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Online Mediation in Malaysia

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Abstract

Mediation as one of alternative dispute resolution (ADR) mechanisms is getting popular and becoming a preferred choice amongst the disputing parties. The mediation process is more relax, inexpensive and has many advantages. Online mediation is a new development in mediation practice in many countries now. However, Malaysia has yet to fully practice online mediation in resolving the dispute. In this digitalization era, it is important for Malaysia to have an online mediation since many Malaysian citizens are working overseas either as a professional or non-professional. The existence of online mediation system will assist the mediator in conducting the session if one of the parties involved in the dispute is unable to attend as he/she lives outside Malaysia. It will further support the current mediation centres to expand their coverage globally. In future, there is a need to introduce a specific law to regulate the practice of online mediation. Currently, the Family Support Division of the Malaysian Syariah Judiciary Department offers online mediation to its clients. The division encounters the problem to conduct face to face mediation session for the parties who live in two different States. In this situation, face to face mediation becomes costly and difficult to be arranged. Early this year, the division has introduced a manual book on mediation procedures which covers online mediation too. The aim of this manual is to guide the mediators in conducting mediation session and consequently, an amicable settlement will be achieved between the parties. The paper adopts library based and qualitative research methodologies. The aim of the paper is to discuss the advantages and disadvantages of online mediation, the issues faced by the parties and the providers, and the challenges of online mediation in Malaysia. Subsequently, this paper proposes specific online mediation procedures to be adopted by the Family Support Division.

Keywords: ADR, ODR, mediation, Law and Family Support Division.