the amicable dispute settlement procedures that are alternatives to state justice. Mediation involves processes based on the parties' openness to dialogue, their mutual trust in each other and their willingness to make concessions in order to reach a mutually acceptable and lasting agreement. The main purpose of the present research is to provide a clear view on the current state of implementation of the mediation concept among the inhabitants of rural communities in the South-Muntenia Development Region. The following sociological methods were used to obtain the working information and to research them: questionnaire method, comparative analysis method and Hi-square test method. The sociological research revealed that there is still a low level of knowledge of the mediation procedure among the rural population in the study area. Interestingly, the number of men who know about the mediation procedure is significantly higher than the number of women, but the interest in the procedure is high among those who said they knew and had even used mediation by the time of the research.*

**Key words:** mediation, amicable settlement, rural

### INTRODUCTION

In the course of time, rural communities have not been spared the vicissitudes of history, not infrequently falling victim to conflagrations. However, their cultural foundation, religious discipline and spirit of community have ensured their continued existence to this day [13].

Even if the rural population in Romania has decreased in recent years, it can be seen that, unfortunately, the number of conflicts has not had the same decreasing trend [12].

Social peace was best cultivated in the consciousness and spirit of the villagers. They have come to understand that peace for themselves and their environment is a precious gift and a guarantee for the continuity of their lives. The level of education and the number of conflicts that appear in the analyzed area negatively influence the socio-economic development potential of the communities in these rural areas [6].

Mediation is a procedure not yet sufficiently settled in the Romanian public consciousness. However, the approach of rural communities to mediation and its role in rural society appears to be attractive to study. As is well known, rural communities are still characterized by a high degree of traditionalism, with religious life and respect for the norms of Christian morality still very much in evidence. Mediation is designed precisely to bring people together, to encourage them to adopt the path of peace rather than that of discord [1].

At European level, mediation is regulated by directives and recommendations, and over the last 20 years the Member States have adapted their national legislation to the Community legislative context. As mediation is not yet regulated by European regulation, the Member States have been free to choose the way in which the mediation procedure is to be legislated for in their national laws. This has led to a variety of situations, ranging from states that have made mediation compulsory

in certain areas to states that have considered that mediation is and should remain a strictly optional procedure [1].

In Romania, mediation is regulated by Law No 192/2006, which has been amended and supplemented many times during its 15 years of existence. At present, the law on mediation is a legal act that can be improved [2].

In domestic law, mediation is recognized as an optional procedure, with the parties to a dispute having the right to use the procedure both before and after a court case is brought [8].

The procedure is conducted by a specifically qualified professional, called a mediator, who has the obligation to help the parties reach a common agreement on the settlement of their dispute in conditions of impartiality and confidentiality [9].

With increased attention from European bodies, mediation is emerging as an alternative to the traditional procedure of settling disputes through the courts, but also as an effective tool within the reach of justice [4].

Mediation involves the initiation of processes based on the parties' openness to dialogue, on the reconfiguration of their mutual trust and on their willingness to make concessions in order to reach a mutually acceptable and sustainable common agreement [11].

Compared to the classic procedure of judicial appeal, the advantages of mediation are clearly in favor of the parties involved in the procedure, the outcome of the mediation process being a win-win for all parties involved in the procedure [10].

As far as the process of assimilation of mediation by the inhabitants of rural communities is concerned, they have to adapt their existence to the demands of the permanent process of modernization of human society, in which the realities of social and economic life are governed by the principles of market economy, competition and the degree of assimilation of the newest and most efficient social and economic measures [7]. Of course, such an improvement should not lead to a perversion of the specificity of rural communities, as this specificity ensures the

uniqueness and charm of these communities [6].

## MATERIALS AND METHODS

In order to achieve the aim of the scientific research, which was to determine the degree of knowledge of the mediation procedure among rural communities in the reference region, it was necessary to use a series of quantitative and qualitative sociological analysis methods, such as: the sociological questionnaire method, the comparative analysis method, and the identification of measurable frequencies using the Hi-square test [5].

In order to ascertain the degree of knowledge and assimilation of the mediation procedure among the rural population, as well as to identify the level to which the rural communities in the study area have reached regarding the exercise of this alternative procedure to the court, it was necessary to carry out a sociological survey applied on a representative sample of 700 respondents belonging to rural communities in each county of the South-Muntenia Development Region. The questionnaire was designed to target a diverse audience, made up of farmers, villagers and village intellectuals.

Sociological research aims to identify and analyze the real situation in the territory under investigation [3].

The questionnaire was systematized and constructed in such a way that the data collected through it could provide information that would give a clear picture of the level of knowledge of the mediation procedure, as well as of the degree of use of this procedure for the management of conflict situations among members of rural communities in the mountains.

Therefore, the questions included in the questionnaire form aimed at verifying and validating the research hypotheses, so the interviewed villagers were asked to provide answers regarding their level of knowledge on the mediation procedure, including by providing answers on the use or non-use of this procedure up to the time of the survey. By interviewing different groups of rural

residents in the study area, differences in opinion and choice were crystallized in relation to the different socio-economic categories from which they come. The questions used are constructed to obtain point responses, which were technically used in the comparative analysis, as well as in the application with statistical value, through which measurable frequencies are examined (Hi-square test) [14].

## RESULTS AND DISCUSSIONS

In order to quantify the social impact that the mediation procedure has on rural communities in the South-Muntenia Development Region, we started by identifying the level of knowledge of the mediation procedure among the inhabitants of this geographical area. Thus, the sociological survey aimed to identify and analyze the answers that respondents gave to the question *"How well do you know the conflict mediation procedure?"* Respondents were asked to give one of four possible answers: *very well known, known, a little known* and *unknown*.

Thus, of the 700 people interviewed, 33 said that they were very familiar with the mediation procedure, representing only 4% of the total number of people interviewed.

Of the 33 respondents, 20 are women (61%) and 13 are men (39%). A total of 222 respondents said that they were familiar with the mediation procedure, representing 32%; of these, 102 respondents were women (46%) and 120 respondents were men (54%). A total of 313 respondents said that they were not very familiar with the mediation procedure, representing 45% of the total number of respondents.

Of these, 133 respondents are women (42%) and 180 respondents are men (52%). Also, out of the total number of respondents, 132 respondents said that they were not familiar with the mediation procedure, representing 19%. Of these, 79 respondents are female (60%) and 53 respondents are male (40%) (Table 1).

Table 1. Level of knowledge of the mediation procedure by gender of respondents

Level of knowledge of the mediation procedure	Female	Male	Total
well-known	20	13	33
popular	102	120	222
little known	133	180	313
unknown	79	53	132
<b>Total</b>	<b>334</b>	<b>366</b>	<b>700</b>

Source: Own calculation.

With regard to the educational level of the respondents, of the 33 respondents who said that they are very familiar with the mediation procedure, 7 villagers are high school/vocational school graduates, representing 21%, 20 villagers are university graduates, representing 61%, and 6 respondents are also postgraduates, representing 18% of the respondents who said that they have acquired very good knowledge of the mediation procedure. Of the 222 respondents who said they were familiar with the mediation procedure, 14 respondents were primary school graduates only, representing 6%; 26 respondents were secondary school graduates, representing 12%; 135 respondents were high school/vocational school graduates, representing 61%; and 47 respondents were university graduates, representing 21% of those who said they had a good knowledge of the mediation procedure. Of the 313 respondents who said that they were not familiar with the mediation procedure, 40 respondents were primary school graduates, representing 13%; 67 respondents were secondary school graduates, representing 22%; 173 respondents were high school/vocational school graduates, representing 55%; 26 respondents were university graduates, representing 8%; and 7 respondents were postgraduates, representing only 2%. Also, of the 132 respondents who said they had no knowledge of the mediation procedure, 59 respondents were primary school graduates only, representing 45%, 60 respondents were secondary school graduates, representing 45%, and 13 respondents were high school/vocational school graduates, representing 10% (Table 2 and Table 3).

Table 2. Structure of respondents' opinion on knowledge of the mediation procedure according to their educational background

Are you familiar with the mediation procedure?							
According to their level of education							
Level of knowledge	gymnasium	high school /vocational	post-graduate	primary	university	Total	
	No.	No.	No.	No.	No.	No.	%
well-known	0	7	6	0	20	33	5
popular	26	135	0	14	47	222	32
little known	67	173	7	40	26	313	45
unknown	60	13	0	59	0	132	19
Total	153	328	13	313	93	700	-
	22%	47%	2%	16%	13%	-	100%

Source: Own calculation.

Table 3. Structure of respondents' opinion on knowledge of the mediation procedure according to their educational background

Percentage deviations					
	gymnasium	high school /vocational	post-graduate.	primary	univ.
well-known	-100.00%	-54.73%	879.02%	-100.00%	356.17%
popular	-46.42%	29.78%	-100.00%	-60.93%	59.35%
little known	-2.07%	17.96%	20.42%	-20.83%	-37.48%
unknown	107.96%	-78.98%	-100.00%	176.88%	-100.00%

Source: Own calculation.

By statistically testing the sample structure (Chi-Square = 339.55\*\*\*; Critical Value = 26.22 at a probability of  $p > 0.01$ ), it is observed that there is a significant association between the aspects analyzed, and from the analysis of R (standardized residual) very

significant differences are observed, allowing us to conclude that, in most cases, the respondents' knowledge of the mediation procedure is influenced by the level of their studies.

Table 4. Structure of respondents' opinion on knowledge of the mediation procedure according to their educational background

Standardized Residue					
	gymnasium	high school /vocational	post-graduate.	primary	univ.
well-known	-2.69	-2.15	6.88	-2.31	7.46
popular	-3.23	3.04	-2.03	-3.65	3.22
little known	-0.17	2.17	0.49	-1.48	-2.42
unknown	5.80	-6.21	-1.57	8.17	-4.19
Calculated Chi-Square =	339.55 ***	Theoretical Critical Value =	3,57		$p > 0.1(*)$
			21.03		$p > 0.05 (**)$
			26,22		$p > 0.01 (***)$
Degree of freedom (df) =	12				
Cramer's V =	0.29	Pearson's C =	0.57		

Source: Own calculation.

From Table 4, we observe that there is an association between knowledge of the mediation procedure and the respondents' level of education (Pearson's C = 0.57; Cramer's V = 0.29), so that the legal aspects

of the mediation procedure that are known by the respondents are influenced by their level of education. In order to identify the categories of respondents who have the highest propensity

to use mediation to resolve conflicts in which they become a party, according to their age group and gender, we will analyze in the following rows the proportion of the number of villagers surveyed who stated whether or not they had been party to a mediation process.

Thus, out of the total number of respondents who helped in the sociological research carried out in the rural communities of the study area, answering the question whether or not they had been part of a conflict mediation procedure, a total of 162 people gave a positive answer, representing 23% of the total number of villagers interviewed, and 538 individuals gave a negative answer, representing 77% of those interviewed. Of the 162 individuals who provided a positive response, a total of 88 individuals are female, representing 54%, and 74 respondents are male, representing 46%. Of the 538 individuals who responded negatively to this question in the questionnaire, 246 were female, representing 46%, and 292 were male, representing 54% (Table 5).

Table 5. Situation according to gender of respondents who were or were not part of a mediation process

Have you been party to a conflict mediation procedure?	Female	Male	Total
Yes	88	74	162
No	246	292	538
<b>Total</b>	<b>334</b>	<b>366</b>	<b>700</b>

Source: Own calculation.

Regarding the age of respondents who have or have not been part of a mediation process, out of the total number of people who provided a positive (yes) answer to the question whether they have been part of a conflict mediation procedure, 27 people are aged between 18 and 29, representing 16% of the respondents who answered *yes* to this question; 74 people are between 30 and 39 years old, representing 46%; 27 people are between 40 and 49 years old, representing 17%, and 34 respondents are in the 50-65 age group, representing 21%.

Of the 538 respondents who gave a negative response to the question, 86 respondents are aged 18-29, representing 16%, 87 respondents

are aged 30-39, representing 16%, 148 respondents are aged 40-49, representing 28%, 124 respondents are aged 50-65, representing 23%, and 93 respondents are over 65, representing 17% of the reference base (Table 6).

Table 6. Situation by age of respondents who have or have not been part of a mediation process

Have you been party to a conflict mediation procedure?	18-29 years	30-39 years	40-49 years	50-65 years	over 65	Total
Yes	27	74	27	34	-	162
No	86	87	148	124	93	538
<b>Total</b>	<b>113</b>	<b>161</b>	<b>175</b>	<b>158</b>	<b>93</b>	<b>700</b>

Source: Own calculation.

## CONCLUSIONS

The following general conclusions can be drawn from the analysis of the data presented in this research:

- Even if their number is low, the sociological survey managed to identify respondents who are very familiar with the mediation procedure;
- The percentage of people in rural communities in the study area who stated that they had no knowledge of the mediation procedure is very low. It is also interesting to note that the number of men who know about the mediation procedure is significantly higher than that of women, possibly due to the fact that this gender category leads in the number of conflicts experienced;
- The segment of respondents who said they had little knowledge of the mediation procedure is made up of people who had heard about its existence but had not developed an interest in the subject;
- People with elementary education (primary school/secondary school) and medium education (secondary school/vocational education) show the highest disinterest in the subject of the mediation procedure, this segment of respondents being also the most deprived in terms of information/education level.
- The proportion of people who stated that they had been party to a conflict mediation procedure compared to the proportion of

people who stated that they had had no contact with the mediation procedure is more than 3 times lower, which shows a serious numerical imbalance between people who choose to resolve their disputes through the amicable mediation procedure and people who choose other means of dispute resolution.

f) The number of women involved in mediation processes is slightly higher than that of men. Therefore, we can conclude that these people develop a greater interest in using mediation compared to men;

g) Respondents aged between 30 and 39 develop the greatest appetite for the use of mediation to resolve disputes to which they are a party, their number being considerably higher than the number of respondents belonging to other age groups - in the same response category. A possible argument for this is that these people are perhaps most actively involved in the full course of the social relationships to which they are party (family relationships, work relationships, etc.), and the risk of disputes arising in their case is higher.

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