ALTERNATIVE DISPUTE RESOLUTION AS FACTOR FOR INTERNAL DIMENSIONS OF NATIONAL SECURITY

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Abstract: *The security of the fundamental rights and freedoms of citizens (legal certainty) is an important component of the internal dimensions of national security, because it is directly related to the law and order in force in the country. The legal system is a visible feature of the sovereignty of the state, expressing its power through the so-called "jurisdiction". It represents the entire set of powers of public institutions (such as creatures of the state or local authorities) in functions of legislature, executive and judiciary. Alternative dispute resolution methods are applicable to solve disagreements of a different nature, leading not only to the closure of existing disputes, but also to the future disputes. This provides a solid basis for legal certainty, understood as consistency and predictability, by setting clear contours of legal statuses and relationships. ADR should definitely be considered as part of the toolkit for the functioning of the national security system because it leads to conflict cessation, saving of financial resources and time, and as an ultimate result - a sense of confidence among the disputing parties, satisfaction with the idea of reliability and the integrity of their rights and freedoms, as well as a sense of general safety and security.*

Key words: *national security, legal certainty, alternative dispute resolution, rights and freedoms of the citizens, judicial process*

Introduction

It is indisputable that national security as a dynamic condition of society and the state has external and internal dimensions. The scope of the present exposition will be limited to only one of the elements of the internal dimensions of national security – the guarantee of the basic rights and freedoms of citizens, and that through one of the possible factors for their protection.

The classification of the dimensions of national security takes into account its complex and indivisible nature, but quite tentatively defines them as external and internal only with a view to their better analysis in detail and with the appropriate scientific instrumentation supported by empirical material.

As external dimensions of national security, the following components can be considered with the corresponding dose of conditionality: the protection of the territorial integrity of the country, the sovereignty of the state, the protection from external interference in the constitutionally established order of the country, the protection of the national interests of the

country in an international aspect and realizes the country's national priorities internationally.

From other side, as internal dimensions of national security under the already declared conditionality, the following can be considered: the protection from internal encroachments of the constitutionally established order of the country, guaranteeing the democratic functioning of the institutions and the basic rights and freedoms of the citizens, guaranteeing the preservation and increase of the well-being of the nation and its development, internal protection of the country's national interests and realization of its national priorities, according to the goals set by the sovereign, because "security is a fundamental concept" (Stoykov, 2018, p.14).

It is obvious that guaranteeing the fundamental rights and freedoms of citizens is a component of the internal dimensions of national security because it is directly related to the law and order in force in the country. Internally, this legal order (legal order, legal system, jurisprudence) is a basic feature of the sovereignty of the state, expressing its power through the so-called "jurisdiction". It represents the entire set of powers of public institutions (such as creatures of the state or local bodies of power and self-government), which by virtue of pre-written rules and procedures in the legislation – according to Hart (1997) "the continuity of the authority to make law" (p. 51) – regulate, administer and law enforce.

The basic rights and freedoms of citizens (and the legal entities created by them) should be indisputable. In everyday life, however, it is quite common to come to disputes, and when they escalate, to conflicts between individual legal entities (individuals or legal entities), due to the fact that they initially have different legal interests. The best option is for the disputing legal entities to fulfill their obligations to each other or to withdraw their unfounded claims, in order to end the dispute at its initial stage. However, this is not always achieved, and they continue the dispute or even enter its aggravated phase of conflict.

In this situation, the disputing parties (referred to as "the parties" throughout the text for briefness) have no choice but to turn to the court system for the resolution of their differences. This also requires the general setting of national security, because only the courts can, in an imperative manner, expressed by a representative of the state (judge), resolve a legal dispute in relation to everyone, and the state must stand behind this decision with all its might.

But historically, there is another way to resolve differences between the parties. It is a form of legitimate legal aid, through self-organization of the disputants for independent resolution of the dispute that has arisen between them or the conflict that has developed. Its characteristic feature is that the authority, the empire and the protection of the state are not sought, and the

countries are looking for "softer and neutral" techniques to smooth out the contradictions between them, seeking to appear equal in the dispute settlement procedure. In this connection Barry (1989) found "the more equal the power of the parties, the greater the incentive to arrive at rules of justice" (p. 160).

The internationally recognized term for this legal line of protection of rights and freedoms of disputing parties is Alternative Dispute Resolution (called ADR for brevity below in the text). The alternative is the formal judicial process, the resolution is the dispute, which does not necessarily have to be strictly legal, and it can be of a different nature.

Because it is an intelligent way to resolve disputes as strategy and according to Clausewitz (1997) "in strategy everything is very simple" (p.143), in the final option, with the satisfaction of the parties, there is a sense of protection of their rights and freedoms, ADR is a factor from the internal dimensions of national security, because it leads to the smoothing of contradictions, elimination of conflicts, a sense of intactness and preservation of rights and freedoms, as well as of group and social integrity. Or, as Dworkin (2002) maintains "makes…community more genuine" (p.96).

In other words, ADR is a non-state method of the national security system, expressed in ensuring the rights and freedoms of the disputing parties and guaranteeing the safety of their legal status, by initiating such an approach themselves.

Nature and types of ADR

The rights and freedoms of disputing parties can be protected not only by court order. When priority is given to dialogue, the achievement of agreement – according to Stulberg (2001) „conclusion of their talks " (p. 1)– and the voluntary fulfillment of obligations to each other, the parties actually use ADR.

All methods of conflict management and dispute resolution have already taken hold in modern national legal systems domestically. Their advantages over the conventional way of resolving the dispute between the parties are more than obvious. Therefore, they are applicable in full force in the legal system of the nation states, thereby inevitably becoming a factor of the internal dimensions of national security.

In different legal systems and legal practices, ADR could include many forms and variants of "decision-making process to resolve disputes" (Bansal, 2005, p. 15), some of which are as follows: arbitration; mediation; reconciliation; negotiations; agreement; expert decision; ombudsman; early neutral rating; mini-process; dispute resolution committee and others.

This approach is useful and is recommended as an alternative to the time-consuming legal process. It is also an alternative for those parties who

are willing to communicate with each other and agree to resolve the dispute through a neutral party. It is successful when one or more of the following life hypotheses are present:

First, the parties would like to have control over the development, and above all, over the outcome of their dispute.

Second, the parties would like to resolve the dispute as quickly as possible in time.

Third, the parties want to maintain – as far as possible – good relations with each other.

Fourth, the parties seek confidentiality and non-interference by any third parties or institutions.

Fifth, the parties would like to end their relationship without undue stress if they end a life relationship with each other or a formal legal relationship.

Sixth, the parties establish complexity and complexity of the dispute, which are beyond their powers.

Seventh, the parties intend to save financial resources by not paying court fees and attorney's fees.

Finally, and eighth, the parties do not have good communication with each other (for one reason or another) or there is a lack of respect from one side for the other or for each other, yet they have no intention of engaging in a public and formal legal process.

On the other hand, the ADR process has the following advantages:

First, there is always process flexibility here. In principle, it is carried out in a free way that the parties agree on (as long as there are no explicit statutory prescriptions or restrictions in this direction).

Second, unlike the procedural limitations of the judicial panel under substantive and procedural law, the parties have the freedom to choose the applicable law. Moreover, it is possible for a neutral person to act as an arbitrator or conciliator instead of the institution of the judge. Also, the parties can themselves determine a day and a convenient place for the procedure, instead of being summoned by special court officers for it.

Third, the parties can also determine the amounts they will pay to the third neutral person (if such a person is involved in the process), according to their financial possibilities and assessment of the value of the commitment. ADR is a process between the parties only and offers privacy instead of publicity, while litigation takes the exact opposite approach.

Fourth, if a conflict situation is administered by the court, it examines the attacking and defending thesis in their validity and provenance – according to the statement of Cardozo (2004) “a complicated record must be dissected” (p. 164), mostly through the "win-lose" concept. The exact opposite is the case with ADR – a "win-win" situation is sought, because it

is in the interest of the parties to resolve the dispute quickly - through mutual satisfaction.

Fifth, the ADR process is certainly fast and cheap, that is, it saves the parties time and money.

Finally, and sixthly, ADR also has specific advantages because it develops dialogue between parties and improves general communication between them, reduces psychological and emotional tension, strengthens trust between parties, builds ever deeper respect between them, develops flexibility of approaches to solving problems and so on. One of the most important results is that after all this, the execution of the agreement, contract, decision, etc. as the end result of ADR is usually pre-aware, for which it is voluntary, rapid, complete and accurate. Even this last advantage of ADR is enough to justify its factor on the domestic dimensions of national security.

The most common forms of ADR will be briefly discussed below.

Agreement

The most applicable method of ADR is agreement. It is the essence of ADR. It can be applied directly. But it can also be the result of long procedures – negotiations, conciliations, arbitration and others – which ultimately end up with an agreement anyway, or as Fisher and Ertel (1995) found ("joint preparation toward an agreement" (p. 110). That is, the agreement could be the beginning of ADR and at the same time its end, but also the end point of some long procedures for the realization of ADR.

In principle, there are no formal legal requirements for the extralegal agreement. It is concluded in the form desired by the parties themselves.

However, when it comes to a legal dispute, there are basic requirements. As a rule, the parties can enter into an agreement if it does not conflict with the law. This is because, if the agreement is against the law, the parties thus violate the legal order, and thus endanger national security in particular for the case and in general, because they ruin it by questioning the legal system of the state.

Usually, the agreement is concluded in writing and contains: the contracting parties, date of conclusion, subject and content of the agreement and signatures of the parties.

It should be noted that if the agreement affects the rights or legal interests of a person who did not participate in its conclusion, the agreement does not produce an effect until it is approved by him in writing. The written approval becomes an integral part of the agreement.

On the substantive side, the agreement represents an agreement on common outcomes or goals that the parties will pursue. On the expression of Fisher and Ury (1991) this is "reconciling interests" (p. 42). The social,

economic and political character of the agreement is manifested in many layers, and acquires a formal appearance in its legal form, if there is one.

Thought the agreement itself, as a free expression of opposing wills aiming at the same result, can also exist outside the scope of legal regulation. However, historically, since its inception, the law has incorporated the agreement as its main component, creating formal rules for its validity and proof.

A fundamental principle in law is freedom of contract. All law is built on this postulate, which accepts this principle as the basis for regulating social relations.

An agreement is a type of negotiation. Most often it is associated with compromise. But while legal systems use the term "negotiation" in the sense of seeking a compromise, in the sociological and political aspect the same phenomenon is expressed by the concept of "negotiation" or negotiation", in other words according to Shell (2001) “explicit bargaining” (p. 201).

Legal terminology uses the term "agreement" in relation to the final joint decision. Negotiations find their serious place and can be a successful regulator of relations between parties when they strive for a mutually beneficial outcome.

Usually, with a settlement agreement, the parties end an existing dispute or avoid a potential dispute by making mutual concessions.

This is exactly where the substantive part of the problem lies – the agreement is the elimination of a dispute. There is no restrictive approach to the types of disputes, i.e. – the same can be of purely legal, but also of moral, social and any kind of nature. The concept of dispute is not limited either – only as misunderstanding, as disagreement, as non-fulfillment and others.

It is of particular importance to understand that the settlement is aimed at the present ("existing dispute") but also at the future ("possible dispute"). Whether there is a specific case, or simply an interpretation of a legal norm that has not yet been applied – an agreement can be reached, even on an abstract basis.

Actions for the present are aimed at "terminating" the dispute, and for the future – at "avoiding" the dispute. Such a hypothetical case would be the case when the methodologists of the relevant administration together with professionals from the private sector give a unilateral and categorical interpretation of legal provisions, with a view to uniform and non-contradictory practice.

Last but not least – the way the agreement works is to achieve "mutual concessions". Mutual concessions could be limited to listening to the other's opinion, even if it is not accepted in full. If the relevant administration and, for example, associations of citizens or business organizations have a clear idea about the positions advocated by the other side, then this is a step

forward, in view of the impossibility of unpleasant surprises with new arguments.

Therefore, it is precisely with the agreement and as a way to achieve it that the other alternative methods for resolving disputes are activated, such as **hearing, negotiation, conciliation, mediation, expert positions, expert decision, early neutral assessment and the like**. As an assessment of the impact of the resulting dispute, a mini-trial could be played which, in a hypothetical environment, would show the parties the ultimate adverse results of the development of the dispute and the failure to reach an agreement.

Mediation and conciliation

The essence of **mediation** is expressed in the mediation of a neutral person to resolve the dispute, and conciliation is a mutual process between the parties to the dispute to resolve it.

From the world experience, it can be concluded that mediation is being established as one of the preferred methods of conflict management and dispute resolution, in all areas of society and law. The same applies to **conciliation**, which is similar to mediation as a means of resolving disputes that have arisen.

Mediation is a process of resolving disputes through the assistance of an independent third party, who assists the disputing parties to reach an agreement in the appropriate legal or non-legal form.

It is a successful management technique for resolving complex disputes. It is adopted when conciliation has failed, but before proceeding to arbitration or litigation. It is a tool through which the parties communicate with each other, which will help them resolve future disputes.

In turn, conciliation is voluntary and a non-binding process compared to arbitration or litigation. Either party may terminate the conciliation proceedings at any time, even without giving reasons.

The other important characteristic is that the parties control the process and outcome of the dispute, whereas this cannot happen in both arbitration and litigation. Conciliation is a mutual process, whereas litigation and arbitration "encourage" the parties to "reconcile" and the latter have no control over the outcome of the process.

Very often, conciliation and mediation are used together, and they are jointly accepted as mediation. The mediator helps the parties reach an agreement to resolve the dispute and he/she cannot express an opinion on the merits of the dispute, while the conciliator can.

In both cases, the third party is appointed by the parties to assist them in resolving the dispute.

The mediator has no authority to issue a decision on the dispute. Its function is only to try to stop any "loophole" and encourage the parties to

reach an amicable resolution. The mediator cannot make this final decision. He can act as a "communicator" by "filtering" the emotional aspects and allowing the parties to focus only on the key points of the dispute. He encourages the latter to reach an agreement based on their will.

In general, conciliation is an informal process. However, some general elements of this process can be highlighted: the clarification and detailing of the parties' interests and objectives; the transition from subjective evaluations to objective values; the indication of possible and creative permissions by the parties; the confirmation of the effect of possible resolutions from the point of view of the parties' positions; adapting and fitting the possibilities to the occasion; moving from an understanding to a draft contract and formalizing the contract.

Conciliation can be both an alternative to and a supplement to arbitration or litigation. Separation of some questions to be solved by one or the other method is also used as an approach.

At the outset, mediation as an alternative method is related to relations for the resolution of legal and non-legal disputes. Disputes on a purely life level are illegal.

It is natural, in the presence of civil society and the rule of law, that not all relationships and the disputes arising from them should be considered through the prism of law. Most of them arise from purely social ties that are not formally established on the basis of legal rights and obligations.

Therefore, mediation has a wider field of application and extends into the "non-legal sphere". This sphere is mostly characterized by a purely personal and subjective dimension, where relationships are built on the basis of mutual trust and closeness.

As a rule, mediation is a procedure for out-of-court dispute resolution. It is "out-of-court" that is synonymous with "alternativeness" when we talk about resolving disputes. The alternative is always to go to court.

Mediation is applicable to the following types of disputes: civil; commercial; labor; family; administrative; related to consumer rights; other disputes.

The mediation procedure starts at the initiative of the parties to the dispute, and each of them can make a proposal to resolve the dispute in this way. The start of the mediation procedure is considered the day on which the parties have reached an express agreement to start it, and in the absence of express agreement – the day of the first meeting of all participants with the mediator.

There is also another possibility – a proposal to resolve the dispute through mediation can be made by the court or another competent body before which the dispute is referred for resolution. The agreement of the parties to resolve a possible future dispute between them through mediation can also be stipulated as a clause of a contract.

Logically, the mediation procedure is carried out by one or more mediators named by the parties. The parties to the dispute participate in the procedure in person or through a representative. Authorization is made in writing. Lawyers and other specialists can also participate in the mediation procedure.

Before conducting the procedure, the mediator informs the parties about the nature of the mediation and its consequences and requires their written or verbal consent to participate.

The mediator is obliged to indicate all circumstances that may give the parties reasonable doubts about his impartiality and neutrality, in order to avoid any conflict of interest. He signs declarations of impartiality, in which he also states the circumstances in relation to doubt of impartiality for each procedure for which he is appointed and makes them available to the parties to the dispute.

In the course of the procedure, the essence of the dispute is clarified, mutually acceptable options for solutions are specified and the possible framework of an agreement is outlined. It is this rational process that makes this method of ADR deeply analytical and highly professional. When carrying out the mentioned actions, the mediator can schedule separate meetings with each of the parties, respecting their equal rights to participate in the procedure.

The content and form of the agreement are determined by the parties. The form can be oral, written and in writing with notarization of the signatures of the parties to the dispute.

The written agreement contains the place and date it was reached, the names of the parties and their addresses, what they agreed to, the name of the mediator, the date, and the signatures of the parties. In the agreement, the parties may provide for liability for non-fulfillment of the obligations stipulated therein.

The agreement binds only the parties to the dispute and cannot be opposed by persons who did not participate in the procedure. The agreement binds the parties only for what they have agreed upon. An agreement that contradicts or circumvents the law, as well as when it violates good morals, is void.

It is precisely the contradiction with the law as a ground for the nullity of the agreement that is a sufficient guarantee for compliance with the principle of legality. This makes the agreement as an outcome of the mediation a strong factor for the internal dimensions of national security. Apart from that, the rule that in legal systems usually gives enforceability to the agreement, through fixation - it is equated to a judicial agreement and is subject to approval by the courts.

The judicial authority will approve the agreement after its confirmation by the parties, if it does not contradict the law and good morals. Of course,

it may not be necessary to follow this somewhat more formal procedure, provided that the form of the agreement can be oral, it is executed immediately, fully and voluntarily by the parties to it.

That is, some of the agreements will have a form of validity but insufficient form of proof. The issue is in the trust between the parties and in the fulfillment of the commitments assumed by the agreement.

Ombudsman

The essence of the ombudsman is expressed in the institutional mediation of citizens in their contacts with state authorities, in the protection of fundamental rights and freedoms.

In most legal systems, the institution of ombudsman plays an important role in the protection of human rights and freedoms. It is an alternative to the judicial system, as a form of protection since the latter is too slow and expensive.

Although in states of law local and state administrations are called upon to act lawfully and protect the rights and freedoms of citizens, purely bureaucratic and institutional interests make this form of protection insecure. In this way, the ombudsman is once again corrective to the administration in terms of its obligation to respect the rights and freedoms of citizens.

The function of the ombudsman is to control, monitor and monitor the activities of the administration, especially in the area of protecting the rights and legitimate interests of citizens.

The Ombudsman plays the role of a deterrent against illegal acts and actions, corruption, and abuse of power. Defender of human rights and guarantor of compliance and restoration of human rights violated by empowered structures, as well as an authority that unites society - these are some of the general dimensions of the ombudsman institution, regardless of the different legal regulations, names, and historical traditions in different countries, in which the institution exists.

It is often assumed that the ombudsman follows the logic, speech, and procedural rules of a classic judicial process. This is largely the case precisely because this institution is meant to be an alternative to inefficient and ineffective administrative and judicial processes in the settlement of conflicts and disputes between citizens and public administration.

Acting as an institution for out-of-court dispute resolution in the border field of personal rights and freedoms, on the one hand, and public interests, on the other, the ombudsman appears as "another, additional, optional form of protection".

Precisely for this reason, the ombudsman cannot fail to follow the general principles and logic of the national legal system, because if this were not the case, at least his acts would not be easily applicable in his competition with the acts of the administration, respectively – those of the judiciary.

The ombudsman, by the essence of his activity, begins to acquire the following dimensions in his powers:

First, of a supra-institutional body at the political level, in the sense that it protects general legal, public and state values affected in one way or another by public authorities.

Second, to correct the administration from the point of view of its effectiveness, efficiency, objectivity and impartiality.

Third, as an instrument of supervision of civil society and the legislative power over the work of the administration.

Fourth, to a body for maintenance and development of "good practice" in the field of the public sector. Although separate legal entities with their independence, the various state and municipal administrations work on common principles, and the best practices should be shared with other organizations, respectively – adopted by the latter.

Fifth, on a reference point of "overlap" of the principles of legality and expediency in the public sphere. It is here that the ombudsman is an alternative to the executive and legislative powers. Acting most often ad hoc, he can offer the best solutions for the specific case, taking into account both private and public interest in the dimension of the relevant conflict or dispute.

Lastly and sixthly, as a guarantor of the observance of the laws in a general sense – through the reports to the parliament, the government, or the head of state, as well as through the proposals to the heads of the administration, as well as through the reports in specific cases to the police and prosecution authorities.

As a general rule, the ombudsman intervenes when, by action or inaction, the rights and freedoms of citizens are affected or violated by state and municipal bodies and their administrations, as well as by the persons entrusted with providing public services.

The ombudsman's procedures in the ADR process are, for example, the following: accepts and examines complaints and reports of violations of rights and freedoms from state and municipal bodies and their administrations, as well as from persons entrusted with providing public services; conducts checks on received complaints and reports; makes proposals and recommendations for the restoration of the violated rights and freedoms to the relevant bodies, their administrations and other persons; mediates between the administrative authorities and the affected persons to overcome the committed violations and reconciles their positions; provides opinions on draft laws that relate to the protection of human rights; protects children's rights; notifies the prosecutor's office when there is information about a crime of a general nature.

One feature of the ombudsman, which distinguishes this institution from other forms of ADR, is that he also acts on his own initiative when he

finds that the necessary conditions for the protection of the rights and freedoms of citizens are not being created. In other ADR methods, the parties act on their own initiative – individually or jointly. Here, the ombudsman can act ex officio to protect the rights and freedoms of citizens.

The serious powers of the ombudsman are manifested in the fact that he has the right of access to the authorities and their administrations, including to be present at their deliberations and decision-making, as well as to request and receive timely, accurate and complete information from the authorities and their administrations, and also to express public opinion and opinions, including in the mass media. Conversely, he does not have the right to publicize circumstances that have become known to him in the performance of his functions, which are state, official, or commercial secrets or are of a personal nature.

Arbitration

It should be emphasized that arbitration has many forms and manifestations, as well as different procedures. The similarities between all of them are that arbitration is a form of dispute resolution that is an alternative to the classic court process.

Arbitration involves submitting the dispute to a neutral third party or collective body – according to Bennett (2002) “panel of arbitrators” (p. 4) – by neutral persons to resolve the dispute after hearing arguments and considering evidence.

It is usually "administered" by multiple private organizations, but it can also be "non-administered" by the parties or the arbitrator. It can be initiated by an agreement between the parties during the dispute or selected by a pre-dispute clause (arbitration clause).

This process is usually less rigorous than formal court proceedings, and often ends more quickly, with less expense. Depending on the situation, the arbitrator's decision may or may not be binding on the parties. The actual nature and scope of the arbitration process is usually spelled out in a contract between the parties, or otherwise agreed between them.

Arbitration is applicable to the settlement of collective labor disputes between workers and employers on issues of labor and social security and standard of living. Usually, in collective labor disputes, workers are represented by the bodies of their professional organizations, and employers– by the respective managers, unless the parties have authorized other bodies or persons. Collective labor disputes are settled through direct negotiations between workers and employers or between their representatives according to a procedure freely determined by them. The workers present their demands in writing and the names of their representatives in the negotiations.

The dispute may be referred for settlement by a single arbitrator or arbitration panel by written agreement between the parties. A sole arbitrator shall be appointed by the parties. The number of members of the arbitration commission is determined by the parties. Each of them designates by name an equal number of arbitrators whom they elect as chairman.

The arbitration dispute is considered on the basis of a written request of the parties or their representatives. The dispute is considered in an open session with the summoning of the parties. At the meeting, the explanations of the parties and their representatives are heard, the presented written documents and other materials are discussed, the opinions of third parties can be heard, as well as the opinion of experts can be requested.

The dispute is considered in two meetings at most, and the break between them cannot be more than 7 days, unless the parties agree on another number of meetings or another period of time between meetings.

The arbitral award shall be rendered in accordance with the applicable legislation in writing within three days from the day of the last meeting. The Arbitration Commission makes decisions by a simple majority. Decisions, dissenting opinions and reasons shall be communicated immediately to the parties.

To achieve its demands, each party may influence the other, without stopping work, by organizing public meetings, rallies, or demonstrations during non-working hours, informing the public through the mass media or in any other lawful way.

This is one of the features of arbitration proceedings for the settlement of collective labor disputes. Normally, in arbitration proceedings of any other kind, strict confidentiality is sought, and publicity is avoided. Here, however, since it concerns labor and employer rights, the assistance of external pressure forces – from public groups – is obviously sought.

There is a legitimate exception to the principles of arbitration proceedings, as it concerns very important constitutional rights, freedoms and legal interests, especially of workers. Therefore, here again the functional connection of ADR with the system of the national security functionary can be seen, because for it is clear to all that with public tensions related to employment rights, anything but public peace and safety is present.

Other ADRs

Other alternative methods of dispute resolution, for example – formation of a **dispute resolution committee/conciliation commissions**, have already established themselves in consumer disputes, banking disputes, disputes in the operation of exchanges and markets and the like.

For example, general conciliation commissions assist in the resolution of national and cross-border disputes between consumers and traders in relation to contracts for the provision of digital content and digital services,

contracts for the sale of goods, incl. of goods containing digital elements, contracts for the provision of services, including in relation to warranty liability, the right to claim for goods or services, unfair terms in contracts, unfair commercial practices, provision of material information, travel services and contracts concluded with consumers.

They also deal with disputes between consumers and traders in sectors of the economy where there is no ADR authority.

On the other hand, sectoral conciliation commissions deal with national and cross-border disputes between consumers and traders in the following sectors of the economy: energy, water and sewerage services, electronic communications and postal services, transport, and financial services. Each sectoral conciliation commission in the sector of energy, water supply and sewerage services, electronic communications and postal services, transport and financial services forms different compositions depending on the scope of activity of the relevant regulatory or supervisory body.

General conciliation commissions are usually made up of three members: a chairman, one representative of a consumer association and one representative of a trade association, branch organizations or a chamber of tradesmen from the relevant sector.

The general and sectoral conciliation commissions meet the requirements for the procedures for the alternative resolution of national and cross-border disputes and respect the principles of voluntariness, expertise, independence, impartiality, transparency, efficiency, fairness, freedom, and legality.

These conciliation commissions provide information to consumers and traders about their activities, encourage them to resolve their disputes out of court, cooperate and exchange experience with other ADR bodies at the national level, as well as with ADR bodies of other countries in resolving cross-border disputes.

All conciliation commissions provide information to the consumer about the competent authority for alternative dispute resolution when they receive an application of a consumer against a trader and the subject of the dispute is not within their competence.

As a rule, in the event of a dispute, the consumer should take it directly to the merchant for consideration and the parties should try to resolve it between themselves. When the parties have not resolved the dispute between themselves, the user may refer the general or sectoral conciliation commissions, depending on the subject of the dispute, by submitting an application in writing.

Conciliation proceedings are absent for the parties to the dispute and the exchange of documents can be done both online and by post or fax (offline).

The participation of the merchant or his authorized representative in the ADR procedure is voluntary and is carried out by providing assistance and providing the conciliation commission with the necessary information, documents, opinions, expertise to reach an agreement with the user.

General and sectoral conciliation commissions assist in the resolution of disputes between consumers and traders by drawing up a conciliation proposal for the parties, which, once approved by them, has the force of an agreement between them.

The logic of this form of ADR is that when the parties to the dispute have concluded an agreement, but one of them does not fulfill its obligations under it, the other party can turn to the court for consideration of the dispute– the subject of the agreement.

It is understood that the parties may give effect to the concluded agreement reached in the conciliation proceedings by submitting it for approval to the competent court.

General and sectoral conciliation commissions do not re-examine disputes between consumers and traders for which a conciliation proposal has been prepared, regardless of whether the parties have accepted it or not.

Conclusion

First, alternative dispute resolution methods are applicable to the resolution of disagreements of a different nature, leading not only to the closure of existing disputes, but also to the "non-occurrence" of future disputes. This provides a solid basis for legal certainty, understood as consistency and predictability, by setting clear contours of legal statuses and relationships.

Second, ADR manifests itself as a factor of the internal dimensions of national security, because guaranteeing the basic rights and freedoms of citizens into national legal system is its main component. It is simply an alternative method of judicial resolution of local legal disputes and conflicts. It has quite a few advantages and is applicable to most (but not all) life and legal disputes. But it should be remembered that ADR and litigation are the two possible ways to guarantee the fundamental rights and freedoms of citizens if there are disputes or conflicts about their existence or exercise.

Finally, and thirdly, ADR should definitely be considered as part of the toolkit for the functioning of the national security system because it leads to dispute resolution, conflict cessation, general lowering of emotional tension, saving of financial resources and time, and as an ultimate result - a sense of confidence among the disputing parties, satisfaction with the idea of reliability and the integrity of their rights and freedoms, as well as a sense of general safety and security.

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