



Mediation
in Malaysia:
The Law and
Practice

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MEDIATION IN MALAYSIA: THE LAW AND PRACTICE

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CHAPTER 3

LITIGATING DISPUTES IN COURT AND ITS DEMERITS

by

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&

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Justice, which is an end in itself, is the ultimate aim of any proceeding. Regardless of religion, ideology or legal system, justice is the common objective of all people. Justice in Malaysian civil courts is administered according to common law precedents and statutes based on the fundamental principles of English law. Many of the problems associated with the process of litigation in Malaysia are common to the adversarial process adopted by the legal systems of colonies which inherited the common law and the English legal procedure. Litigation in the courts is costly, time-consuming with unpredictable outcomes and above all, it has the potential to damage irreparably the relationships between the parties, for example, in matrimonial and labour disputes, among others. It must be noted that there are many disputes that need resolution outside the framework of conventional litigation. Having said the above, this chapter will discuss the adversarial process which is highly formal and structured with special reference to the demerits of litigation process.