

Alternative means of dispute resolution in the 21st century

Medios alternativos de solución de controversias en el siglo XXI

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Abstract

Show the importance of alternative means of dispute resolution in family matters and also the advantages of resorting to them, is one of the objectives of this article in which strategies for dissemination and legal advice to society are proposed, as well as raise awareness among the population to determine the problems that are generated in the family environment in relation to the educational field, in which, it is a study with an exploratory descriptive approach to the current situation around the subject and in turn from the qualitative analysis which will allow concrete proposals to be proposed, by linking the academic and social sectors through a series of strategies, from legal advice, training and dissemination of information, among others, this project is expected to contribute to the dissemination of alternative means of dispute resolution in family matters to the community in the entity of Ciudad del Carmen, Campeche, to detect the areas of opportunity in the application of said means to be able to make proposals for their better functioning. Objectives: To demonstrate the benefits of alternative means of resolving family disputes and their advantages. Propose strategies for its dissemination and legal advice to society, as well as guide the population. Methodology: This is a study with a descriptive exploratory approach that shows the current situation around the topic, based on qualitative analysis. Contribution: Link the academic sector with the social sector, as well as provide a series of strategies, from legal advice, training and dissemination of information.

AMCR, Controversy, Diffusion

Resumen

Mostrar la importancia que tienen los Medios alternativos de solución de controversias en materia familiar y las ventajas de recurrir a ellos, es uno de los objetivos de este artículo en el que se plantean estrategias para su difusión y asesoría legal a la sociedad, orientar la población para determinar las problemáticas que se generan en el ámbito familiar con relación al ámbito educativo. Este es un estudio con enfoque exploratorio descriptivo en el que se muestra la situación actual en torno al tema, a partir del análisis cualitativo que permitirá plantear propuestas concretas, al vincular el sector académico con el social así como una serie de estrategias, desde asesoría legal, capacitación y difusión de información, entre otros este proyecto tiene el objetivo de contribuir en la difusión de los medios alternativos de solución de controversias en materia familiar a la comunidad en la entidad de Ciudad del Carmen, Campeche, detectar las áreas de oportunidad en la aplicación de dichos medios para generar propuestas que permitan las condiciones para un mejor funcionamiento. Objetivos: Evidenciar las ventajas que brindan los medios alternativos para la solución de controversias familiares y sus ventajas. Plantear estrategias para su difusión y asesoría legal a la sociedad, así como orientar a la población. Methodology: Este es un estudio con enfoque exploratorio descriptivo en el que se muestra la situación actual en torno al tema, a partir del análisis cualitativo. Contribución: Vincular el sector académico con el social, así como brindar una serie de estrategias, desde asesoría legal, capacitación y difusión de información.

MASC, Controversia, Difusión

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Introduction

In the conventional or traditional penal system, for many years the principle of retributive justice has been applied, which focuses on the sanction of crimes committed, considered as an injury to the legal norm, therefore the sanction seeks the social readaptation of the offender or offender and crime prevention, however, this model of justice was severely criticized for not taking into account the victim, so the conception of crime changed, from considering it a violation of a rule of conduct to an attack by a person to another, so the focus is on repairing the damage caused, from the restorative justice system, which in our country is reflected in the constitutional reform of June 2008, which structurally and substantially modified the criminal justice system by implementing alternative dispute resolution mechanisms, also known as alternative dispute resolution means. Galicia C. F.J (2016: 57)

It is important to indicate the principles that mediation must follow as a benchmark in its application, in order to achieve its effectiveness in dispute resolution.

Principles of mediation

The alternative means are governed by eight principles, these principles are important so that the mediator can evaluate his own services and not make any mistake.

a) *Willfulness*

“The participation of the mediates in the mediation procedure must be by their own decision”. (USAID, 2014)

The media should have the same initiative when starting this procedure, nobody is forced to participate or attend as neither party is obliged to mention personal information, but if you need the encouragement of both parties to start the mediation and that an agreement can be reached.

b) *Confidentiality*

“The information shared in mediation may not be revealed by the mediator, unless it is an offense in which mediation is prohibited or the life or physical integrity of a person is put at risk.” (USAID, 2014)

In the confidentiality since the mediation begins, the mediator makes it clear that all the issues that are dealt with even if it is personal information only remains between the three people in the procedure (both parties and the mediator). Information can only be disclosed when it is a crime as previously mentioned.

c) *Information*

The mediator must clearly explain all the details of the work to be carried out within the process: their role, that of the parties and other parties, as well as the different stages of mediation. (USAID, 2014)

The mediator must explain the operation that each of the parties has, as well as the work that corresponds to him as a mediator, must make people understand that he can only intervene when the parties start to argue or get carried away for other issues that are not relevant in that procedure. The mediator has the function of listening and not intervening in the talk that both parties have since they must reach an agreement that both have the same opportunities and the same arrangements.

d) *Flexibility*

“The mediation procedure must avoid any strict form to be able to respond to the particular needs of the media”. (USAID, 2014)

During the procedure, the media should not follow a format of rules or stages, since the mediator knows that this procedure has rules, the media should tell the media that it is a space for them to solve the conflict of interest that they have, the mediator must not limit the duration of mediation between the media unless in the time you have an agreement has not been reached.

e) *Impartiality*

“This principle attends, on the one hand, to the beliefs of the mediator, who tries to avoid his own personal or professional training, inclinations or preferences interfere during the mediation”. (USAID, 2014)

The mediator should only listen to what the media have to discuss, they themselves must reach an agreement in which you put their main interests, the mediator should not have sympathy, but neither should antipathy on the part of the parties should avoid gestures of annoyance, Although something does not seem to him, the mediator only intervenes in the event that the media start to argue or do not reach an agreement.

f) *Equity*

“The mediator must ensure that the agreement reached by the mid is understood by them and that they perceive it as fair and lasting.” (USAID, 2014)

The mediator must ensure that the interested parties are clear about the entire procedure that is carried out and that the entire session was fair and impartial for both parties.

g) *Legality*

“Only conflicts arising from rights that are freely available to the media can be mediated”. (USAID, 2014)

If the mediator in the entire procedure has doubt or certainty about the legitimacy of an agreement, he should recommend to both parties that they find or seek advice from other mediators or experts in the area.

h) *Honesty*

“The mediator must excuse himself from participating in or terminating a mediation if, in his opinion, he believes that such action would be in favor of the interests of the media” (USAID, 2014)

From the beginning of the procedure the mediator must be aware that he must be totally impartial towards the problems faced by the mediator. In the event that the mediator does not feel capable of his mediator attitudes or capacities, he must refuse to accept said procedure.

i) *Willfulness*

Regarding the mediation process, the principle of voluntariness is fundamental, since it assures the parties that there will be no coercion that forces them to participate in the session, on the contrary, mediation must be voluntary, it is also important to highlight that the participation of mediated, as well as the decisions in the procedure must be made by own will not by obligation.

j) *Confidentiality*

This principle must be applied in all judicial process, in the case of mediation, it is the name given to the mediator, participants or third parties involved in the hearing of not revealing everything that occurs there, that is, the obligation not to communicate to any of the parties those things that have been entrusted to him in the previous or concomitant meetings that he may have had with those involved, unless they authorize it and not to reveal them to any other person. For the parties, it implies both the impossibility of using the elements to which he would have agreed at the hearing, in a possible subsequent trial, and the prohibition to disclose what has been said or heard during it.

k) *Neutrality*

This is one of the most questioned principles in practice, being mainly the mediator, who must be a figure aena to the procedure, that is, have no interests in the matter and therefore be neutral. Neutrality or impartiality implies that the task of the mediator is for the parties to get personally and emotionally involved with the conflict and its solution, without delegating it to any decision-making body other than themselves and without locking themselves in the initial positions, in addition to whether the parties They believe that the mediator is a decision-making body, that is, that they take a position or tend to favor one of the parties, they move away from the goal of the mediation and focus on seducing that decision-making body and it will generate anger and frustration when leaving to pursue procedural justice. Rodríguez G. (2011).

Conciliation

The National Law on Alternative Mechanisms for Dispute Resolution in Criminal Matters establishes in its article 25, that conciliation is “the voluntary mechanism through which the intervenors, in the free exercise of their autonomy, propose solutions to the controversy in which are involved.

In addition to facilitating communication between the participants, the facilitator may, on the basis of objective criteria, present different solution alternatives”.

Conciliation is a procedure in which two or more people who have a problem in general are helped by a third person who is neutral, whose job is to help them reach an agreement that meets each of their needs or problems as well as propose alternative solutions.

Reconciliation Features

- It is a legal act which is provided for in the National Law on Alternative Mechanisms for Dispute Resolution in Criminal Matters to persuade a legal procedure.
- It is a completely voluntary procedure.
- It requires the presence of a third person to propose different solutions to the problem.
- He tends to seek redress for both parties.
- It is acceptable according to the legal provisions on the matter, the conciliator must be a highly capable, professional and accredited by the authority.
- The conciliator must be impartial and avoid falling into the sentiment of one of the parties.
- The conciliation must be totally confidential, the information found in the procedure must not be disclosed by anyone.

Conciliation differences and other alternative dispute resolution means

In the branch of alternative means of conflict resolution there are other means of solution besides conciliation such as mediation and arbitration, the only compatibility with these three is that there is a third party for the help of conflicts.

Mediation and conciliation: between mediation and conciliation there are differences one of them is that in the first there is a mediator who is only in charge of listening to the opinion of both parties and that they reach a common agreement and in the second the conciliator can give his opinion or suggest certain opinions so that the parties reach an agreement. Ombudsman Office (2014).

CONCILIATION AND ARBITRATION: the arbitrator has to listen to both parties, but only he has the duty to resolve the conflict caused, through an award, Ombudsman's Office (2014), and in conciliation the person in charge only gives your opinion about the problem so that both parties reach an agreement.

Arbitration

Arbitration is one of the main means of conflict resolution in our legal system, in this case it will not be a Judge who determines the controversial issue, but a third person previously designated by the parties, and this is the arbitrator, who will resolve the controversy and what the pronouncement may not be discussed by the parties after reaching the agreement, in this way they choose a more private process instead of going to court The parties will reach an agreement through the arbitration agreement in which they will submit the solution of certain conflicts that arose or may arise between them.

Arbitration can be defined as: “Arbitration is a method of dispute resolution whereby the parties agree (arbitration agreement) to submit the solution of certain conflicts that have arisen or may arise between them regarding a certain legal relationship to the decision (arbitration award) of one or several third parties (arbitrators). The form of appointment of third parties is also agreed by the parties” (Peña González, 2010).

What cases can be submitted to arbitration?

Those who are integral parts of the legal relationship and in the event that there is any conflict of interest will be subject to arbitration so that the ordinary jurisdiction process is thus avoided. This agreement can be integrated into a contract, through clauses or in the same way it can be an independent agreement. It is important to know that the two parties that are submitted to arbitration must go voluntarily and freely, and that this be indicated within the arbitration agreement.

The arbitrator will be the one to resolve the conflict between the two parties and this should not be on the side of either, before submitting to said process they must ensure that they are not bound by any circumstance or type of relationship with either of the two parties that are going to intervene in the process, in the event that it is not assured, what has already been issued in the agreement reached can be canceled.

Arbitration Characteristics

- Specialized and fast procedure.
- The referee gives the only solution.
- It grants legal certainty.
- The arbitrators have the capacities of a judge so they can assess the evidence provided to them to dictate a final solution.

Differences between arbitration and mediation

- The arbitrator does not suggest solutions, he decides which is the most feasible solution to the problem posed and the mediator only listens to the reasons of both parties, but he does not decide a solution but themselves.
- The cost of mediation is low compared to arbitration.
- Mediation and arbitration have a similarity in that both are voluntary, neither person is obliged to take this procedure, but it is better since they save a trial at the latest.
- In arbitration there is not much communication between the parties since in mediation they themselves must talk and seek a solution.
- “To round off the idea of the main characteristics of alternative means of conflict resolution, it is pointed out that mediation and arbitration are absolutely voluntary; mediation, as already mentioned, does not have a specific formal structure, while in arbitration and conciliation they do have forms and stages to comply with; in mediation, the parties exercise high control over the mechanism; in conciliation they exercise medium control and in arbitration less control.” (Cuadra Ramírez).

Advantage

- The parties have the possibility to choose the rules that will be applied during the process.
- By being part of the private sphere, the parties can feel secure as there is greater confidentiality of the content of the process.
- It is not a very formal process, the rules are less strict and the performances are carried out informally, this allows both parties to act in a relaxed way and reduce nervousness.
- The parties will be able to choose a specialist in the matter they intend to solve, in this way the assigned person will be able to decide with greater knowledge.
- Since the parties can agree to its terms and set its rules, the resolution process can be accelerated.
- In arbitration there is a third person who is responsible for choosing the correct solution for the conflict raised.

Negotiation

It is a process in which two or more parties with a problem or objective use different communication techniques, in order to obtain a result or solution that reasonably and fairly satisfies their claims, interests, needs or aspirations. (UNAM)

In this alternative medium, interested parties are offered the convenience of exchanging opinions, whether promises and / or making commitments, which must be fulfilled by said parties since they must solve a common problem.

Trading features

- The negotiation has an advantage for both parties, building confidence.
- It is the basis of mediation and negotiation.
- It is voluntary like all other alternative means.
- The parties must reach a pact in a good way and not be forced.

Background to alternative means of dispute resolution

The alternative means of conflict resolution have always been present throughout the life of the human being, since from the beginning of the man the problems in his environment have existed, later we find information related to the alternative means that precede the birth of the nation-state, the arbitration mechanism was used before the figure of the judge was created, in the various states it was supervised since the law that gave it credible legal effects did not exist, therefore all processes were conscientiously managed who issued the arbitration procedure or judgment and it was easy to be manipulated since there was no way to rely on a good basis of credible law.

In ancient times, it was negotiated to make societies more harmonious and thus be able to be in a pleasant environment between the various cultures that were involved, so it was sought to be on equal merits and actions. From ancient China, Japan and the United States; were the main ones in the latter became the main resource to resolve their conflicts.

In Greece there was a system very similar to what we know today as arbitration; which is that a third person is neutral, in which the parties submit to resolve their conflicts based on their own interests.

The conciliation is something similar to the negotiation since it also looks for the good interaction between the media of diverse nature that are in disagreement, this attached to the legal framework of the country as marked by the National Legal culture, helping the solution and supporting arbitration .

There are other AMCRs that can help those involved to decide or define how a better treatment of their problem can be given, making the process easier and making the present conflict easier, so as not to depend on or resort to a person in charge of delivering justice. .

Organisms are divided into two types which provide a good solution to the conflict but involve other media, calling themselves the self-composition (the same person decides what to do with their conflict) and the heterocompositives (using a mediator such as arbitration).

- The development of modern international arbitration began at the end of the 10th century and the beginning of the 20th, which was based on national legislation, so when it was retaken, it was too inconsistent when compiling it and was contradictory, so the judges became reluctant to use it, currently there is a worldwide convergence making a harmonious normative body.
- In the 1960s, Mediation was born in the United States, due to the high judicial cost and in order to decongest the courts, in addition the same people were tired of the physical and psychological wear and tear of what judicial processes entailed, this is how the The same population with scarce resources looked for alternative forms of dispute resolution, originating ADR (Alternative Dispute, Resolution).
- In the 70s it began to be used in Europe, the introduction of family mediation in Europe is carried out from recommendation 1/1998 of the Committee of Ministers of the Council of Europe. In which she sought that family mediation be introduced, promoted and in any case reinforce it by adopting the necessary measures for it.
- In Latin American countries such as Argentina, we have that there was the creation of a decree 1480/92 and the General Law of Mediation and conciliation no. 24573 of 1995. Which was mandatory, however, this did not oblige the parties to mediation, it was more a recommendation in which the parties should go only to comply with that procedure.
- In 1978, it was forced to carry out a series of reforms to the rules of the Spanish Constitution, such as the Civil Code that had to be adapted in 1981, when reforms were approved in the Right to the Family (related to equal rights of legitimate and illegitimate children) the Divorce Law also known as the Ordonez Law
- Thus, in 1997, changes were made to the local constitution of Quintana Roo, issuing the alternative justice law in which measures were implemented to guarantee access to justice. Thus, achieving an impact in the other states.

- In 1999 the first institution of Mediation in Mexico is created; The Family and Community Mediation Unit of the University of Sonora that allow us to have a clearer perspective of mediation and thus be able to train on various topics related to this alternative of knowledge and defense. That same year the Instituto de Mediación de México S.C. in Mexico City.
- With the aim of promoting self-composition solutions in family matters, two reforms were made positively: Law 15/2005 that changed the causal system of separation and divorce by family mediation and the Civil Prosecution Law. Law 5/2012 on Mediation in civil and commercial matters.
- In 2008 there were several reforms to our charter, among them we find Article 17 which indicates; "The laws will provide alternative mechanisms for the resolution of controversies in criminal matters, regulate their application, ensure the repair of the damage and establish the cases in which judicial supervision will be required"

Mexico and the AMCR

Alternative Justice Center of the State of Mexico

The Alternative Justice Center is a dependency of the Court that has technical and managerial autonomy, and is instituted to administer and substantiate alternative methods of dispute resolution, in particular mediation, to deal with conflicts of a civil or commercial nature. , family, criminal and justice for adolescents, between individuals, as well as for their development.

Different means are carried out in the alternative justice center of the State of Mexico, such as:

Mediation, procedure by which communication between the parties is facilitated for the purpose of the same, generating options for solving the conflict and obtaining an agreement acceptable to both.

Facilitation, procedure by which the facilitator tries to promote negotiation between the parties in conflict, in this procedure the facilitator invites both parties to find their own solution analyzing the interests of the other party.

General provisions of the law of mediation, conciliation and promotion of social peace for the state of Mexico

One of the main objects of the Law of mediation, conciliation and promotion of social peace for the State of Mexico is to promote peace and restore interpersonal and social relations, through the means of conflict resolution between society, as well as to make possible the access of collective natural and legal persons to the methods established by this law.

It also establishes the principles, requirements, bases and conditions to carry out the alternative care system for conflict resolution, in the same way it seeks to identify the types of conflicts that can be solved through the methods mentioned in this Law.

Center for alternative family dispute resolution mechanisms of the Sinaloa judiciary

The Center for Alternative Mechanisms for Dispute Resolution in Family Matters of the Sinaloa Judiciary is a body under the Presidency of the Supreme Court of Justice, which was created through an agreement issued by the Plenary.

The objective of incorporating alternative mechanisms to justice delivery services is to provide citizens with their right of access to justice, providing another alternative solution to conflicts of a family nature, other than trial, this through dialogue and are based on voluntariness, confidentiality and procedural economy, as well as guaranteeing the best conditions so that the people who are involved in a conflict can resolve it peacefully, always with the help of a public facilitator.

The alternative mechanisms can be applied in family conflicts that arise between people, referring to a certain fact, right, contract, obligation, action or claim, provided they are matters that may be the subject of compromise; In addition, that they do not affect the morals, the rights of third parties, nor do they break provisions of public order, nor are they inalienable rights.

In the Center for Alternative Mechanisms for Dispute Resolution in Family Matters of the Sinaloa Judiciary, alternate means of mediation and conciliation are carried out.

Provisions of the regulation of the centers of alternative mechanisms for the resolution of controversies in family matters of the judicial power of the state of Sinaloa

The purpose of this Law is to regulate the mediation and conciliation procedures in family matters, its principles, bases and requirements; as well as establishing the organization of the Centers for Alternative Mechanisms for Dispute Resolution in Family Matters of the Judicial Power of the State of Sinaloa.

According to this Law, the alternative mechanisms seek to facilitate and expand access to justice, providing citizens with another alternative for the solution of conflicts of a family nature, other than trial, this through dialogue and based on voluntariness, the confidentiality and procedural economy.

He also mentions the principles by which alternative means are governed, which are: voluntariness, information, confidentiality, neutrality, impartiality, flexibility, fairness, honesty and speed.

Campeche and the AMCR Alternative Justice Center

The Alternative Justice Center is an auxiliary body of the State Judiciary, with technical autonomy to hear and resolve, through non-judicial procedures, the legal disputes raised by the details or forwarded by the Judge.

Its vision is to contribute to the strengthening of the social fabric, through the peaceful resolution of conflicts, reestablish healthy coexistence between the parties, promote values such as peace, harmony, solidarity and respect.

Its mission is to channel interpersonal conflicts, reduce tension and confrontations between the parties, through a peaceful, agile and free way, helping people to communicate and understand each other, to reach an agreement that meets their needs and interests.

Alternative means of conflict resolution

In Campeche at the Alternative Justice Center different means are carried out, which are:

Mediation, procedure through which communication between the parties is facilitated for the purpose of the same, which generate solution options to their conflict and can reach an agreement acceptable to both.

Conciliation, a procedure through which an expert assists the parties to the conflict to facilitate the channels of dialogue, providing alternative solutions.

General provisions in the law of mediation and conciliation of the state of Campeche

According to the Law of mediation and conciliation of the State of Campeche, this seeks to make possible the access of people to the alternative mechanisms for the solution of controversies that are established in this law. This establishes the principles, bases, requirements and conditions to apply mediation and conciliation, always as alternative procedures that offer a prompt and peaceful solution to legal disputes.

It also mentions the creation of the State Center for Alternative Justice, specialized in the conduct and application of the alternative procedures established by this Law, in the same way it will determine and regulate the procedures and bodies for the alternative solution of controversies, as well as the execution of the same.

It establishes the requirements and conditions that individuals or dependencies of the Executive Power must fulfill in the application of the mechanisms that this Law regulates and establishes the regime of administrative responsibility of the specialists in charge of conducting the mediation and conciliation procedures.

Importance of alternative means of dispute resolution in legal practice

Alternative means of conflict resolution have been a result of the needs faced by society throughout its history, since the origin of humanity the need for man to socialize, live in community has been known, which has generated great benefits, as well as disagreements between his life partners.

The human being when establishing himself in society creates his rules and authorities to enforce the established guidelines, to live in harmony, over the centuries his customs became law and this is how we currently find ourselves before a specialized legal system and at the same time saturated by the needs of the population who come before the legal entity to try to live in harmony in ancient times, but the reality always exceeds the ideal and that is how the demand for judicial processes has exceeded the capacity of the judged on different subjects.

Given the need to meet these social needs, judicial processes have been chosen, but which require less time, better results and the tranquility of the parties.

This is possible through conciliation, as part of a judicial process, which facilitates the parties involved in a conflict that requires the intervention of the competent authority, to reach a viable solution, proposed by the same parties, where the only aim is to arrive at the best solution, listening loudly to the other interested party, allowing each other to understand without the need for the intervention of a third party who decides on a subject that they will learn about through a judicial process, based mainly on documents and written by the parties or legal advisers. For the conciliation, the agreement of wills where the intervenors are the ones who find and propose the best solution, but at the same time acquire the legal security of the parties, of the validity and coverage of the judicial authority to guarantee through an agreement concluded by the parties, is essential. elevate to the category of *res judicata*, thereby leaving it as a signature judgment, allowing in case of non-compliance to resort to the court in turn to request the execution of the agreement, having the security of having the relevant elements to be heard in the judgment of being necessary.

Campeche was one of the states impacted by the sequel to the constitutional reform carried out in 1997 by the free and sovereign state of Querétaro de Arteaga, who gave rise to mediation and conciliation sessions to alleviate the legal burden faced by those from Queretaro, who were seeking solutions in less time and avoid the wear and tear of a trial in civil, commercial, family and criminal matters.

With this reform, the alternative Justice Centers are created, who can know and give the necessary tools to reach a good agreement between the parties, where trained personnel provide the parties with the ideal environment, as well as the communication elements used during mediation or conciliation to help the parties to have an assertive communication, thereby allowing empathy and an agreement where the participants have the feeling of satisfaction with the results obtained.

The alternative means of conflict resolution have been well accepted in all states, the sense of satisfaction of the users is high, most after attending a session and signing an agreement leave with the feeling that they have achieved what they wanted by attending to the competent instances, they feel listened to, taken into consideration and part of the process, the win-win feeling is achieved.

In order to guarantee the correct application of the AMCR, the Mexican Institute of Mediation arises, with the purpose of disseminating and promoting them, in the same way to "prepare and certify mediators, monitor the strict compliance with its Code of Ethics and Mediation Regulations, develop a center that manages mediation processes and, in general terms, ensure the full and harmonious development of mediation in Mexico" (EJEC, 2019).

The preparation of the applicators of justice in the state is the way to guarantee the correct performance of the functions that they perform as public servants, due to the sensitivity with which issues of interest to the parties must be treated.

Mediators and / or conciliators must be trained, valuing in the same way to avoid losing their impartiality as much as possible when they feel identified with the different issues they know or lose ethics and objectivity, in case of detecting circumstances of this type or indication of them The acting public servant will be removed and psychological support will be provided until he is in optimal conditions to develop again or reassign him, if after the therapies taken this does not give the expected results or if this applicator of justice does not feel well with the activity to develop again.

In the legal practice of these alternative means of conflict resolution, it is important to note that legal advisers continue to be part of the process, and as the name implies, it is an alternative way to which lawyers can resort to resolve amicably, with procedural speed and guaranteeing the represented the legal validity.

The applicant lawyer takes the represented person by the hand, explaining the operation of the alternative means of conflict resolution, as well as the functions performed by the Alternative Justice Centers of the Courts of Justice of each state, in order to provide a shorter way out your client, who can get the best results from your perspective. Going to the Alternative Justice Center gives us a faster way out, but requires a legal adviser who is in charge of explaining before starting the mediation the doubts that your counsel may have, as well as the legal consequences in case of having them in the middle of the mediation, since the mediator cannot give advice to the parties, simply support them for the proper development of the mediation, for this reason the lawyer, although he cannot intervene within the mediation, if he can be present, provided that the parties have the legal advice at the moment too.

Going to an Alternative Justice Center is at the request of one of the parties, and can be without the need to go accompanied by a legal advisor, the service is provided, by filling out a form where the applicant's data is collected; on the day and time appointed to vent the mediation, the parties appear if this is their will, after the explanation of the rules by the mediator, if the parties decide to undergo mediation, this is carried out only with the information provided by the public servant and the will of the parties, reaching the agreements that they consider the best among them.

It is important to point out to the users of these alternative means of conflict resolution that the ethics of justice operators is something widely considered by the Courts of Justice, since at all times it seeks to ensure that users feel safe and satisfied with the way of doing justice in which they are participants.

Finally, it is important to highlight that the current circumstances, such as the Covid 19 pandemic that the world is experiencing, forces society to use digital media for most of the activities that it carries out, since it is extrajudicial mechanisms that require online development. to facilitate the resolution of disputes, which shows a trend towards its consolidation not only as a serious mechanism at the global level, but also as an indispensable and effective tool González WN (2020), which generates trust on the part of society, however, this is the subject of another research paper.

Conclusion

This work allows to know, reaffirm and analyze in detail on the subject of Alternative Means of Dispute Resolution in the twentieth century, giving a different perspective to development from different perspectives.

We can visualize the current situation of the subject and not only in our State and how it has evolved to the present day, as well as the way in which it is carried out, applied today, and the importance they have in other states.

The AMCR of the 20th century helped a lot to facilitate the resolution of different conflicts between individuals, we see this method feasible for our current society, however the correct procedure must be thoroughly known, since the correct application influences the expected results , for which the professional must be fully trained to efficiently handle this method, in any case, taking into account the current regulations and general provisions.

Final thoughts

According to the analysis carried out, we found that even though this method is not new, there is a lack of information and disagreement about it, which could well facilitate the settlement of certain conflicts through this alternative, which is why a better and greater dissemination is necessary, considering that the centers and the personnel that start it up must have training and enough experience in the process that allows obtaining good results.

Educational institutions are a great way to disseminate AMCRs, and a strategy to spread the importance of their implementation in cases that warrant it.

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