



Managing Marital Disputes in Malaysia: Islamic Mediators and Conflict Resolution in the Syariah Courts (Nordic Institute of Asian Studies Monograph Series)

Sven Cederroth Cederroth, Sharifa Zaleha Syed Hassan

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A trend found in many Islamic societies in recent years has been the increasing regulation of family life by Islamic law and a corresponding move away from customary law and informal conflict resolution procedures. The situation in Malaysia, particularly in urban Malay society, is no exception here. Several studies already exist of the nature and extent of Malaysia's Islamic judicial system but the general tendency has been to ignore the actual operation of the syariah courts and related institutions. This study addresses this need with an in-depth analysis of the key area of intra-family conflict and demonstrates that, although formally the counsellor, kadi and judge have defined roles for conflict resolution, in practice much flexibility is evident in the use of consultation, conciliation, mediation, arbitration and adjudication techniques. This study will be of special interest to legal anthropologists and those scholars interested in the increasing application of Islamic law in many different countries.



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