KAJIAN MALAYSIA
JOURNAL OF MALAYSIAN STUDIES

**Manuscript Title**: Knowledge, Attitude and Practice of Community Mediators in Malaysia

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**Accepted Date**: 27-March-2021

**Please cite this article as**: Sa'odah Ahmad, Rojanah Kahar and Muslihah Hasbullah. 2021. Knowledge, attitude and practice of community mediators in Malaysia. *Kajian Malaysia* (early view).

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# KNOWLEDGE, ATTITUDE AND PRACTICE OF COMMUNITY MEDIATORS IN MALAYSIA

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## ABSTRACT

*Family and neighbourhood issues are distinctly sensitive and emotional. They might also not be suitable to be settled using the existing courtroom device in the form of adjudication. It has been acknowledged that procedures in court failed to address the emotional state of the disputants. The alternative way to resolve the dispute is by using mediation. A study was conducted among 217 community mediators selected to determine their knowledge, attitude, and practice of community mediation. A self-administered questionnaire was used to gather the research data. The results revealed that the majority of the respondents (97.7%, n=212) know that mediation is used to resolve community disputes. All respondents agreed that mediation helps in alleviating disputes in the community. The majority of the respondents (92.2%, n=200) agreed that mediation is an important source of information and help for the community. The majority of the respondents (99.5%, n=216) agreed that cooperation between mediators and members of the community is very important in reducing domestic disputes and gaps in the community. The study also found that a little over half of the respondents have a low attitude (51.2%, n=111) on community mediation. Furthermore, listening to both disputants was the most (87.1%, n=189) practiced technique used by the respondents in dispute resolution. The study concluded that the respondents have good knowledge of community mediation, a low level of attitude of community mediation, and practise various techniques in resolving the disputes. Most of the respondents have less than 10 years of experience as a community mediator. Thus, it is understandable why they do not yet have a high attitude towards community mediation.*

**Keywords**: knowledge, attitude, practise, community, mediator

## INTRODUCTION

Dispute resolution is a term that refers to strategies that can be used to get to the bottom of a conflict, dispute, or claim. Dispute decisions may also be additionally identified as alternative dispute resolution. Alternative dispute resolutions (ADR) are alternatives to having a court decide the dispute in a trial or other institutions decide the resolution of a case or contract. Dispute resolution strategies can be used to settle disputes about family, neighbourhood, employment, and many others.

Dispute resolution processes have several advantages. For example, many dispute resolution strategies are cost-effective and quicker than the standard legal process. Certain techniques can furnish the parties concerned with higher participation in reaching a solution. Also, the parties have more control over the outcome of the dispute; the processes are much less formal and have extra bendy guidelines than the trial court.

Mediation is a form of ADR. It is a well-known mechanism of the peaceful dispute settlement process and has deep roots in many cultural traditions. In tribal societies, the community and spiritual leaders normally help the members to work through their problem by calling a community meeting in which the dispute will be settled cooperatively according to the way that can benefit individuals as well as the community (Schlegel, 1970). Mediation is a voluntary collaborative procedure where persons who have a conflict with one another discover issues, increase options, think about alternatives, and come up with a consensual agreement. Trained mediators facilitate open communication to unravel differences in a non-adversarial and exclusive manner.

The Malaysian Legal Aid (Amendment) Act 2003 defines mediation as:

- the undertaking of any activity to promote the discussion and settlement of disputes.
- the bringing together of the parties to any dispute either at the request of one of the parties or on the initiative of the Director-General of Legal Aid.
- the follow up of any issue, the topic of the discourse, or settlement.

The Mediation Act 2012 (the Act) aimed at promoting and inspiring mediation as a technique of ADR and to facilitate the agreement of conflict in a truthful, fast, and cost-efficient manner. The Act interprets mediation as a voluntary process where a mediator enables verbal exchange and negotiation between disputants to assist them in achieving a consensual decision. However, the Act is inapplicable to:

- mediation carried out through courts.
- mediation carried out by the Legal Aid Department.
- matters expressly not included in its schedule (such as proceedings of the Federal Constitution, the remedy of temporary or permanent injunctions, and any criminal matter).

The Act additionally does not oblige parties to mediate before legal proceedings or arbitration. Moreover, the parties may also choose to use mediation at the same time with any civil court action or arbitration. Wherever lawsuits have already commenced, mediation will now not act as a stay or extension of proceedings.

From the above discussion, it is clear that mediation is a way to unravel disputes without resorting to litigation or different adversarial modes of dealing with conflict. By using a "win-win" solution, applicable to both sides, mediation promotes better appreciation amongst disputants (Welsh, 2012). It also charges less, affects in greater lasting agreements than litigation, and can be used for emotionally sensitive disputes where other types of conflict resolution are inappropriate (Sa'odah, 2012; Emery, 2012; Wall & Dunne, 2012; Kizmann, Para & Jobe-Shields, 2012). As a result, mediation has proven useful in extensive areas such as parent-child and household disputes, divorce, commercial enterprise, organisational disputes, environmental conflicts, community/neighbourhood conflicts, and victim-offender mediation.

In Malaysia, mediation is initially and formally implemented in banking and insurance disputes. There are certain regulations provided for mediation services in almost all kinds of civil disputes (Abdul Rani & Norjihan, 2014). The purpose of enacting these provisions is to regulate the process and procedure as well as the mediators. Today, mediation has also been extended to matrimonial and household disputes.

## MEDIATION IN ISLAM

Negotiated settlements or settlements out of the courtroom by way of mediation, conciliation, and arbitration are very much encouraged in Islam and there are many examples in the Qur'an that discuss the principles of dispute resolution through consented settlement. For example, in Surah Al Nisa':128 and Al Hujurat: 9 respectively, Allah SWT says to the effect:

> "If a wife fears cruelty or desertion on her husband's part, there is no blame on them if they arrange an amicable settlement between themselves, and such settlement is best."

> "And if two parties among the believers fall into a quarrel, make peace between them both, but if one of them rebels against the other, then fight you (all) against the one which rebels till it complies with the command of Allah; then if it complies, make reconciliation between them justly, and be equitable. Verily! Allah loves those who are equitable."

The above Qur'anic injunctions clearly depict the encouragement of resolving dispute amicably to protect the rights of disputants and to prevent hate and vengeance in the community.

Islam advocates the amicable agreement of every dispute to keep away from the antagonism between conflicting parties (Sa'odah, 2015). All kinds of amicable decision or settlement of disputes among the conflicting disputants are admissible barring settlements that forbid anything that is initially lawful according to the law and allow anything that has been proclaimed unlawful according to the law (Abdul Karim, 2007).

A celebrated *Sunnah* (practices) of the Prophet Muhammad SAW that gave a clear example of *sulh* (mediation) was concerning the positioning of Hajar al-Aswad (Black Stone) during the rebuilding of the Ka'abah (Al Buhuti, 1982). The four leaders of the Quraish were not in agreement over the issue of who has the right to put Hajar al-Aswad in its proper place. There was a stalemate. Fortunately, one of the leaders motioned an idea that the first person to arrive at the Ka'abah the next morning would be given the honour of positioning the stone.

That blessed person was the Prophet Muhammad SAW. To teach fair dealings and best behaviour to the people of Makkah, the Prophet SAW requested that each tribe selected one representative. He spread a sheet and put the stone on it and asked the four representatives to hold each end of the sheet, and together they raised the stone to the right place. Thus, by the wisdom of the Prophet Muhammad SAW, a grievous conflict was avoided and everybody was pleased with the solution.

An example of the application of the concept of mediation can be viewed through the exercise in the Department of Syariah Judiciary Selangor. The Majlis Sulh (Mediation Council) was established in 2002. The enforcement of *sulh* (mediation) in the Syariah Courts of Selangor is primarily based on sections 94, 99, and 131 of the Selangor Syariah Court Civil Procedure Enactment 2003 and sections 47 and 48 of the Selangor Islamic Family Law Enactment 2003. The Syariah Court Civil Procedure (Sulh) Rules 2001 governs its enforcement in the procedural aspect. Under section 99 of the Selangor Syariah Court Civil

Procedure Enactment 2003, any disputants to a proceeding might also convene *sulh* (mediation) at any level of the proceeding to unravel their conflict following the established policies and procedure. The nonexistence of such regulations and procedures allows for the reference to *hukum syarak* (Islamic principles).

Rule 3 of the Selangor Syariah Court Civil Procedure (Sulh) Rules 2001 provides that, the Registrar shall not fix the hearing date within three months from the registration date of the case if he feels that there is a real opportunity of reconciliation between the disputants. He must also as quickly as realistically determine the date for *sulh* and send its proper notice to the conflicting parties. It is vital to ensure that the conflicting parties provide their consent to unravel their conflict through mediation. This is important because *sulh* (mediation) must be performed voluntarily and it shows that an alternative whether or not to go for mediation or proceed for courtroom trial is given to the conflicting parties. If they select a courtroom trial, the Registrar has to decide the date of the hearing. In summary, the Registrar is mandated to inform the option of using mediation to the conflicting parties. However, it is up to the parties to decide whether to resolve their conflict with the aid of mediation or not.

The Judicial Department of Syariah Malaysia (JKSM) established the Sulh Work Manual (the Manual) and the Ethical Code of Sulh Officer (the Code) to facilitate the efficiency of the *sulh* process. The Manual acts as a standard that describes the role of Sulh Officers or mediators, regulating them in their everyday practice, and guard disputants and the credibility of the profession. The Code determines the morals and behaviour of the mediators. This means that the rules guide the mediators in conducting Majlis Sulh whilst at the same time regulating their conduct.

## COMMUNITY MEDIATION

In the old days, the *Imam* (Islamic religious leader), *Ketua Kampung* (village head leader), or *Penghulu* (village head leader) played an important role as mediator in resolving disputes among members in the villages. The mediator would normally be someone who is an elderly and is respected in the community, and would be able to pacify the disputants so that discussion or negotiation on the dispute could be conducted rationally. The objective of mediation is to reconcile the disputants and reach a consensual resolution of the dispute at the end of the process. When the Indian and Chinese came to Malaya, they brought along their custom and practices which among others include the process of resolving disputes through mediation by the elders in the community (Raman, 2005). Therefore, mediation is commonly practised in Malaysian society.

Conflict needs to be recognised as part of a daily dwelling in a neighbourhood and its surrounding areas. Unless people stay in digital isolation, they are certain to on occasion experiencge hostilities in their interactions with others. Referring to the Behaviourist School of Thought, El Fatih (2001) suggests that the underlying causes of war lie in human instinct and behaviour; and that a significant connection exists between intrapersonal conflict and conflict that is spread through and perceived in every part of the external social order.

Conflicts appear when human beings perceive that, as a result of a disagreement, there is a danger to their needs, pursuits, or concerns. Although hostilities are a normal part of personal, community, or organisational lifestyle, that may also supply ample opportunities for growth through elevated appreciation and insight, there is an inclination to view hostilities as a bad experience prompted via surprisingly difficult circumstances. Disputants tend to identify restrained alternatives and insufficient resources accessible in looking for solutions, instead of various opportunities that might also exist "outside the box" in fixing the problem.

Community-based mediation services can assist and allow people to make the most out of conflict. Citing Albie Davis, Roberts (2014) says that community mediation "is the soul" of the ADR development, "exemplifying the value, above all, of respect—for the parties' dignity and perspectives, whatever their background, race, class, or gender and for their competence and creativity to design solutions to their problems"

Community mediation is an informal process that allows disputants to work together with the guidance of a neutral mediator to come up with a resolution that would satisfy their interest hence, creating a win-win situation. The meaning of community or neighbourhood mediation is distinctive according to the area. The meaning may be drawn out to include resolving disputes in a wider vicinity rather than only in a specific neighbourhood (Hanna, 2013). Mediation is not only capable of producing agreements between conflicting parties, but also have spillover effects that cause more voluntary agreement-making and less judicial decision-making.

In the context of Malaysia which is comprised of multiple ethnicities, respect for individual and societal rights must be observed (Nazri, Nik Yusri & Ahmad Hidayat, 2011). A peaceful and harmonious community, as well as a good neighbourhood, is something everyone looks forward to when bringing up a family to be safe and free from enmity, hate, and revenge. A feud in a community could end up in violence that will further aggravate the functionings and well-being of the community. As observed by Suriyadi Halim Omar JCA in *Kris Angsana Sdn Bhd v Eu Sim Chuan & Anor* [2007] 4 CLJ 293, CA:

> "High density of population in popular residential areas in Malaysia is now the norm. Houses may have to be built very close to each other, at times on hilltops, or even hugging those slopes... We are no more a society that lives miles apart like the olden days, but is one where a sneeze is never out of the neighbours' earshot; and where likewise unreasonable activities may touch the life of a neighbour. To deny the rights of neighbours and allow a wrongdoer to wreak havoc and heartache, would militate against the very fabric of modern life and the collective ideology of a multi-faceted society."

Neighbours are the closest means from whom we seek help. *In Jayakumar Govindasamy v Amotha Mk Ratnam* (unreported case, 10 November 2009, Divorce Petition No: S8-33-1551-2004), a neighbour helped and took an injured wife to a hospital. In another case, *Public Prosecutor v Abdul Kadir Kadam Ali & 2 Ors*. [2008] 8 MLJ 349, a neighbour's help was procured to investigate the contents of a suspected box in the neighbourhood. These cases are examples where neighbours have extended their help to others staying in their community and this is important for the promotion of harmony in a multiracial and multireligious society like Malaysia.

Mediation helps human attain consensus, reconstruct relationships, and locate everlasting options to their disputes. Mediation is a technique that lets humans communicate for themselves and make personal decisions. Furthermore, community mediation allows communities to regain control over their lives by having the power to get to the bottom of their disputes from a government institution (the courts) that have been considered as inefficient, unfair, and oppressive (Hedeen, 2004).

Table 1. Community mediation efforts

| | **Community mediation strives to** |
|---|---|
| 1. | Train community members who reflect the community's diversity concerning age, race, gender, ethnicity, income, and education to serve as volunteer mediators. |
| 2. | Provide mediation services at no cost or on a sliding scale. |
| 3. | Hold mediations in neighbourhoods where disputes occur. |
| 4. | Schedule mediations at a time and place convenient to the participants |
| 5. | Encourage early use of mediation to prevent violence or to reduce the need for court intervention, as well as provide mediation at any stage in a dispute. |
| 6. | Mediate community-based disputes that come from referral sources including self-referrals, police, courts, community organizations, civic groups, religious institutions, government agencies, and others. |
| 7. | Educate community members about conflict resolution and mediation. |
| 8. | Maintain high-quality mediators by providing intensive, skills-based training, apprenticeships, continuing education and ongoing evaluation of volunteer mediators. |

9. Work with the community in governing community mediation programs in a manner that is based on collaborative problem solving among staff, volunteers and community members.
10. Provide mediation, education, and potentially other conflict resolution processes to community members who reflect the community's diversity concerning age, race, gender, ethnicity, income, education, and geographic location.

Source: Maryland Community Mediation Centre, 2014.

Based on Table 1, community mediation supports and vests persons and societies to involve, transform, and settle conflicts through the use of collective and productive practices. However, it needs to be stated that the mediator takes no authority to construct any decision that is obligatory but create the use of positive procedures, practices, and proficiencies to facilitate the disputants to confer to an agreement regarding their dispute barring judgement by the court (Brown & Marriot, 1999). In the mediation method, the disputants have the chance to apprehend and discover their variations and come to a settlement taking into account the interest of all involved. There are three crucial components: help, a neutral third party, and no authority to force an impact on the parties in disputes.

## COMMUNITY MEDIATION IN MALAYSIA

The Malaysian government regards the multiracial problems as a bona fide imminence to the social harmony of Malaysia since the incident of an interracial conflict on May 13, 1969. In other words, the major concern of the Government of Malaysia upon independence was to develop a strong sense of national unity and identity.

The Department of National Unity and Integrity (DNUI) was established in 1969 and the *Rukun Tetangga* (Peaceful Neighbour) programme was introduced in 1975 to achieve safety and unity among the multiracial citizens in Malaysia. *Rukun Tetangga* (RT) is a voluntary programme that is regulated by the Malaysian government which is intended to create neighbourhood residents around the country. It is a neighbourhood organisation which is made up of particular residential areas. The power and authority of RT were vested by the Peaceful Neighbour Regulation 1975.

RT performs an important role in arranging squad groups under the Voluntary Patrol Scheme (VPS) in residential areas. This is one of the restraint strategies for crimes in such places. The night squad groups consist of residents of the community. They have the power to stop and inspect any person, vehicle, or property in the designated area if they feel that the safety of the residents is at risk. Besides the night squad groups, RT today plays other roles like organising

programmes to boost integration, humanity-related programmes, and other connected occurrences interface which are aimed at increasing community connexion.

As clearly provided in the Rukun Tetangga Act 2012 (the Act), in particular, section 8, RT committees are to carry out activities aimed at improving and strengthening neighbourhood spirit, solidarity, goodwill, harmony, comfort, peace, cooperation, security, welfare, health, economic well-being, and quality of life among members of the community. The RT committees are also tasked to gather information on, as well as observe and investigate, all issues and social conflict in the area and to report them to the higher authorities to ensure the residents are protected against any criminal activities or disasters. Where possible, the RT committees are required to provide mediation services in the community for reconciliation purposes or otherwise resolve any disagreements among members of the community. While the RT committees are allocated funds from the government, the Act allows them to raise money to carry out activities for the benefit of the community, but they are required to obtain written approval from the chief director in advance.

The Act also clearly defines the functions and role of the RT committee's VPS which forms the backbone of its programmes, enhancing the scope of the VPS's functions, and also provides sufficient protection for the volunteers but with clauses to detect and discipline their conduct. The VPS is protected under the Public Authorities Protection Act 1948.

Another programme to promote unity and integration among urban citizens in Malaysia is called Community Mediation that was developed by the DNUI. In 2007, the programme was firstly piloted in Selangor, Penang, Johor, and the Federal Territory of Kuala Lumpur. By 2008, it was extended to other states in Malaysia (Hanna, Nora & Akmal, 2015). The significance of this programme is to train the *Ahli Jawatankuasa Rukun Tetangga* (Peaceful Neighbourhood Committee Members) as community mediators in their housing neighbourhood (Hanna, 2013, Hanna & Nora, 2014). According to Hanna, Nora, and Akmal (2015), at present, there are 1000 community mediators registered with the DNUI and are trained to perform their duties as community mediators in their respective residence. Community mediators play a very important role in maintaining peace in the community as they will be the neutral third party striving at helping residents in peacefully resolving conflicts among themselves.

Successfully performing the duties of a community mediator is a feat. It is somewhat challenging, requiring a measure of skill, ability, and valour to succeed. This is because human conflict is complicated and involves tribulation and emotional upheaval. Some of the greatest challenges of being a community

mediator (or any other type of mediator) are recognition and acceptance from disputants (Hanna, Nora & Akmal, 2015; Sa'odah, Rojanah & Muslihah, 2013). The level of awareness, recognition, acceptance, and trust from the disputants is very important in determining the level of cooperation as well as the willingness to openly and rationally discuss their issues, which will ultimately influence the outcome of the mediation (Sa'odah, 2012).

To date, there is no centre to encompass mediators and no sets of rules, regulation, or law to regulate community mediation practice in Malaysia. Hanna, Nora, and Akmal assert that the establishment of this centre is very important as it will coordinate, standardise, and serve as a support system for mediators. At this juncture, the DNUI should take a proactive role in realising this endeavour.

For the community in the United States, mediation programmes were established since the 1970s. Citizens, neighbours, religious leaders, and communities became empowered as they realised that they could resolve many grievances and disputes in their community through mediation. In Singapore, since 1998, the Community Mediation Centre provides mediation services for social, community, or family disputes that are non-seizable (such as voluntarily causing hurt, mischief, verbal threat) offences under the criminal law. Section 2 of the Criminal Procedure Code 2007 (Singapore) defined seizable offences as a case in which a police officer may ordinarily arrest without a warrant. This means that the police may just arrest the suspect without a warrant for any offence in violation of the Penal Code. An example would be theft. Community mediation is also widely practised in Australia, Japan, China, and Korea.

## OBJECTIVE AND PAST RESEARCH

The main objective of this study is to describe the demographic characteristics and attitude of community mediators as well as the practice of community mediation in Malaysia. There has been very little empirical research on community mediation in Malaysia despite the extensive research elsewhere. Much of the literature on the formal practice of community mediation emanates from the United States, Japan, South Korea, China, and even Singapore. An in-depth study by Provencher (1968) highlighted that the *Ketua Kampung* (village head leader) is responsible for resolving disputes in a village. In pre-colonial traditional Malay societies, the respected elders in the community and *Ketua Kampung* can even mediate family disputes. This is in the event when the elders in the family failed to reconcile the disputants.

One empirical research worth to be referred to is an early research on community mediation in Malaysia by Wall and Callister conducted in 1999. This research

centred on the questions whether Malaysians depend on the courts to settle disputes in their neighbourhood or like the Chinese, Japanese, South Korean, and Singaporean, who depend on a neutral third-party in their communities to unravel disputes; if there is a third-party mediation, who are the mediators and how do they dealt with the disputes. The research determines the similarity in dealing with disputes between Malaysian city residents with other city residents globally i.e., whether they endure the dispute, control it themselves, or call the police. On the other hand, on every occasion where disputes occur in a village, they are not immediately referred to the police but are delivered to the *Ketua Kampung* or *Imam* (Islamic religious leader). Wall and Callister (1999) similarly asserted that there are similarities and variations in the approaches and strategies taken by the *Imam* and *Ketua Kampung*. The *Imam* depends more on the prayer and moral/ethical standards than their secular colleagues.

Hanna, Nora, and Akmal (2015) research the challenges confronted by community mediators. The challenges include the lack of recognition and acceptance from residents resulted from non-awareness of the mediation programme, lack of support (moral, facility, financial) from the DNUI, insufficient training, and lack of support from the *Rukun Tetangga* (RT) committee members. The researchers carried out interviews with sixty-five participants to gain data on the association between the RT programme and community mediation, and also the functions of the RT committee members in encouraging community/neighbourhood mediation. The residents and the committee participants were found to have no information on the community mediation programme. All respondents collectively responded "no" when they were enquired whether or not there was once an association between the mediation programme and the RT. The community mediation programme was not regarded as part of the RT. Consequently, many programmes for unity and integration functions were unable to encourage community mediation.

The present study contributes to enriching empirical data relating to community mediation in Malaysia, in particular, with regards to the knowledge, attitude, and practice of the community mediators.

## METHOD

This study was conducted using a descriptive approach through a survey method to determine the knowledge, attitude, and practice of community mediators on community mediation in Malaysia. The survey was conducted via a self-administered questionnaire. The participants were selected following the purposive sampling technique. The frequency, mean, standard deviation, percentage, mean, mode, and values were obtained for univariate analysis. The

data was used to describe participants' demographic background, the degree of knowledge, attitude, and practice of community mediation following the objective of the study.

## PARTICIPANTS

The participants of this study were 217 community mediators who attended the Mediation Course and Credential Ceremony (*Kursus Mediasi dan Pentauliahan*). They were selected based on the characteristics needed by the study, namely, community mediators appointed by the Department of National Unity and Integrity.

## INSTRUMENT

The instrument used in this research was developed by the researchers based on previous research and literature. The instrument, which is in the form of a questionnaire, has four parts: Part A contains items on the demographic background of the respondent, Part B contains items to assess the knowledge of the respondent on community mediation, Part C contains items to assess the attitude of the respondent on community mediation, and Part D contains items to assess the practice of respondent on community mediation. A pilot study was conducted to examine the reliability and validity of the questionnaire—it yielded a good reliability where the alpha coefficient for attitude on mediation was .72 and .88 for practise on mediation.

## PROCEDURE

This research was conducted in Kelantan, Terengganu, and Pahang. The selection of these states was based on the advice of the Department of National Unity and Integrity. These three states were the location for the Mediation Course and Credential Ceremony (*Kursus Mediasi dan Pentauliahan*) organised by the Department of National Unity and Integrity for community mediators in Peninsular Malaysia. The data was collected using a self-administered questionnaire. With permission from the organiser, the questionnaires were distributed to all of the participants on the first day during the refreshment break for the morning session. The questionnaires were collected at the end of the course.

## RESULTS

### Demographic Characteristics

Figures 1, 2, 3, 4, and 5 show the demographic characteristics of the respondents. There were altogether 217 respondents in this study which made up of 12.9% (n=28) from Pulau Pinang, 10.1% (n=22) from Perak, 9.7% (n=21) from Selangor, 9.2% (n=20) from Kelantan, 9.2% (n=20) from Negeri Sembilan, 9.2% (n=20) from Kedah, 8.3% (n=18) from Johor, 6.9% (n=15) from Kuala Lumpur, 6.0% (n=13) from Melaka, 5.5% (n=12) from Perlis, 4.1% (n=9) from Terengganu, 3.2% (n=7) from Pahang, 2.7% (n=6) from Putrajaya, and 2.7% (n=6) did not specified from which state.

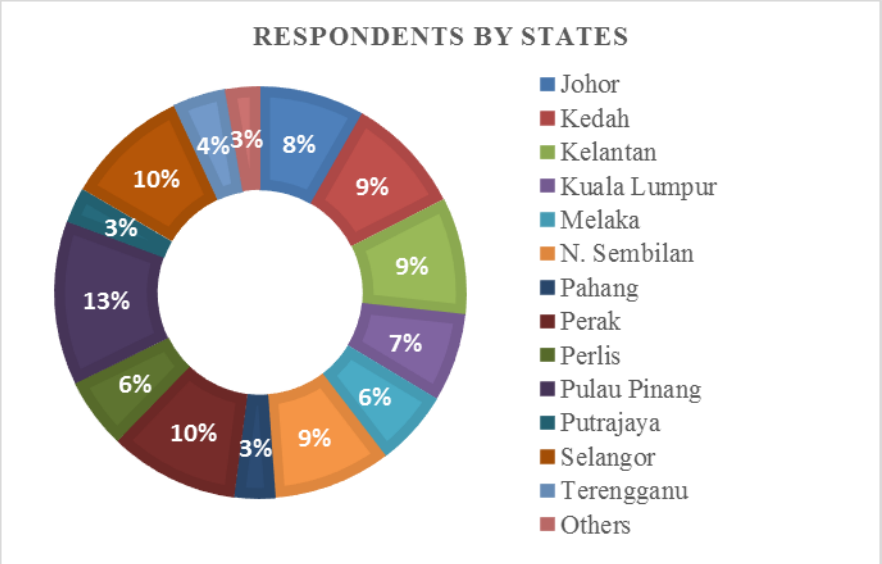


Figure 1. Respondents by states

Figure 2 shows the respondents divided by gender where 78.8% (n= 171) were male and 21.2% (n=46) were female. As regards the respondents' age, 49.3% (n=107) were in the age range of 36 to 53, 27.5% (n=59) were in the age range of 54 to 70, and 23.2% (n=51) were in the age range of 19 to 35 (Figure 3).

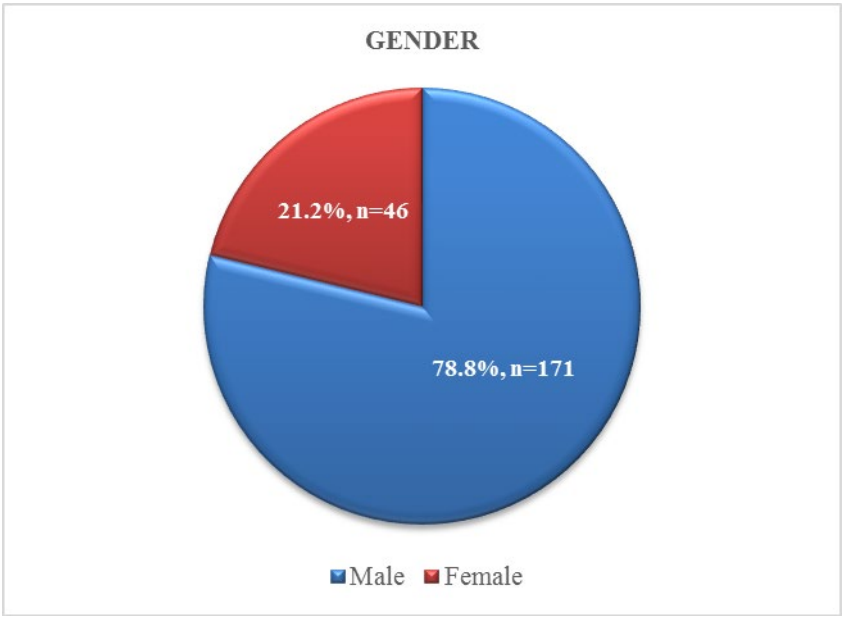


Figure 2: Respondents by gender

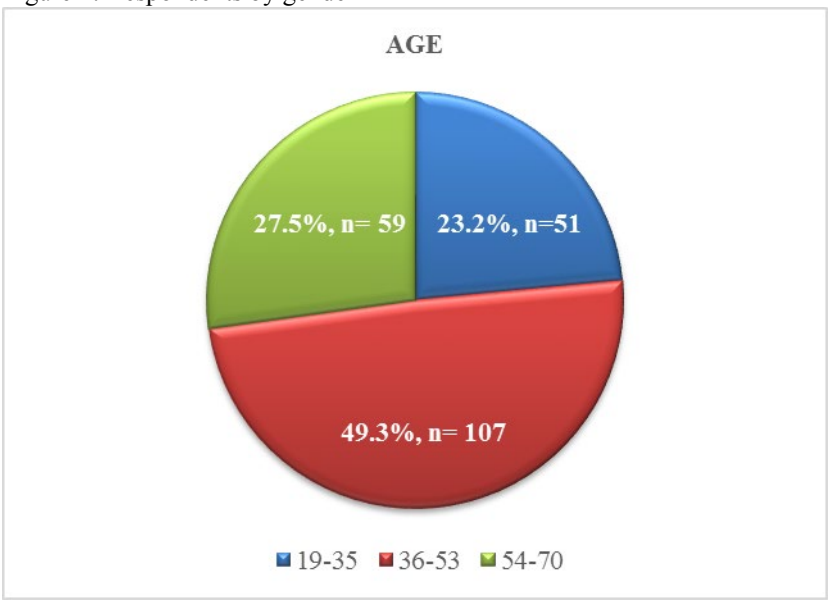


Figure 3. Respondents by age

Figure 4 indicates that the majority (79.7%, n=173) of the respondents were Malay followed by Indian (10.6%, n=23), Chinese (9.2%, n=20), and others (0.5%, n=1). The majority (83.4%, n=181) of the respondents, as shown in Figure

5, reported that they have been in practice for 0 to 10 years, followed by 14.3% (n=31) who have practised for 12 to 20 years, and 2.3% (n=5) for respondents who have practised for 21 to 30 years. This result shows that the majority of the respondents were fairly new to the profession of community mediators.

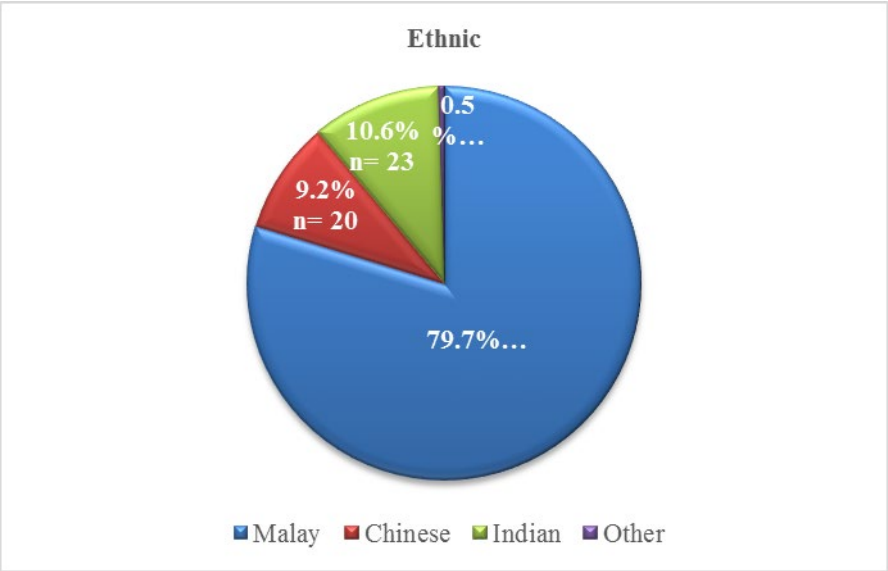


Figure 4. Respondents by ethnics

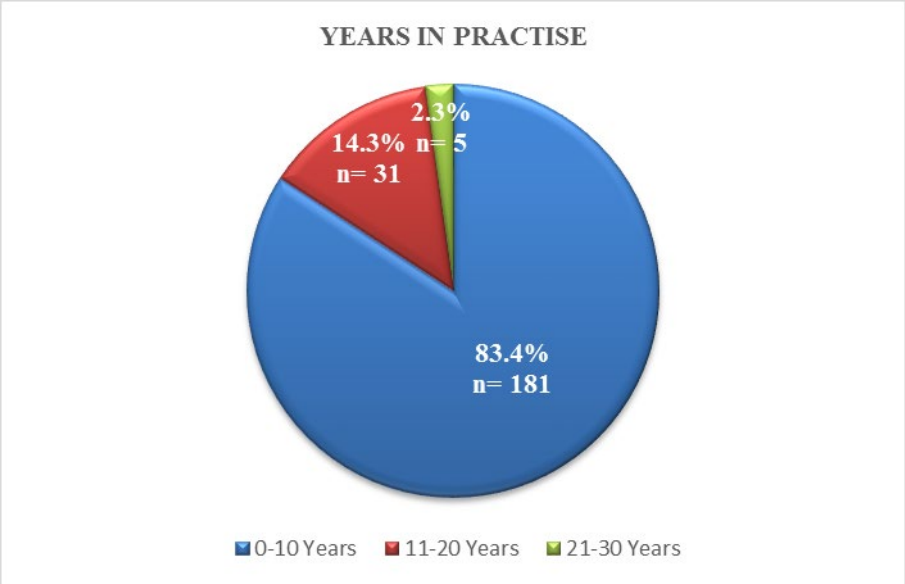


Figure 5. Respondents by year of practice

**Knowledge, attitude, and practice of community mediation.**

The results revealed that a majority of the respondents (97.7%) knew that mediation was used to resolve community disputes. All agreed that mediation helps in alleviating disputes in the community. The majority of the respondents (92.2%) agreed that mediation is an important source of information and help for the community. The majority of the respondents (99.5%) agreed that cooperation between mediators and members of the community is very important in reducing domestic disputes and gaps in the community. The results showed that the majority of the respondents are knowledgeable about the functions and benefits of mediation as a dispute resolution mechanism in community dispute.

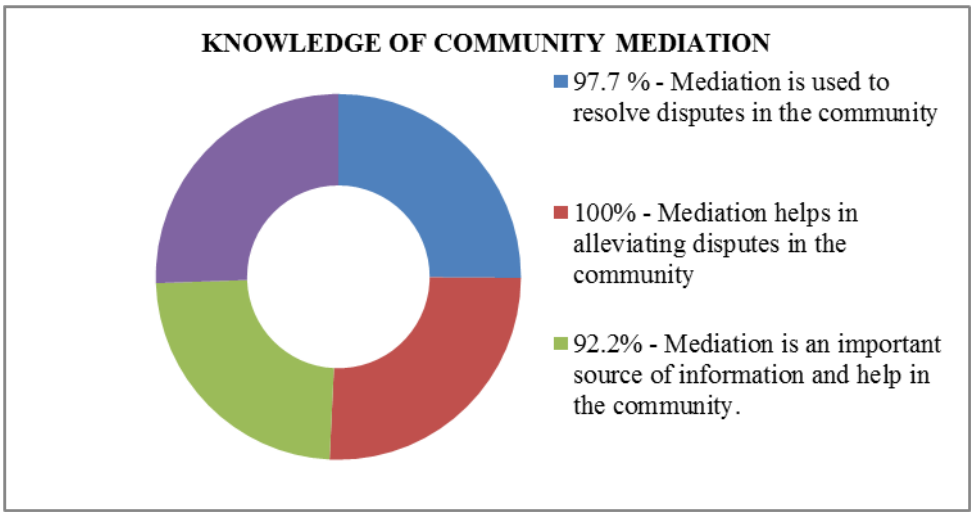


Figure 6. Knowledge of community mediation

The study also found that the percentage of the respondents who reported as having a low attitude (51.2%, n=111) of community mediation was slightly higher than the percentage of the respondent who reported as having a high attitude of community mediation (48.8%, n=106). This result is understandable because formal community mediation was newly introduced in Malaysia. Furthermore, the majority of the respondents were newly appointed and might not yet have the right attitude and enough experience in community mediation.

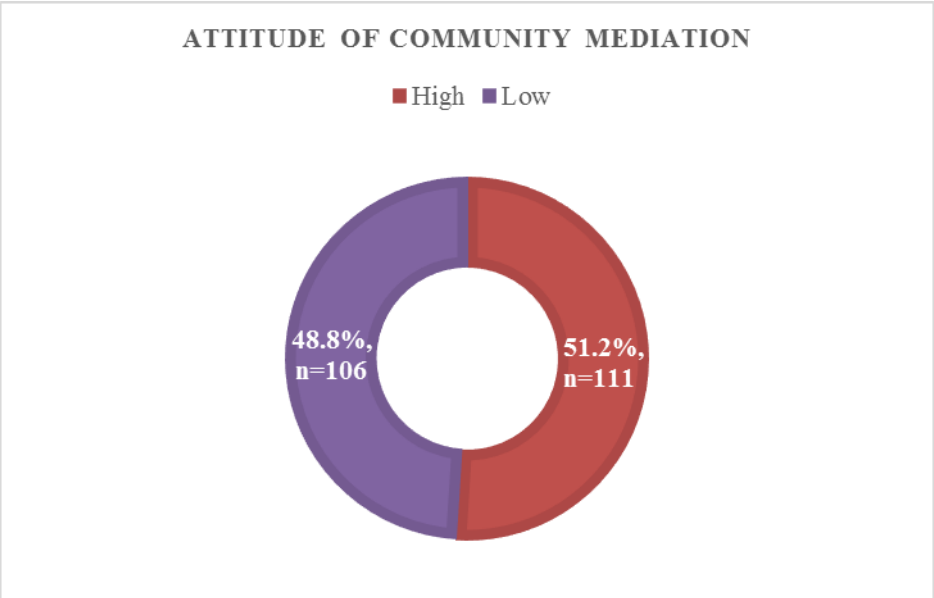


Figure 7. Attitude of community mediation

As regards to practice of mediation, Figure 8 shows that listening to both the disputants was the most practiced technique (87.1%, n=189) used by the respondents followed by meeting with the disputants after making an appointment (81.6%, n=177), meeting with disputants face to face together (77.4%, n=168), advising disputants to respect each other (75.6%, n=164), volunteering to resolve the dispute (73.3%, n=159), reminding disputants about religious responsibility as well as good societal moral and values (71.0%., n=154), collecting information relating to the dispute by asking the disputants and doing research (68.7%, n=149), advising disputants to cooperate and forgive each other (66.4%, n=144), beginning mediation process with recitation of *doa*/prayer (64.1%, n=139), pointing out with care about the *akhlak/*morals, behaviour, and attitude of disputants during the mediation process (64.1%, n=139), referring to relevant laws, ruling, or regulations relating to the dispute (56.2%, n=122), advising disputants on how to handle the dispute (52.1%, n=113), asking opinion and advice from others in resolving the dispute (47.5%, n=103), ensuring the agreement is signed at the completion of the mediation process (45.2%, n=98), and meeting the disputants face to face separately (38.2%, n=83). The least technique used was meeting with disputants without making an appointment first (22.6%, n=49).

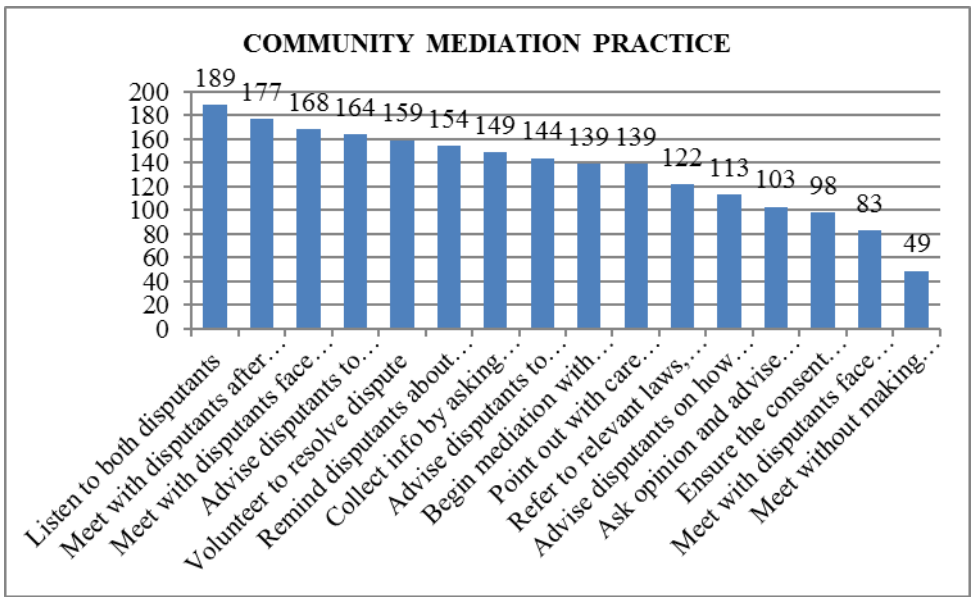


Figure 8. Community mediation practice

It is submitted that community mediators in Malaysia practised a variety of ways and methods in the mediation process. From the data, it can be seen that mediators prefer to resolve the dispute by meeting both the disputants together and face to face. This is very good because by using this method, the disputants can air their grievances and concern upfront. Besides, attending the mediation session at the same time helps in shortening the time to resolve the disputes altogether. However, this method can only be successful if the relationship between the disputants is good where both of them are ready and willing to listen and allow each other to explain their concern. Also, the data revealed that mediation is a noble dispute resolution process that stresses the importance of disputants to respect, forgive and cooperate, behave in a mannerly way as well as respect the mediator as a neutral person who is trying to help them in resolving the dispute. In short, mediation strives to achieve an amicable settlement between disputing parties.

## CONCLUSION AND IMPLICATIONS OF THE STUDY

Resolving community dispute amicably is very important to ensure satisfaction with the resolution as well as to maintain good relations with the disputants in the future. This is aptly true in a multicultural society such as Malaysia. The findings of this research revealed that the majority of the respondents agreed that

mediation is an amicable and viable mechanism for resolving community disputes. Since the majority of the respondents of this research was fairly new in this profession, they may not yet have enough knowledge, the right attitude, and experience to be a good mediator. As discussed previously, mediation is not a simple task to perform. It is a feat and mediation will only be effective if the mediator fully understands his role, is knowledgeable, have the right and positive attitude towards mediation as well as the skills and experience to guide him in conducting the process and handling the disputes and the disputants. Therefore, for the Government of Malaysia to provide good and highly skilled mediators, it is proposed that on going and refresher training or course on mediation and conflict resolution must be organised to enhance the knowledge, attitude, and practice/skill of the mediators. It is submitted that the DNUI should play a more proactive role in this matter. Mediators should also be exposed to knowledge of human development to understand the spiritual and psychological aspect of disputants. It is timely for the government to establish a community mediation centre to coordinate, facilitate, standardise, and enhance the practice of community mediation in Malaysia.

## ACKNOWLEDGEMENTS

This study was supported by the research fund provided under the Fundamental Research Grant Scheme (FRGS/1/11/SSI/UPM/03/1) by the Ministry of Higher Education Malaysia.

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