



Mediation
in Malaysia:
The Law and
Practice

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MEDIATION IN MALAYSIA: THE LAW AND PRACTICE

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†Company No 76125-H
ISBN 978-967-5371-84-4



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Printed in Malaysia by Percetakan Anda Sdn Bhd

CHAPTER 30

QUALITIES OF A MEDIATOR IN FAMILY DISPUTES: AN OVERVIEW OF SYARIAH AND THE PRACTICE IN MALAYSIA

by

NORA ABDUL HAK

ABSTRACT

A mediator is one of the main elements of mediation, whose role is fundamental to the success of the mediation process. His personal qualities are important, equal if not more than his specialist knowledge and skills. Syariah emphasises on the importance of good *akhlaq* (morality) of a mediator. The Muslim jurists in their literature have deliberated in detail the qualities of a mediator such as being just, trustworthy, responsible and capable of carrying out the task that is assigned to him. In Malaysia, the Code of Ethics prepared by the Department of Syariah Judiciary Malaysia states, among others, that the *Sulh* (mediation) officer must not allow his personal interest to be in conflict with his duty as a mediator. The chapter will examine the deliberations of the Muslim jurists, based on the Qur'anic injunctions and the traditions of the Prophet Muhammad, on the necessary qualities of a mediator in family dispute(s).