Mediation in Malaysia: The Law and Practice

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MEDIATION IN MALAYSIA: THE LAW AND PRACTICE

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## CONTENTS

Authors' Profile ................................................................. vii
Foreword ................................................................................ xii
Preface ................................................................................. xiii
Table of Cases ....................................................................... xxxiii
Table of Legislation ............................................................ li
Table of Subsidiary Legislation ........................................... lix
Table of Foreign Legislation ............................................... lxiii
Table of Foreign Subsidiary Legislation ............................. lxv
Table of Practice Directions ............................................... lxvii
Table of Conventions, Treaties etc ..................................... lxix

### PART I

**Alternative Dispute Resolution: An Overview**

**Chapter 1**

**Alternative Dispute Resolution: Concept and Selected Processes**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>THE CONCEPT OF ADR</td>
<td>2</td>
</tr>
<tr>
<td>SELECTED PROCESSES OF ADR</td>
<td>3</td>
</tr>
<tr>
<td>Negotiation</td>
<td>3</td>
</tr>
<tr>
<td>Mediation</td>
<td>5</td>
</tr>
<tr>
<td>Definition of Mediation</td>
<td>7</td>
</tr>
<tr>
<td>Types of Mediation</td>
<td>7</td>
</tr>
<tr>
<td>Elements of Mediation</td>
<td>9</td>
</tr>
<tr>
<td>The Scope of Application</td>
<td>13</td>
</tr>
<tr>
<td>Benefits of Mediation</td>
<td>13</td>
</tr>
<tr>
<td>Conciliation</td>
<td>14</td>
</tr>
<tr>
<td>Arbitration</td>
<td>15</td>
</tr>
<tr>
<td>THE LAW GOVERNING ARBITRATION IN MALAYSIA</td>
<td>16</td>
</tr>
<tr>
<td>Arbitration Agreement</td>
<td>17</td>
</tr>
<tr>
<td>Arbitrator</td>
<td>18</td>
</tr>
<tr>
<td>Appointment of Arbitrators</td>
<td>19</td>
</tr>
</tbody>
</table>
CHAPTER 1

ALTERNATIVE DISPUTE RESOLUTION: CONCEPT AND SELECTED PROCESSES

by

MOHAMMAD NAQIB ISHAN JAN

INTRODUCTION

The present book, entitled *Mediation in Malaysia: The Law and Practice*, is the result of the coordinated effort of the Alternative Dispute Resolution Research Unit (ADRU) of the Ahmad Ibrahim Kulliyyah (Faculty) of Law (AIKOL), International Islamic University Malaysia (IIUM) ADRU members (who are the major contributors to this book). The contributors share a common belief that disputes, which arise in every level of a society, can be resolved amicably, cheaply and privately through mediation which is a process or method of ‘alternative dispute resolution’. Mediation, as explained in this book, can be utilised to resolve disputes ranging from family to communal, political, commercial, industrial and even interstates disputes without resorting to court system. It is not intended to substitute the court system but is an alternative to it. As an effective dispute resolution mechanism, mediation also helps to get rid of or at least reduce the backlog or unresolved cases which are the result of ‘litigation’. Resolving disputes through court system is costly, time consuming and emotionally devastating. As Jonathan J Sweet has observed: