Mediation in Malaysia: The Law and Practice

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MEDIATION IN MALAYSIA: THE LAW AND PRACTICE

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CHAPTER 11

ALTERNATIVE DISPUTE RESOLUTION FOR RESOLVING LAND USE AND ENVIRONMENTAL DISPUTES IN MALAYSIA

by

AINUL JARIA MAIDIN & INTAN SYAHRINA

The true function of a lawyer is to unite parties driven asunder
Mahatma Gandhi

INTRODUCTION

The complexity of land use and environmental disputes poses challenges to the courts due to multiple parties, issues, technical and scientific intricacies. The traditional method of settling land use and environmental disputes through litigation imposes burdens on those lacking financial and political resources and further drains valuable assets such as time and other resources.¹ The courts are not able to meet the demands of land use and environmental conflicts due to the multiplicity of issues involved. Thus, it is necessary to identify alternatives to litigation that might prove effective compared to litigation in a court where there is limited expertise to decide on the complex technical and scientific issues characteristic of land use and environmental disputes.²