

'Dispute Resolution: Mechanisms and Legislation' (Malay Version)

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Book Review

Edited by Kamal Halili Hassan, Sakina Shaik Ahmad Yusoff and Suzanna Mohamed, this book contains a debate on the issue of dispute settlement mechanisms in the conflict of life. It covers a range of issues such as the transformation of the court system, the conflict in consumerism, work, sports, health, religion, crime, construction, housing, banking, intellectual property, international trade and national boundaries. The book contains 18 chapters covering the legal analysis in Malaysia, Indonesia and internationally. It is the result of brainstorming in the National Conference on Dispute Settlement Mechanism organized by the research group of Mainstream Faculty of Law, Universiti Kebangsaan Malaysia on October 20, 2011. Some of the papers presented at the conference are published as a chapter in this book. Chapter 1 is about the highlights of dispute resolution.

Chapter 2 discusses the e-court system which is basically the use of ICT is essential and methods of the judiciary to improve the quality of service to all parties. The system was created to overcome the drawbacks inherent in the system practiced before. The effectiveness of e-court system has yet to make an actual measurement because it is still relatively new. Chapter 3 discusses the problems of consumers in the trade arena that requires a dispute resolution mechanism that is more efficient and effective, simple and inexpensive procedures and quick solution [1].

Chapter 4 contains a discussion of medical negligence, which is a branch in the field of professional negligence. Chapter 5 discusses the cases of disputes related to sports in Malaysia. This chapter consists of two sections. The first explores the concept and the types of sports reporting disputes and the second part examines the importance of the mechanism of Alternative Dispute Resolution (ADR) the easiest sport but more effective in resolving disputes in sport in Malaysia.

Chapter 6 analyzes the issue of the conflict between religions prevailing in Malaysia which require solutions with the most excellent way. Being a multi-racial nation, inter-religious conflicts are the most sensitive issues. This chapter proposes an approach to conflict mediation between religions, particularly in the case of religious conversion. The phenomenon of religious conversion is a condition common in people in any country in the world, including Malaysia. Unlike Western countries, the exchange of religion in Malaysia is a matter that can be court if the dispute turns religion use the court process to obtain recognition of their religious status. Chapter 7 discusses

the issues of trade disputes with ADR in civil and Islamic approach. Chapter 8 discusses the methods of dispute resolution in the field of employment or the company resolved through conciliation, mediation and arbitration. Chapter 9 discusses the issues of the dispute settlement mechanism in the field of intellectual property with reference to the Intellectual Property Court. The establishment of the Intellectual Property Court has made Malaysia implement protection of intellectual property rights in the domestic and international levels more effectively. This chapter aims to assess the existence of the Intellectual Property Court in Malaysia with regard to room for improvement that can be performed on it. Chapter 10 discusses the issues of dispute resolution in the inquest into the death. Chapter 11 analyzes the new issue in Malaysia under new laws passed by Parliament in 2012.

Chapter 12 examines the issues that are of major concern for home buyers in Malaysia. Chapter 13 discusses the issue of dispute settlement in international trade. The aim of this chapter is to assess how the exchange is handled in systems of law IMF and the WTO, and to what extent there is consistency in interpretation between the two systems. Chapter 14 examines the issue of the WTO dispute settlement mechanism. Free trade at a time calls for all parties involved to understand international trade agreements with all its implications for trade with overall national economy. This is because the agreement that exists within the framework of the WTO is intended to create a world trading system that regulates trade issues in order to be more open competitive.

Chapter 15 discusses the overlapping claims dispute or conflict between Malaysia and Indonesia on the Block ND6 and ND7 located in the Celebes Sea that is still lingering and have not found a solution. Chapter 16 examines the issue of dispute settlement in the field of competition in Indonesia. Chapter 17 discusses the model of dispute resolution in Indonesia flight commercial with reference to the Warsaw Convention of 1929. In aviation, there are three types of services namely before the flight, during the flight and after the flight. All three types of services have the potential to cast doubt on the passenger. Chapter 18 examines the choice of law issue in dispute settlement Islamic banking in Indonesia. Disputes may also occur in Islamic banking as new business institutions. There should be a system of dispute settlement in accordance with the specific features of Islamic banking business.

References

1. (2014) Bangi: Penerbit Universiti Kebangsaan Malaysia, pp: 326.

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Received May 17, 2016; Accepted June 13, 2016; Published June 20, 2016

Citation: Iqbal U (2016) 'Dispute Resolution: Mechanisms and Legislation' (Malay Version). J Civil Legal Sci S1: 002. doi:10.4172/2169-0170.S1-002

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This article was originally published in a special issue, **Labour Law and Free Globalisation Movement of Workers: Facing the Labour Future** handled by Editor, Cristiana Palmela Pereira, University of Lisboa