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NON-TRIAL MEDIATION OF ADMINISTRATIVE DISPUTES IN LITHUANIA

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Abstract. *The development of modern society and the continuous expansion of legal relations have contributed to a gradual increase in the number and complexity of legal disputes. At the same time, the growing workload of courts and the prolonged duration of judicial proceedings have reinforced the significance of alternative dispute resolution mechanisms. Among the various forms of alternative dispute resolution, legal scholarship has recently devoted particular attention to the application of mediation in disputes between public administration authorities and private individuals.*

The concept of peaceful dispute resolution, based on dialogue and cooperation rather than adversarial confrontation, is primarily implemented through mediation procedures. Compared to judicial proceedings, mediation offers several advantages, including a more expeditious resolution of disputes, reduced financial costs, and greater procedural autonomy for the parties involved.

In Lithuania, the system of administrative justice incorporates both judicial and quasi-judicial models of administrative dispute resolution, including proceedings before the Regional Administrative Court and the Supreme Administrative Court of Lithuania, as well as pre-trial dispute resolution institutions. The establishment of a mandatory pre-trial dispute-resolution mechanism in Lithuanian administrative law largely aligns with European standards for accessible and efficient administrative justice.

Under the current legal framework, certain administrative disputes are subject to mandatory examination by the Lithuanian Administrative Disputes Commission, which operates as a quasi-judicial body. It should be noted that the use of mediation within the Commission's activities has been gradually increasing. Although both Lithuanian and foreign scholars have analyzed mediation as a method of pre-trial administrative dispute resolution, insufficient attention has been paid to the practical functioning of the Lithuanian Administrative Disputes Commission, the challenges arising in its operations, and the methods used in its dispute-resolution practice.

Accordingly, this article examines the general processes of mediation in administrative law, with particular emphasis on the legal regulation and operational aspects of the Lithuanian Administrative Disputes Commission.

Keywords: *non-trial mediation, administrative disputes, Lithuania, Lithuanian Administrative Disputes Commission.*

Introduction

Mediation is a dispute-resolution process in which an impartial third party, the mediator, assists the parties in reaching a mutually acceptable, peaceful agreement. As an alternative dispute resolution mechanism, mediation contributes to the development of a culture of consensual and non-adversarial dispute settlement within society. By enabling disputes to be resolved outside formal judicial proceedings, mediation reduces the workload of courts. It enhances the accessibility of judicial institutions for disputes that cannot be resolved amicably.

The advantages of mediation and conciliation for individuals, businesses, and public administration institutions are now widely recognized at both national and international levels.

These mechanisms are valued for their flexibility, efficiency, cost-effectiveness, and their capacity to preserve cooperative relationships between the parties involved.

At the European level, the Working Group on Mediation of the European Commission for the Efficiency of Justice (CEPEJ-GT-MED) has been actively contributing to the development of mediation practices since 2006. During its initial mandate, the Working Group conducted a comprehensive assessment of the implementation and impact of the Committee of Ministers' recommendations concerning family mediation, mediation in criminal matters, alternatives to litigation between administrative authorities and private parties, and mediation in civil disputes. In addition, the CEPEJ-GT-MED developed guidelines and practical measures to ensure the effective implementation of these recommendations within the member states of the Council of Europe.

In 2001, the Council of Europe issued recommendations Rec(2001)9 (Council of Europe, 2001) on alternative dispute resolution between public authorities and private parties. Recommendation Rec(2001)9 (Council of Europe, 2001) was intended to develop alternative dispute resolution procedures between administrative authorities and private parties. The practice of applying these recommendations has been continuously examined, and the recommendations have been improved. CEPEJ-GT-QUAL therefore decided to conduct a comparative study of the various systems of administrative mediation in Europe (European Commission for the Efficiency of Justice, 2022a). These documents state that Lithuania belongs to a group of countries where administrative mediation is based on a clear legal basis. After reviewing the study's results, the CEPEJ-GT-QUAL prepared a guide for administrative mediation to promote and facilitate its use in member States (European Commission for the Efficiency of Justice, 2022b).

In 2008, the Seimas of the Republic of Lithuania adopted the Law on Mediation of the Republic of Lithuania, thereby establishing the legal framework for mediation in private disputes. Nevertheless, for a considerable period, the possibility of applying mediation to administrative disputes remained controversial. Legal practitioners, scholars, and public administration representatives frequently expressed skepticism regarding the compatibility of mediation with the nature and principles of administrative law.

A significant development occurred in 2018, when amendments to the Law on Administrative Proceedings of the Republic of Lithuania were adopted, introducing the legal basis and conditions for the application of judicial mediation in administrative proceedings. These amendments marked an important step toward broader integration of alternative dispute resolution mechanisms into Lithuania's system of administrative justice.

The possibilities of applying mediation in the administrative process have been widely studied by foreign scientists, such as Vučetić (2016), Yaroshenko et al. (2021), Bankova and Angelova (2021), Boyron (2022), Karpiuk (2023), Luca De Lucia (2025), Chmielarz et al. (2025), and Liu, Chen and Lin (2025).

The application of mediation possibilities in the administrative process has been studied by such Lithuanian scientists as Kavalnė and Saudargaitė (2011); Trumpulis (2012); Paužaitė-Kulvinskienė (2013); Kaminskienė et al. (2013); Banys (2014); Meškys and Gerdvila (2015); Meskys and Mazvydas (2015); Šilvaitė (2018); Tvaronavičienė and Kaminskienė (2019); Tvaronavičienė and Milius (2020); Bilevičiūtė and Milius (Білевічуте & Мілюс, 2020); Tvaronavičienė and Mulevičienė (2021); Mulevičienė and Tvaronavičienė (2022).

Although both Lithuanian and foreign scholars have examined mediation in administrative proceedings, the practical implementation of non-trial mediation within the Lithuanian Administrative Disputes Commission has received limited scholarly attention. In particular, there is a lack of research analyzing the functioning of this recently introduced

mechanism, its practical application, and the challenges arising from its use in administrative dispute resolution.

The scientific novelty of this article lies in its comprehensive analysis of the legal framework and practical application of non-trial mediation in the Lithuanian Administrative Disputes Commission. The study contributes new insights by evaluating recent mediation practice and identifying the main challenges and development prospects of this dispute-resolution mechanism within the Lithuanian administrative justice system.

The article aims to examine the legal and practical aspects of judicial mediation in resolving administrative disputes, and to present and analyze the institution of non-judicial mediation in the context of Lithuanian administrative law theory and practice. The article also seeks to define and evaluate the objectives of the newly introduced legal regulation governing non-judicial mediation and to assess its potential as an alternative mechanism for the peaceful resolution of disputes within the Lithuanian administrative law system.

The research is based on the analysis of the works of Lithuanian and foreign scholars, applying comparative, systematic, and analytical methods. The comparative method was employed to identify similarities and differences between Lithuanian and European approaches to administrative mediation. The systematic legal analysis was used to evaluate the coherence of the legal framework governing non-trial mediation and administrative dispute resolution. The analytical-critical method was applied to assess scholarly opinions, legal regulation, and the practical operation of mediation before the Lithuanian Administrative Disputes Commission. Furthermore, statistical data on mediation cases for the period 2021–2025 were analyzed to identify trends, effectiveness indicators, and challenges in the practical implementation of non-trial mediation in Lithuania. Also, the AI-powered software Grammarly was used to assist with grammar correction and stylistic editing in the paper's text.

Theoretical premises for the use of mediation in resolving administrative disputes

Mediation as an alternative dispute resolution method is a relatively new phenomenon in the Lithuanian legal system. In Lithuanian legal regulation, mediation is defined as a procedure for resolving civil or administrative disputes in which one or more mediators assist the parties in reaching a peaceful settlement. Except judicial mediation conducted by judges and non-judicial mediation carried out by the Lithuanian Administrative Disputes Commission and its territorial divisions, mediation is considered a professional activity regulated by law (Law on the Mediation of the Republic of Lithuania, 2021). Mediation was adopted quite naturally in civil law. For example, Article 6.983 of the Civil Code of the Republic of Lithuania establishes that by means of a settlement agreement, the parties resolve an existing legal dispute through mutual concessions, prevent a future legal dispute, resolve the issue of enforcement of a court decision or other contentious issues (Law on the Approval, Entry into Force and Implementation of the Civil Code of the Republic of Lithuania, 2000).

Paužaitė-Kulvinskienė (2013) argues that the necessity of a settlement agreement in the Lithuanian administrative process model is justified by the social needs of participants in public administration relations and the administrative courts' positive attitude towards this new institution. The establishment of the institute of settlement agreements should be viewed within the broader context of the doctrine of administrative agreements in public law and the dual nature of settlement agreements. The incorporation of settlement agreements into administrative proceedings creates the necessary preconditions for the development and application of alternative dispute resolution mechanisms, such as mediation and conciliation, within the administrative process. Trumpulis (2012) states that in resolving disputes and

conflicts within the sphere of administrative law, it is important to adopt dispute-resolution methods that eliminate tensions between the parties, reconcile differing interests, and facilitate outcomes acceptable to all participants, thereby contributing to social harmony and legal stability. Mediation is identified as one of the key methods capable of achieving these objectives. Banys (2014) states that classical mediation is focused, first and foremost, on the resolution of civil disputes; however, the universality inherent in this alternative to judicial proceedings implies broad possibilities for its application, inter alia, in administrative proceedings. The concept of non-trial mediation in administrative proceedings is a synthesis of the principles of classical mediation and those of administrative proceedings. This mediation is characterized by both general and special features. The general features of non-trial mediation in administrative proceedings could include those characteristic of classical mediation in civil dispute resolution.

Meškys and Gerdvila (2015) believe that some theorists note that the traditional model of administrative dispute resolution does not cope with the changed rhythm of life and social changes. During the administrative process, a dispute between a public administration entity and a private individual is resolved by conducting an internal review of the decision's legality. Most often, the conflict that has arisen cannot be resolved, which is why the dispute is further examined in pre-trial administrative dispute resolution institutions or specialized courts. Dispute resolution in these institutions and courts is often uneconomical, formal, and usually ensures only the restoration of legal peace. These reasons imply the need to adopt new measures to replace the traditional procedure for examining administrative disputes. One way to solve this problem could be mediation, which has the essential features and advantages of flexibility, cost-effectiveness, confidentiality, and the ability to restore or preserve legal and social peace. Šilvaitė (2018) states that alternative methods of resolving administrative disputes, such as the institute of amicable agreements, are gradually being established in the Lithuanian administrative process. The possibility for an administrative court to approve an amicable agreement cannot be equated with judicial mediation of administrative disputes, since the judge (unlike a mediator) is not authorized to participate in negotiations or otherwise to ensure the parties' cooperation. However, taking into account the fact that the conclusion of court proceedings by an amicable agreement is assessed as the use of an alternative method of dispute resolution, and the essence of an amicable agreement is described as finding a mutual compromise, it can be stated that by establishing the institute of amicable agreements in the law of administrative cases, the foundations for judicial mediation in administrative proceedings were simultaneously created. Bankova and Angelova (2021) claim that the advantages of Alternative Dispute Resolution through mediation are associated with minimal formality, privacy, discretion, confidentiality and friendliness, control over process and resolution by the parties in the dispute, use of experts, possibility to settle the dispute on the principle of fairness and based on the interests of parties. Mediation skills are very useful in the activities of administrative officials of various ranks. When properly applied, they can, through transformative mediation methods, resolve deep, hidden contradictions, the external manifestations of which differ from the essence of the real problems that hinder the work of the administrative structure.

Yaroshenko et al. (2021) examine the specifics of the application of the mediation procedure in administrative cases and argue that addressing government institutions regarding any legal conflict leads to an overload of courts and administrative bodies. The situation can be improved by using alternative legal dispute resolution methods, such as mediation. Chmielarz et al. (2025) argue that a successfully developed legal mediation system is an additional effective means of legal redress, contributing to the establishment of the rule of law. However,

the traditional model of alternative dispute resolution, developed for civil and commercial disputes, cannot be simply transferred to administrative or criminal justice. Systematic improvement is required: amendments to procedural legislation, the adoption of additional regulations, the establishment of organizational and financial prerequisites, and the implementation of information and educational initiatives. Luca De Lucia (2025) argues that the use of mediation for administrative dispute resolution poses certain problems. EU Member State laws often impose significant restrictions on public authorities' ability to reach agreements with private parties. The involvement of third parties is a complication. Most importantly, public administrations (and their managers) may be reluctant to take responsibility for negotiations and reaching an agreement when there is a possibility of resolving the dispute by a binding court decision. For mediation to be effective, it is not enough for this instrument to be established by law. A mandatory attempt at reconciliation could be provided for before the start of legal proceedings. Karpiuk (2023) claims that the aim of mediation is to resolve the dispute without requiring the administrative institution to use coercive measures and to apply peaceful solutions. Mediation is a new method of dispute resolution that falls under the category of alternative dispute resolution. It is fully justified by social rationality. It corresponds to the values that should underlie citizens' relations with public authorities in a democratic state governed by the rule of law. Mediation, as a non-confrontational way of resolving a dispute with the participation of an impartial and neutral entity, i.e., a mediator, establishes legal relations not only with the parties to the proceedings but also with the mediator.

Vučetić (2016) states that the overall goal of mediation is to achieve a future resolution of the dispute, allowing the parties to move forward and continue to work together. Mediation is a form of negotiation conducted by a neutral third party, called a mediator or an expert in a specific field. Unlike an arbitrator, a mediator does not have the authority to impose a decision or other measures on the parties to the dispute. The mediator uses various methods to initiate or improve the dialogue between the parties to the dispute and help them reach an agreement. As a neutral third party, the mediator must be independent and impartial. Another important feature of the mediation process is the confidentiality and secrecy of information (both before and after the mediation). Thus, the three essential elements of mediation are voluntariness, impartiality and confidentiality. Unlike a court proceeding, the essence of an administrative procedure is not to resolve a dispute between the parties, but to recognize rights or establish obligations for them, while protecting the public interest. Furthermore, a fundamental and highly controversial issue in administrative law is whether mediation is possible between private and public interests in administrative cases.

Tvaronavičienė and Kaminskienė (2019) point out that, as early as 2001, the Recommendations of the Committee of Ministers of the Council of Europe Rec(2001)9 (Council of Europe, 2001) called for the establishment and implementation of alternative administrative dispute resolution procedures. Mediation was mentioned as one of the most effective alternative dispute resolution procedures, helping reduce the number of disputes and the court workload, increasing access to justice, and enhancing parties' satisfaction with the dispute resolution process. Trial mediation was introduced in Lithuania in 2005, when the Council of Judges initiated a pilot project. The successful application of trial mediation in civil disputes has created the prerequisites for applying an analogous alternative dispute resolution method in administrative law. In Lithuanian administrative law, the prerequisites for trial mediation appeared only in 2013, when Article 51 of the Law of the Republic of Lithuania on Administrative Proceedings (2016) came into force, which established the possibility for the parties to the case to conclude the case by a settlement agreement at any stage of the process. In 2019, the provisions of the Law of the Republic of Lithuania on Administrative Proceedings,

which allow the use of trial mediation in administrative proceedings, came into force. However, the application of an alternative dispute resolution method focused on the peaceful resolution of administrative disputes in administrative law has sparked considerable debate among both scholars and practitioners (Tvaronavičienė & Kaminskienė, 2019). Bilevičiūtė and Milius (Білевічуте & Мілюс, 2020) claim that their article is the first scientific study in the cycle of extrajudicial mediation in the administrative process of Lithuania. The article describes the envisaged new legal regulation of non-judicial mediation in the Lithuanian administrative law process, analyzing the works of Lithuanian scholars in this field and new draft legal acts.

Tvaronavičienė and Milius (Tvaronavičienė & Milius, 2020) argue that the need to establish the institute of amicable agreements in the law of administrative cases arose from practice. Even before the changes in legal regulation under analysis, administrative courts approved amicable agreements by analogy with civil proceedings. Tvaronavičienė and Mulevičienė (2021) examined the mediation of administrative disputes in the context of the constitutional principle of responsible governance. They argue that mediation in administrative disputes has recently attracted particular interest. In 2021, with the entry into force of the new version of the Law on Mediation of the Republic of Lithuania (2021), the so-called quasi-trial mediation of administrative disputes was established in Lithuanian administrative law for the first time. However, under current regulations, only a portion of administrative disputes can be resolved through quasi-trial procedures. The suitability of mediation and the limits of its application in resolving administrative disputes raise several debatable issues. Administrative disputes are fundamentally different from civil ones because the relations between the parties are regulated by public law. Although maintaining the coherence of the principles of mediation and public administration is difficult, the Lithuanian legislator has preserved the identity of the mediation process. When establishing the legal regulation of its application in the administrative process, the main principles of this method were maintained, i.e., voluntariness, confidentiality, and the mediator's impartiality. Since 2021, Lithuania has created legal prerequisites for the application of extrajudicial mediation in administrative disputes. An original model has been applied in Lithuania, where extrajudicial mediation of administrative disputes is used when considering a complaint before the Lithuanian Administrative Disputes Commission or its territorial bodies. Extratrial mediation is usually understood as the conciliatory processes initiated by the parties to the dispute before applying to a court or other similar institution competent to consider the dispute, which we often call quasi-trial. It can be argued that the Lithuanian model of extratrial mediation in administrative disputes is better described as a quasi-trial mediation model, because to initiate a mediation process in an administrative dispute, it must be filed with the Lithuanian Administrative Disputes Commission. The possibility of applying administrative dispute mediation not only does not contradict the constitutional principle of responsible governance, which also includes the principle of good administration, but, as the public administration system and society modernize, it should become an integral part of it (Tvaronavičienė & Mulevičienė, 2021).

Boyron (2022) states that the introduction of administrative mediation triggered the rise of a separate system of administrative justice (with separate personnel, culture, ideology, pathways in and out of court, dispute practices and outcomes). Therefore, the practice of administrative mediation is emerging slowly, as it requires complex training for competent mediators and agreements among courts, mediation service providers, and public institutions. Mulevičienė and Tvaronavičienė (2022) analyze the possibilities of applying mediation in Lithuania not only as an intervention method in resolving administrative disputes that have already arisen, but also as a preventive measure that reduces the possibility of such disputes arising. In Lithuania, models of trial and quasi-trial mediation of administrative disputes are

already applied in administrative justice. However, there are many doubts about whether the wider application of mediation would violate the basic principles of public law and the public interest. The authors believe that the inclusion of mediation and mediation techniques in the activities of public administration institutions, especially at the early stage of a dispute, would improve the legal culture of society and public administration and could serve as an example of legal practice responding to the needs of the modern world.

Concept of Mediation

Mediation is one of the specific methods of conflict management and resolution, facilitated by a mediator who conducts negotiations between the parties and creates conditions for alternative dispute resolution. It is a procedure in which a third, neutral person helps the parties resolve their dispute. Mediation emerged as an alternative to the legal process and allows the parties to a dispute to achieve greater speed, cost savings, and efficiency in finding a solution than traditional litigation (Bankova & Angelova, 2021). The introduction of mediation in administrative litigation has indeed brought a new perspective to dispute resolution for all parties, including both individuals and agencies. The specific mediation processes and outcomes vary depending on case circumstances and agency policies, resulting in differing degrees of flexibility that cannot be uniformly prescribed (Liu, Chen and Lin, 2025).

The Law on the Mediation of the Republic of Lithuania (2021) provides a definition of mediation. Mediation is a procedure for resolving civil or administrative disputes, during which one or more mediators assist the parties to resolve the dispute peacefully. The law distinguishes: *extratrial mediation* is a procedure for resolving civil or administrative disputes, during which one or more mediators assist the parties to a dispute that is not resolved in court to resolve this dispute peacefully; *mandatory mediation* is mediation, which in cases established by law must be used before applying to court for the resolution of a civil dispute; and *trial mediation* is a procedure for resolving civil or administrative disputes, during which one or more mediators assist the parties to the dispute to resolve this dispute peacefully in a case pending in court'.

European Parliament Mediation Directive (European Parliament Directive 2008/52/EC of the European Parliament and of the Council, 2008) establishes that 'Mediation' means a structured process, however named or referred to, whereby two or more parties to a dispute attempt by themselves, on a voluntary basis, to reach an agreement on the settlement of their dispute with the assistance of a mediator. This process may be initiated by the parties, suggested or ordered by a court, or prescribed by the law of a Member State.

The 2022 CEPEI documents (European Commission for the Efficiency of Justice, 2022a; European Commission for the Efficiency of Justice, 2022b) also provide definitions of mediation. "Mediation is a structured and confidential process in which an impartial third person assists the parties by facilitating the communication between them for the purpose of resolving the issues in dispute. Mediation may concern an administrative dispute, or a dispute of an administrative nature between administrative authorities and private persons or public officials, the settlement of which is, in principle but not necessarily, the responsibility of the judge competent to settle administrative disputes. Administrative mediation can take three forms: institutional mediation, conventional mediation and jurisdictional or para-jurisdictional mediation. *Institutional mediation* is a process conducted by an institutional mediator, usually from the administration or with *ombudsman status*. It allows the resolution of a very wide range of disputes, not limited to administrative disputes in the strict sense of the term (those whose resolution is the responsibility of a court). *Conventional mediation* occurs when the parties agree to request a third-party mediator to help them resolve their dispute. *Jurisdictional* or para-

jurisdictional mediation occurs within the context of a lawsuit to resolve an administrative dispute. In such cases, the court has already been seized, but the parties decide, either by themselves or at the invitation of the judge, to attempt mediation" (European Commission for the Efficiency of Justice, 2022a). *Mediation* is a flexible process that involves a third party to reach a resolution to a dispute through a solution both parties agree to. In the Lithuanian legal system, the concepts of mediation and conciliation are not strictly separated (Kavalnė & Saudargaitė, 2011; Paužaitė-Kulvinskienė, 2013; Šilvaitė, 2018), but the CEPEJ proposes distinguishing between them. It is stated that "*conciliation*: a non-judicial procedure involving a third party with a view to reaching a solution acceptable to the parties; *mediation*: a non-judicial procedure involving a third party who proposes a solution to the dispute, in the form of a non-binding opinion or recommendation" (European Commission for the Efficiency of Justice, 2022b).

In 2018, the Lithuanian Council of Judges approved the Judicial Mediation Rules (Teisėjų taryba, 2018). The rules state that *judicial mediation* is carried out in accordance with the *following principles*:

The principle of voluntariness of the parties to the dispute – the judicial mediation process is possible only if both parties to the dispute agree to participate. No party to the dispute may be subjected to unlawful influence (coercion, psychological pressure, etc.) to induce it to choose the judicial mediation process or to participate in it.

The principle of confidentiality – both the parties to the dispute and other persons participating in the judicial mediation process, as well as the judicial mediator, undertake not to distribute, disclose or otherwise make public or otherwise use the information provided, collected or learned in the judicial mediation process.

The principle of mutual respect, tolerance, and forbearance – the judicial mediation process is based on mutual respect among the persons participating in it, and on refraining from actions and words that insult or humiliate another person.

The principle of impartiality and neutrality of the mediator – the mediator must act impartially towards the parties to the dispute.

The principle of cooperation – the parties to the dispute must cooperate with each other and with the court mediator during the judicial mediation.

The principle of qualified mediator activity means that mediators must be properly prepared and competent, act effectively, and comply with the performance standards applicable to mediators, as provided for in the Law on Mediation and other legal acts.

The principle of fairness – both the parties to the dispute and the mediator must act in such a way that judicial mediation is conducted honestly, transparently, and without deception.

Tvaronavičienė and Mulevičienė (2021) indicated that the principles of non-trial mediation for resolving administrative disputes are analogous in Lithuanian law.

Mediation is a voluntary dispute-resolution process in which an impartial third party, a mediator, assists disputing parties in reaching a mutually acceptable agreement. Mediator – a third impartial natural person who is entered in the list of mediators of the Republic of Lithuania and assists the parties to a civil or administrative dispute to resolve the dispute peacefully (Law on the Mediation of the Republic of Lithuania, 2021). The mediator seeks to help people negotiate more effectively than they would on their own. It is necessary to note that the joint, voluntary reaching of a decision by the parties with the help of the mediator has no legal force; it is based on moral and ethical principles and norms (Bankova & Angelova, 2021). The role of the mediator in the mediation process must be emphasized: "Whatever the form of mediation, the mediator is always an independent third person in relation to the parties. They must be impartial. They must have both legal and technical expertise to resolve the conflict. They must

conduct the procedure within a limited timeframe and respect the principle of confidentiality". By focusing on collaboration, mediation helps preserve personal or business relationships, which can be particularly important in disputes involving ongoing interactions. They focus on dialogue and mutually acceptable solutions. The process relies on the goodwill of the parties, and once it has begun, their freedom to leave it at any time must be protected (European Commission for the Efficiency of Justice, 2022b).

Bankova and Angelova (2021) identify the main advantages of mediation that distinguish it from conflict resolution through judicial means:

- perception of conflict as an integral part of human and societal nature;
- use of dialogue as a constructive response to aggression, avoidance and subordination;
- cooperation – achieving common interests does not mean that each participant cannot achieve their own specific interests;
- development of self-regulation and self-control skills, helping parties to make independent decisions;
- democratic and equal participation, responsibility for conflict resolution lies with all parties;
- mutual understanding and empathy;
- active participation of the parties in the conflict.

The nature of administrative disputes

Administrative disputes or disputes of an administrative nature are understood to be disputes between administrative authorities and private persons, the settlement of which is the responsibility of the judge. It is hereby clarified that a broad definition of mediation based on three criteria: there is a dispute between the administration and a private person (the parties); intervention of a third party, i.e. a person independent of the parties, who will help them to resolve their dispute; the resolution of the dispute results from an agreement between the parties (European Commission for the Efficiency of Justice, 2022b).

Administrative dispute – a conflict between a person and a public administration entity or a conflict between public administration entities that are not subordinate to each other (Law of the Republic of Lithuania on Administrative Proceedings, 2016). Mulevičienė and Tvaronavičienė (2022) argue that in the field of public administration, several situations of potential dispute are distinguished depending on who initiates them. Firstly, these are situations in which a party that is not a public administration entity addresses them to achieve certain goals. Secondly, when a public administration entity, in the course of performing its functions, identifies tension between itself and a non-public administration entity. Administrative disputes refer to legal conflicts that arise between individuals (or organizations) and government authorities.

Administrative disputes refer to legal conflicts that arise between individuals (or organizations) and government authorities. Here are some key features:

Legal Basis. These disputes are grounded in administrative law, which outlines the actions government agencies must take and the rights of citizens.

Procedure. The process typically begins with the submission of a complaint to the relevant administrative body. If this does not resolve the issue, it can escalate to court.

Specialized Courts. In some countries, including Lithuania, specialized administrative courts handle these disputes, ensuring that decisions are made in accordance with administrative law.

Subject Matter. Disputes can cover a range of areas, including taxation, social security, licensing, land use, and more.

Article 14 of the Law of the Republic of Lithuania on Public Administration (2020) establishes that a person has the right to appeal an administrative decision made by a public administration entity or another response of a public administration entity to a person's request, complaint, or action (inaction), as well as a delay by a public administration entity in performing actions within its competence.

According to Article 51 of the Lithuanian Law on Administrative Procedure (2016), all administrative disputes can be mediated, with some exceptions: a peace agreement cannot be concluded in cases concerning the legality of normative administrative acts, appeals concerning violations of electoral laws and the Law on Referendum, in cases concerning requests of the municipal council to submit a conclusion if a member of the municipal council or the mayor has broken the oath and/or has not exercised the powers established by the law. Finally, it should be emphasized that mediation in Lithuania, whether judicial or extrajudicial, may be conducted by the judge himself, by a member of the Lithuanian Administrative Disputes Commission, or by a mediator registered on the list of mediators. After the enactment of this legal norm, the parties to the dispute may resolve their dispute themselves, i.e., by reaching an agreement amicably and submitting the settlement agreement to the administrative court for approval. It should be noted that the settlement agreement in the administrative process does not apply to all disputes. The Law on Administrative Procedure establishes that a settlement agreement cannot be concluded in cases regarding the legality of regulatory administrative acts, in cases based on complaints regarding violations of electoral laws and the Law on Referendum, in cases regarding requests by the municipal council to submit a conclusion on whether a member of the municipal council, a member of the municipal council – mayor, for whom the procedure for loss of powers has been initiated, has broken the oath and (or) failed to exercise the powers established by law (Tvaronavičienė & Milius, 2020).

The term “administrative dispute” is used in the Law on the Mediation of the Republic of Lithuania. (2021) means a dispute examined by an administrative court in accordance with the procedure established by the Law on Administrative Proceedings of the Republic of Lithuania, or a dispute examined by the Lithuanian Administrative Disputes Commission in accordance with the procedure established by the Law of the Republic of Lithuania on the Pre-trial Examination of Administrative Disputes.

Lithuanian administrative dispute system

The CEPEJ study (European Commission for the Efficiency of Justice, 2022b) indicates that administrative mediation in Lithuania is grounded in a clear legal framework. “In Lithuania, two types of mediation coexist: one is jurisdictional, and the other is rather extra-jurisdictional (institutional). The first mediation measure in the Lithuanian legal system is the attempt to resolve administrative disputes amicably by concluding a contract. Indeed, “contract” is understood to mean the conclusion of a “peace agreement” - either during the proceedings or during the preliminary phase of the proceedings - between the administration and the private person concerned. It should be stressed that the “peace agreement” has the same legal value as a judgment, since it must be validated by the competent administrative court. The second possible mediation measure is conducted, not under the aegis of the court, but before the court is seized, by the members of two public bodies: the Lithuanian Administrative Disputes Commission and the Tax Disputes Commission” (European Commission for the Efficiency of Justice, 2022b).

The Law of the Republic of Lithuania on Administrative Proceedings (2016) establishes the procedure for examining administrative cases involving disputes arising from administrative legal relations. The Lithuanian administrative dispute system has a two-level model:

1) a pre-trial quasi-judicial institution (Lithuanian Administrative Disputes Commission) (see: Law on the Procedure for the Pre-trial Examination of Administrative Disputes of the Republic of Lithuania, 2020),

2) judicial review by administrative courts (the Supreme Administrative Court of Lithuania and the Regional Administrative Court) (see: Law on Courts of the Republic of Lithuania, 2002).

Table 1. A Comparison of the Lithuanian Administrative Disputes Commission and Administrative Courts

Source: Law of the Republic of Lithuania on Administrative Proceedings, Law on the Procedure for the Pre-trial Examination of Administrative Disputes of the Republic of Lithuania, Law on the Mediation of the Republic of Lithuania

Aspect	Administrative Disputes Commission	Administrative Courts
Nature	Quasi-judicial body	Judicial institution
Role	Pre-trial review of administrative acts	Judicial review and final adjudication
Purpose	Fast, simplified dispute resolution	Protection of legality and rights through
Procedure	Less formal, administrative procedure	Formal court procedure governed by the Law on Administrative Proceedings

In the Lithuanian legal system, the protection of individuals' subjective rights is ensured not only in court but also through extrajudicial procedures for resolving administrative disputes. The Lithuanian Administrative Disputes Commission (LADC) was established as an institution for the preliminary consideration of disputes outside the court procedure. However, the model of extrajudicial consideration of disputes applied by the LADC should more accurately be called a quasi-trial model rather than an extrajudicial one (Bilevičiūtė & Pranevičienė, 2020; Tvaronavičienė & Milius, 2020). LADC is a quasi-judicial pre-trial institution that resolves disputes between individuals (or legal entities) and public administration bodies. It was established in 1999 to provide a faster, less formal mechanism for administrative dispute resolution, as a mandatory or optional preliminary stage before judicial review, depending on the type of dispute. The Lithuanian Administrative Courts were established in 1999 to ensure judicial control over administrative institutions. The administrative court system consists of the Supreme Administrative Court of Lithuania and the Regional Administrative Court of Lithuania. Administrative Courts are specialized judicial bodies within the court system that review disputes in the field of public administration. The Commission is intended to reduce court workload and promote efficient dispute resolution, while courts guarantee independent judicial control over public administration.

LADC examines complaints regarding individual administrative acts adopted by public authorities; actions or inaction of administrative bodies; violations of rights caused by administrative decisions; disputes between individuals and administrative institutions. It normally issues a decision within approximately 20 working days, making the procedure relatively rapid compared to court proceedings. However, its decisions may be appealed to administrative courts. Administrative courts examine: the legality of administrative acts adopted by ministries, agencies, municipalities, and other public bodies; tax disputes and financial sanctions; disputes involving civil servants and public administration bodies; claims for damages caused by unlawful administrative actions; and election-related administrative

disputes. They provide binding judicial decisions, and the Supreme Administrative Court's rulings are final and not appealable.

The relationship between these institutions can be illustrated as a two-stage administrative dispute resolution model: Administrative authority decision > Administrative Disputes Commission (pre-trial review) > Regional Administrative Court (first judicial instance) > Supreme Administrative Court (final appellate instance). Pre-trial review is often encouraged because it filters disputes before they reach courts, improving efficiency in administrative justice.

Mediation Process in Administrative Disputes: Administrative dispute arises > Application submitted to the Administrative Disputes Commission > Proposal to initiate mediation > Parties agree to participate in mediation > Appointment of a mediator > Mediation sessions (joint meetings and separate meetings) > Negotiation and clarification of interests > Possible outcomes: settlement agreement, partial agreement, or termination. The mediation process usually begins after a dispute is submitted to the Administrative Disputes Commission. If both parties agree to attempt mediation, a mediator is appointed. The mediator facilitates communication between the parties and helps them identify their interests and possible solutions. The aim is to reach a mutually acceptable agreement before a formal administrative decision is adopted.

Legal Basis for Mediation Proceedings Before the Administrative Disputes Commission

Mediation options for resolving administrative conflicts are based on statutory principles. Most of them are internationally recognized and included in the legal frameworks for mediation in various countries worldwide (Bankova & Angelova, 2021).

The establishment of the pre-trial dispute resolution procedure in Lithuanian law is based on a mechanism that is essentially in line with European standards. The European code of conduct for mediators (2004) sets out a number of principles to which individual mediators may voluntarily commit themselves, under their own responsibility. It may be used by mediators involved in all kinds of mediation in civil and commercial matters. The European Code of Conduct for Mediation Providers (European Commission for the Efficiency of Justice, 2018) sets out a number of principles to which mediation centres, institutes, or other mediation providers may voluntarily commit. It may be used by mediation providers (including all their employees and affiliated persons) that offer mediation services across different fields of dispute, such as civil, commercial, family, administrative, and penal matters. This code is coherent and may be used in conjunction with the European Code of Conduct for Mediators, developed in 2004 under the auspices of the European Union (European Code of Conduct for Mediators, 2004), and with the Council of Europe and the European Commission for the Efficiency of Justice (CEPEJ) recommendations, guidelines and other instruments on mediation.

Article 15 of the Law on the Procedure for the Pre-trial Examination of Administrative Disputes of the Republic of Lithuania (2020) (*Referral of a Dispute for Resolution through Extrajudicial Mediation)* establishes, that the referral of a dispute to be resolved by extrajudicial mediation may be initiated by a member of the administrative dispute commission appointed as the rapporteur in the case, the administrative dispute commission or any party to the dispute. A dispute is referred for resolution by extrajudicial mediation when the parties to the dispute have given their consent or made a request to refer it for resolution by extrajudicial mediation. The parties to the dispute may submit a request to refer the dispute for extrajudicial mediation to the administrative dispute commission before, during, or after the commission's meeting, and after the adoption of a decision following the commission's examination of the complaint

(application). Article 16 (*Appointment of the mediator*) provides that a mediator shall be appointed to conduct non-judicial mediation in accordance with the procedure established by the Law on Mediation of the Republic of Lithuania. When extrajudicial mediation is conducted by a member of the Administrative Disputes Commission, the member's consent to conduct the mediation shall be formalized in writing. Before giving consent to conduct extrajudicial mediation, the mediator has the right to receive information regarding the substance of the dispute and the parties to the case.

The Law on the Mediation of the Republic of Lithuania (2021) establishes the basic conditions for mediation of civil and administrative disputes, the functions of institutions in the field of mediation, the requirements for persons seeking to provide mediation services, the procedure for conducting mediation, the features of mandatory mediation and judicial mediation, and the disciplinary liability of mediators. This law applies to extrajudicial and judicial mediation of civil and administrative disputes, except for disputes arising from such rights and obligations, for which concluded peace agreements are considered invalid under the law.

The LADC Order of the Chairperson of the Lithuanian Administrative Disputes Commission (2025) establishes the procedure for organizing and conducting non-judicial mediation in the Administrative Disputes Commission. It is claimed that non-judicial mediation is a process for resolving administrative disputes through *dialogue and negotiation between the parties*. The aim is to achieve a *mutually acceptable solution more quickly and at lower cost* while maintaining confidentiality.

Mediation Procedure in the pre-trial resolution of administrative disputes, see Figure 1. Mediation may be conducted by a member of the Administrative Disputes Commission who is included in the national list of mediators. The mediator acts as an independent and impartial facilitator assisting the parties in reaching an agreement. Mediation may be initiated by: a party to the dispute, the Commission examining the case, or a Commission member acting as rapporteur. The dispute is transferred to mediation only if both parties agree. If the other party does not consent, the case continues to be examined under the ordinary procedure. For the implementation of the mediation procedure, the Commission appoints a mediator and determines the time limit for mediation (usually up to 40 working days). During mediation, only the parties, their representatives and the mediator participate. The mediator may review the case file and, together with the parties, determine the course of the mediation. If the parties reach an agreement, they may enter into a settlement agreement that resolves the dispute amicably. If the parties reach an agreement, they may conclude a settlement agreement, which is subsequently approved by the Administrative Disputes Commission, provided that it does not violate mandatory legal provisions, does not contradict the public interest, and does not infringe the rights of third parties. If mediation resolves only part of the dispute, the remaining issues continue to be examined under the ordinary administrative dispute resolution procedure.

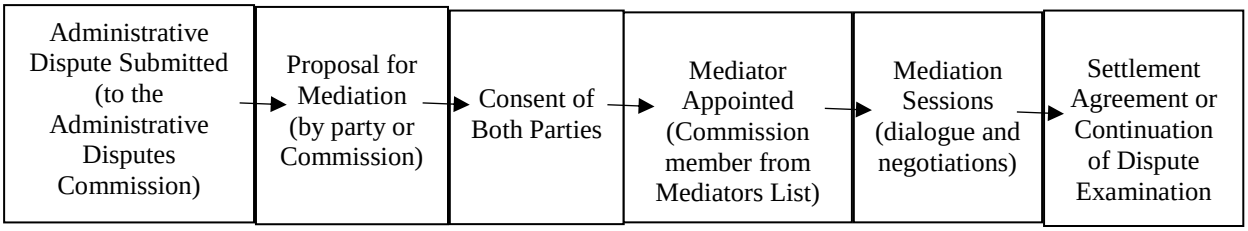


Figure 1. Mediation Procedure in the pre-trial resolution of administrative disputes
Source: Order of the Chairperson of the Lithuanian Administrative Disputes Commission on Approval of the Procedure for Organizing and Conducting Out-Of-Court Mediation in the Lithuanian Administrative Disputes Commission and Its Territorial Departments

The potential and benefits of mediation in defending individual rights: constructive dispute resolution, fostering informal dialogue between people with disabilities and institutions, building trust in institutions and the state, seeking more tailored solutions that take into account each person's needs, etc. Table 2 shows the LADC statistics for the mediation process.

Table 2. LADC statistics for the mediation process
Source: Lithuanian Administrative Disputes Commission. https://lagk.lrv.lt/lt/

Mediation actions	2021	2022	2023	2024	2025
Mediation, total	11	13	16	20	36
Mediation, completed	7	10	12	16	30
Conclusion of a peace agreement between the parties	7	3	6	11	20
Applicant withdrew the complaint	2		1	1	1
Mediator terminated the process	1	1			3
Mediation deadline expired			2	3	5
Withdrawn from mediation	1		3	1	1
Requirements satisfied		5			

A deeper qualitative analysis of the empirical data presented in Table 2 reveals several critical shifts in the dynamics of non-judicial administrative mediation in Lithuania. First, the tripling of total mediation cases from 11 in 2021 to 36 in 2025 signifies a clear, progressive institutionalization of the process and a diminishing skepticism among the parties involved. While the overall percentage of mediated administrative disputes remains low (around 1–2%), the trajectory of completed mediations—surging from 7 in 2021 to 30 in 2025—demonstrates that once the process is initiated, there is a strong commitment from both private individuals and public authorities to engage fully rather than abandon the procedure midway.

The most remarkable qualitative indicator is the substantial rise in successfully concluded peace agreements, which grew from 7 in 2021 to 20 in 2025. This trend carries profound socio-legal implications. In the context of public law, administrative authorities have traditionally operated within strict statutory boundaries, often reluctant to compromise for fear of personal liability or of exceeding their legal mandate. The growing number of approved peace agreements suggests a cultural evolution within Lithuanian public administration institutions. It reflects an increasing willingness of administrative managers to move away from rigid, formalistic decision-making and embrace flexible, interest-based dialogue.

Concurrently, the data shows an increase in instances where the mediation deadline expired (from 0 in 2021–2022 to 5 in 2025) or the mediator terminated the process (3 cases in

2025). Qualitatively, this should not be interpreted as a failure of the mechanism, but rather as an indicator of the increasing complexity of the disputes being referred to mediation. As the tool becomes more widely known, parties are attempting to mediate multi-layered conflicts that require more extensive factual clarification and longer negotiation sessions. Even when a formal peace agreement is not signed, the qualitative benefit of the process remains high: the dialogue reduces adversarial tension, fosters mutual understanding, and transforms the legal culture into one based on collaboration rather than confrontation, aligning with the constitutional principle of responsible governance.

Challenges of Mediation in Administrative Disputes in Lithuania

1. Low use of mediation. Despite the possibility of mediation, it is used in a very small proportion of cases (around 1–2%). Parties often prefer a formal Commission decision to a negotiated settlement.

2. Limited culture of negotiation in administrative disputes. Administrative authorities traditionally rely on formal administrative decision-making. Public institutions may be reluctant to compromise due to concerns about legality, accountability and public interest.

3. Institutional and legal constraints. Mediation is possible only in disputes where settlement agreements are legally permissible. In some administrative matters, public law obligations limit the flexibility of authorities to negotiate.

4. Lack of awareness among parties. Applicants and public authorities may not fully understand the benefits of mediation. Mediation in administrative disputes is still a relatively new mechanism (introduced in 2021).

5. Need for stronger institutional promotion. More active encouragement by the Commission and mediators may increase mediation uptake.

Training and awareness-raising could strengthen the culture of consensual dispute resolution.

Conclusions

The Lithuanian administrative justice model combines administrative and judicial mechanisms for dispute resolution. The Administrative Disputes Commission provides accessible, quick pre-trial protection of rights, while administrative courts ensure full judicial review and the development of consistent case law in public administration matters.

Mediation is still rarely used in administrative disputes in Lithuania (around 1–2% of cases). The number of mediation proposals is much higher than the number of actual mediations, suggesting that parties often decline mediation. However, when mediation takes place, settlement rates and participant satisfaction appear relatively high. Recent statistics demonstrate the growing importance of mediation in Lithuania. Settlement agreements are reached in nearly half of mediation cases.

During mediation, people feel that they are being listened to more closely and often begin to understand the reasons and rationale behind the decisions made by public administration bodies. The discussion is less adversarial and more cooperative, as both sides seek a mutually acceptable solution. Also, the procedure remains confidential, and the parties themselves retain control over the final outcome. These characteristics make mediation particularly valuable in disputes involving public authorities.

To increase the use of mediation in administrative disputes, the Lithuanian Administrative Disputes Commission should play a more active role in informing parties about the benefits and practical advantages of mediation at the initial stage of dispute examination. Standardized information materials and mediation awareness campaigns could contribute to a better understanding of this mechanism among both citizens and public authorities.

In order to address the limited culture of negotiation in public administration, targeted training programmes on mediation and consensual dispute resolution should be introduced for public officials and representatives of administrative institutions. Such training could strengthen institutional confidence in mediation and promote a more cooperative approach to dispute resolution.

Furthermore, it would be beneficial to develop methodological guidelines for public authorities regarding participation in mediation procedures, clarifying the permissible scope of settlements in administrative disputes and ensuring compliance with the principles of legality and protection of the public interest.

Finally, regular monitoring of mediation outcomes and the publication of detailed statistical data could facilitate evidence-based evaluation of the effectiveness of mediation and support further improvements to the Lithuanian administrative dispute resolution system.

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