



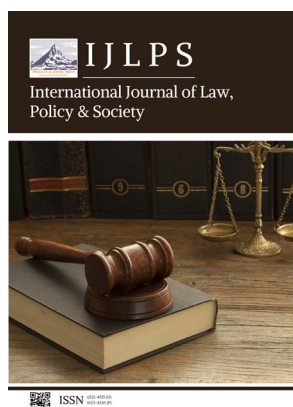
Article **Open Access**

The Legal Effect of Non-Litigation Mediation in Cross-National Family Conflicts

Yinge Li ^{1,*}

¹ Beijing Foreign Studies University, Beijing, China

* Correspondence: Yinge Li, Beijing Foreign Studies University, Beijing, China



Received: 01 April 2025

Revised: 15 May 2025

Accepted: 06 June 2025

Published: 14 June 2025



Copyright: © 2025 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution (CC BY) license (<https://creativecommons.org/licenses/by/4.0/>).

Abstract: Against the backdrop of social transformation and increasingly diversified family structures, family disputes have become frequent, and traditional litigation mechanisms have gradually exposed the limitations of mediation functions due to their high costs and low efficiency. The research originated from the problems of vague legal binding force of mediation agreement and insufficient implementation mechanism. The sample selection focuses on urban grassroots judicial offices and community mediation organizations, as they play a key role in resolving family conflicts and have broad representativeness. However, existing research mostly focuses on mediation procedures and institutional construction, with little empirical evaluation from the perspective of legal effectiveness. Through case analysis, questionnaire surveys, and interviews, combined with 90 mediation agreement samples and 20 judicial confirmation cases, analyze their legal enforcement and compliance rates. Research has found that mediation agreements that have been confirmed by the judiciary have strong effectiveness, but those that have not been confirmed are prone to becoming mere formalities and affecting the effectiveness of social governance. In theory, it has deepened the understanding of the legal attributes of mediation, and in practice, it provides a basis for institutional improvement for grassroots governance. However, due to the limited sample area and single mediation type, the research results still have limitations. In the future, research on cross regional comparisons and platform based mediation mechanisms should be expanded to build a more flexible family dispute resolution system.

Keywords: marriage and family; non-litigation dispute resolution; mediators; family law; division of property

1. Introduction

With the changes in family structure, accelerated social mobility, and the collision of diverse ideas, internal conflicts within families are becoming increasingly diverse. Traditional litigation mechanisms are unable to fully cope with efficiency, emotional repair, and social harmony. Therefore, promoting the widespread application of non-litigation dispute mediation in the field of family disputes has become an urgent issue. In 2025, many government agencies in various countries have proposed to optimize the handling of family disputes in multiple institutional reforms, emphasizing the realization of legal justice on the basis of respecting family ethics and stabilizing social relationships. Many local governments in China have also established "family mediation studios" and "family mediation centers" to promote the integration and joint construction of family mediation with legal aid, women's federations, judicial offices, and other forces, gradually forming

a practical pattern of "mediation priority, litigation resolution". However, despite the initial effectiveness of non-litigation mediation in practice, there are still controversies over its legal effectiveness, such as inconsistent standards and insufficient binding force, which makes it difficult to meet the public's demand for stable and predictable judicial outcomes. Clarifying the legal validity boundary of non-litigation mediation results has become the key to enhancing the authority and enforceability of this mechanism. Focusing on the legal effectiveness of non-litigation mediation in Chinese family disputes, based on the basic theories of social law and procedural law, combined with my experience in participating in marriage and family dispute mediation multiple times in grassroots legal services, using normative analysis, empirical investigation, and case comparison methods, a systematic study is conducted from the dimensions of legal norms, judicial practice, and institutional construction. The purpose is to clarify the legal attribute of mediation agreement in non-litigation mediation and the applicable conditions of judicial confirmation, improve the rights protection and procedure design, and provide theoretical support and institutional suggestions for building a modern family dispute resolution system with Chinese characteristics. The significance of its research lies not only in filling the gap in the study of the effectiveness of mediation laws, but also in helping China's social governance system steadily move towards the direction of rule of law and synergy.

2. Legal Basis for Resolving Cross-Border Family Conflicts and Disputes

The legal resolution of transnational family conflicts not only relies on the coordinated application of domestic laws in various countries, but also requires the use of international private law, convention mechanisms, and judicial cooperation systems to jointly construct a universal and operable legal framework, in order to achieve fair, just, and effective rulings on sensitive issues such as marriage, child custody, and property division.

2.1. The Legal Origins and Jurisdiction of Family Conflicts

The Maputo Protocol sets out a series of obligations for contracting parties regarding family disputes. Regarding the European Commission, the Committee of Ministers adopted the Recommendation on Handling Family Conflicts on April 30th, 2002. A monitoring framework related to the implementation of this recommendation by member states was established in 2005. The Istanbul Convention came into effect on August 1st, 2014 and has been ratified by many places. In the United States, Article 26 of the International Covenant on Civil and Political Rights states that "everyone has the right to equal protection of the law without discrimination of any kind". This provides a legal basis for resolving family conflicts, as this group is usually not within the scope of law enforcement. After an individual or group files a complaint, a proposed investigation procedure can be proposed in accordance with the protocol. If the government does not take measures to punish or prevent family conflicts. Countries around the world regulate family conflicts through marriage and family laws. The European Court of Human Rights has established a considerable number of precedents on family conflicts, such as firmly establishing the principle that family conflicts fall within the scope of Article 3 of the European Convention on Human Rights. Adding the use of Article 14 in family conflict cases highlights a principle that one of the main causes of family conflicts is structural inequality within society [1].

Family conflicts pose significant risks to physical and mental health. A better understanding of how to resolve family conflicts through mediation can provide a basis for decision-making in mediation practice. Family mediation is a problem-solving process aimed at helping separated or divorced couples reach a consensus on their children's current arrangements and financial issues. During this process, a trained and impartial third party (mediator) can assist both parties in communicating and negotiating dispute issues in a confidential manner. After conducting preliminary personal interviews with each party, the couple will have several meetings with one or two mediators. All meetings are

confidential and not legally binding. The mediator will assist the couple in identifying and clarifying their needs and issues. The mediator will also assist couples in expanding their options to reach a mutually acceptable agreement. It is recommended that all parties seek independent legal and financial advice throughout the entire mediation process. At the end of the mediation, a written agreement will be prepared, listing all decisions and agreements of both spouses. Mediators do not make decisions for couples, nor do they provide legal or advisory services. They act as neutral parties to arrive at a fair mediation outcome. The application of non-litigation dispute resolution in family and marriage requires a trained and impartial third party, namely a mediator, to help the two parties to the dispute reach a mutually agreed solution that meets the needs of both the male and female parties and is accepted by both parties [2]. During this process, both parties in dispute have the opportunity to present their own demands and listen to each other's opinions. The job of a mediator is not to make decisions for the parties involved, but to assist them in exploring the pros and cons of their own problems and finding possible solutions to facilitate their reaching a settlement agreement. Mediators do not have the power to decide right from wrong, nor can they impose solutions on all parties. The decision-making power is in the hands of both men and women. Mediators resolve deadlocked negotiations and focus both parties in the family on finding a solution.

2.2. Ways and Methods for Resolving Family Conflicts and Disputes

Litigation used to be the most favored and preferred way to resolve conflicts. Many people believe that this is the only reasonable means of resolving disputes. However, over the years, alternative dispute resolution methods have been explored and fully developed. These alternative methods are often used to resolve disputes, whether they are legal disputes, family affairs, neighbor disagreements, business conflicts, or disagreements between employees at work. These alternative means include negotiation, mediation, conciliation, and arbitration. However, this article will focus on discussing family mediation. In theory, mediation is a process in which a neutral third party assists two or more disputing parties in communicating with each other to reach a voluntary agreement. On the other hand, family mediation needs to promote communication among family members who have differing opinions, in order to facilitate a qualitative change in interaction. In many cases, family mediation involves people who are about to divorce or whose marital relationship has broken down and cannot be salvaged or divorced.

In family disputes, choosing mediation can guide and control all parties to reach a solution. Mediators or practitioners must allow them to develop their own style to showcase the strengths and values of each party. In other words, mediators should be able to provide ways to assist him or her in carrying out the process, and this approach should be dynamic, flexible, and evolutionary. The mediation process can be achieved not only by resolving disputes in a determined manner, but also by taking the needs of both parties to the marriage as the main focus. Effective discussion allows mediators to provide guidance but not advice to the parties involved. This is because the mediator's responsibilities here are limited to mediation, which means that the parties cannot obtain assistance through advice when needed. However, it depends on the mediator, who can decide to shift from facilitation to assessment after determining the issues of the parties. That is why family mediation adopts a mixture of mediation methods, which can help the parties to solve the problem best. It is not difficult to see why many people believe that family mediation is a difficult problem, different from usual mediation, and therefore cannot be assimilated [3]. It cannot be denied that certain characteristics remain unchanged regardless of the type of mediation involved. These characteristics are related to the degree of freedom for all parties to voluntarily provide solutions, and the role of mediators is only to promote the achievement of this outcome. Establishing and ending family relationships has evolved from strict legal requirements and judicial review to more private choices.

Therefore, this private choice as a mediator has raised the question of whether family conflicts should be mediated. This problem stems from many conflicting parties in families believing that mediation is unsafe and therefore unable to reach a fair agreement. However, some people believe that mediation can be an authorization process that is better than negotiation, litigation, and adjudication. In addition, opponents of mediation argue that it deprives people of their choices and may also lead to even worse relationships. However, from any perspective, resolving family conflicts through mediation depends on the determination and willingness of all parties involved. The first thing mediators need to do is to screen the sources of family conflicts and appropriately inquire whether there are any statements from children. This is very important. The basic similarity between family mediation and regular mediation is that both are voluntary, transparent, and led by their respective parties. In addition, family adjustment requires seeking assistance in communication between all parties, not only reiterating the viewpoints expressed by both parties on personal or personal issues, but also enabling individuals to engage in direct communication.

2.3. Family Conflicts Require Enhanced Property Protection for Both Parties

The right to marry and establish a family is the natural and fundamental unit of society, and has the right to be protected by the government. This also protects the right of men and women of married age to marry and determine the number of children they have. The government must ensure equal rights and responsibilities for both parties in matters related to family, marriage, or separation. International human rights law leaves it to individual countries to define marriage-related rights in accordance with national legislation, as long as these do not violate core human rights principles such as non-discrimination and the best interests of the child. Allowing countries to have broad discretion in further defining these rights in their national laws, but not allowing child marriage.

After the breakdown of marriage, property division and maintenance are inevitable consequences. Therefore, both aspects reflect the need for special measures to protect both parties. Property division refers to the division and distribution of property established by both parties during the marriage period. A Chinese legal scholar compared the Marriage Law of 1980 with the law of 1950 and pointed out that the protection of property has been weakened. However, when making judgments on the division of joint marital property, safeguarding the rights of both parties has become a clear principle for judges. This principle was retained after the revision of the Marriage Law (Article 39) in 2001. It remains a supplement to the fundamental principle that marital property and other assets acquired during the marriage process should be distributed equally. Therefore, considering the gap between spouses under actual economic conditions, this is indeed a special protection for the property interests of both parties. It is similar to the "community of property" system adopted by certain common law jurisdictions such as the United States, Canada, and New Zealand. As for the actual allocation ratio, it will be determined by the judge based on specific circumstances. Maintenance expenses refer to the financial support provided to the weaker party during divorce [4]. According to the Marriage Law of 1980, "if one party is financially unable to be self-sufficient, the financially capable party shall provide appropriate financial support. If they fail to reach an agreement, the people's court shall make a judgment" (Article 33). This rule has two advantages: firstly, it provides practical assistance to the financially weaker party. Another is to eliminate her or his financial concerns about divorce issues, thereby ensuring true freedom of divorce. As discussed earlier, some modifications have been made to this regulation as it provides appropriate assistance in housing arrangements. In fact, this means that one party can continue to reside in the other party's house (exploitative rights) or obtain partial ownership of the house, but this depends on the other party's wishes. In addition to the above measures, it is still necessary to mention the third protective measure. When divorcing, one party has the right to demand economic compensation. This economic compensation

measure is based on the following two requirements: firstly, each couple has a written property agreement that stipulates that the property they acquire in the marriage is owned by each party. Secondly, if one party fulfills more responsibilities in raising children, taking care of the elderly, and assisting the other party in their work after marriage, the other party should provide them with financial assistance (Article 40). This new regulation actually recognizes the value of household labor and reflects the function of maintaining and protecting the weak under the law. Furthermore, it indicates that the public perception of the value of household chores has undergone significant changes. However, this regulation only applies to property owned separately by two parties and does not include joint property between spouses.

3. The Effectiveness of Non-Litigation Dispute Resolution in Family Law

The non-litigation dispute resolution methods in the field of family law are increasingly being valued, and their legal effectiveness has become a focus of theoretical and practical attention. Mediation, notarization, family meetings and other mechanisms not only reflect the advantages of simple procedures and emotional repair, but also play a positive role in the reality of scarce judicial resources. How to ensure that their results have legal binding force and effectively connect with litigation and judgment is becoming the key to improving the family dispute handling system, promoting social stability and family harmony.

3.1. The Bottleneck of Non-Litigation Dispute Mediation in Family Conflicts

It is important to point out that many conflicting parties in families claim that mediation is unsafe and therefore unable to reach a fair agreement. However, from another perspective, mediation is an authorization process that is better than litigation. On the contrary, critics of mediation argue that mediation deprives parties of their choice. Some mediation experts agree that family mediation can be very effective in certain aspects. People who hold this view seem to have many ways and methods of conducting family mediation. They believe that all mediation is the same, regardless of whether it is family or not. Firstly, family mediation is a form of mediation where mediators can assist couples in considering their available options at any stage of separation or divorce. Mediators can help them communicate better with each other and make decisions together, which is different from mediation that typically involves resolving business, workplace, community, legal, and family affairs. More importantly, due to various issues such as family, children, and property, family mediation requires longer time and a series of meetings to resolve such family problems. As a mediator, his role is to approach from a broad perspective to accommodate all potential issues. The role of mediators in family mediation includes reducing barriers through communication, exploring alternative solutions to the greatest extent possible, and addressing the needs of those affected by disputes. However, in typical mediation, methods that are not suitable for the interests of all parties can sometimes be difficult to implement. On the other hand, in family mediation, the family will still maintain control over the content of the mediation, and compared to traditional community mediation, mediators may not be able to reach consensus on the actual issues discussed, the exact nature of differences, or even what issues to discuss. Unlike family mediation, the parties involved can easily identify the exact nature and differences of opinion regarding who has a problem. However, some people believe that family conflicts should not be mediated. It is important for mediators to understand the dynamics of the family and their impact on mediation. It is important to point out that many conflicting parties in families argue that mediation cannot reach a fair agreement. In fact, in most cases, the failure of mediation in family conflict cases is due to insufficient training of mediators and the need for remedies. Mediation should not be used in family conflicts. So, family mediation is a separate category of mediation. However, due to its complexity, it cannot be compared to conventional mediation, depending on the nature of the mediator and the

issue at hand. If the issue involves divorce or domestic violence between couples with children, skilled mediators can achieve it through special mediation methods [5].

The one-sided litigation model can actually undermine mediation, prevent free communication among parties, and lose the possibility of attempting to reach an agreement without any form of intimidation. Therefore, in some aspects, it has attracted people's attention that the conflicting parties in the family should not be subject to their own wishes for mediation, in order to avoid putting themselves in danger. However, not all cases of domestic violence are not suitable for mediation. But it depends on the nature of the violence and potential factors between the specific couple, and the decision must be negotiated and determined with a professionally trained mediator. Family mediation can be seen as a separate category of mediation, as mediation is typically used to resolve commercial disputes. However, despite the prevalence of family conflicts, there seems to be no clear reason to consider family mediation as not a form of mediation. Therefore, this raises a question of whether family mediation can be assimilated into general mediation, or whether it is another type of mediation with unique and subtle differences. By emphasizing the differences and similarities between family mediation and regular mediation, this article will explore some arguments for and against it. Then, attempt to explain how family mediation can or cannot be assimilated into conventional mediation.

3.2. The Confidentiality and Disclosure System of Mediation in Family Law

Confidentiality in mediation is a fundamental principle of the mediation process, usually reflected in regulations or policies of mediation services, that is, communication between parties and information exchange during mediation are confidential. The confidentiality of mediation means that mediation communications are not usually avoided by mediators or parties, and will not be accepted in future legal proceedings; Secondly, resolving disputes through mediation is private and independent of public orders, values, and intervention of public power. The disclosure of mediation issues is considered an important mediation requirement, which requires mediation to be conducted in an open and free atmosphere, without worrying about being affected by any court procedures that require mandatory disclosure, especially in cases where mediation is unsuccessful. Therefore, mediation communications are protected by confidentiality to encourage parties to be honest and straightforward. If the parties hold consultations on an equal basis, there is no doubt that confidentiality is effective in achieving this goal. For example, due to power imbalance and incomplete confidentiality, it is impossible to protect the woman from the man, prevent the disclosure of information, or provide protection for her. In this case, the confidentiality of mediation may be abused. For participants, this is a very important topic, especially when dealing with children and discussing family property issues, which is particularly concerning. That is to say, the lack of information about the family's financial situation may lead to decisions not to pursue certain financial rights, or to make concessions on financial issues to ensure that she obtains a place to live without fully understanding the degree of compromise she is making. Due to the difficulty in fulfilling confidentiality obligations, this is another danger faced by both parties. In fact, there is nothing to prevent one party from using the mediation process as a means of obtaining information, or to obtain information for future legal proceedings. The principle of confidentiality in mediation puts one party in a position of trust and confidence in the other party, whether it is due to their openness to themselves or because they do not abuse the principle of confidentiality. In fact, it is very difficult to achieve such trust in the event of a breakdown in the relationship between the parties, especially in the mediation of power imbalances between the parties [6]. Moreover, in the process of allowing one party to openly participate, it is highly likely to betray their trust. In addition, if the program is abused due to confidentiality, its adverse effects will further escalate the conflict.

Of course, the confidential nature of mediation cannot be abused. Before choosing to use mediation, both parties should be made aware of these potential disadvantages. They

should also be assisted in developing a safety plan to protect themselves. So, mediators should receive specialized training to identify when one party has abused the confidentiality of mediation. Specific training can also assist mediators in reaching agreement on procedural principles with all parties involved in mediation. The important factor in the confidentiality nature of privacy mediation is the indirect privacy involved in resolving disputes. Of course, some parties may view mediation as a way to protect the family from public scrutiny, which sometimes accompanies litigation proceedings, and society recognizes family disputes as private and provides support. Supporters of mediation will quickly promote the private nature of mediation on this basis. The resolution of family legal disputes is far from the public interest standards set by the court in areas such as the best interests of children and family conflicts. It cannot be denied that there is a very public interest that is very open. Of particular concern is that mediation privatizes conflicting issues and does not adequately protect the parties involved. The mediation process actively assists him by decriminalizing conflicting behavior. Mediation can safely preserve any inequality issues between the two parties on a private stage, avoiding any public opposition or sanctions. Despite many concerns about the way family law disputes are handled through litigation. However, family law issues are determined by balancing the private will and autonomy of the parties involved with public policy objectives. The decisions of judicial adjudicators are by no means perfect. They themselves need to have a better understanding of gender related issues in the context of resolving family disputes.

3.3. Potential Issues of Mediators in Non-Litigation Dispute Resolution

Actually, before both parties file a family law dispute lawsuit, mediation should always be attempted. Of course, due to current regulations, some parties do not have the right to choose litigation, and mediation may be one of the only easily accessible dispute resolution procedures with third-party assistance. In the context of family law, mediation work has made it increasingly important to encourage such professionals to maintain a favorable position in the mediation process, especially in cases where the mediation results involve family law disputes. Mediation is not always a solution to disputes, and the right to resolve family law disputes should be granted. It largely depends on the individual circumstances of the participants and their level of understanding of the process and its role within the process. Therefore, mediation services must examine whether issues are suitable for mediation, and practitioners must also have greater sensitivity when submitting issues for mediation. Otherwise, the parties involved will be affected by an imbalance of rights, deprived of procedural protection, and may ultimately be forced to accept unfair outcomes. Cheap, rapid, and informal dispute resolution may not be the only way to achieve fair dispute resolution. In some cases, mediation may be relatively successful, but care must be taken to avoid issues with the mediator's professional competence. The cost of mediation is lower than litigation, and mediation will become a tool to weaken judicial development. Whether there is really a right of choice mainly depends on the voluntary participants in the mediation process. The meaning of voluntary equality is that each party must agree to participate, and either party can terminate the mediation at any time. In fact, it is generally considered a symbol of family mediation, which is a process of mutual agreement through which all parties can help reach their own agreement. So, anyone who is forced to comply with mediation is unlikely to participate in helping to produce the correct outcome of mediation. Even if participation in mediation appears voluntary on the surface, people may question whether they can freely choose to accept or reject the mediation in reality. Mediation decisions may often be due to economic pressure, lack of eligibility for legal aid, or a desire to allocate all resources towards children and housing rather than mediation itself. When forced to mediate, even if one may not be willing to do so, and sometimes it may not be appropriate, mediation is still necessary. Any mandatory form of mediation is highly inappropriate. Both parties must be given the opportunity to evaluate the mediation process and decide for themselves whether to participate [7].

Due to the mediator's excessive focus on reaching agreement between the two parties, another issue with participating in mediation is that some mediators tend to measure their ability to lead the parties to reach a certain agreement based on their personal and professional status. Mediators are only natural persons after all, and they may believe that effective solutions encourage them to play a greater intervention role. Mediators have a highly interventionist style and can be associated with reaching an agreement when mediating. Driven by their own perspectives and family values, this intervention is not only consistent with their advocacy of neutrality. Alternative procedures such as mediation, emphasis on reconciliation, and the resulting concentration of attention from all parties towards a certain form. Both parties are concerned that they may actually be forced to surrender during the mediation, and labeling it as a "successful resolution" or "agreement" will become the result of the mediation [8]. Therefore, determining the appropriate object of mediation based solely on the outcome may potentially harm their interests. This harm is even more concerning as it may stem from the personal goals and professional aspirations of the mediator themselves. Lack of any legal form of protection increases the risk of unfair outcomes. We should exercise caution in recognizing and resolving the danger that mediators may become addicted to reconciliation. Even among supporters of mediation, who acknowledge that mediation may not always be successful, it is used to offset or surpass the disadvantages identified in family mediation, particularly issues caused by violence or power imbalances. Therefore, without being informed of the potential adverse effects of mediation, the parties can be persuaded to choose to waive their right to defend themselves, as at least some form of agreement may be reached. Given the complexity of the issues involved, this is not only an insufficient reason to choose mediation as a dispute resolution method for resolving family law disputes, but also a potential danger that could ultimately put one at a disadvantage.

3.4. The Principle of Neutrality of Mediators in the Process of Family Disputes

The lawsuit advocates objectivity, while mediation claims neutrality. The mediator is a "third-party neutral". Mediators must be non-partisan and non-judgmental in dealing with disputes and outcomes. In theory, this argument is that mediators have no authority to make decisions for the parties involved, as the content and resolution of disputes depend on the parties' control. The mediator only controls this process. In fact, the personal views and family values of mediators may have an impact on the outcome of mediated family law disputes, although seemingly neutral, it is a potential problem. The first reason for concern is that despite any theory of mediation procedures and the fact that mediators can provide any guarantees to the parties before mediation begins, neutrality cannot be achieved due to differences in personal perception. As a representative of both parties, the mediator will inevitably bring certain personal and professional biases to the mediation process. In mediation, neutrality is the foundation of trust in the mediator and the mediation process. In some cases, this trust can be misplaced, such as when a mediator who may favor parents unknowingly uses their control over the process to create more opportunities to stand on their side. If so, it may pose greater danger. How can mediators maintain the integrity of mediation and avoid imposing their own values improperly on the parties if true neutrality cannot be achieved when mediators believe that the use of violence may be reasonable or appropriate? One approach is for mediators to abandon their own value judgments and actively seek to curb their personal influence by identifying and acknowledging personal biases. This may involve deciding not to serve as a mediator for a specific mediation. Mediators must demonstrate a neutral attitude. The second main concern is the conflict between the theory of mediator neutrality and the mediator's claim of sufficient ability to address power imbalances. The process of power imbalance alone can be considered biased towards one side. In fact, taking steps to intervene and correct imbalances is inevitably neutral. Therefore, mediators must acknowledge the authenticity of their position. They are either neutral and unable to solve the imbalance problem, or

they do not advocate neutrality and acknowledge the need for affirmative action to achieve a balanced agreement [9]. Maintaining neutrality can only prevent being affected in other aspects and receive appropriate protection to regulate the imbalance of power and procedure in family law mediation.

The issue of neutrality has led to moral and practical dilemmas, resulting in widespread concern for personnel engaged in mediation. This is due to the reliance on the skills of mediators, in which case mediators are in a special position of power as they are the controllers of the process and throughout the entire mediation process, all parties seek refuge. However, this direction is still unregulated and lacks unified regulations. Having a professional background is not a legal prerequisite for becoming a mediator. It is also important to ensure that mediators have sufficient skill levels, and their basic qualifications must include training in mediation techniques. However, it is still necessary to continue training and monitoring the performance of mediators. In the development of society, many mediator training courses only follow a short workshop format and do not even guarantee the ability level of the personnel who complete the course, only providing them with a certificate of completion with training. As long as mediators possess the necessary skills, they should be able to adapt the procedure to the individual needs of the conflicting parties. There is a very special need to participate in family law mediation, especially in cases of power imbalance. Even if the mediator has a high level of mediation skills, during the training process, they are easily influenced by the quality of the training, the mediator's impact on conflicts, and the larger social, economic, and political context of family functions and values. The seemingly complex mediation process, especially when faced with the complexity of issues, makes it necessary to provide comprehensive and appropriate training to protect women's rights [10].

4. Conclusion

For centuries, countries have regarded family conflicts as private affairs unrelated to national policies. However, in the past decade, addressing family conflicts has become one of the important issues in the international human rights movement. Legal and institutional intervention in family conflicts must be restored in the context of social justice and broader social transformation. Although the right to claim compensation is global, specific and effective strategies must be developed locally to establish a nonviolent and gender equal society. If family conflicts are conceptualized as the most fundamental rights, at this level of analysis and intervention, the problem of family conflicts can be eradicated. Using mediation to resolve family legal disputes can achieve twice the result with half the effort. Mediation is often seen as a better dispute resolution method for resolving family affairs, as it is considered a more flexible and cost-effective solution, among other things. Reducing time-consuming dispute resolution solutions also allows for emotional recognition and resolution among all parties involved. However, it should always be remembered that the two parties involved in family law mediation may not necessarily result in fair outcomes. Power imbalance may be the biggest problem faced in family law mediation, especially when it comes to power imbalance caused by family conflicts. In addition, there are many processes that are imbalanced and must be countered. The confidentiality nature of mediation and the related issues of mediator skills, as well as the impact on voluntary participation in mediation. The problem to be solved here is not intended to provide a detailed analysis of the difficulties that may be encountered in mediation due to process imbalance. In order to help improve the understanding of family law disputes and mediation experience, in order to effectively resolve family law disputes as more and more people are being mediated. Professionals in the field of mediation should also provide effective assistance in a responsible and appropriate manner. Through non-litigation dispute resolution, the issue of power imbalance in the process of mediating marriage and family can be resolved. Many of these issues are caused by the fact that mediation theories often sound convincing and satisfactory, but they do not take into account practical needs.

Due to the confidentiality of the mediation process, the problems caused to the parties are unlikely to be easily resolved. The issues arising from neutral mediation terminology can only be resolved by abandoning the terminology itself. Therefore, it is necessary to re-evaluate the rights in family conflicts through mediation theory, and strive to train mediators to better understand the experiences of family participants in mediation. Effective commitments must also be made to the quality assurance of mediation service providers, while rejecting any excessive emphasis on mediation. Finally, women should not be forced to mediate under any circumstances. Not because of the economic situation, nor because of the public and legal policies for resolving family disputes at that time. It is crucial that family dispute professionals understand the fundamental issues at hand. Equally important is to fully understand these issues, as well as those related to family conflicts and other power imbalances, from both parties before deciding to mediate. If judicial fairness is to be achieved, it is necessary to effectively resolve family disputes based on sufficient information and informed decisions. Family dispute professionals can acquire necessary knowledge, as they also have a responsibility to strive to defend the fairness and impartiality of family and marriage laws in this area.

References

1. F. Y. Sun, "Comment on 'Dissociation and re-imagination: the publicity of Chinese marriage law and divorce narrative in 1950'," *Trans/Form/Ação*, vol. 47, no. 4, p. e0240108, 2024.
2. E. Agey, D. Conroy-Beam, and S. J. C. Gaulin, "Offspring and parent preferences for a spouse or in-law in an arranged marriage context," *Evol. Hum. Behav.*, vol. 45, no. 5, 2024, doi: 10.1016/j.evolhumbehav.2024.106612.
3. B. O. Ahinkorah, A. Osborne, R. M. Yillah, C. Bangura, and R. G. Aboagye, "Regional distribution and factors associated with early marriage in Ghana: A cross-sectional study," *Reprod. Health*, vol. 21, no. 1, 2024, doi: 10.1186/s12978-024-01861-7.
4. N. Walker, N. Bell, and D. Woodlock, "Rolling out the red carpet: Non-offending partners and affected family members as allies in disruption," *Child Abuse Negl.*, vol. 157, p. 106995, 2024, doi: 10.1016/j.chiabu.2024.106995.
5. J. Carbone and C. Huntington, "Fatherhood, family law, and the crisis of boys and men," *Colum. Law Rev.*, vol. 124, no. 7, p. 2155, 2024.
6. O. Kesten and S. Özyurt, "Strategy-proof multi-issue mediation: An application to online dispute resolution," *Manag. Sci.*, vol. 71, no. 1, 2025, doi: 10.1287/mnsc.2023.00383.
7. M. Salem, R. S. Al-Sabah, M. T. Elnabwy, E. Elbeltagi, and M. Tantawy, "Critical success factors for the widespread adoption of virtual alternative dispute resolution (VADR) in the construction industry: A structural equation modeling analysis," *Buildings*, vol. 14, no. 9, 2024, doi: 10.3390/buildings14093033.
8. I. Yilmaz and H. K. E. Yilmaz, "A consensus framework for evaluating dispute resolution alternatives in international law using an interval-valued type-2 fuzzy TOPSIS approach," *Appl. Sci.-Basel*, vol. 14, no. 23, 2024, doi: 10.3390/app142311046.
9. C. Ordorica et al., "Using qualitative approaches to rapidly identify barriers to connecting families to mental health services from family law settings," *J. Investig. Med.*, vol. 72, no. 7, p. 242, 2024.
10. K. Zhou, Ed., *China's Long March to Freedom: Grassroots Modernization*, 1st ed., Routledge, 2009. ISBN: 9781315081311.

Disclaimer/Publisher's Note: The views, opinions, and data expressed in all publications are solely those of the individual author(s) and contributor(s) and do not necessarily reflect the views of PAP and/or the editor(s). PAP and/or the editor(s) disclaim any responsibility for any injury to individuals or damage to property arising from the ideas, methods, instructions, or products mentioned in the content.