

| | |
|-------------------------|---|
| 1. Record Nr. | UNINA9910659481603321 |
| Autore | Santos Hugo Luz dos |
| Titolo | Towards a Four-Tiered Model of Mediation : Against the Background of a Narrative of Social Sub-Systems in Everlasting Cross-Fertilization // Hugo Luz dos Santos |
| Pubbl/distr/stampa | Singapore : , : Springer, Springer Nature Singapore Pte Ltd. , [2023] ©2023 |
| ISBN | 9789811994296 9789811994289 |
| Edizione | [1st ed. 2023.] |
| Descrizione fisica | 1 online resource (222 pages) |
| Disciplina | 347.09 |
| Soggetti | Dispute resolution (Law) Mediation |
| Lingua di pubblicazione | Inglese |
| Formato | Materiale a stampa |
| Livello bibliografico | Monografia |
| Nota di bibliografia | Includes bibliographical references (pages 197-216). |
| Nota di contenuto | Introduction (Setting the Stage to the Four-Tiered Model of Mediation) -- Historical Account on Macau's exquisite two-layered law and social reality (Social Dynamics of Mediation) -- How have Luhmann's Social Sub-Systems Interacted in Anglo-Saxon England (Social Dynamics of Mediation) -- Ascertaining whether and to what extent culture shapes mediation (Cultural Dynamics of Mediation) -- Formal Access to Justice and Effective Access to Justice as an extension of the Rule of Law (Legal Dynamics of Dispute Resolution) -- The Paramount Role of Culture in Mediation (Cross-Border and Cross-Cultural Dynamics of Mediation) -- Enforcement of Mediated Settlement Agreement in light of the Singapore Convention on Mediation. |
| Sommario/riassunto | Underpinned by a hybrid methodology (ranging from social sciences to human sciences), this book parses mediation in four perspectives, which stands as an unparalleled methodological approach so far. Mediation has long been tethered to piecemeal and haphazard approaches, which have flatly failed to capture the gist of the uniqueness of this (often) poorly latched on (and poorly understood) dispute resolution mechanism. This book argues that, in order to fully grasp the richness of such dispute resolution mechanism, mediation |

must be parsed in four tiers. The first tier is the social dynamics of mediation. The second tier is the cultural dynamics of mediation. The third tier is the legal dynamics of mediation. The fourth tier is the cross-border and cross-cultural dynamics of mediation. Taken together, the four tiers that premise the four-tiered model of mediation seek to unlock the finding in view of which law and social reality are tightly interlocked. In this vein, it is the underlying social reality of a given jurisdiction that should dictate the design of a pre-suit court-connected mandatory mediation with an easy opt-out, a central claim of both social dynamics of mediation (the first tier of the four-tiered model of mediation) and legal dynamics of mediation (the third tier of the four-tiered model of mediation). .
