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Family disputes in administration of estates: Analysis on mediation as effective dispute resolution mechanism in Malaysia (Article)

Nasrul, M.A.B.D.^a, Said, M.H.M.^b, Hakand, N.A.^c, Salim, W.N.M.^c

^aAcademy of Islamic Studies, University of Malaya, Malaysia

^bFaculty of Law, Universiti Kebangsaan Malaysia, Bangi, Selangor 43600, Malaysia

^cAhmad Ibrahim Kulliyah of Laws, International Islamic University Malaysia, Malaysia

Abstract

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A family dispute is one of the issues that occur in the administration of the deceased's estate. Such dispute may happen at any stage in estate administration, ranging from the application of letters of representation until the distribution of the deceased's asset. The occurrence of family dispute tends to affect the administration adversely and may lead to delay in the distribution which at the same time rendered the process incomplete. However, despite the seriousness of family dispute in estate administration, there is no specific method in resolving the problem apart from the litigation process. Litigation is less preferred in this case due to its inability to address the emotional grief suffered by the parties. Plus, it is time-consuming and has a relatively expensive cost. Mediation, on the other hand, is seen as a potential dispute resolution mechanism thanks to its effective method in addressing the core issues in a family dispute. This paper addresses the overview of a family dispute as well as analyses mediation in addressing and resolving the issue in the administration of a family estate. The study undertakes a library-based study as a selected research method through the analysis of selected materials including journal articles, textbooks, statutes as well as interview method. Findings from this paper indicate that mediation excels in resolving family disputes due to its ability to relieve the emotional distress suffered mainly by the beneficiaries. It is suggested that the administrative bodies primarily, should start to take the initiative in introducing mediation as an effort to improve the process of estate administration in Malaysia. © 2019, Malaysian Consumer and Family Economics Association. All rights reserved.

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-
- 1 Kamarudin, A.R., Aziz, N.A.
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(2014) *West East Journal of Social Sciences*, 3 (1), pp. 9-13. Cited 3 times.
-
- 2 Halim, A.H., Salim, W.N.M., Hak, N.A., Kamal, M.H.M.
(2009) *The Law of Wills and Intestacy in Malaysia*. Cited 2 times.
Harun M.Hashim Law Centre, International Islamic University Malaysia
-
- 3 Halim, A.H., Halim, A.H.
(2012) *Administration of Estates in Malaysia: Law and Procedure..* Cited 4 times.
Sweet & Maxwell
-
- 4 Akmalhidayah Halim, A.H.
(2006) *Administration of Estates in In Malaysia: An Analysis on the Law and Procedure with With Special Reference to the Administration of Real Estate*
Ph.D. thesis, International Islamic University Malaysia
-
- 5 Zakaria, A.
Responsibility of Judges under Practice Direction No 5 of 2010
(2010) *Paper Presented at the Seminar on Mediation with Judge John Clifford Wallace*
-
- 6 Salleh, A.
Dispute Resolution through Third Party Mediation: Malaysia and Indonesia
(2007) *Intellectual Discourse*, 15 (2). Cited 5 times.
-
- 7 Chester, R.
Less Law, But More Justice: Jury Trials And Mediation As Means Ofand Mediation as Means of Resolving Will Contests
(1998) *Duquesne Law. Review, Duq. L. Rev.*, 37, p. 173. Cited 3 times.
-
- 8 Azmi, F.A.M., Mohammad, M.T.S.H.
A proposal for a single tribunal of estates distribution in Malaysia

(2015) *Jurnal Teknologi*, 75 (10), pp. 1-16. Cited 3 times.
<http://www.jurnalteknologi.utm.my/index.php/jurnalteknologi/article/download/5261/3603>
doi: 10.11113/jt.v75.5261

View at Publisher
-
- 9 Gary, S.N.
Mediation and The Elderly: Using Mediation Toto Resolve Probate Disputes Over Guardianship And Inheritance
(1997) *Wake Forest Law Review*, 32, p. 397. Cited 9 times.
-