

REFORMING MEDIATION FRAMEWORK: INSTITUTIONALIZING RELIGIOUS MEDIATION IN MALAYSIA

AZLAN, A.

*Academy of Contemporary Islamic Studies, Universiti Teknologi MARA (UiTM), Selangor,
Malaysia.*

e-mail: aishahazlan[at]uitm.edu.my

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Abstract. This research studied the conceptual and institutional gaps in Malaysia's religious mediation framework. The existing Mediation Act 2012 and community mediation initiatives under the Department of National Unity and Integration (JPNIN) established a foundation for alternative dispute resolution (ADR). However, these frameworks remain secular and limited to address faith-based conflicts. This study employed qualitative approach to explore historical, legal and religious aspect of mediation across Islamic, Christian, Buddhist and Hindu traditions in Malaysia. The findings presented that these religious teachings offered values that formulate strong moral foundation for reconciliation and harmony. The absence of institutional mechanism to coordinate religious mediation has led to inconsistent procedures and weak institutional recognition. Thus, this study proposed the establishment of a stable religion mediation body to train, accredit and coordinate mediators across faiths. It further recommended that this body work in collaboration with JPNIN, JAKIM and Community Mediation Centres to strengthen institutional support and policy alignment. The findings highlighted the importance of having a religious-based mediation to support Malaysia's diverse legal and cultural setting. Developing this system is essential to maintain a peaceful coexistence among various religious communities in Malaysia.

Keywords: *religious mediation, Alternative Dispute Resolution (ADR), interfaith dialogue, peacebuilding*

Introduction

Malaysia has a long history of being a place where people of different religions and cultures can live together in peace. However, behind this ideal scenario is a reality that lays a continual fragility in which religious concerns continue to emerge. Over the years, there have been many cases, such as the decade-long argument over non-Muslims using the word "Allah", the moving of temples, or any other friction between religious groups. These disputes show how limited the current systems and programs are for dealing with religious differences. The traditional customs of Malaysians depended on informal mediators among village elders, religious leaders or trusted communal figures to lead the mediation procedures. These practices hold such high value in the community due to the cultural traditions and religious values that harmony and restoration over punishment. According to the Islamic tradition, this practice is reflected in *ṣulḥ* which is a method of peaceful settlement stemming from the Quran and Hadith. Similarly, other religious customs practiced in Christianity, Buddhism and Hinduism also contain teachings that prioritize forgiveness and peaceful dialogue.

However, celebrating the rise of modern governance, legal system has been formalized which eventually leads to sidelining the traditional practice of mediation as dispute resolution. Today, most religious disputes are addressed either formally within the court jurisdiction or informally without clear guidelines and trained facilitators. While Jabatan Perpaduan Negara dan Integrasi Nasional (JPNIN) has established a significant initiative to develop community mediation, its framework and foundation remain secular and is insufficient to facilitate theological or faith-based disagreements. Moreover, the existing legal instrument such as the Mediation Act 2012 does not offer

specific provisions or protections for religiously sensitive cases, despite being useful in civil cases. This case shows that Malaysia's dispute resolution system has a structural deficit since there is no institutional and professional entity to handle faith-based mediation. Therefore, this research paper responds to that gap by proposing the establishment of a specific religious mediation body. Unlike existing institution, this religious mediation body would be mandated to train and accredit religious mediators across all major faiths in Malaysia. The body should also develop context-sensitive mediation guidelines and protocols grounded in each tradition's ethical teachings. The role of this formal body would serve as a neutral platform for resolving specific cases and disputes involving religious disagreements which will eventually complement existing bodies such as JPNIN and the Malaysian Mediation Centre.

Conceptual framework of religious mediation

Definition and key features of religious mediation

Dispute is an inherent aspect of human interaction which emerge naturally when individuals or groups strive to reconcile differing needs and expectations. Often times, disagreements and tensions arise when they are unable to meet each other's interests and needs. This eventually causes discord of social engagement. Such conflict can occur at various level of society ranging from personal relationships and family dynamics to a broader scope of national and international landscape. Historically, the most common way of resolving such disputes is by employing these two approaches: (i) through peaceful means or (ii) through coercive measures. The former typically involve amicable strategies such as dialogue, negotiation, mediation or the facilitation of a neutral third party. In contrast, the latter uses confrontational approach which employs the use of force or pressure to bring about resolution (Rahman, 2012). Alternative Dispute Resolution (ADR) serves as mechanism for managing conflicts and facilitating collaborative decision making. In most jurisdictions, traditional ADR practices have largely emphasized third-party involvement that is directive and advisory in nature. This results in outcomes shaped by authoritative decisions rather than mutual agreement. However, the recent ADR landscape has proven to be more inclined towards facilitative approach of ADR. Such approaches employ the method of interest-based negotiation and uphold the principle of self-determination which empowers the disputing parties to decide their own outcome rather than relying solely on external parties for judgements (Sourdin, 2014).

In comparison to litigation, mediation is considered as an effective and flexible method of dispute resolution because it offers a platform that supports organic conversation and meaningful dialogues between parties involved. While litigation relies heavily on legal precedent, ADR prioritizes direct communication between disputants and encourages collaborative problem-solving. Mediation allows for customized solution that accommodate the interests of all parties involved. In cases where formal settlement is not reached, the process itself enhances participants' conflict resolution skills and promotes mutual understanding (Dahlan and Palil, 2018). Compared to the traditional adversarial legal process, mediation is recognized as a more economical and efficient alternative. Its structure empowers the disputants with a form of veto power to ensure that outcomes are based on mutually agreeable principles. This approach ultimately helps to avoid the delays and significant costs that are often associated with formal court procedures, particularly the cases that require jury or judicial decisions. In

some cases, mediation serves as the only viable option for dispute resolution due to legal restriction on matters permissible for judicial consideration. While court proceedings strictly focus on legally relevant issues, mediation allows for a more holistic exploration of the underlying conflict, addressing emotional and practical dimensions (Melamed, 1989).

Religious mediation refers to a structured form of dispute resolution that specifically addresses conflicts rooted in religious beliefs, values and practices. Unlike conventional mediation, which is typically secular and neutral in orientation, religious mediation draws upon spiritual teachings, moral principles and cultural traditions to guide the process toward mutual understanding and reconciliation. By grounding the process in religious framework and ethics, it enables parties to navigate disagreements in a manner that is sensitive to their faith-based and social contexts (Irani, 1999). The incorporation of religious principles enhances the effectiveness of the mediation process, as faith-based values often foster a deeper sense of empathy, trust and respect between parties of different religious or cultural background (Clayton, 2020). Religious mediation can also be distinguished by several key features: (1) a strong focus on spirituality or religious identity, (2) the reference and application of sacred religious texts, (3) the use of religious terminologies and principles, (4) the integration of faith-based rituals within the mediation process, and (5) the involvement of religious individuals or institutions as neutral facilitators (Bercovitch and Kadayifci-Orellana, 2009). These elements reflect the significance of religious mediation in fostering social cohesion particularly within a multi-religious society.

Islamic perspective of religious mediation

The term 'Islam' originates from the root word 'silm'. It conveys the meaning of peace. Islam essentially advocates for peace and harmony and places these principles at the heart of its teachings on dispute resolution. The Islamic framework for conflict resolution emphasizes the need of ethical behavior and moral responsibility as requirements for achieving societal peace. Within this paradigm, peacebuilding is not limited to the cessation of hostilities, it also entails actively working together via communication and negotiation that includes people from all faith backgrounds (Khan et al., 2020). Within the framework of Islamic law, mediation is commonly described through the term *ṣulḥ*. Literally, *ṣulḥ* denotes bringing a dispute to an end. According to Imam al-Nawawi, expressions such as *al-iṣlāḥ* and *al-muṣālaḥah* are drawn from the same root, *ṣaluḥa* or *ṣalaḥa*, which implies the mending or reform of something impaired (Ahmad, 2015). It is important to note that *ṣulḥ* can be applied in interpersonal disagreements and family settings, including marital disputes. The Qur'an also supports this practice. For instance, in Surah al-Nisa verse 128 stated "And if a woman fears from her husband contempt or evasion, there is no sin upon them if they make terms of settlement between them - and settlement is best." This verse affirms the legitimacy of mediated resolution facilitated by a third party, which highlights the Islamic preference for peaceful settlement over prolonged conflict (Hassan et al., 2013).

The effectiveness of *ṣulḥ* as a dispute resolution mechanism has been proven since the time of the Prophet Muhammad. It continues to be relevant in addressing conflicts across various spectrums of life. An important instance from the Prophet's early life is the event of the positioning of the Black Stone, or Hajar al-Aswad, during the reconstruction of the Kaabah. A disagreement was ignited among the Quraysh tribes over who should be granted the honour of placing the sacred stone. This had eventually

led to escalated tensions. Demonstrating his remarkable wisdom, the Prophet proposed a solution that allowed all tribal leaders to participate collectively, thereby resolving the conflict and reaching a win-win and mutually acceptable outcome (Bensheikh et al., 2022). This incident illustrates the Prophet's adept use of *ṣulḥ* as tools of political and social leadership aimed at maintaining communal harmony. The principle of *ṣulḥ* is closely aligned with the method of mediation and plays a crucial role in Islamic legal theory for conflict resolution and promoting social harmony. *Ṣulḥ*, rooted in fundamental Islamic principles of peace, justice, and community welfare, transcends its legal aspects to serve as an ethical and sociological mechanism that emphasizes reconciliation. The Islamic jurisprudence framework is fundamentally based on the principles of justice ('*adl*), compassion (*rahmah*) and reconciliation (*ṣulḥ*), reflecting a holistic approach to conflict resolution grounded in moral integrity (Suljić, 2024).

The concept of *ṣulḥ* is also grounded in the principle of voluntarism. This is reflected in Surah al-Nisa', verse 58 where the Quran commands, "Surely Allah commands you to make over trusts to their owners and that when you judge between people you judge with justice; surely Allah admonishes you with what is excellent; surely Allah is Seeing, Hearing". According to Tafsīr Ibn Kathīr, this verse draws attention to the importance of fulfilling *amanah* or trust. This notion extends to all human interactions including those where formal agreements may not be documented. The verse highlights the importance of administering justice that serves as the bedrock of societal stability and harmony. This obligation to uphold justice is applicable not only within institutional frameworks, such as legal and political system, but also informal contexts including personal and community relationships (Al-Mubarakpuri, 2003). In short, the verse affirms that arbitration in Islam is rooted in mutual consent and voluntary participation, distinguishing it from other obligatory legal ruling found in the Quran (Al-Ramahi, 2008).

Religious mediation across faiths

Religious tradition across various faiths provides ethical and moral foundation that guide approaches to conflict resolution. In Christianity, the principles of love and forgiveness are fundamental in resolving individual and social conflicts. The emphasis on compassion and empathy is evident in the teachings of Jesus, during the incident of the Sermon on the Mount where he proclaimed "Blessed are the peacemakers, for they will be called children of God" (Matthew 5:9). This displays the Christian commitment to resolving conflict through acts of grace, forgiveness and reconciliation (Viljoen, 2021). Similarly, Buddhism promotes peace through the cultivation of compassion or *karuna* and the cessation of suffering. The Dhammapada, a revered collection of the Buddha's teachings, emphasizes the importance of understanding others by placing oneself in their position. A key tenet, "Hatred never ceases by hatred, only by love" reflects the Buddhist approach to conflict resolution through empathy and non-retaliation (Dar, 2019). On the other hand, Hinduism places great importance on the principle of *Ahimsa* or non-violence, which extends to all living beings. Forgiveness is not only a virtue, but is viewed as sacred and foundational to societal harmony (Das, 2014). The Mahabharata, one of Hinduism's epic scriptures, declares "Forgiveness is virtue; forgiveness is sacrifice, forgiveness is the Vedas, forgiveness is the Shruṭi (revealed scripture)". This reflects the depth of the Hindu commitment to compassion and peaceful coexistence (Hunter and Rigby, 2009). These religious teachings serve as powerful ethical guides for contemporary peacemaking initiatives. In modern contexts,

faith-based organizations and religious mediation take into account these values to address conflict and promote harmony within diverse society.

Gaps in the current mediation landscape in Malaysia

Overview of JPNIN's community mediation model

The incident of 13th May 1969 marked a pivotal moment in Malaysia's post-independence era, as the eruption of ethnic violence highlighted the urgent need for a systemic approach to cultivate communal harmony. In response to the crisis, the government established the Department of National Unity and Integration (DNUI), also commonly known as the *Jabatan Perpaduan Negara dan Integrasi Nasional (JPNIN)* under the Prime Minister's Department in the same year (JPNIN, 2025a). The core mandate of this agency is to promote interethnic understanding and prevent communal conflict. Later in 1975, then Prime Minister Tun Abdul Razak introduced the 'Rukun Tetangga' initiative as a grassroots programme aimed at improving relationships between neighbours and encourage mutual assistance among residents (JPNIN, 2025b). This programme was given formal legal framework through the Essential (Rukun Tetangga) Regulations 1975 [P.U. (A) 279/1975], which was enacted under the Emergency (Essential Powers) ordinance 1969. The introduction of these regulations was a significant step by the government to restore societal trust and rebuild intercommunal harmony (JPNIN, 2025b). Through the Rukun Tetangga programme, local communities were mobilized to safeguarding their neighbourhoods by organizing patrolling efforts. However, the initiative extended beyond issues of safety and security. It also served as a platform for community engagement, social support and intercultural understanding. Commonly referred to as the Neighbourhood Watch, the programme empowered residents to form neighbourhood committees that promotes unity, encouraged cooperation and managed minor conflicts. Although a formal mediation framework was not institutionalized at the time, these community-based committees supported by JPNIN has effectively functioned as informal mediators. This has helped to resolve minor disputes and fostering peaceful coexistence at the local level.

During the 2000s, the community mediation initiative was formally institutionalized, building upon earlier grassroots efforts to resolve neighbourhood disputes informally (RT4 All: Agenda Kerja Komuniti Rukun Negara, 2025). This development was supported through both policy and legal measures. A significant milestone in this process was the enactment of Rukun Tetangga Act 2012 (Act 751), which was tabled in Parliament and officially gazetted on 22nd June 2012. Section 8 (d) of the Rukun Tetangga Act 2012 (Act 751) clearly states that among the functions of Rukun Tetangga Committee is "to provide community mediation for the purpose of conciliation or otherwise settle any dispute or difference amongst the members of community". This provision forms the legal basis for community mediation in Malaysia and legitimizes the Rukun Tetangga Committee's role in fostering social harmony at the grassroots level. JPNIN plays a key role in operationalizing these provisions by training and deploying Mediator Komuniti (Community Mediators) to intervene in local disputes. These mediators typically handle issues related to neighbourhood relations, health concerns, family matters, land and property disputes, construction conflicts, religious misunderstandings and other sources of community tensions (*Jabatan Perpaduan Negara dan Integrasi Nasional (JPNIN)*, n.d.-b). Most importantly, mediators are expected to step in during the early stages of a dispute to prevent escalation.

In addition to these targeted mediation services, JPNIN also participates in comprehensive peacemaking efforts designed to address the fundamental roots of social discord. These include public education on unity, promotion of the Rukun Negara and the facilitation of intercultural and interfaith dialogues (Chang et al., 2013). The Rukun Tetangga Act 2012 further provides an administrative foundation by outlining provisions such as the appointment of a Director General, the designation of Rukun Tetangga areas and other structural arrangements. These procedures provide systematic coordination and uniformity in the provision of mediation services nationwide. In essence, JPNIN serves not only as a national agency for promoting social cohesion, but also as a key institutional actor in the formalization and delivery of community mediation throughout Malaysia.

Role and limitations of mediation act 2012

A pivotal development that reinforces the formalization of mediation practices in Malaysia is the Mediation Act 2012 (Act 749). Although initially it was not originally designed for community mediation, this Act provides a foundational legal framework that supports the structured dispute resolution efforts initiated by JPNIN. Mediation Act 2012 (Act 749) was enforced on 1st August 2012, it established guidelines for neutral, facilitative and trustworthy mediation procedures in line with Malaysia's growing emphasis on ADR mechanisms. While the Mediation Act was not specifically designed for community-based mediation, it has been adopted by JPNIN as a guiding framework to train and regulate the community mediators. In practice, these mediators adhere to the standards prescribed in the Act, particularly its focus on impartial facilitation and confidentiality to foster confidence in the mediation process. The Act also plays a crucial role in ensuring that any agreement reached during the mediation process may be legally binding, thereby securing disputants a sense of legal certainty even outside the courtroom.

However, the limitations of the Mediation Act 2012 become evident when applied to complex disputes involving religious sensitivities and cultural dynamics. The Act was designed primarily for civil disputes and while it provides general mediation guidelines, it does not incorporate faith-based principles, nor does it accommodate religious or spiritual frameworks that are often essential in addressing community conflicts (Eow, 2024). For instance, there is no statutory recognition of religious mediators and no clear procedural mechanisms tailored to interfaith disputes, which are often moral and doctrinal rather than legal in nature (Khan, 2013). Moreover, the Act does not explicitly empower community mediators under JPNIN with sufficient legal authority, nor does it clearly integrate the roles of Shariah courts into the broader mediation ecosystem (Khan, 2013). This gap limits the potential of community mediation to address disputes that touch on religious identity or spiritual belief which is often identified as sensitive in Malaysia's multi-religious society. Synthesis from few research concludes that while the Mediation Act provides useful procedural guidelines, the framework remains civil in nature and does not fully reflect the cultural and religious realities that often underpin community disputes in Malaysia. A religious mediation framework could serve not only to bridge the gap between secular and religious dispute process, but to also offer moral legitimacy in communities where faith plays a central role in social dynamics.

Institutionalizing religious mediation

Key functions: training, accreditation, case management

Unlike many secular jurisdictions where mediation evolved strictly within civil procedure, Malaysia's context is uniquely influenced by the coexistence of Islamic, customary and legal systems. Historically, conflict resolution among communities in Malaysia was mediated not through courts, but via community elders, religious leaders or clan associations. Religious Mediation in Malaysia has developed into a distinct model, shaped by the country's pluralistic religious landscape and its dual legal structure. The institutionalisation of religious-based dispute resolution can be traced to the formalisation of religious framework of legal mechanisms over time. During the British colonial era, matters pertaining to Muslim personal law including marriage, divorce and inheritance were adjudicated through the Shariah courts (Hooker, 1974). On the other hand, disputes within non-Muslim communities were typically resolved informally through internal structures such as clan associations or religious organisations. Following Malaysia's independent in 1957, this division was preserved, with Islamic law retaining jurisdiction over Muslim family matters and civil courts regulating other legal domains. This division laid the foundation for the separation of mediation mechanisms between Shariah and civil systems (Tew, 2011).

In the late 20th century, Malaysia saw increasing institutional recognition of mediation practices particularly through the integration of ADR frameworks into its formal legal institutions. The promotion of ADR alongside the growing concerns over interreligious tensions has contributed the gradual formalisation of religious mediation practices. The Islamic approach to dispute resolution or *ṣulḥ* has been formally institutionalized within the legal framework. One significant milestone in this process was the introduction of the *Ṣulḥ Regulation* under the Selangor Shariah Court Civil Procedure 2001 as part of the broader reforms to state-level Islamic family law. It was only in 2002 that several *ṣulḥ* officers were officially appointed, followed by training workshops designed to equip them with the required skills to conduct mediation effectively (Abu Bakar, 2011). Meanwhile, other religious communities have lacked similar state-supported frameworks. Despite the active role of churches, temples and interfaith organizations in resolving internal disputes, the efforts remain decentralized and unofficial. Without institutional recognition or legal protection, these mechanisms often struggle with legitimacy and enforceability. In contemporary context, the need for formalizing religious mediation arises from increasing interfaith interactions, the complexity of modern social dynamics and the limitations of addressing disputes rooted in cultural and religious contexts. Religious mediation offers a framework that integrates moral reasoning, spiritual reconciliation and community-based outcomes. Furthermore, scholars argue that dispute resolution mechanisms must resonate with the values and lived experiences of the communities they serve (Bagshaw and Stud, 2017).

Collaboration with JPNIN, community mediation centre and JAKIM

While traditional dispute resolution frameworks have primarily centred around secular approaches, these mechanisms often fall short in addressing cases where religious beliefs, identities and moral obligation are central to the conflict. To address this gap, various governmental and religious institutions have begun to collaborate in strengthening Malaysia's religious mediation capacity. JPNIN has been contributing to Malaysia's effort in fostering social cohesion since its establishment following the riot on 13th May 1969. Initially, JPNIN was tasked with promoting national unity, which

then its mandate gradually expanded to include conflict prevention and grassroots dispute resolution. In recent years, JPNIN has begun moving beyond its traditional role in secular community mediation to actively explore the integration of faith-based mediation within its existing framework. Recognizing the limitations of a purely secular mediation model in addressing disputes involving religious beliefs, JPNIN has started collaborating with academic and religious institutions to bridge this gap. One of the most notable developments in this regard is its strategic partnership with the International Islamic University Malaysia (IIUM). In 2018, JPNIN formally partnered with the IIUM to offer structured training and certification programs for religious mediators. This initiative aims to develop a group of mediators who are not only skilled in facilitative techniques but are also grounded in religious jurisprudence and interfaith ethics. According to a source, the program was conducted over 9 days in which the training includes 72 hours of lectures, role-playing simulations and performance assessments in core mediation competencies such as communication, negotiation and problem-solving skills necessary for dispute resolution. The participants were led and trained by fourteen coaches from IIUM's International Social Mediation Centre (ISOMEC) (Sakirin, 2022). Complementing JPNIN's effort are the recently established Community Mediation Centres (CMCs), first piloted in 2023 in Kuala Lumpur, Johor, Perak and Penang. These centres were created to institutionalize a physical and accessible venue for the public to obtain mediation services without having to go through the formal court system. With plans to expand to other states including Negeri Sembilan, Melaka and Putrajaya, CMCs present an ideal platform for piloting religious mediation modules in collaboration with religious authorities and NGOs (Eow, 2024). For instance, trained religious mediators could be placed on rotational duty within these centres or made available upon request to assist in cases that involve faith-based concerns or interreligious conflict (KPN, 2025).

Another critical partner in this religious mediation landscape is Jabatan Kemajuan Islam Malaysia (JAKIM). While its primary mandate includes overseeing Islamic development at the federal level, JAKIM has also emerged as a key player in managing interfaith tensions and religious-sensitive community disputes. In practice, state Islamic authorities often intervene in sensitive cases through informal mediation and spiritual counselling, particularly in issues that have the potential strain to communal relationships. At federal level, JAKIM has demonstrated a growing commitment to institutionalized mediation. In 2024, the Minister of Religious Affairs, Datuk Dr. Mohd. Naim Mokhtar proposed the placement of JAKIM officers across government departments to assist in managing religious issues and promoting harmony. This initiative reflects a recognition that religious sensitivity is not confined to the private sphere, but is a national concern requiring coordinated institutional attention. A significant structure that JAKIM has collaborated with is the Bureau of Religious Issues Management and Mediation, established as part of the Inter-Religious Issues Harmony Committee (Harmoni). This bureau aims to manage interfaith concerns and mediate religious disputes, particularly those that cannot be easily resolved through legal or civil channels. Through this structure, JAKIM provides institutional legitimacy and theological guidance in managing such cases, ensuring that disputes addressed in ways that balance constitutional principles with religious sensitivities. At the grassroots level, the role of imams and mosque committee members as informal religious mediators remains vital. These figures are often approached to settle community tensions, ranging from disputes between neighbours to issues surrounding mosque governance or

religious events. According to earlier studies, imams tend to incorporate religious rituals such as prayers and moral advice into mediation process. This presents the distinction of religious mediation approach from secular or court-annexed mediation (Wall Jr and Callister, 1999). This spiritually grounded approach resonates with community members and reinforces the moral legitimacy of outcomes. In modern Malaysia, this role continues to evolve as religious leaders become more aware of mediation principles and the legal dimensions of their involvement.

Anticipated challenges and mitigation strategies

Institutionalizing religious mediation in Malaysia presents both an opportunity and a challenge. As the country navigates the intersection of legal pluralism, religious diversity and legal development, the absence of a formal framework for religious mediation reveals several persistent barriers. One of the primary obstacles is the lack of centralized governance over religious mediation practices. Current efforts are fragmented across different agencies such as JPNIN, JAKIM and academic institutions, without a unifying institutional framework. This decentralization leads to inconsistent mediator qualifications, procedural gaps and uncertainty about which legal institution has the authority to validate mediation process. To date, Malaysia lacks a clear legal framework and centralized authority to coordinate religious mediation services that renders the existing model ineffective in many contexts (Ahmad et al., 2022). Mitigating this issue requires the formation of a national religious mediation body or council that can standardize accreditation, ethical procedures and training, while also bridge between government, religious authorities and local communities. The challenges posed by Malaysia's dual legal system, civil and Shariah, require careful navigation when developing a formal framework for religious mediation. While the Mediation Act 2012 (Act 749) is instrumental for civil disputes, it does not explicitly encompass religious mediation, which creates ambiguity over the enforceability of such outcomes. Malaysia's overlapping legal jurisdiction demands integrated legal frameworks to resolve disputes that do not fit neatly within either court system (Abdullah, 2024). Religious mediation outcomes are often situated outside the formal legal framework, making their enforceability uncertain unless both parties voluntarily agree to uphold the terms. To address this, legislative reform should either expand the Mediation Act 2012 to include religiously grounded settlements or establish a complementary statute that defines religious mediation within the national ADR framework.

Cultural sensitivities and the perception of partiality present another formidable challenge. In Malaysia's multi-faith society, religious mediation may be viewed biased, particularly if mediated by individuals closely affiliated with a particular traditional. This perception could hinder community participation and undermine the legitimacy process. These concerns are not merely theoretical, rather they are rooted in public discourses on religious authorities and neutrality. For instance, in 2016, representations from various religious communities voiced opposition to a proposed interfaith school subject due to fear of bias if such initiatives were not handled with careful interfaith sensitivities. The Christian Federation of Malaysia, among other, expressed that while the idea of interfaith understanding is commendable, such efforts should be led by religious leaders themselves to avoid perceived bias (Mayuri, 2016). This issue indicates that without the incorporation of measures for neutrality and inclusion within the institutional framework of religious mediation, similar criticisms may arise.

Therefore, it is imperative that mediation bodies be structures to reflect Malaysia's religious diversity and operate under transparent ethical guidelines that ensure fairness and mutual respect.

Conclusion

This research has analyzed the conceptual and institutional deficiencies in Malaysia's existing mediation framework, particularly on issues and conflicts arising from religious belief and identity. The existing Mediation Act 2012 and JPNIN's community mediation efforts have established a foundation for ADR framework in Malaysia. However, since they are secular, the foundation presents gaps in handling religious or interfaith issues. Taking into account that religious identity in Malaysia often intertwine with cultural and traditional aspects, a more coherent framework is required to address religious conflicts. This paper argues that religious mediation is a good way to keep societal harmony intact in Malaysia's diverse society. On the basis of Islamic principles of *ṣulḥ* and *'adl*, including other similar values in Christianity, Buddhism and Hinduism, it is possible to actualize this vision in the Malaysia's diverse ethnic and religious landscape. The establishment of a stable religious mediation body aligns with government initiatives aimed at fostering social cohesion and mitigating interreligious conflicts. There is a need to further work on a comprehensive institutional framework which is supported by legal recognition, interfaith representation and standardize training in order to ensure the sustainability of such mechanism.

For further recommendations, legal and policy reform should be considered to either amending the Mediation Act 2012 or enacting a specific Religious Mediation Act in order to formally recognize religious mediation as part of the national ADR system. Other than that, a centralized body should be established under the monitor of JPNIN to navigate religious mediation activities. This body should possess the authority to provide accreditation and trainings for religious mediators. Meanwhile, public awareness is also crucial to promote understanding of religious mediation as a non-litigious approach of dispute resolution. This awareness is important to foster trust among the public towards the institutional process. In a nutshell, it is important to note that the gap of practicing mediation on the basis of the secular mediation can be improved by acknowledging the urgency of proposing a stable body of religious mediation. This can be done by integrating ethical and faith-based dimensions within a formal dispute resolution framework. Ultimately, this approach will pave way for Malaysia's broader goal of sustainable peace by embedding an inclusive approach to interfaith coexistence.

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Conflict of interest

The authors declare that they have no financial or personal relationship(s) that may have inappropriately influenced them in writing this article.

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