



Mediation  
in Malaysia:  
The Law and  
Practice

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Mohammad Naqib Ishan Jan  
Ashgar Ali Ali Mohamed

**DR PUTERI NEMIE BT JAHN KASSIM**  
Associate Professor  
Ahmad Ibrahim Kuliyah Of Laws  
International Islamic University  
Malaysia

# **MEDIATION IN MALAYSIA: THE LAW AND PRACTICE**

**MOHAMMAD NAQIB ISHAN JAN**

LLB (HONS) (IIUM), MCL (IIUM)  
PHD (IIUM)

HEAD OF RESEARCH MANAGEMENT UNIT (AIKOL)  
ASSOCIATE PROFESSOR,

AHMAD IBRAHIM KULLIYAH OF LAWS (AIKOL)  
INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA (IIUM)

**ASHGAR ALI ALI MOHAMED**

LLB (HONS), MCL (IIUM)

LLM (HONS) (NZ), PHD (BUSINESS LAW)

ADVOCATE AND SOLICITOR (NON-PRACTISING)  
ASSOCIATE PROFESSOR

AHMAD IBRAHIM KULLIYAH OF LAWS (AIKOL)  
INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA (IIUM)



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## 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 Kulliyah (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'.<sup>1</sup> Resolving disputes through court system is costly, time consuming and emotionally devastating. As Jonathan J Sweet has observed: