

Managing Legal Disputes through Alternative Disputes Resolution

Gunawan Widjaja¹

Abstract

Dispute management is an attempt to resolve a dispute or conflict through alternative dispute settlement strategies in a legal context. Alternative dispute resolution methods, such as negotiation, mediation, and arbitration have been widely used in dispute settlement in a variety of situations. The method of research carried out in this research is to discuss the related literature according to the title of the research. The results of this study conclude that alternative dispute settlement strategies can be an effective alternative to litigation in settling disputes. These alternative dispute methods provide advantages such as faster processes, and lower costs, and allow the parties involved to be more active in finding mutually beneficial solutions. In addition, alternative dispute settlement strategies can also help maintain relationships between the parties involved in the dispute. In mediation and negotiation, open communication and cooperation are promoted, which can avoid greater conflict and enable the building of better relations in the future. However, it is important to remember that alternative dispute settlement strategies are not always suitable for every situation. In some cases, litigation can still be the best option, especially when a dispute involves a complex issue or if one of the parties refuses to participate in an alternative settlement effort. Overall, dispute management and alternative dispute settlement strategies are important efforts in minimizing conflict and achieving a fair and beneficial settlement for all parties involved. Understanding the advantages, disadvantages, and appropriate context for using alternative dispute settlement strategies is key in navigating the dispute settlement process well.

Keywords: *Dispute Management, Settlement Strategies, Alternatives Disputes Settlement, Law.*

Introduction

The process of settling disputes through the courts is often time-consuming, and expensive, and can burden an already tight judicial system. Disputes are caused by differences in views or perspectives, needs or interests, and values or principles. The factors that influence them are due to differences in view or viewpoints, Differences in need or interest, and differences in value or principle (Collier, J. G., & Lowe, V., 2000) (Kartasasmita, A. & Widjaja, G., 2021). Disagreement can occur when each individual feels that their views are correct and refuses to accept the views of others. It can occur in a variety of situations in everyday life, including at work (Widjaja, 2000), in interpersonal relationships, or in a political context (Bossy, J. (Ed.). 2003; Folberg et al., 2021).

Differences in needs or interests can also lead to conflict. For example, in a business relationship, a dispute between two companies can occur when one or both parties feel that their interests are not satisfied or harmed by the actions of the other party. This type of dispute can involve financial, marketing, or copyright issues, which can create tension between the parties involved, even in the field of health services (Widjaja, G. & Ayuningtyas, D., 2015; Widjaja, G., 2020).

Differences in values or principles are often a source of controversy in broader contexts, such as politics or social issues. Disagreements can occur when individuals or groups have conflicting values, or different principles, on important issues, like human rights, the environment, or religion. This type of conflict can occur at the national level, such as in international conflicts, or at a smaller level such as between individuals or groups in societies (Chen, C. 2019).

Thus, disputes or disagreements can arise when there are differences in views, needs, or values. However, with the ability to use alternative settlement strategies such as negotiation or mediation, most disputes can be resolved peacefully without having to involve courts or resort to larger conflicts. (Paikah, N., & Asriady, M. 2023; Talib, I. 2013).

Such alternative settlement strategies could be an important option to overcome the obstacles that exist in the conventional justice system. In addition, dispute management is an important part of the legal field as

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Reframing Campus Conflict Jennifer Meyer Schrage, Nancy Geist Giacomini, 2023-07-03 This fully revised and updated second edition builds upon the original vision of the first which was to give voice to diverse and inclusive perspectives identities and practices and to enact the principle that student conduct and conflict response must be based upon foundations of social justice and restorative justice to disrupt and transform overly legalistic and escalated management applications in student conduct administration The Spectrum Model Schrage Thompson 2008 approach centers advocacy for inclusive conflict excellence by expanding traditional adjudication pathways to include dialogue conflict coaching mediation restorative practices and shuttle diplomacy for a more robust and inclusive expression of conflict and conduct practices In the intervening decade this co edited work has become more relevant than ever as colleges and universities continue to be the targets of litigation activists lawmakers and public officials who have for instance changed the Title IX rules for responding to sexual misconduct Civility hate crimes activism immigration nationalism and free speech are all again on the forefront of challenges impacting the current campus climate New chapters cover these and other issues including the unprecedented COVID 19 pandemic response and impact on equity and justice in higher education and amplified calls for racial justice and police reform The book is further enhanced by chapter case studies summaries and questions for dialogue to encourage further reflection by the reader and bolster the usefulness of the work as a textbook and campus training guide The second edition is a must have resource for broad stakeholders invested in inclusive conflict excellence and principled leadership in education in the midst of a shifting and increasingly polarized landscape This includes legal counsel higher education

presidents senior student affairs administrators and faculty leadership as well as student conduct practitioners across conduct boards hearing and appeal officers residential and organizational staff engaged in student facing campus climate work Reframing Campus Conflict further offers transferable content that supports inclusive conflict excellence inquiry and application in graduate programs K 12 special education and human resource management practices This book is for all educators administrators practitioners and leaders committed to engaging campus conflict work through the inclusive lenses of social restorative transformative and procedural justice This is also available as a set with Student Conduct Practice Second Edition

Indigenous Conflict Management Strategies in West Africa Joseph Kingsley Adjei, Jesse J. Benjamin, Brandon D. Lundy, 2014-11-19 Indigenous Conflict Management Strategies in West Africa Beyond Right and Wrong expands the discourse on indigenous knowledge With several examples and case histories the work defines characterizes and explains indigenous conflict management strategies in West Africa particularly in Ghana Nigeria and Cameroon The book critically evaluates indigenous conflict management strategies with a view to determining their effectiveness in the context of the societies history and culture and the relevance and adaptability of these strategies in contemporary contexts This book takes a scholarly approach avoiding romanticizing or idealizing indigenous conflict management strategies in West Africa It advocates a set of mechanisms by which the best elements of indigenous knowledge and skills in conflict management may be deployed to settle contemporary disputes and made portable for adoption and adaptation by other complex societies in the region and beyond

Conflict Management Guidebook United States. Bureau of Reclamation, 1998

Conflict Management and Leadership Development Using Mediation Nance T Algert, 2021-01-01 Conflict management is an overlooked area in leadership development Mediation as an intervention method to use in conflict management can be productive for building leadership capacity and organizational development in higher education Adults average five conflicts per day and people in titled leadership spend over two thirds of their time engaged in managing conflict This workbook offers conflict management strategies models and processes to support college and university personnel in recognizing and managing conflicts and how to build skill sets that can enhance effective communication and address conflicts

Alternative Dispute Resolution in Energy Industries Mustafa Oğuz Tuna, 2022-04-03 The disputes that arise between host states and investors in the energy sector put a high number of valuable and vital projects in the countries at risk Investment treaty arbitration mechanisms as the traditional remedy have provided a solution to these problems for decades However as the number of disputes increases the sufficiency of arbitration in responding to disputes became questionable in addition to the long lasting and costly cases Accordingly ADR mechanisms outside the arbitration cannon have triggered growing interest among practitioners Despite the attraction and the apparent benefits of ADR such as being cheaper faster and with better outcomes compared to arbitration there are also hurdles in front that hinder the application of ADR This has lead to the underuse of ADR in appropriate contexts This study has been conducted to research the gap for the applicability of the ADR

methods for investment disputes in the energy sector with the doctrinal analysis of the existing literature either promoting or opposing ADR Its findings provide guidance for alternative dispute resolution practitioners on when to use ADR how to use ADR and on what disputes ADR to be used to resolve conflicts in International Energy Investment *Alternative Dispute Resolution* ,1999

Dispute System Design Lisa Blomgren Amsler, Janet Martinez, Stephanie E. Smith, 2020-06-02 Dispute System Design walks readers through the art of successfully designing a system for preventing managing and resolving conflicts and legally framed disputes Drawing on decades of expertise as instructors and consultants the authors show how dispute systems design can be used within all types of organizations including business firms nonprofit organizations and international and transnational bodies This book has two parts the first teaches readers the foundations of Dispute System Design DSD describing bedrock concepts and case chapters exploring DSD across a range of experiences including public and community justice conflict within and beyond organizations international and comparative systems and multi jurisdictional and complex systems This book is intended for anyone who is interested in the theory or practice of DSD who uses or wants to understand mediation arbitration court trial or other dispute resolution processes or who designs or improves existing processes and systems

Understanding College and University Organization James L. Bess, Jay R. Dee, 2023-07-03 Now available in paperback this two volume work is intended to help readers develop powerful new ways of thinking about organizational principles and apply them to policy making and management in colleges and universities The book is written with two audiences in mind administrative and faculty leaders in institutions of higher learning and students both doctoral and Master s degree studying to become upper level administrators leaders and policy makers in higher education It systematically presents a range of theories that can be applied to many of the difficult management situations that college and university leaders encounter It provides them with the theoretical background to knowledgeably evaluate the many new ideas that emerge in the current literature and in workshops and conferences The purpose is to help leaders develop their own effective management style and approaches and feel confident that their actions are informed by appropriate theory and knowledge of the latest research in the field Without theory organizational leaders are forced to treat each problem that they encounter as unique as if it were a first time occurrence While leaders may have some experience with a particular issue their solutions are usually not informed by the accumulated wisdom of others who have already encountered and resolved similar situations The authors approach the theory of the organization and administration of colleges and universities from three quite different perspectives or paradigms each relying on different assumptions about the reality of organizational life in colleges and universities The positivist paradigm primarily an omnibus systems theory integrates the chapters into a comprehensive yet easily accessible whole Social constructionism the second paradigm is introduced in each chapter to illuminate the difficulty of seeking and finding meaningful consensus on problems and policies while also addressing important ethical issues that tend to be overlooked in leadership thought and action The third

paradigm postmodernism draws attention to difficulties of logic and communication under the constraints of strictly linear thinking that authorities at all levels attempt to impose on organizations This multiple paradigm approach enables readers to become more cognizant of their own assumptions how they may differ from those of others in their organization and how those differences may both create difficulties in resolving problems and expand the range of alternatives considered in organizational decision making The book offers readers the tools to balance the real world needs to succeed in today's challenging and competitive environment with the social and ethical aspirations of all its stakeholders and society at large The authors aim is to elucidate how administration can be made more efficient and effective through rational decision making while also respecting humanistic values This approach highlights a range of phenomena that require attention if the institution is ultimately to be considered successful Also available Volume 1 The State of the System Two volume set

Conflict Management in Norway Edward J. Shaughnessy, 1992 In this book the author examines Norwegian approaches to conflict resolution that may be instructive for the United States He focuses on two major questions What can be done to relieve the criminal justice system of our city and state governments of their intolerable difficulties in delivering justice to the community and what can be done to help the citizen feel that the city cares and is concerned with the protection of basic social contract demands Contents General Background and Statement of the Problem Why Look to Norway The Development of Theory The Forliksra dene Concept and History Evolution of the Legal Structure The Boards in Action The Operations of the Forliksra dene The Police Prosecutor Fines and Sentencing Court A Day in the Oslo Criminal Court The Role of the Layman The KONFLIKTRAD Experiment in Lier Norway Contrasts and Conclusions Ideas for America **A Practical Approach to Alternative Dispute Resolution** Susan Blake, Julie Browne, Stuart Sime, 2012-08-16 A Practical Approach to Alternative Dispute Resolution will appeal to law students and practitioners looking for a book that deals with the full range of ADR processes This comprehensive book covers the core topics on the dispute resolution module for the BPTC Its practical focus highlights the key processes and procedures for each topic The Law of Higher Education, 2 Volumes William A. Kaplin, Barbara A. Lee, 2006-12-13 This fourth edition of the indispensable guide to the laws that bear on the conduct of higher education provides a revised and up to date reference research source and guide for administrators attorneys and researchers The book is also widely used as a text for graduate courses on higher education law in programs preparing higher education administrators for leadership roles This new edition includes new and expanded sections on laws related to religious issues alternative dispute resolution the college and its employees collective bargaining at religious and private colleges whistleblower and other employee protections personal liability of employees nondiscrimination and affirmative action in employment campus technology and computer networks disabilities student academic freedom freedom of speech and hate speech student organizations rights responsibilities and activities fees athletes rights USA patriot act and immigration status public institutions and zoning regulations regulation of research coverage of retaliatory and

extraterritorial acts federal civil rights statutes The Handbook of Dispute Resolution Michael L. Moffitt, Robert C. Bordone, 2012-06-28 This volume is an essential cutting edge reference for all practitioners students and teachers in the field of dispute resolution Each chapter was written specifically for this collection and has never before been published The contributors drawn from a wide range of academic disciplines contains many of the most prominent names in dispute resolution today including Frank E A Sander Carrie Menkel Meadow Bruce Patton Lawrence Susskind Ethan Katsh Deborah Kolb and Max Bazerman The Handbook of Dispute Resolution contains the most current thinking about dispute resolution It synthesizes more than thirty years of research into cogent practitioner focused chapters that assume no previous background in the field At the same time the book offers path breaking research and theory that will interest those who have been immersed in the study or practice of dispute resolution for years The Handbook also offers insights on how to understand disputants It explores how personality factors emotions concerns about identity relationship dynamics and perceptions contribute to the escalation of disputes The volume also explains some of the lessons available from viewing disputes through the lens of gender and cultural differences *The Federal Labor-management and Employee Relations Consultant* ,1996

Alternative Dispute Resolution in the Employment Arena Samuel Estreicher, David Sherwyn, 2004-01-01 This volume which reprints the proceedings of the New York University 53rd Annual Conference on Labour features work that provides data to answer many of the questions that form the basis of many of the policy arguments The contributors explore solutions to problems in the American workplace Preventing and Reducing Violence in Schools and Society Singh, Swaranjit, Erbe, Nancy D., 2021-02-05 In recent years different regions of the world have been unfortunately experiencing an increase in violent acts within various communities For example the United States has seen an emergence of severe violence within schools over the past two decades This tragic phenomenon is causing administrators and practitioners to rethink teaching techniques and implement concepts of violence prevention within schools and other social organizations Preventing and Reducing Violence in Schools and Society is a collection of innovative research on the evolution and implementation of nonviolence concepts within social settings in order to repent oppression and violence among global communities The book explores the effective diffusion of violence through masterful negotiation and mediation skills as well as mentoring counseling and related processes While highlighting topics including nonviolent teaching active shooter training and LGBT phobia this book is ideally designed for UN governments and their heads politicians NGOs communities riddled with gang and other violence schools educational leaders social organizations community leaders teachers preachers religious leaders mediators peace activists law enforcement researchers and students seeking current research on contemporary nonviolence techniques to facilitate change in schools and other societal environments

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