

New Practices in Alternative Dispute Resolution – New Pathways to Peace

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Abstract

This paper seeks to answer the question of how the pandemic has given rise to new solutions in the field of alternative dispute resolution. It examines the legislative processes these solutions have generated and, looking ahead, asks whether these legislative solutions can be expected to remain timeless or even evolve. Unfortunately, the examination of this question has also become topical, as humanity, which has been locked in a pandemic, is once again facing serious isolation due to the outbreak of the Russian-Ukrainian conflict. The global loss of confidence, which is dramatically accelerating in a war situation, is a further serious challenge compared to the pandemic experience. What role can alternative dispute resolution play in this situation? Are the technological changes imposed by the pandemic useful for alternative dispute resolution?

Keywords

Alternative Dispute Resolution; Loss of Trust; Online Dispute Resolution; Pandemic; War Conflict.

1 Introduction

This paper examines the mechanisms of the pandemic's impact, typically in response to the challenges posed by social distancing constraints, which have been manifested in traditional justice systems and in the field of alternative dispute resolution ("ADR"). The COVID-19 pandemic presented new challenges to legal systems and the administration of justice, difficulties that made it clear that traditional justice was no longer viable.

In the background of conflictual situations, in addition to family problems experienced due to interconnectedness, disputes over health care, we have witnessed a number of changes in consumption patterns, the purchase of goods and the framework for work. If we were to use a single term to capture the essence of these changes, we could describe the phenomenon as the rise of digitalisation. This paper briefly describes the three eras of legal informatics, which will bring us closer to understanding the changes we are experiencing and to tolerating the challenges they present. It also discusses, among other things, how judicial systems have been and are able to draw from the existing experience of online ADR in the context of forced online solutions, and how alternative ways of dealing with the accumulated caseload can be used to ensure access to justice.

In addition to the pandemic, the study also looks at the determining crisis of our time, the armed conflict between Russia and Ukraine, which is leading to a major confrontation in world politics and the global economy. It is easy to see that violence will not solve the complex and global scale of the problem of the spiral of loss of confidence caused by the war, which is growing more and more severe every day. It is essential to launch a process of dialogue-based reconciliation as soon as possible, in which ADR practices can play an important role.

2 The Nature of Conflicts

Each of our lives and our roles in them, framed by a different set of rules in many areas, show the guidelines expected and to be followed. Living in society, we know and experience that our rights and obligations are regulated both formally and informally. In the many stages of the socialisation arena, we are given increasingly definite frameworks, which we sometimes find easier and sometimes harder to bear.¹

When we think about human relationships, we find that there are countless dynamics that can emerge. Relationships are formed, broken, closed or renewed with renewed vigour. People, situations and perspectives are

¹ SMITH, E. R., MACKIE, D. M., CLAYPOOL, H. M. *Szociálpszichológia* [Social psychology]. Budapest: Eötvös Kiadó, 2016, pp. 55–58.

constantly subject to change, and these influences inevitably leave their mark on our relationships. Some people are afraid of change, and others openly confront it. The recognition and awareness of differences in situations, and the conflicts that arise as a result of manifested differences, are the consequence of these differences. Conflicts are a natural part of human relationships.²

We can experience conflict situations both intrapsychologically and in our social relationships – interpersonally, at group level and in society. Relationship conflicts are typically rooted in the breakdown of interpersonal relationships, conflicts of interest, differences in values, territorial reasons, as well as information gaps and structural conflicts. It can be said that conflicts arise as a consequence of existing differences, not as a cause of them.³

Sociology of law deals, among other things, with the types of conflicts that will typically become legal disputes and the judicial or extra-judicial paths that the parties can take to resolve them. What we see is that in a number of cases where there is a conflict, the parties either do nothing – leaving the conflict open – or, going as far as to take the matter into their own hands, take the decision into their own hands. Some will be open to discussing the conflict, while others will litigate. Which path is chosen will depend to a large extent on whether the relationship is a one-off or a long-term one, whether the relationship is co-dependent or hierarchical, and whether the conflict in a long-term relationship is a conflict of the whole person or just a particular part of the person's life. Judicial recourse is more likely in one-off relationships, whereas in long-term relationships it is the co-dependency relationships that are more likely to be litigious, as well as the conflict manifested in each role being more “amenable” to litigation.⁴ The parties' responses to conflict are influenced by the dynamics of cooperation⁵ and competition⁶.

² BARCY, M. *Konfliktusok és előítéletek. A vonzások és taszítások világa* [Conflicts and prejudices. The world of attractions and repulsions]. Budapest: Oriold és Társai Kiadó és Szolgáltató Kft., 2012, pp. 15–17.

³ *Ibid.*, pp. 19–24.

⁴ POKOL, B. A jog elkerülésének útjai. Mediáció, egyezségkötés [Ways to avoid the law. Mediation, conciliation]. *Jogelméleti Szemle* [online]. 2002, no. 1 [cit. 3. 1. 2022]. Available at: <http://jesz.ajk.elte.hu/pokol9.html>

⁵ A form of interdependence in a social relationship where the parties seek the greatest gain (win-win situation) in resolving the conflict.

⁶ A form of interdependence in a social relationship where one party's gain results in the other party's loss (zero-sum game) in dealing with a given situation.

3 Conflict Resolution

In situations where opinions clash, we talk about debate. It is important that those involved – people or groups – feel that they have different views on the subject in question, which they wish to bring into conflict with each other. Depending on the emotional involvement, these interactions can be both heated and calm. Conflict occurs when, on a given issue, the parties are forced by interdependence to settle the situation, otherwise a conflict of interest or value would become inevitable. In these conflict situations, the parties may no longer be able to resolve their differences directly with each other in a structured communication process.⁷

When a conflict transforms into a legal dispute – in the vast majority of cases – the parties can choose to use the state justice system or, to avoid it, opt for an ADR procedure. The optional procedures differ in the way in which the third party involved in the case is involved in the process, in the form and involvement of the third party, in the conclusion of the case, in the binding nature of the agreement and in the guarantees of enforceability.⁸

Sociology of law identifies four ways of dealing with conflicts. Negotiation is when the parties discuss the situation directly between themselves. In mediation, the conflict is resolved with the help of an impartial third party. In arbitration, an independent party intervenes on the basis of a mandate to make a binding decision on the parties to which they are subject. The enforcement of rights through the use of the state courts ends in a judgment.⁹

7 PALLAI, K. Vitarendezés és konfliktuskezelés – jegyzet/gyakorlati segédlet [Dispute and conflict management – note/practical guide]. *Pallai* [online]. 2011, p. 8 [cit. 17. 3. 2022]. Available at: <http://www.pallai.hu/wp-content/uploads/2010/11/2011-Pallai-vitarendez%C3%A9s-jegyzet-BCE.pdf>

8 GRÁNER, Zs. Az alternatív vitarendezés lehetséges újtjai a polgári-gazdasági jogviták tekintetében, fókuszban a választottbíráskodással [Possible avenues for alternative dispute resolution in civil and economic disputes, with a focus on arbitration]. *Székesfehérvári Törvényszék* [online]. 2020, pp. 2–3 [cit. 17. 3. 2022]. Available at: https://szekesfehervar-itorvenyszek.birosag.hu/sites/default/files/news/az_alternativ_vitarendezes_lehetseges_utjai.pdf

9 POKOL, B. A jog elkerülésének újtjai. Mediáció, egyezségkötés [Ways to avoid the law. Mediation, conciliation]. *Jogelméleti Szemle* [online]. 2002, no. 1 [cit. 3. 1. 2022]. Available at: <http://jesz.ajk.elte.hu/pokol9.html>

“The term conflict, as used in mediation, refers to situations of tension in which the aspirations, views, thinking, etc. of two people (groups) seem to be irreconcilable. Conflict does not therefore require that the incompatibility actually exists; it is sufficient if the actors perceive it as such. So, conflict is really a construct, it is all decided in our minds. The actors in a conflict never decide on their own actions on the basis of the real picture: the decision is always based on their perception of the situation as they see it, of the other party.”¹⁰

One possible means of resolving conflicts is the mixed strategy game,¹¹ where the parties do not choose to compete, to play a zero-sum game,¹² but are able to keep each others’ needs in mind. The game is not without its dangers: the scales can tip either way as the motives¹³ of the parties, stuck in the situation, clash. If rivalry and resentment in a battle dominated by emotions prevents the common interest (a good enough agreement achieved through cooperation) from being seen, then emotions can sweep everything away. On an extreme range of emotions, strange patterns of human behaviour can emerge. In order to stop and then reverse the escalation of a conflict, it is essential that the parties talk to each other. In the midst of accusations and resentments, a convulsive insistence on one’s own truths prevents the parties from seeing clearly. One possible means of achieving cooperation is for the parties to see that their goals are the same.¹⁴

¹⁰ JENEI, Á. A “Nehéz” ügyfelek kezelése [Dealing with difficult customers]. In: JENEI, Á. (ed.). *Ügyfélszolgálati készségfejlesztés. Tréning háttéranyag*. Nemzeti Közszerzési Egetem, 2017, p. 29. Available at: <https://nkerepo.uni-nke.hu/xmlui/bitstream/handle/123456789/6852/%DCgyf%E9lszolg%E1lati%20k%E9szs%E9gfejleszt%E9s.pdf;sessionid=4AA195D85D3BF057966DDF4B62020EA3?sequence=1> [cit. 16. 2. 2022].

¹¹ The mixed strategy is a strategy of momentary mood, of intuitive decision, guided by chance itself. This is what mediation achieves.

¹² The simplest type of game theory is the two-player zero-sum game. In this game, two players can only win at each other’s expense. The balance of gains and losses will always be zero.

¹³ Motivation is the internal drive behind behaviour that shapes our actions through the influence of a number of factors. Behaviour generated by motivation along the lines of needs can be based on both biological (primary) and social (secondary) motivation. In addition to biological motivation, we can also speak of intrinsic motivation and extrinsic motivation. From the perspective of expectancy-value theory, we can say that motivation is rooted in the successful completion of a given task, and in the personal experience of the value of the outcome. – ZIMBARDO, P., JOHNSON, R., McCANN, V. *Pszichológia mindenkinek – Motiváció, érzelmek, személyiség, közösség* [Psychology for all – Motivation, emotions, personality, community]. Budapest: Libri Kiadó, 2018, pp. 10–12.

¹⁴ BARCZY, M., SZAMOS, E. *“Mediare necesse est”. A mediáció technikái és társadalmi alkalmazása* [“Mediare necesse est”. Mediation techniques and their social application]. Budapest: Animula, 2002, pp. 18–20.

Linear thinking focuses on logical connections, which follow the correct conclusions. In contrast, lateral thinking¹⁵ is creative thinking itself. If we are able to think in this way about the world and ourselves in it, about the conflict, about the difficulty we are in – we are no longer pursuing our own truth in a closed-minded way, but we are seeking efficiency, we are striving for it. Right-logical thinking, the “arrogance of established patterns”, one by one, inhibit the emergence of new ideas and solutions. Mediation, combining the techniques of lateral thinking, helps to give the parties a new perspective from which they can see the stucknesses in their own lives in a different light, and helps them to find a way forward from the many proposals for solutions that the parties themselves work out, to a path that gives each party to the conflict the experience of a good enough solution.¹⁶ The mediator tries to achieve a paradigm shift in the way the parties work together, in their attitude towards the problem, helping them to enter into a working alliance to resolve their conflict together.¹⁷

Among the many techniques of mediation, interpretation is the one that aims to resolve the conflict by translating the emotions of the opposing parties in a way that is understandable to the other party, so that both parties can understand the same thing. Without this common language, mediation cannot fulfil its purpose. In this substantive phase, we attempt to turn positions into needs and interests; accusations and insults into facts; and qualifications into descriptions. The process is able to minimise emotional overheating, thus giving the parties the opportunity to cooperate effectively and to reach an acceptable agreement.¹⁸

¹⁵ Lateral thinking – “brainstorming” – is the branch of creativity responsible for the exchange of ideas, perceptions, and concepts.

¹⁶ BUTLER-BOWDON, T. *Pszichológia dióhéjban* [Psychology in a nutshell]. Budapest: HVG Kiadó Zrt., 2007, pp. 71–76; see also KOMLÓSI, P., ANTAL, O. Válni? Miért? Hogyan? [A divorce? Why? How?]. *Glossa Iuridica*, 2016, Vol. 3, no. 3–4, p. 102.

¹⁷ STRASSER, F., RANDOLPH, P. *Mediáció: a konfliktusmegoldás lélektani aspektusai* [Mediation: A Psychological Insight into Conflict Resolution]. Budapest: Nyitott Könyvműhely Kiadó, 2005, 205 p.; see also KOMLÓSI, P., ANTAL, O. Válni? Miért? Hogyan? [A divorce? Why? How?]. *Glossa Iuridica*, 2016, Vol. 3, no. 3–4, p. 102.

¹⁸ KERTÉSZ, T. *Mediáció a gyakorlatban* [Mediation in practice]. Miskolc: Bíbor, 2010, 261 p.; see also KOMLÓSI, P., ANTAL, O. Válni? Miért? Hogyan? [A divorce? Why? How?]. *Glossa Iuridica*, 2016, Vol. 3, no. 3–4, p. 102.

The circular questioning technique, borrowed from family therapy, can help to clarify the facts by focusing on the how. In this way, the importance of the “polyphony” of events is highlighted, which can also help to clarify different readings of the same story.¹⁹

It is through finding and emphasising common ground in the face of differences, through working out and accepting alternatives to a decision, when I am able to formulate and say what would be right for me, above and beyond the reflection of your point of view, when I no longer have to convince others of our own truth, because we are able to see that there can be more truths. The competition becomes almost pointless and the win-win can make sense.²⁰

The sociology of law distinguishes four alternatives for approaching conflicts and their resolution: negotiation, mediation, arbitration, and the ordinary judicial process. While in the first case the parties settle their conflicts through direct negotiation, in the mediation process it is an independent third party who assists in conflict resolution. The third option is when the third party involved in the dispute (an arbitrator) is already authorised to decide the case and the parties submit to it. In contrast, the state way, the fourth option, is where the court decides by judgment. As the path of options shifts more and more in this direction, the formalisation of the resolution path increases, and the parties increasingly lose control of the dispute resolution by placing it in the hands of an external third party. Dispute resolution becomes more norm-oriented, while discretion in the negotiating position is reduced.²¹

¹⁹ FAVALORO, G.J. A mediáció mint családterápiás módszer? [Mediation as a family therapy method?]. In: KERTÉSZ, T. (ed.). *Mediációs szövegyűjtemény* [Collection of mediation texts]. Budapest: Partners Hungary Alapítvány, 2001, pp. 142–150; see also KOMLÓSI, P., ANTAL, O. Válni? Miért? Hogyan? [A divorce? Why? How?]. *Glossa Iuridica*, 2016, Vol. 3, no. 3–4, p. 102.

²⁰ LOVAS, Zs., HERCZOG, M. *Mediáció, avagy a fájdalommentes konfliktuskezelés* [Mediation, or painless conflict management]. Budapest: Wolters Kluwer, 2019, 208 p.; see also KOMLÓSI, P., ANTAL, O. Válni? Miért? Hogyan? [A divorce? Why? How?]. *Glossa Iuridica*, 2016, Vol. 3, no. 3–4, p. 103.

²¹ POKOL, B. A jog elkerülésének útjai. Mediáció, egyezségkötés [Ways to avoid the law. Mediation, conciliation]. *Jogelméleti Szemle* [online]. 2002, no. 1 [cit. 3. 1. 2022]. Available at: <http://jesz.ajk.elte.hu/pokol9.html>

4 Economic and Trade Impacts of Pandemic and War Conflict

International trade was/is characterized by a high degree of volatility and uncertainty due to the impact of the COVID-19 pandemic. In 2020, the changes in the pattern of trade and the downturn were of a magnitude that typically occurs over a 4–5 year period. The trade collapse in the first half of the year affected different sectors in different ways. It was observed that trade in services typically declined – although some sectors showed an upturn (down for travel and tourism services; up for telecommunications and information technology services) – and the structure of trade in goods changed, while demand also shifted in this direction.²²

From mid-2021, the pace of recovery in the world trade was uneven across countries. Consumer spending over this period – a shift towards “home nesting”²³ goods versus a move away from interpersonal interactions – is unlikely to result in a lasting survival. At the same time, the widespread changes in digitalization, which have affected both the world of work and the private sector, are likely to have a lasting impact on the way international trade is conducted, and on the composition of demand for both goods and services. The heterogeneity of the changes experienced will require a high degree of uncertainty and adjustment costs for governments, businesses, and consumers, encouraging them to adopt additional risk mitigation strategies.²⁴

²² OECD Policy Responses to Coronavirus (COVID-19). International trade during the COVID-19 pandemic: Big shifts and uncertainty. *OECD* [online]. 10. 3. 2022 [cit. 25. 5. 2022]. Available at: <https://www.oecd.org/coronavirus/policy-responses/international-trade-during-the-covid-19-pandemic-big-shifts-and-uncertainty-d1131663/>

²³ The “home nesting”, i.e., spending on home offices, gym equipment, and renovations, that has become a feature of the pandemic, will continue, *McKinsey* reports, as many companies have begun to take advantage of the “home office” opportunities, with the result that many high earners are not expected back in the office full-time. – ISSA, G., WALDERSEE, V. ‘Home nesting’ and telehealth spending to keep rising post-pandemic, *McKinsey* survey finds. *Reuters* [online]. 18. 3. 2021 [cit. 26. 5. 2022]. Available at: <https://www.reuters.com/article/us-health-coronavirus-consumer-idUSKBN2BA0FR>

²⁴ OECD Policy Responses to Coronavirus (COVID-19). International trade during the COVID-19 pandemic: Big shifts and uncertainty. *OECD* [online]. 10. 3. 2022 [cit. 25. 5. 2022]. Available at: <https://www.oecd.org/coronavirus/policy-responses/international-trade-during-the-covid-19-pandemic-big-shifts-and-uncertainty-d1131663/>

Today we are also facing a new shock of uncertain duration and magnitude. In addition to the humanitarian crisis, Russia's military aggression against Ukraine has also had significant economic consequences. In some respects, Russia and Ukraine have only a small²⁵ direct role in the world economy, but they are major producers and exporters of key foodstuffs,²⁶ minerals and energy, so the economic and financial shock has already been significant. World prices for oil, gas, mineral oil, and wheat have risen sharply. The pre-war forecast was that global growth in key macroeconomic variables would have returned to the pre-COVID-19 pandemic levels by 2023. Full employment was projected to recover, and inflation rates were expected to reach levels close to policy targets in most OECD economies.²⁷

The turmoil since the beginning of the conflict, which has affected global markets in the EU and worldwide, has raised concerns about energy and food security, but has also had a significant impact on the mobility of people and goods within the EU. The Council also attaches particular importance to supporting regions affected by the reduction of exports from Russia and Ukraine, while maintaining free trade in agricultural products on both European and international markets. At the same time, it firmly maintains that *"the use of force and the alteration of borders through the use of coercion have no place in the 21st century. Tensions and conflicts must be resolved only through dialogue and diplomacy."*²⁸ On 24 May 2022, the Council adopted a regulation allowing temporary trade liberalization and other trade concessions for certain Ukrainian products for a period of one year. The measures will allow the EU

²⁵ Together account for only about 2% of global GDP at market prices.

²⁶ Russia and Ukraine together account for around 30% of the world wheat exports, 20% of maize, mineral fertilizers and natural gas, and 11% of oil. Russia is a key supplier of palladium for automotive catalytic converters and nickel for steel production. Russia and Ukraine are also a source of inert gases, such as argon and neon, which are used in the manufacture of semiconductors, and are major producers of titanium sponge. Supply chains worldwide depend on exports of metals from Russia and Ukraine. Both countries also have significant global uranium reserves.

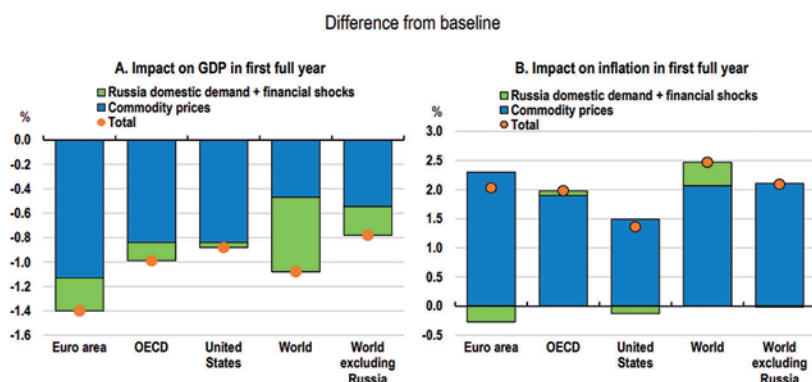
²⁷ OECD Economic Outlook, Interim Report: Economic and Social Impacts and Policy Implications of the War in Ukraine. *OECD* [online]. March 2022, p. 3 [cit. 27. 5. 2022]. Available at: <https://www.oecd.org/economy/Interim-economic-outlook-report-march-2022.pdf>

²⁸ EU response to Russia's invasion of Ukraine. *European Council* [online]. [cit. 27. 5. 2022]. Available at: <https://www.consilium.europa.eu/hu/policies/eu-response-ukraine-invasion/>

to provide significant support to the Ukrainian economy. The war makes the task of policy makers more difficult.²⁹

The significant economic costs of conflict and increased uncertainty add to the already existing challenges faced by policymakers in the face of rising inflationary pressures and an unbalanced recovery from the pandemic. Particular attention will need to be paid to mitigating the impact of the crisis on consumers and businesses, as rising inflation limits the room for maneuver for monetary policy. The war is expected to slow down the global recovery from the COVID-19 pandemic and further increase inflation worldwide.

Figure no. 1: The conflict implies a substantial hit to the global growth and stronger inflation³⁰

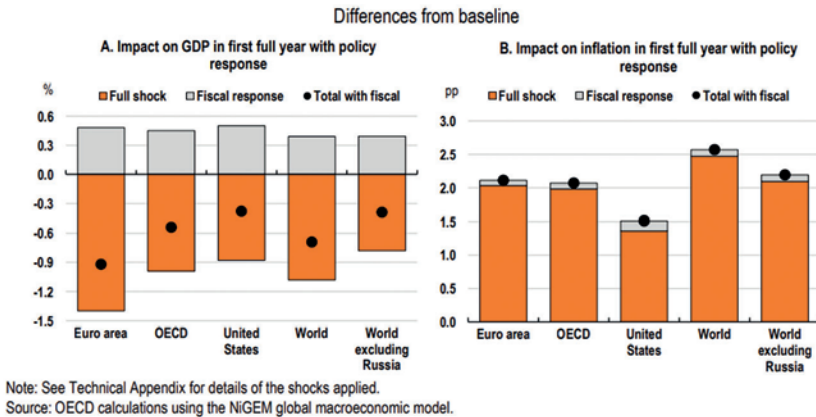


Note: See the Technical Appendix for full details of the shocks applied.
Source: OECD calculations using the NIGEM global macroeconomic model.

²⁹ For more information, see *ibid.*

³⁰ Illustrative simulations suggest that global growth could fall by more than 1 percentage point and global inflation could rise by nearly 2.5 percentage points in the first full year after the conflict starts. These estimates are based on the assumption that the shocks to commodity and financial markets caused by the shocks in the first two weeks of the conflict will persist for at least a year, resulting in a deep recession in Russia, a fall in output of more than 10% and a rise in inflation of nearly 15 percentage points. See OECD Economic Outlook, Interim Report: Economic and Social Impacts and Policy Implications of the War in Ukraine. *OECD* [online]. March 2022, p. 7 [cit. 27. 5. 2022]. Available at: <https://www.oecd.org/economy/Interim-economic-outlook-report-march-2022.pdf>

Figure no. 2: A well-targeted fiscal expansion would help to cushion the impact of the conflict³¹



5 The Rise of E-commerce³² During the COVID-19 Pandemic

Looking at the recent shopping habits, we see that there has been a clear increase in transactions in the online space. This number has further increased as a result of the COVID-19 pandemic, given that a significant

³¹ Illustrative simulations of a well-targeted increase in final government expenditure by 0.5% of GDP for one year in all OECD economies over the coming years show that this could offset about half of the estimated output decline that would result from the coming decades without a significant increase in inflation. Non-OECD economies would also benefit, albeit to a lesser extent, even if they do not have sufficient fiscal space to implement further fiscal easing. See OECD Economic Outlook, Interim Report: Economic and Social Impacts and Policy Implications of the War in Ukraine. *OECD* [online]. March 2022, p. 11 [cit. 27. 5. 2022]. Available at: <https://www.oecd.org/economy/Interim-economic-outlook-report-march-2022.pdf>

³² E-commerce (electronic commerce, internet commerce) refers to the sale or purchase of goods and services over the Internet and the transfer of data and money for these transactions online. E-commerce is typically used for the online sale of tangible goods but also includes all commercial transactions that are conducted online. E-commerce enables simple transactions between businesses and between businesses and consumers. – GHOZALI, M., ISPRIYARSO, B. The Online Arbitration in E-Commerce Dispute Resolution During Covid-19 Pandemic. *Jurnal Daulat Hukum* [online]. 2021, Vol. 4, no. 3, p. 158 [cit. 25. 4. 2022]. Available at: <http://lppm-unissula.com/jurnal.unissula.ac.id/index.php/RH/article/viewFile/16266/5686>

number of people have shifted to managing their necessary interactions through electronic platforms. The reduction of physical contact to reduce human health risks has clearly had the effect of dramatically increasing the amount of buying and selling in the online space.³³

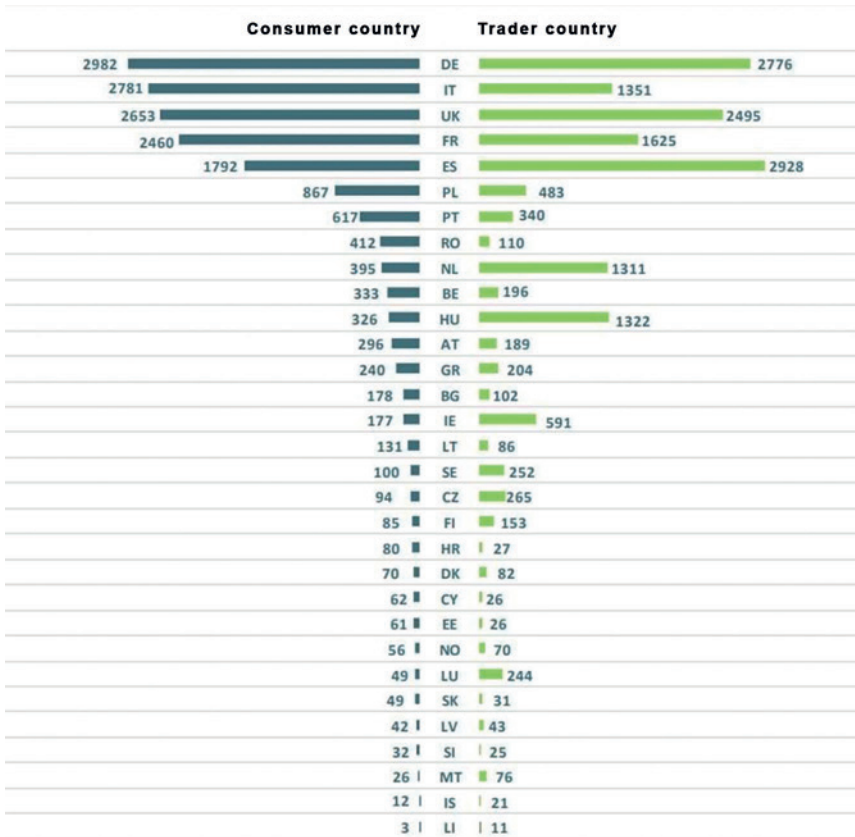
When considering the benefits of e-commerce, it is important to highlight the possibility of faster and more convenient shopping, the continuous improvement in the choice of products and services, better access to information – all of which contribute to building trust and a more competitive market, factors that can both meet consumer needs and improve business performance. At the same time, we must recognise that e-commerce also entails a number of risks, alongside its undeniable benefits. Unfortunately, the practicality of its use cannot always guarantee the safety of the goods that consumers buy. In many cases, the goods ordered do not match the photograph. In the vast majority of cases, the consumer has to pay the full or partial amount in advance without being able to see the condition or quality of the goods. Online payments also offer many opportunities for fraud and abuse, which have been exploited to the full during the pandemic.³⁴

The growth in e-commerce has automatically led to an increase in the number of disputes and the rise of online dispute resolution (“ODR”), as people may legitimately want to be able to resolve their disputes in the space where they arose. As the transactions in question have an international element and are typically low-value, everyday transactions, traditional judicial dispute resolution is not well suited to deal effectively with cross-border online disputes in a way that respects legal certainty.³⁵

³³ GHOZALI, M., ISPRIYARSO, B. The Online Arbitration in E-Commerce Dispute Resolution During Covid-19 Pandemic. *Jurnal Daulat Hukum* [online]. 2021, Vol. 4, no. 3, p. 157 [cit. 25. 4. 2022]. Available at: <http://lppm-unissula.com/jurnal.unissula.ac.id/index.php/RH/article/viewFile/16266/5686>

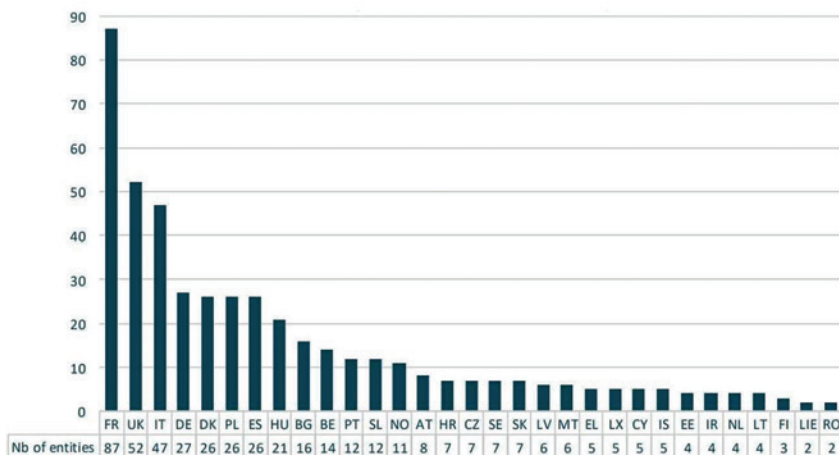
³⁴ Ibid., pp. 159–161.

³⁵ MILASSIN, L. Fogyasztóvédelem és az online vitamegoldó eljárás [Consumer protection and the online dispute resolution process]. *Iustum Aequum Salutare* [online]. 2014, Vol. 10, no. 2, p. 95 [cit. 1. 2. 2022]. Available at: https://epa.oszk.hu/02400/02445/00032/pdf/EPA02445_ias_2014_02_095-104.pdf

Figure no. 3: Number of complaints per consumer and trader country³⁶

³⁶ 50% of the complaints on the ODR platform are cross-border, this is clearly reflected in the graph above. As for certain countries, there is a large difference between the number of complaints by the country of the consumer or of the trader. 89% of complaints formally launched on the platform were automatically closed after the 30-day legal deadline for the trader to eventually agree to proceed to an ADR procedure. 6% were refused by the trader and 4% withdrawn by consumer. As a result, only 1% of the complaints reached an ADR body. However, in a survey of all consumers who launched a complaint (or direct talks), 20% of respondents said that their dispute had been resolved either on the platform or outside the platform, and further 19% responded that they were continuing discussions with the trader. See Functioning of the European ODR Platform. Statistical report 2020. *European Commission* [online]. December 2021, p. 4 [cit. 30. 9. 2022]. Available at: <https://ec.europa.eu/info/sites/default/files/2021-report-final.pdf>

Figure no. 4: Number of ADR entities published on the ODR platform³⁷
(as of 31 December 2020)



6 IT Developments in the Legal Sector

When looking at the eras of legal technologies, we can distinguish three distinct periods of development.³⁸

³⁷ This figure is about the functioning of the European ODR platform regarding all new cases and visits made in 2020 (and what happened to the cases subsequently). The ODR platform provides a user-friendly means for consumers to submit complaints to a trader related to an online purchase. It contains a multilingual register of 468 quality ADR bodies currently active across the EU, Liechtenstein, and Norway. It also offers information on other consumer redress possibilities. 2020 was the last year when the ODR platform was accessible for resolving the disputes by ADR entities established in the UK, and for the disputes involving either UK consumers or traders. The platform saw 3.3 million unique visitors in 2020, an average of 275,000 unique visitors per month. See *Functioning of the European ODR Platform. Statistical report 2020. European Commission* [online]. December 2021, p. 1 [cit. 30. 9. 2022]. Available at: <https://ec.europa.eu/info/sites/default/files/2021-report-final.pdf>

³⁸ ZÓDI, Zs. A járvány, a jogi szféra és a technológia. Hogyan vészelték át a jogrendszer a járványt, mekkora szerepe volt ebben a technológiának, és mennyire lesznek tartósak a változások? [The epidemic, the legal sphere and technology. How have legal systems weathered the epidemic, how much has technology played a role and how long will the changes last?]. *In Medias Res* [online]. 2020, Vol. 9, no. 2, pp. 340–341 [cit. 20. 9. 2022]. Available at: <http://real.mtak.hu/126123/1/imr-2020-02-09.pdf>; Note: The paper does not intend to go into the exact chronology of these eras in different parts of the world, but merely notes that the dynamics of development in the US and the rest of the world have been different. Differences of 10–20–30 years could be seen in the dimensions of the comparison.

The first era was characterised by rudimentary office automation solutions that allowed for the partial automation of certain processes. These included various filing and record-keeping systems (for clients and cases), word processors and spreadsheets for document production, as well as legal repositories and legal databases (1970s in the US, 1990s in the rest of the world).³⁹

The second era was ushered in by the emergence of the Internet, which was characterised by the development and implementation of online communication and electronic communication. The emergence of client information interfaces, legal databases for the public, and the dawn of the paperless era, the world of e-suits and the possibility of fully electronic communication. In some non-adversarial proceedings, it was also possible to carry out fully electronic and fully automated procedures (e.g., company proceedings in Hungary). Certain online case management systems (such as online document viewing) and automatic document creation software became available, as well as certain courtroom techniques such as video conferencing and presentation systems. One of the key advantages of document assembly is its ability to provide data ready for online (automated/semi-automated) dispute resolution procedures, a process that can move the process towards a “data-driven court”.⁴⁰

The third era – the current one – is marked by the emergence and application of visualisation and artificial intelligence. What we are seeing is technology moving out of its former domain of speeding up processes, increasing efficiency and facilitating communication, and moving into areas and subjects that it had not originally intended to change. These are called

³⁹ ZŐDI, Zs. A járvány, a jogi szféra és a technológia. Hogyan vészelték át a jogrendszerek a járványt, mekkora szerepe volt ebben a technológiának, és mennyire lesznek tartósak a változások? [The epidemic, the legal sphere and technology. How have legal systems weathered the epidemic, how much has technology played a role and how long will the changes last?]. In *Medias Res* [online]. 2020, Vol. 9, no. 2, pp. 340, 342 [cit. 20. 9. 2022]. Available at: <http://real.mtak.hu/126123/1/imr-2020-02-09.pdf>

⁴⁰ *Ibid.*, pp. 340–344.

disruptive technologies.⁴¹ The most important innovations of the era are artificial intelligence and ODR systems, given that some ODR software also uses artificial intelligence.⁴²

ODR systems typically have two components: software and a human operator. Such systems typically provide assistance for low-value, low-volume, simple-to-judge transactions. Typically, an arbitrator steps in only when the automated process stalls. The software can manage a big part of the process. It links the parties to a dispute, guiding them into a specific structure and a defined course of action. It guides the process with relevant questions, essential factual data, electronic forms, and a dispute management algorithm, at the end of which it may propose a solution to the parties. In the case of mixed systems, a mediator is also involved in the process, for example, when the automated process fails to reach an agreement between the parties.⁴³

Looking at the period in question, we see that the pandemic hit the legal systems at different stages. It accelerated the solutions of the second era and brought to the fore the possibilities of the third era.

Sourdin distinguishes three levels of the digital taxonomy of justice. The first level is the level of enabling technologies, which is the most primitive. Its purpose is primarily to inform. It includes, among others, online legal

⁴¹ The term disruptive refers to creative disruption, i.e., the application of solutions in which new technologies and business models disrupt or even radically transform existing ways of doing things, and thus affect the business value of products and services. Disruptive technology makes market trends, hidden correlations, customer needs and opinions visible, allowing for the personalisation of products and services not only at the marketing level but also at the production level, which is a significant driver of purchasing power and customer satisfaction. Today, this technology is mostly digital. – PAJOR, G. Működőképes az üzleti stratégiád a digitális világban? Mit jelent a diszruptív technológia? És mi köze a digitális átalakuláshoz [Is your business strategy viable in the digital world? What does disruptive technology mean? And what it has to do with digital transformation]. *BITPORT* [online]. 10. 7. 2015 [cit. 20. 9. 2022]. Available at: <https://bitport.hu/mukodokepes-az-uzleti-strategiad-a-digitalis-vilagban.html>

⁴² ZÓDI, Zs. A járvány, a jogi szféra és a technológia. Hogyan vészelték át a jogrendszerek a járványt, mekkora szerepe volt ebben a technológiának, és mennyire lesznek tartósak a változások? [The epidemic, the legal sphere and technology. How have legal systems weathered the epidemic, how much has technology played a role and how long will the changes last?]. *In Medias Res* [online]. 2020, Vol. 9, no. 2, pp. 344–346 [cit. 20. 9. 2022]. Available at: <http://real.mtak.hu/126123/1/imr-2020-02-09.pdf>

⁴³ *Ibid.*

applications and apps. The second level is that of substitute technologies which replace legal professionals and their work, such as e-government processes and online mediation services. The third, most advanced level, is disruptive technologies where the work of legal professionals is changed. These include artificial intelligence and algorithm-based decision-making programmes that could radically transform the future of justice.⁴⁴

The table below shows how different justice systems around the world have responded to COVID-19, according to *Sourdin's* breakdown.

Table no. 1: Global court responses⁴⁵

| Response | Jurisdiction | Response Details |
|-------------------------|--|--|
| Supportive Technologies | North America | |
| | United States Federal Circuit Court of Appeals | All cases scheduled to be heard in April, May and June 2020 were to be conducted remotely, and parties were no longer required to lodge additional hard copy documents where they had been filed electronically. In addition, to facilitate open court principles, the Court also provided live audio access to arguments, with daily access information published on the Court's website. The conferencing technologies used by the Judiciary included "AT&T Conferencing, Court Call, Skype for Business, Cisco Jabber, and Zoom". |
| | United States Supreme Court | Beginning May 2020, the Court heard all oral arguments remotely by telephone conference. The Court also provided a "live audio feed of the arguments to FOX News, the Associated Press, and C-SPAN" which, in turn, provided "a simultaneous feed for the oral arguments to livestream on various media platforms". |

⁴⁴ SOURDIN, T., ZELEZNIKOW, J. Courts, Mediation and COVID-19. *SSRN* [online]. 8. 5. 2020, pp. 5–6 [cit. 29. 9. 2022]. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3595910

⁴⁵ SOURDIN, T., LI, B., McNAMARA, D.M. Court innovations and access to justice in times of crisis. *Health Policy and Technology* [online]. 2020, Vol. 9, no. 4, pp. 447–453 [cit. 29. 9. 2022]. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7456584/#bib0018>

| Response | Jurisdiction | Response Details |
|----------|-------------------------------------|---|
| | New York City, USA Criminal Court | As of 25 March 2020, the Court conducted all criminal arraignments through videoconferencing technology. A virtual court model was implemented in every county on 6 April 2020, utilising audio-visual and telephone communications as well as the digital exchange of documents. Chief Judge DiFiore stated that virtual operations would remain an integral part of court systems despite the gradual opening of courts from July 2020 onwards. |
| | State of New York, Court of Appeals | On 11 May 2020 the Court issued a Notice to the Bar amending its Rules of Practice to “require, for motions and responses to jurisdictional inquiries, submissions in digital format via a Companion Filing Upload Portal”. The Court of Appeals also accepted submissions by mail and electronically. Oral arguments would continue to be webcast live until the September session. |
| | Ontario Superior Court of Justice | On 2 April 2020 the Court dispensed with the requirement to file documents in hard copy; confirmed acceptance of electronically signed documents; permitted electronic service of documents where personal service is required; and heard matters virtually by way of telephone or videoconference. The Court also made Ministry-funded family mediation services virtually available for parties. |
| | Asia | |
| | Supreme Court of India | “Important matters” were heard via videoconferencing and limitation periods were temporarily suspended by the Court. |
| | Qatar | Proceedings were heard remotely using videoconferencing technology. |
| | Dubai | As of 19 April 2020, hearings were conducted electronically through Microsoft Teams, allowing parties to be heard via videoconference. |
| | Oceania | |
| | High Court of Australia | Cases commenced on or after 1 January 2020 were to lodge all documents online using the Digital Lodgement System Portal. Registry services were provided online or via telephone; documents were to be filed electronically with the Court; and the Court temporarily allowed electronic signatures on documents. |

| Response | Jurisdiction | Response Details |
|----------|---|---|
| | Northern Territory Supreme Court | All pre-trial hearings, mentions, and directions were conducted by audio-visual link or telephone conference. Until the Odyssey Integrated Case Management System was implemented in October 2020, all documents in civil matters will continue hadto be filed electronically. |
| | New South Wales Supreme Court | From 24 March 2020, there were no personal appearances in matters save for “exceptional circumstances” and all documents were to be provided by electronic means. The Evidence (Audio and Audio Visual Links) Act 1998 (NSW) was amended to permit witnesses or legal practitioners to appear via audio-visual or digital technology if the court so directs. |
| | Supreme Court of Queensland | Parties and practitioners were only to make physical appearances where the matter could not be “practically dealt with by telephone or video”. In addition, between 1 March 2020 and 30 September 2020, testators were able to “execute documents in the presence of witnesses via audio-visual link”. |
| | Supreme Court of Victoria | Civil proceedings were heard remotely using WebEx, Skype or Zoom and criminal hearings were heard via WebEx or existing video link technology. In addition, documents were filed electronically with the Court and, to facilitate remote access, the Court accepted unsworn affidavits, provided they met certain requirements published on the Court’s website. |
| | Family Court and Federal Circuit Court of Australia | Hearings were conducted virtually using Microsoft Teams and/or AAPT Teleconferencing. In addition, to facilitate matters being dealt with electronically, parties were to “e-file”, “e-lodge” or e-mail all documents. The Courts also accepted affidavits (other than where part of a divorce application) and financial statements that were signed without a qualified witness’ signature, if the deponent of the document was available via telephone, videoconference or in person at a subsequent date. |
| | District Court of New Zealand | A Practice Note was issued on 23 April 2020 temporarily enabling judges of the Court to make directions as to the form of participation of any person at hearing or trial (whether by telephone or audio-visual link). |

| Response | Jurisdiction | Response Details |
|----------|---|---|
| | Africa | |
| | Supreme Court of Uganda | The Chief Justice issued a directive on 19 March 2020 enabling judgments and rulings to be issued to the parties via email or WhatsApp. On 29 April 2020 the Chief Justice issued guidelines pertaining to the judiciary's use of online hearings. |
| | South African Superior Courts | The Office of the Chief Justice on 27 January 2020 implemented an online cloud-based collaborative solution enabling Digital Case Management and Evidence Management systems for the High Courts. On 16 April 2020 a direction was issued permitting "unopposed applications already enrolled for hearing" to be heard by videoconference and directing parties to opposed applications to "file their heads of argument electronically". |
| | Europe | |
| | The UK Family Court and Family Division of the High Court | The UK created a "Remote Access Family Court" which allowed hearings to be conducted virtually using, for example, Skype for Business. These remote hearings were supported by "e-bundling" technology through the implementation of the Cloud Video Platform in July 2020 in civil, family and criminal courtrooms. This platform allows judges and parties to access documents that are filed electronically. |
| | Italian Supreme Court | Initially, all court activities were suspended. However, as of 16 April 2020 "e-trial measures" were implemented "for any type of court activity, both civil and criminal". Consequently, such matters were exclusively held on "secure online platforms", which enabled parties to appear via videoconferencing technology. |
| | Republic of Ireland Criminal Courts | Defendants in custody appeared before the Central and Special Criminal Court through videoconferencing technology. The use of remote hearings was predominantly confined to the Supreme Court, Court of Appeal and High Court until courts reopened in September. |
| | Hungarian Civil and Administrative Courts | On 31 March 2020 the Hungarian government issued a decree ordering that hearings were to be conducted electronically (through videoconferencing) until the courts would reopen. |

| Response | Jurisdiction | Response Details |
|---------------------------------|--|---|
| Replacement Technologies | North America | |
| | British Columbia's Civil Resolution Tribunal | The Civil Resolution Tribunal (CRT) is an online dispute resolution tribunal that hears – <i>inter alia</i> – simple personal injury, employment, construction, and property matters. Applicants apply online to have their dispute resolved by the Tribunal. The system then automatically classifies the dispute and provides applicants with the necessary documents to file their claim. Thereafter, parties can lodge submissions and evidence for the tribunal member to assess it online. Indeed, if an oral hearing is required, it is conducted via Skype. While the Tribunal has been in operation before COVID-19, its inherently digital nature has allowed it to “remain fully operational” since the outbreak. |
| Disruptive Technologies | Asia | |
| | Beijing Internet Court | The Beijing Internet Court is one of three “virtual courts” in China. These Courts engage in what is termed “e-litigation” procedures, which enable the entire litigation process from “filing to ruling and mediation” to be conducted online. The system operates 24 hours a day and, since the pandemic, has been investigating procedures to “set protocols of online litigation proceedings in cyberspace”. This Court also has what is termed a “mobile micro court”. This enables parties to appear via WeChat – China’s leading social media platform – and is of especial benefit for individuals who do not have easy access to a computer during the COVID-19 outbreak. “Case pushing”, “nudging” and “decision correction” technology is in place in some courts and has not been a COVID-19 addition (see discussion below). |

7 How Has the COVID-19 Pandemic Affected Litigation and ADR?

The pandemic has brought about global change in all aspects of life, challenging the justice system in our country and around the world. It can be observed that the response to health emergencies has been met with different degrees of pressure on the courts in different countries. In some countries, IT solutions enabling online courts had already started to be deployed before the pandemic, while in others it was a rapid response to the current challenges. The legislative framework that allowed for this rapid response and ensured the use of telecommunication tools for remote hearings was able to innovate as necessary. Despite the divergent paths, we can still see that courts around the world have adapted quickly to the COVID-19 protocols. Despite the health risks and logistical obstacles to face-to-face trials, they have sought to develop a myriad of ways to deliver justice. The *remotecourts.org* site has collected current court solutions, allowing countries to share experience and be inspired by the different solutions. The EU has published a comprehensive table on how Member States are using electronic technologies and tools in the epidemiological situation.

Table no. 2: Digital tools in Member States⁴⁶

| Member State | E-Justice measures |
|--------------|--|
| Austria | Immediate infrastructure and application-related steps were taken in order to strengthen and secure especially home office, video conferencing, sufficient bandwidth and connectivity, as well as secure transmission of confidential or sensitive information. Notaries may perform all their services, such as authenticate documents and draft notarial deeds, by means of electronic communication. The notary has to establish a stable video communication channel with the party and observe certain security precautions during the identification process. So far, this electronic procedure has only been permissible for the foundation of a limited liability company. |
| Belgium | - |

⁴⁶ Digital solutions during the pandemic. *European Commission* [online]. [cit. 29.5.2022]. Available at: https://ec.europa.eu/info/live-work-travel-cu/coronavirus-response/digital-solutions-during-pandemic_en

| Member State | E-Justice measures |
|----------------|---|
| Bulgaria | The Supreme Judicial Council has issued orders for filing documents to courts and the prosecutor's office by mail or electronically, as well as for consultation on the phone or electronically. For the mentioned hearings, summons is served by telephone or electronically. The services provided by the Commercial register and other registers are accessible online. |
| Croatia | Communication with parties and all participants in court proceedings is done electronically as a rule. In cases requiring meeting or hearing in person, all precautionary measures imposed by the health authorities are taken. Technical means of distance communication available to judges and courts, including within the court (email, videoconferencing, etc.), should be used. All lawyers, citizens, and other users of eKomunikacija (eCommunication) are able to view the content of all documents, if the content is available in the case management system. Electronic communication is in use in all commercial, municipal, and county courts and in the High Commercial Court of the Republic of Croatia. Lawyers/attorneys at law, insolvency practitioners, notaries, court experts, assessors, and legal entities are able to send submissions and attachments to the court; receive court documents; perform remote insight into court cases; and other. Currently, only lawyers, court experts and assessors, insolvency practitioners, and legal entities can send submissions to the court. ePredmet (eFile) provides all citizens with information on the course and dynamics of resolving cases in ordinary proceedings and legal proceedings, but not insight into the content of court documents. Technical prerequisites for the e-communication service are provided by the Ministry of Justice. |
| Cyprus | - |
| Czech Republic | Hearings which cannot be postponed are carried out strictly in line with the restrictions posed by the Government, i.e., the public is excluded, examination of witnesses or the accused is carried out via videoconference, etc. |
| Denmark | - |

| Member State | E-Justice measures |
|--------------|---|
| Estonia | The courts, prosecutor's offices, prisons, and legal professionals are already provided with the necessary equipment for teleworking. Additionally, everyone with an Estonian ID has digital access to governmental services, documents can be signed and exchanged digitally in a secure way. Firstly, all courthouses remained open, although with limited opening hours. The judges and other court staff could carry out most of the proceedings in writing from home thanks to the information system and digital court file application. Secondly, to raise the capacity to hold video conferences, virtual meeting rooms have been created for the ministry, courts, prosecution offices, and prisons. Thirdly, judicial cooperation in both civil and criminal matters is carried out via emails as much as possible. |
| Finland | The Finnish judicial bodies (courts, prosecutors) conduct all contacts primarily via electronic services, and on-the-spot client services have been either paused or reduced significantly. The courts are holding hearings by remote means to the largest possible extent provided by the law. Necessary and critical cases are given priority. |
| France | An order issued on 25 March 2020, on the adjustment of procedural arrangements during the crisis provides for the possibility of transferring the jurisdiction of a court that is not able to function to another, or the use of hearings by videoconference. |
| Germany | - |
| Greece | - |
| Hungary | The scope of written communication was extended. Modern communication tools for procedural acts that require direct oral contribution were enabled and encouraged. |
| Ireland | The ICT infrastructure necessary to facilitate remote court hearings which nonetheless comply with the constitutional obligation that justice be administered in public has been put in place. |
| Italy | With regard to hearings, all pending proceedings have been postponed ex officio up to 15 April, or 30 June if it has been so decided by the heads of office, except those that have been declared urgent by the judge on a case-by-case basis or those considered by the law as top priority. In these cases, the parties' effective participation and the protection of their procedural rights, in particular with regard to inmates, are guaranteed by videoconference systems, with simultaneous audio and video of all the persons present, and by confidential communication systems between the defendant and his/her defense counsel. |
| Latvia | - |

| Member State | E-Justice measures |
|--------------|--|
| Lithuania | The bailiffs are already required to perform and register all actions of the enforcement process electronically and attempts aimed at enabling notaries to approve most transactions by electronic means are underway. |
| Luxembourg | - |
| Malta | - |
| Netherlands | Measures aiming to facilitate the functioning of Justice have been taken, for instance, with the introduction of hearings via videoconference and court proceedings in writing. |
| Poland | - |
| Portugal | - |
| Romania | - |
| Slovakia | Law firms can be open even though many lawyers work from home. Electronic, telephonic, and other means of communication without physical contact are preferred. Notarial office hours are limited, it is advised to consult them by phone or email. Bailiffs have strengthened their capacities for telephonic and electronic contact with the public. |
| Slovenia | |
| Spain | IT solutions and communication tools have been provided or reinforced in order to facilitate teleworking of judges, prosecutors, and other legal actors. |
| Sweden | The use of digital communication tools, and video and telephone conferences in proceedings has increased. |

The rapid growth of ODR over the past few years proves that ODR is an effective method of resolving disputes as opposed to traditional litigation. We can see that many courts and ADR centres were ready to change their structures before the pandemic broke out. The changed circumstances, however, have brought the possibility of amicable dispute resolution into even sharper focus, creating a sense of awareness among the parties, given that a significant proportion of them felt financial pressure which made them more willing to resort to ADR to avoid lengthy and costly court proceedings.⁴⁷

⁴⁷ ARINZE-UMOBI, C.N., OKONKWO, I.T. Alternative Dispute Resolution Practice in Nigeria and the Effect of Covid-19 Pandemic. *International Journal of Law and Clinical Legal Education* [online]. 2021, Vol. 2, pp. 83–84 [cit. 29. 5. 2022]. Available at: <https://www.nigerianjournalonline.com/index.php/IJOLACLE/article/view/1717>

ADR is a simple procedure that typically offers alternative routes to litigation in civil or commercial disputes. Mediation offers each party to a dispute the opportunity to resolve their dispute together so that they can maintain good relations in the future. The year 2020 was certainly a challenging one for many businesses and individuals. The challenges posed by the pandemic have led to increased interest among disputing parties in the use of ADR mechanisms. In response to the pandemic, mediators have turned to ODR to bridge the gap.⁴⁸

8 Alternative Dispute Resolution

The primary function of traditional courts is to resolve disputes and conflicts impartially and fairly and to sanction violations. However, *Suskind* observes that court procedures are slow, expensive, and difficult for ordinary people to access. It seems as if the court system is not the most appropriate way to resolve disputes between people. He sees this as the reason for the presence and popularity of ADR forums, which are multiplying rapidly. He identifies three main factors behind this process. In his opinion, court procedures are extremely outdated, while at the same time the nature of modern law – too rapid changes in legislation – makes the process almost incomprehensible to the ordinary person, not to mention the complex and incomprehensible legal language. Be that as it may, the world is changing, and legal and judicial systems cannot escape this change. The pandemic and the responses to its challenges, as well as developments in information technology in the legal sphere, show that ADR is becoming a much more prominent focus of interest and solution than previously thought.⁴⁹

⁴⁸ ARINZE-UMOBI, C. N., OKONKWO, I. T. Alternative Dispute Resolution Practice in Nigeria and the Effect of Covid-19 Pandemic. *International Journal of Law and Clinical Legal Education* [online]. 2021, Vol. 2, p. 84 [cit. 29. 5. 2022]. Available at: <https://www.nigerianjournalonline.com/index.php/IJOLACLE/article/view/1717>

⁴⁹ ZÓDI, Zs. A járvány, a jogi szféra és a technológia. Hogyan vészelték át a jogrendszer a járványt, mekkora szerepe volt ebben a technológiának, és mennyire lesznek tartósak a változások? [The epidemic, the legal sphere and technology. How have legal systems weathered the epidemic, how much has technology played a role and how long will the changes last?]. In *Medias Res* [online]. 2020, Vol. 9, no. 2, pp. 352–354 [cit. 20. 9. 2022]. Available at: <http://real.mtak.hu/126123/1/imr-2020-02-09.pdf>

In many countries, we see mandatory use of ADR procedures before court proceedings are initiated, but also mandatory use of ADR processes to interrupt proceedings that have already started. We see that it is the legislator himself who is guiding citizens towards such a resolution of their conflicts and disputes as a real alternative, supporting their personal responsibility.⁵⁰

ADR is a procedural option that can be used as a substitute for judicial enforcement and can provide a mutually beneficial solution for the opposing parties.

8.1 Mediation Directive⁵¹

As early as 1999 (Tampere European Council), the European Council called on the Member States to develop alternative out-of-court procedures to improve access to justice for EU citizens. The source of law governing mediation in cross-border⁵² civil and commercial cases is the Mediation Directive.⁵³

This alternative procedure, tailored to the needs of the parties, can ensure a cost-effective and quick out-of-court settlement of disputes for the parties involved. The rationale behind allowing mediation is, *inter alia*, that agreements resulting from mediation are more likely to be respected by the parties, while at the same time the relationship affected by the conflict is more likely to be saved. However, these benefits are even more striking in situations with cross-border elements. The Mediation Directive creates the possibility of a balanced relationship between mediation and judicial proceedings by encouraging mediation and facilitating the use of the procedure.⁵⁴

The provisions of the Mediation Directive cannot be applied to rights and obligations which are not freely determined by the parties (family law, labour

⁵⁰ SOURDIN, T., LI, B., McNAMARA, D.M. Court innovations and access to justice in times of crisis [online]. *Health Policy and Technology*, 2020, Vol. 9, no. 4, pp. 447–453 [cit. 29. 9. 2022]. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7456584/#bib0018>

⁵¹ Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters (“Mediation Directive”).

⁵² A cross-border dispute is a dispute “*in which at least one of the parties is domiciled or habitually resident in a Member State other than that of the other party at the time when: the parties agree to use mediation after the dispute has arisen; mediation is ordered by a court; an obligation to use mediation arises under national law; or the parties are invited to use mediation*”. – Article 2 Mediation Directive.

⁵³ Points 1–3 Mediation Directive Preamble.

⁵⁴ Point 6 Mediation Directive Preamble.

law). Nor does it cover tax, customs or administrative matters, liability for acts or omissions of the State in the exercise of its public powers (*acta iure imperii*). At the same time, the Mediation Directive indicates, in the interests of legal certainty, the point in time which is essential for determining whether or not a dispute, which the parties wish to settle by mediation, is a cross-border dispute.⁵⁵

From the point of view of the enforceability of agreements resulting from mediation, mediation should not be considered as a less effective alternative to judicial proceedings, in the sense that the enforcement of agreements resulting from mediation would depend on the good faith of the parties. Member States should therefore ensure that the parties to a written agreement resulting from mediation can have the content of their agreement declared enforceable. However, these rules should be without prejudice to the rules of the Member States on the enforcement of agreements resulting from mediation.⁵⁶ The content of the agreement may be made enforceable by a court or other competent authority by judgment, decision or authentic instrument in accordance with the law of the Member State in which the application is made.⁵⁷

Given that confidentiality is a requirement in the mediation process, Member States should ensure that neither mediators nor persons involved in the administration of the process are subsequently required to provide evidence in civil and commercial court or arbitration proceedings of information that has been obtained during or in connection with the mediation process, unless otherwise agreed by the parties. However, exceptions may be made where overriding reasons relating to public policy in the Member State concerned so require (in particular, where it is necessary to protect the interests of children or to prevent harm to the physical or psychological integrity of persons) or where disclosure of the content of an agreement resulting from mediation is necessary for the implementation or enforcement of the agreement.⁵⁸

In order to encourage the use of mediation, it is necessary to adapt the rules on limitation periods in the Member States so that they do not prevent parties from going to court or arbitration if their mediation attempts have

⁵⁵ Art. 1 Mediation Directive.

⁵⁶ Point 19 Mediation Directive Preamble.

⁵⁷ Art. 6 Mediation Directive.

⁵⁸ Art. 7 Mediation Directive.

failed.⁵⁹ Member States should encourage mediators to provide information to the public about the organisations offering mediation services and lawyers to inform their clients about mediation.⁶⁰

8.2 Directive on Consumer ADR⁶¹

Ensuring a high level of consumer protection is enshrined in both the Charter of Fundamental Rights of the European Union and the Treaty on the Functioning of the European Union (TFEU).⁶² The TFEU defines the internal market as an area without internal frontiers where the free movement of goods and services is ensured, but where it should also provide added value for consumers through better quality, more choice, reasonable prices and high safety standards. In this way, the regulation aims to promote a high level of consumer protection.⁶³

ADR is a simple, fast and inexpensive way to resolve disputes between traders and consumers outside the courts. Member States should ensure that ADR forums provide fair, practical and proportionate solutions to disputes with both the consumer and the trader, based on an objective assessment of the circumstances of the complaint and with due regard for the rights of the parties. Despite the possibilities and the legislation, we see that the level of development and use of ADR is not uniform across the EU. A large proportion of consumers and traders are still not aware of the alternative redress mechanisms available to them and only a small proportion of citizens know how to lodge a complaint with an ADR forum.⁶⁴

The aim of the ADR Directive is to promote the proper functioning of the internal market through the achievement of a high level of consumer protection by ensuring that consumers can bring their complaints against traders voluntarily before bodies offering independent, impartial, transparent, effective, prompt, and fair ADR procedures. However, the ADR Directive

⁵⁹ Point 24 Mediation Directive Preamble.

⁶⁰ Art. 9 Mediation Directive.

⁶¹ Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (“ADR Directive”).

⁶² Point 1 ADR Directive Preamble.

⁶³ Point 2 ADR Directive Preamble.

⁶⁴ Point 5 ADR Directive Preamble.

is without prejudice to national legislation which makes participation in such procedures compulsory, provided that such legislation does not prevent parties from exercising their right to justice.⁶⁵

The scope of the ADR Directive covers the out-of-court settlement of domestic or cross-border disputes between traders established in the EU and consumers residing in the EU concerning contractual obligations arising out of sales or service contracts through the intervention of an ADR forum, whereby the ADR forum proposes or prescribes a solution or brings the parties together to facilitate an out-of-court settlement.⁶⁶

Among other things, the ADR Directive does not apply to non-economic services of general interest;⁶⁷ disputes between traders; direct negotiation between the consumer and the trader; attempts by a judge to settle a dispute in the course of legal proceedings concerning the dispute; as well as in proceedings brought by the trader against the consumer; and in relation to health services provided by health professionals to patients for the assessment, maintenance or improvement of their state of health, including the prescription, dispensing and supply of medicines and medical devices, or by public providers of continuing education or higher education.⁶⁸

The development of properly functioning ADR in the EU is essential to strengthen consumer confidence in the internal market, including in the area of online commerce, and to unlock the potential and opportunities of cross-border and online trade. The development of ADR should build on existing ADR procedures in the Member States, while respecting the legal traditions of the Member States. An ADR procedure⁶⁹ is a procedure that meets the requirements set out in the ADR Directive and is conducted by an ADR forum.⁷⁰

⁶⁵ Art. 1 ADR Directive.

⁶⁶ Art. 2 para. 1 ADR Directive.

⁶⁷ Non-economic services are services that are not provided for economic consideration. Consequently, non-economic services of general interest provided free of charge by or on behalf of the State do not fall within the scope of the ADR Directive, irrespective of the legal form in which they are provided.

⁶⁸ Art. 2 para. 2 ADR Directive.

⁶⁹ Art. 2 letter g) ADR Directive.

⁷⁰ Alternative Dispute Resolution forum is any body, however named, established on a permanent basis, dealing with the settlement of disputes by alternative dispute resolution and listed. – Art. 4 letter h) ADR Directive.

Member States have the possibility to allow ADR forums to have procedural rules that allow them to refuse to settle a dispute on certain grounds. In the case where the consumer has not attempted to contact the trader concerned to discuss his complaint (has not sought to resolve the matter directly with the trader in the first instance). The dispute is frivolous or vexatious in nature. The dispute is or has been dealt with by another ADR forum or court. The value of the claim is below or above a predetermined threshold. The consumer has not lodged the complaint with the ADR forum within a predetermined time limit, which shall not be less than one year from the date on which the consumer lodged the complaint with the trader; and where the resolution of such a dispute would otherwise seriously undermine the effectiveness of the ADR forum.⁷¹

In order to be efficient and effective, Member States should ensure that parties have access to ADR procedures both online and offline, regardless of where they are located. The procedure can be used without compulsory legal representation, but this does not deprive the parties of the possibility to be represented or assisted by a third party at any stage of the procedure. ADR is available to consumers free of charge or for a nominal fee.

8.3 Regulation on Consumer ODR⁷²

A high level of consumer protection is expected and regulated in the EU. However, in order to ensure that consumers have confidence in the digital dimension of the internal market and can take advantage of its benefits, it is necessary to ensure that consumers have simple, efficient, fast and cost-effective means of resolving disputes arising from the online sale of goods and services. This is particularly important for cross-border purchases.⁷³

The aim of the ODR Regulation is to contribute to the proper functioning of the internal market, and in particular its digital dimension, by achieving

⁷¹ Art. 5 and 8 ADR Directive.

⁷² Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR) (“ODR Regulation”).

⁷³ Points 1–2 ODR Regulation Preamble.

a high level of consumer protection through the creation of a European online platform⁷⁴ to facilitate the independent, impartial, transparent, efficient, swift, and fair online out-of-court settlement of disputes between consumers and traders.⁷⁵

The ODR Regulation covers the out-of-court settlement of disputes between consumers established in the EU and traders established in the EU in relation to obligations arising from online sales or service contracts.⁷⁶

8.4 Online Dispute Resolution Platform⁷⁷

In the pre-COVID era, there was a general reluctance to engage in virtual activities, but this has changed significantly with the new world order in terms of the way disputes are resolved. Online Dispute Resolution is a form of ADR that allows for the resolution of disputes over the Internet or any telecommunication device without the parties to the dispute having to be physically present at a given time and place. ODR techniques were already being used worldwide before the pandemic outbreak to resolve a wide range of disputes, typically consumer disputes, and its rules and infrastructure were well developed and in place before the outbreak of the COVID-19 pandemic.⁷⁸

The ODR Platform will help consumers to resolve complaints about products and services bought online through ADR bodies. As of 9 January 2016, all online shops in the EU are required to place a link to the platform on their website, allowing European consumers to submit their complaints electronically to an ADR organisation.⁷⁹ The ODR Platform

⁷⁴ ODR Regulation provides the framework for online dispute resolution, the creation of the EU ODR platform and the date (9 January 2016) as of which each e-shop in the EU must provide a link to the platform to its website that would give to the European consumers the access to electronically submit their complaints to an ADR entity.

⁷⁵ Art. 1 ODR Regulation.

⁷⁶ Art. 2 ODR Regulation.

⁷⁷ Online Dispute Resolution. *European Commission* [online]. [cit. 20. 9. 2022]. Available at: <https://ec.europa.eu/consumers/odr/main/?event=main.home.howitworks>

⁷⁸ GHOZALI, M., ISPRIYARSO, B. The Online Arbitration in E-Commerce Dispute Resolution During Covid-19 Pandemic. *Jurnal Daulat Hukum* [online]. 2021, Vol. 4, no. 3, pp. 160–166 [cit. 25. 4. 2022]. Available at: <http://lppm-unissula.com/jurnal.unissula.ac.id/index.php/RH/article/viewFile/16266/5686>

⁷⁹ Online Dispute Resolution. *European Commission* [online]. [cit. 20. 9. 2022]. Available at: <https://ec.europa.eu/consumers/odr/main/?event=main.home.howitworks>

is an out-of-court dispute resolution tool for consumers residing in the EU and service providers established in the EU. The Platform is free to use and available in all official EU languages. In the procedure, the consumer and the trader must jointly choose the body they want to work with.⁸⁰

9 International Outlook

The work of the United Nations Commission on International Trade Law (“UNCITRAL”), which plays a key role in international legal harmonisation and development, is also important in the field of ADR. It started working on the regulation of ODR, as described above, in 2010. It has recognised the importance of consumer protection aspects, contrary to the position of the EU, but has not made it a priority. In the context of ODR, the question was whether the regulation should have a consumer protection focus or not, and whether the next stage of quasi-judicial redress in the event of unsuccessful dispute resolution should be mandatory arbitration or whether there should be more alternatives. At the same time, the question has been raised as to how the mandatory arbitration clause should be enforced in the event of a dispute. This is understood to mean that it should only be mandatory if it was known to the consumer before the transaction was concluded, or mandatory if the parties can agree on it after the transaction has been concluded. Finally, whether it is appropriate to regulate disputes between trader-consumer and trader-dealer differently. The clash of views observed throughout the process has been a major obstacle to global regulation.⁸¹

The UNCITRAL Model Arbitration Rules (1976, amended 2010, 2013) and the UNCITRAL Model Law on International Commercial Arbitration (1985, amended 2006) are the most important instruments for the standardisation of arbitration procedures.

⁸⁰ Online Dispute Resolution. *European Commission* [online]. [cit. 20. 9. 2022]. Available at: <https://ec.europa.eu/consumers/odr/main/?event=main.home.howitworks>

⁸¹ MILASSIN, L. Fogyasztóvédelem és az online vitamegoldó eljárás [Consumer protection and the online dispute resolution process]. *Iustum Aequum Salutare* [online]. 2014, Vol. 10, no. 2, pp. 95–97 [cit. 1. 2. 2022]. Available at: https://epa.oszk.hu/02400/02445/00032/pdf/EPA02445_ias_2014_02_095-104.pdf

The UNCITRAL Conciliation Rules (1980) set out a framework within which parties could settle disputes arising from their commercial relations. The Model Law on International Commercial Conciliation (2002, amended in 2018) was designed to assist states in modernising their legislation on mediation.⁸²

10 Online Dispute Resolution in Practice (Past–Present–Future)

Online dispute resolution has clearly gained in importance in the pandemic period. Typically, existing systems⁸³ were to be used but, at the same time, some systems were improved and transformed into user-friendly systems based on user feedback,⁸⁴ and some completely new solutions were introduced in response to the situation.⁸⁵

We see many cases where the impact of the interdependency has led to an increase in certain types of cases (e.g., in Australia, 42% of married couples have experienced a deterioration in their relationship, with a clear increase in divorce). An existing system, AMICA, provides assistance to parties in the divorce process on issues of parental custody and property division, and also grants advice and suggestions. The system is responsible

⁸² GRÁNER, Zs. Az alternatív vitarendezés lehetséges útjai a polgári-gazdasági jogviták tekintetében, fókuszban a választottbíráskodással [Possible avenues for alternative dispute resolution in civil and economic disputes, with a focus on arbitration]. *Székesfehérvári Törvényszék* [online]. 2020, p. 8 [cit. 17. 3. 2022]. Available at: https://szekesfehervaritorvenyszek.birosag.hu/sites/default/files/news/az_alternativ_vitarendezes_lehetseges_utjai.pdf

⁸³ In Australia AMICA-ADIEU-LUMI systems. See Australia Wants AI to Handle Divorces – Here’s Why. *The Nextweb* [online]. 10. 10. 2020 [cit. 27. 9. 2022]. Available at: <https://thenextweb.com/neural/2020/10/10/australia-wants-ai-to-handle-divorces-heres-why-syndication/>

⁸⁴ In the state of Utah, the system has been in place since 2018 and is used in cases involving loan defaults. See BUTLER, S. et al. The Utah Online Dispute Resolution Platform: A Usability Evaluation and Report. *The University of Arizona James E. Rogers College of Law* [online]. 8. 9. 2020, 188 p. [cit. 27. 9. 2022]. Available at: https://law.arizona.edu/sites/default/files/i4J_Utah_ODR_Report.pdf

⁸⁵ ZÓDI, Zs. A járvány, a jogi szféra és a technológia. Hogyan vészelték át a jogrendszer a járványt, mekkora szerepe volt ebben a technológiának, és mennyire lesznek tartósak a változások? [The epidemic, the legal sphere and technology. How have legal systems weathered the epidemic, how much has technology played a role and how long will the changes last?]. *In Medias Res* [online]. 2020, Vol. 9, no. 2, p. 351 [cit. 20. 9. 2022]. Available at: <http://real.mtak.hu/126123/1/imr-2020-02-09.pdf>

for collecting and organising relevant data. ADIEU is able to collect the documents necessary for the division of property on the basis of the client's authorisation. Typical examples are previous tax returns, land registry data, registered movable property and bank statements. Once the process is complete, it is the LUMI that will make proposals to the parties, which will prepare and enable a settlement to be reached.⁸⁶

A new option introduced in Michigan is the MI Resolve system which provides assistance in cases where typically two parties are in dispute and there is no attorney representation. These can include, but are not limited to, small claims, small debts, and rent disputes between tenant and landlord. The system itself works in a hybrid way, which means that once the data has been collected, a mediator is involved in the process to help the parties move towards an agreement.⁸⁷

In China, we find a specific system where ADR and ODR systems are directly linked to the court system and are not organised on an external, alternative basis. At the time of the pandemic, China adopted a measure to move court proceedings to the online space in order to facilitate better access to justice. It is likely that this rapid and smooth transition was driven

⁸⁶ ZŐDI, Zs. A járvány, a jogi szféra és a technológia. Hogyan vészelték át a jogrendszerek a járványt, mekkora szerepe volt ebben a technológiának, és mennyire lesznek tartósak a változások? [The epidemic, the legal sphere and technology. How have legal systems weathered the epidemic, how much has technology played a role and how long will the changes last?]. In *Medias Res* [online]. 2020, Vol. 9, no. 2, pp. 350–351 [cit. 20. 9. 2022]. Available at: <http://real.mtak.hu/126123/1/imr-2020-02-09.pdf>

⁸⁷ *Ibid.*, p. 351.

by the development of a “smart court” system,⁸⁸ which has been providing full online services to parties since 2019.⁸⁹

The many advantages of ODR and justice cannot be overlooked, but the difficulties that arise must also be taken into account. When studying this subject, one cannot help but wonder whether access to justice in this dimension is really guaranteed to all on an equal footing. We must also mention the differences in the level of development between urban and rural areas, the digital divide between the older and younger generations, and the limitations of Internet use for those with literacy and financial problems. In addition, infrastructure differences in judicial systems can have a significant impact on the quality of justice services.⁹⁰ On the technical side, we see that the key issues are security, system reliability, non-intrusive data transmission, adequate resolution and the possibility of recording. Other issues that have caused problems include system freezes, line breaks, possible unauthorised access and pixelation. In the communication space, the fragmentation of metacommunication and the loss of much of the body language are undeniable drawbacks. Overall, however, we can say that

⁸⁸ The notion of a “smart court” relates to “*the organisational, constructional and operational pattern of people’s courts that is based on advanced innovations with the purposes of achieving fair judiciary and justice for people by means of supporting online intelligent court services throughout the whole dispute resolution process in a transparent environment.*” – See Supreme People’s Court, Opinion on Accelerating the Building of Smart Court, April 2017. In: SOURDIN, T., LI, B., McNAMARA, D. M. Court innovations and access to justice in times of crisis. *Health Policy and Technology* [online]. 2020, Vol. 9, no. 4, pp. 447–453 [cit. 29.9.2022]. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7456584/#bib0018>

The characteristics of a smart court include “*ensuring the fairness and efficiency of the judiciary and improving judicial credibility, making the most out of technologies, including the Internet, cloud computing, big data, and AI, promoting the modernisation and capability of China’s trial system, and achieving the highly intelligent functioning and management of people’s courts.*” – See Supreme People’s Court Work Report. Addressed to the National People’s Congress by Chief Justice Qiang Zhou. In: SOURDIN, T., LI, B., McNAMARA, D. M. Court innovations and access to justice in times of crisis. *Health Policy and Technology* [online]. 2020, Vol. 9, no. 4, pp. 447–453 [cit. 29.9.2022]. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7456584/#bib0018>

⁸⁹ SOURDIN, T., LI, B., McNAMARA, D. M. Court innovations and access to justice in times of crisis. *Health Policy and Technology* [online]. 2020, Vol. 9, no. 4, pp. 447–453 [cit. 29.9.2022]. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7456584/#bib0018>

⁹⁰ Ibid.

despite the drawbacks, the benefits have been able to outweigh the concerns in terms of epidemiological security, time and cost efficiency.⁹¹

11 Conclusion

Conflicts are a natural part of human relations, and in many cases they have a legal dimension. Whether the parties concerned choose to resolve their dispute through the ordinary judicial route or through an ADR procedure depends to a large extent on the nature of the dispute, the person's sense of responsibility and his or her sense of control.

The changed circumstances have created a new situation in our personal lives, in our workplace and in our social relationships. Around the world, we see that the economic transformation has been in favour of digitalisation. Digital platforms for trading goods and services are becoming increasingly important. The role of information intermediaries in trade is becoming increasingly important as they provide a means to resolve conflicts online, thereby protecting the rights of consumers and traders. Large commercial companies (such as eBay, Amazon and Aliexpress) have already set up their own online commercial arbitration tribunals, which allow them to save time and reduce costs by eliminating the need to go to court.⁹²

Experience shows that in the future, virtual mediation will be the main basis for dispute resolution even when things return to normal. Statistics show that virtual mediation has improved the efficiency of dispute resolution.⁹³ We can see that the legislator is also pushing citizens towards personal responsibility,

⁹¹ ZŐDI, Zs. A járvány, a jogi szféra és a technológia. Hogyan vészelték át a jogrendszerek a járványt, mekkora szerepe volt ebben a technológiának, és mennyire lesznek tartósak a változások? [The epidemic, the legal sphere and technology. How have legal systems weathered the epidemic, how much has technology played a role and how long will the changes last?]. In *Medias Res* [online]. 2020, Vol. 9, no. 2, pp. 348–350 [cit. 20. 9. 2022]. Available at: <http://real.mtak.hu/126123/1/imr-2020-02-09.pdf>

⁹² SHAYDULLINA, V.K. Online Arbitration Model for Russia Based on International Practice of Dispute Resolution in E-commerce. *Revista Inclusiones* [online]. 2020, Vol. 7, pp. 199, 208 [cit. 29. 5. 2022]. Available at: <https://revistainclusiones.org/pdf14/12%20VOL%207%20NUM%20Univrsidad.pdf>

⁹³ ARINZE-UMOBI, C.N., OKONKWO, I.T. Alternative Dispute Resolution Practice in Nigeria and the Effect of Covid-19 Pandemic. *International Journal of Law and Clinical Legal Education* [online]. 2021, Vol. 2, pp. 83–84 [cit. 29. 5. 2022]. Available at: <https://www.nigerianjournalonline.com/index.php/IJOLACLE/article/view/1717>

and that it encourages, and in some cases even expects, personal consultation between the parties in conflict as a condition for initiating proceedings. There is also a clear tendency on the part of consumers to prefer ODR to face-to-face dispute resolution, particularly because they are able to obtain the same result for themselves through a simpler procedure than they would have obtained in person. From an economic point of view, it can be concluded that ODR has started to grow up alongside online commerce, which is much larger in volume than traditional forms of commerce, in the sense that the number of disputes being resolved in this context is increasing. There can be no doubt that this is also due to the fact that ADR is a real alternative for the parties to the conflict.⁹⁴

Looking to the future, we see a trajectory of the world moving towards data-driven courts over traditional document-based ones. More and more cases will be automated than ever before, which will inevitably have an impact on legislation. This will also lead to even more data-driven dispute resolution methods. There are already fully data-driven ODR systems that operate entirely without human intervention. The third era of legal informatics will clearly move in this direction.⁹⁵

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- ⁹⁵ ZÓDI, Zs. A járvány, a jogi szféra és a technológia. Hogyan vészelték át a jogrendszerek a járványt, mekkora szerepe volt ebben a technológiának, és mennyire lesznek tartósak a változások? [The epidemic, the legal sphere and technology. How have legal systems weathered the epidemic, how much has technology played a role and how long will the changes last?]. *In Medias Res* [online]. 2020, Vol. 9, no. 2, pp. 354–355 [cit. 20. 9. 2022]. Available at: <http://real.mtak.hu/126123/1/imr-2020-02-09.pdf>

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