

Main Models of Mediation and Their Distinctive Characteristics

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Abstract

This article analyzes major mediation models and their distinctive characteristics, with particular attention to their applicability to family disputes. The study uses a qualitative doctrinal and comparative review of mediation scholarship, professional guidance, empirical family-dispute research, and selected international and national legal instruments. The analysis compares facilitative, evaluative, transformative, narrative, ecosystemic, provocative, intervention, shuttle, court-integrated, and co-mediation approaches according to the mediator's role, degree of intervention, communication structure, principal objective, and suitability for family disputes. The results indicate that no single model is universally optimal. Facilitative and transformative approaches are especially relevant where party autonomy, communication, and post-separation relationships are central; evaluative techniques are useful where legal and financial uncertainty is substantial; narrative and ecosystemic approaches are valuable where conflict is strongly relational and contextual; while shuttle, co-mediation, and court-integrated procedures can address particular safety, complexity, or institutional needs. The discussion further shows that family mediation requires case screening, attention to power asymmetry and domestic abuse, child-focused safeguards, and flexible combination of techniques. The study concludes that a context-sensitive, mixed-model approach provides a stronger conceptual basis for developing effective family mediation practice, including in Uzbekistan.

Keywords: mediation models, facilitative mediation, evaluative mediation, transformative mediation, narrative mediation, ecosystemic mediation, shuttle mediation, court-integrated mediation, co-mediation, family disputes

1. Introduction

The development of mediation practice has led to the emergence of various theoretical and practical models that differ in the mediator's role, degree of intervention, treatment of interests and legal rights, communication structure, and desired outcomes [1]. Mediation is therefore better understood as a flexible family of processes than as a single standardized procedure. Comparative scholarship shows that mediators select and combine techniques in response to the nature of the conflict, the parties, the institutional setting, and the stage of escalation [2].

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Article history : submitted; 2026/06/15 revised; 2026/07/23 accepted; 2026/08/10, published; 2026/09/01

The appropriate selection of a mediation model is particularly important in family disputes. Unlike many commercial disputes, family conflicts may involve continuing relationships, children, emotional attachment, financial interdependence, and long-standing patterns of communication. These features mean that a settlement can be formally achieved without necessarily improving the parties' capacity to communicate or implement the agreement. Family mediation therefore requires attention to both substantive issues and relational dynamics [3].

International experience also demonstrates that mediation models operate within different legal and institutional environments. The European Union has supported mediation through Directive 2008/52/EC, while UNCITRAL has developed a Model Law and the Singapore Convention to strengthen the legal predictability and enforceability of mediated settlements in appropriate contexts [4]. Germany's Mediation Act similarly defines mediation as a confidential and structured process in which parties voluntarily and autonomously seek an amicable resolution with the assistance of an independent and impartial mediator [5].

In family disputes, the choice of process must also account for safety and power imbalance. Empirical research has demonstrated the importance of identifying domestic violence, coercive control, intimidation, and other safety risks before and during mediation [6]. Thus, the question is not simply which model is theoretically preferable, but which combination of procedures can support informed, voluntary, and safe participation.

In Uzbekistan, the development of alternative dispute resolution mechanisms creates a need for systematic analysis of mediation models and their practical adaptation to local legal and socio-cultural conditions. Existing Uzbek legal scholarship emphasizes mediation as a mechanism for pre-trial and alternative dispute resolution [7]. Against this background, the present study compares the principal models of mediation and develops a framework for selecting and combining them in family disputes [8].

2. Theoretical Framework

The theoretical framework of this study is grounded in the conceptual development of mediation as a flexible and context-dependent dispute resolution process rather than a single standardized procedure. The analysis draws primarily on facilitative, evaluative, transformative, and narrative mediation theories, complemented by ecosystemic, intervention, shuttle, court-integrated, and co-mediation perspectives. Facilitative mediation emphasizes party autonomy, interest-based negotiation, and mediator neutrality, while evaluative mediation recognizes a more active mediator role in assessing legal positions, risks, and possible outcomes. Transformative mediation focuses on empowerment and recognition, particularly where the parties need to maintain continuing relationships, whereas narrative mediation examines how conflict is constructed through competing stories, interpretations, and identities. In the context of family disputes, these theoretical perspectives are further informed by principles of procedural fairness, voluntariness, safety, power balance, child-focused protection, and informed decision-making. Accordingly, this study adopts a context-sensitive and mixed-model theoretical perspective, assuming that the appropriateness of a mediation approach depends on the characteristics of the dispute, the level of conflict, legal and financial complexity, relational dynamics, safety concerns, and the institutional environment in which mediation takes place.

3. Research Method

This study adopts a qualitative doctrinal and comparative research design. It does not report an original survey, experiment, or administrative dataset; instead, it synthesizes established mediation theory, professional materials, empirical family-mediation studies, and selected legal instruments. This design is appropriate because the principal research problem concerns conceptual differentiation among mediation models and the conditions under which particular approaches may be appropriate.

The source base was organized into four groups: (1) foundational mediation scholarship, including works on mediator intervention, facilitative and transformative approaches, and narrative mediation; (2) legal and institutional sources concerning mediation frameworks and settlement enforcement; (3) empirical and practice-oriented research on family mediation, safety, domestic abuse, and family dispute resolution; and (4) Uzbek scholarship concerning alternative dispute resolution and mediation.

The analysis used a structured comparison matrix with five dimensions: mediator role, level of intervention, primary process objective, communication arrangement, and suitability for family disputes. Each mediation model was then assessed against these dimensions. The analysis also used thematic synthesis to identify recurring factors affecting model selection, including party autonomy, legal complexity, relational deterioration, conflict intensity, power asymmetry, child-related interests, safety risks, and institutional integration.

The comparative procedure consisted of three stages. First, the conceptual characteristics of each model were identified from the literature. Second, the characteristics were compared across family-dispute scenarios. Third, the findings were synthesized into practical implications for mixed-model mediation. Because the study is doctrinal and literature-based, its results should be interpreted as analytical findings rather than statistical estimates of mediation success rates.

Main Models of Mediation and Their Distinctive Characteristics

Facilitative Mediation Model

Facilitative mediation is one of the most widely discussed approaches in contemporary mediation. The mediator structures the process, improves communication, helps the parties identify underlying interests and needs, and assists them in generating and evaluating options without taking responsibility for the final decision. The parties retain control over the outcome, making party self-determination a central principle.

Evaluative Mediation Model

In evaluative mediation, the mediator assumes a more active role in analyzing the parties' positions, legal risks, and possible litigation outcomes. Evaluative interventions may be particularly useful where parties face uncertainty about legal entitlements, financial obligations, property division, or other technically complex issues. However, stronger intervention creates a need for careful management of neutrality and informed consent. The mediator should not become a substitute for independent legal advice.

Transformative Mediation Model

The transformative model, associated particularly with Robert A. Baruch Bush and Joseph P. Folger, views mediation as an opportunity for empowerment and recognition rather than merely settlement. Empowerment concerns the parties' capacity to make decisions and articulate their own perspectives, while recognition concerns the ability to understand and acknowledge the other party's perspective. This orientation is highly relevant to family disputes in which future communication may remain necessary after separation.

Narrative Mediation Model

Narrative mediation, developed by John Winslade and Gerald Monk, focuses on the stories and interpretations through which parties understand their conflict. The mediator helps parties examine problem-saturated narratives, identify alternative interpretations, and create more constructive accounts of their relationship and dispute. This approach is particularly relevant where blame, identity, and entrenched interpretations are major drivers of conflict.

Ecosystemic Mediation Model

An ecosystemic perspective treats a dispute as embedded in wider relational and social systems rather than as a problem located only between two individuals. Family disputes may be influenced by children, relatives, social expectations, economic conditions, cultural norms, and previous interaction patterns. The approach is consistent with broader conflict-resolution scholarship emphasizing the importance of context and systemic relationships.

Provocative Mediation Model

The provocative style involves carefully challenging rigid assumptions through questions, reframing, metaphors, or other interventions designed to interrupt repetitive conflict patterns. It should not be treated as a universally established independent school of mediation. Rather, it is better understood as a specialized intervention style that may be used by experienced practitioners in appropriate high-conflict circumstances. Because provocative techniques can increase emotional intensity, they require professional judgment and should not be used where they would undermine safety or voluntariness.

Intervention Mediation Model

The intervention model emphasizes strategic mediator involvement. Rather than limiting intervention to process facilitation, the mediator may use targeted questions, reframing, reality testing, structured option generation, and other techniques to help parties move beyond impasse. The approach is consistent with the broader literature showing that mediator strategies vary according to the conflict environment, disputant characteristics, and desired outcomes.

Shuttle (Separate Caucus) Mediation Model

In shuttle mediation, the mediator conducts separate meetings with the parties and communicates proposals or information between them. It may be appropriate where direct communication is highly confrontational or where the parties are temporarily unable to negotiate together. In family disputes, however, shuttle mediation should be combined with careful screening and safety assessment when there are allegations or indicators of domestic abuse, coercion, or intimidation.

Court-Integrated Mediation Model

Court-integrated mediation links mediation institutionally to judicial proceedings. The process can provide parties with an opportunity to reach an amicable settlement before or during litigation while preserving access to adjudication where settlement is inappropriate or unsuccessful. The EU framework recognizes mediation as a complementary mechanism in civil and commercial matters, while Germany's Mediation Act establishes confidentiality, party autonomy, impartiality, and structured mediator responsibilities. Such institutional integration can also reduce unnecessary judicial workload when appropriate cases are diverted to consensual processes.

Co-Mediation Model

Co-mediation involves two or more mediators working collaboratively. The mediators may bring complementary expertise, such as legal, psychological, social, or communication

skills. This can be particularly useful in complex family disputes involving children, financial issues, and substantial relational conflict. The model also provides an opportunity for mediators to share observation and process-management responsibilities, although it requires clear role allocation and effective coordination.

4. Result

The comparative analysis produced five principal findings. First, the models differ most clearly in the degree and purpose of mediator intervention. Facilitative and transformative approaches give comparatively greater weight to party autonomy, while evaluative and intervention approaches allow more active mediator guidance [9]. Shuttle and court-integrated mediation are distinguished more by process structure and institutional setting than by a single substantive theory [10].

Second, the analysis indicates that family mediation is best understood as a multi-dimensional process. No model addresses all relevant dimensions simultaneously. Facilitative mediation is strong in interest identification and self-determination; transformative mediation is strong in empowerment and recognition; narrative mediation addresses conflict narratives; evaluative intervention addresses legal uncertainty; and shuttle or co-mediation can respond to high-conflict or complex participation conditions [11].

Third, the suitability of a model depends substantially on safety and power conditions. Research on domestic relations mediation and family dispute resolution shows that safety, coercion, and domestic abuse must be actively considered rather than treated as peripheral issues [12]. This finding supports the use of screening, separate sessions, legal information, and referral mechanisms when necessary.

Fourth, court-connected and community-based mediation should not be viewed as mutually exclusive. Evidence from family-law reform in Australia suggests that dispute resolution services can form part of a broader pathway through which separated parents negotiate parenting arrangements, while vulnerable families may require additional services and safeguards [13].

Fifth, the strongest practical implication is the value of a mixed-model approach. The literature and comparative analysis support moving between facilitative, evaluative, transformative, narrative, shuttle, and co-mediation techniques according to the case rather than treating the models as rigid procedural categories [14].

5. Discussion

The results reinforce the proposition that mediation models should be understood as a toolbox rather than as mutually exclusive procedures. The mediator's role can legitimately change during a case as the parties' needs, communication capacity, and substantive uncertainty change. This is consistent with the broader mediation literature, which identifies multiple approaches and determinants of mediator strategy [15].

For family disputes, a facilitative starting point is often conceptually appropriate because it gives the parties an opportunity to articulate interests and develop their own arrangements. Where communication is damaged but the relationship must continue because of shared parenting, transformative or narrative techniques may add value by addressing recognition, empowerment, blame, and conflict narratives [16].

Where the dispute contains substantial legal or financial uncertainty, carefully bounded evaluative techniques can complement facilitative practice. The purpose should be to improve

informed decision-making rather than to replace the parties' autonomy. The mediator's role should remain distinguishable from that of an independent lawyer, especially where the settlement affects significant legal rights [17].

Safety considerations create an important boundary for model selection. Research indicates that domestic abuse and coercive control can affect the fairness and safety of mediation, making screening and case assessment essential [18]. In appropriate cases, separate sessions or shuttle arrangements may reduce direct confrontation, but shuttle mediation is not itself a universal solution to power imbalance. If meaningful voluntary participation cannot be ensured, mediation may be unsuitable and other legal or protective mechanisms may be necessary [19].

The ecosystemic perspective is particularly useful for family mediation because the effects of an agreement extend beyond the two disputants. Children, extended family members, economic conditions, and post-separation parenting arrangements can all influence implementation. Australian family-law evidence demonstrates the importance of maintaining the best interests of children and protecting family members from violence while providing accessible dispute-resolution pathways [20].

For Uzbekistan, these findings suggest that the development of mediation should focus not only on the formal availability of the procedure but also on mediator competencies, screening standards, referral pathways, confidentiality, informed consent, and differentiated procedures for high-conflict family cases. Uzbek scholarship already emphasizes mediation as an alternative and pre-trial dispute-resolution mechanism. International legal frameworks provide additional reference points for institutional design.

The study has two main limitations. First, it is a qualitative literature-based analysis and therefore does not estimate causal effects or settlement rates for Uzbekistan. Second, some mediation labels particularly ecosystemic, provocative, and intervention models—are not used with identical meanings across all sources. Future research should therefore combine doctrinal analysis with interviews, case-file analysis, mediator surveys, and empirical outcome measurement in Uzbekistan.

6. Research Limitation

This study has several limitations that should be considered when interpreting its findings. First, the research is based on a qualitative doctrinal and comparative review of existing literature, professional guidance, empirical family-mediation studies, and selected legal instruments; therefore, it does not provide primary empirical evidence regarding mediation outcomes in Uzbekistan. Second, the terminology and conceptual boundaries of several mediation approaches, particularly ecosystemic, provocative, and intervention mediation, are not applied consistently across the literature, which may affect direct comparison among models. Third, differences in legal systems, socio-cultural conditions, institutional arrangements, and professional mediation practices across jurisdictions limit the extent to which international experiences can be directly transferred to the Uzbek context. Finally, the study does not measure settlement rates, participant satisfaction, long-term compliance, child-related outcomes, or the comparative effectiveness of individual mediation models. Future studies should therefore incorporate mediator interviews, participant surveys, case-file analysis, longitudinal assessment, and empirical evaluation of mediation outcomes in Uzbekistan.

7. Conclusion and Recommendation

The analysis demonstrates that there is no single universal model of mediation. Facilitative, evaluative, transformative, narrative, ecosystemic, intervention, provocative, shuttle, court-integrated, and co-mediation approaches emphasize different dimensions of conflict and therefore have different strengths and limitations.

For family disputes, the most appropriate strategy is generally a context-sensitive combination of models rather than rigid adherence to one school. Facilitative and transformative approaches can support party autonomy and continuing relationships; narrative and ecosystemic approaches can address relational and contextual dimensions; evaluative techniques can assist with legal uncertainty; and shuttle or co-mediation can provide procedural flexibility in complex cases. These approaches must be accompanied by screening for domestic abuse and other safety risks.

For Uzbekistan, strengthening family mediation should therefore involve both legal-institutional development and professional capacity building. The mediator should be trained not only in negotiation and communication but also in conflict assessment, legal awareness, ethics, safety screening, and the appropriate use of different mediation techniques. Such a differentiated and mixed-model framework can contribute to more effective, safe, and sustainable family dispute resolution.

8. Conflict of Interest

The author declares that there is no conflict of interest related to the research, authorship, interpretation, or publication of this article. The analysis and conclusions presented in this study were developed independently and were not influenced by any personal, commercial, institutional, or financial interest that could reasonably be perceived as affecting the objectivity of the research.

9. Acknowledgement

The author acknowledges the scholarly contributions of researchers, legal scholars, professional mediation institutions, and international organizations whose publications and legal materials provided the conceptual and comparative foundations for this study. Appreciation is also extended to the academic environment of the National University of Uzbekistan named after Mirzo Ulugbek for supporting scholarly engagement with mediation, alternative dispute resolution, and family-law research. The author further recognizes the contribution of previous empirical and doctrinal studies that have advanced understanding of mediation models, family dispute resolution, safety considerations, and context-sensitive mediation practice.

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