

Dispute Resolution

Use of the court system is usually a last resort for disputing parties who may have tried various other methods without success.

Self-Help

- Solving of a dispute or problem by taking matters into your own hands without consulting anyone for help
- Disadvantages of self-help include
 - A person may be injured or killed by an offender while attempting to take matters into his or her own hands
 - The victim of an offence, as well as the offender, could face criminal charges
 - A person takes the risk of being sued over an incident or having the amount of damages sought in any later civil case reduced.
 - The idea of self-help is contrary to the idea that we are a civilised community that has a well-organised system of solving problems and dealing with disputes

Negotiation

- The most sensible approach in settling a dispute is for the parties to get together and solve the problem themselves by agreeing on a settlement
- In many cases, the solution may be quite simple and discussing the matter may overcome misunderstandings and avoid conflict

Abandonment

- In many civil cases, even though the right to sue a person may exist, it would often be ridiculous to begin legal action through the courts due to the time and costs involved
- Even if a person is prepared to pay the costs of court action and wait a long time to solve a dispute, the claim may still be abandoned

Conciliation

- It may be possible for disputing parties to refer their disagreement to a third party who will assist them in reaching a settlement
- The third party does not impose a decision on the disputing parties, but instead, helps them to arrive at a solution by offering suggestions and advice

Mediation

- Allows people to solve their disputes by voluntarily coming together before a neutral third party, who is referred to as a 'mediator'
 - The mediator establishes rules for the parties to discuss their dispute
 - The mediator ensures that both parties have an equal opportunity to discuss and exchange information

Arbitration

- An arbitrator is called in to settle the argument, not by offering advice, but by imposing a legally binding decision on the disputing parties
- Advantages
 - Speed
 - Low cost

Judicial Determination

- Involves a matter being resolved by a judge or magistrate.
- In civil matters, this is usually the last dispute resolution method of choice for parties as it.