

Selected Issues in Family Law

Editor
Nora A. Hak



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EDITED BY

NORA A. HAK



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RESOLUTION OF FAMILY DISPUTES: MEDIATION VS LITIGATION

By

Nur Ezan Rahmat, Nora Abdul Hak, Nurdianawati Irwani
Abdullah and Noraini Md. Hashim

Introduction

Dispute resolution outside of courts is not new; societies world-over have long used non-judicial, indigenous methods to resolve conflict. What is new is the extensive promotion and proliferation of Alternative Dispute Resolution (ADR) models, wider use of court-connected ADR, and the increasing use of ADR as a tool to realize goals broader than the settlement of specific disputes. ADR processes may have application across many diverse areas that include commercial, legal, social, environmental, international and political settings.

¹ Disputes that fall within the sphere of ADR processes may range from those within the judicial and administrative system or where a litigated solution is neither inappropriate, nor desired, or unavailable.² For this reason, it is said to be impossible to construct a concise definition of ADR processes that is accurate in respect of the range of

¹See Tania Sourdin, (2002), *Alternative Dispute Resolution*, Puddingburn Publishing Services Pty Ltd, Hunters Hill, NSW, at 2

²See Mohammad Naqib Ishan Jan and Ashgar Ali Ali Mohamed, (2010), *Mediation in Malaysia: The Law and Practice*, Lexis Nexis, at 2.
