

**A LEGAL ANALYSIS ON THE APPLICABILITY OF
ALTERNATIVE DISPUTE RESOLUTIONS (ADR)
IN THE CRIMINAL JUSTICE SYSTEM: WITH REFERENCE TO
THE UNITED STATES OF AMERICA AND AUSTRALIA**

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The students confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

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ABSTRACT

The aim of this research is to ascertain the applicability of ADR in helping to supplement the Malaysian criminal justice system. The current criminal justice system is full of weaknesses, particularly the constant use of punishment which has failed to reduce recidivism. The widespread application of retributive justice has only managed to instil fear, and encourage vengeance among the public. Thus, this paper demonstrates that the application of the concept of restorative justice through ADR processes promotes a sense of responsibility and accountability in the offenders, allowing the victims to voice their feelings and help the offenders be reintegrated into society. This paper reviewed the programs that had been implemented in Australia and United States of America and the success that they had accomplished. Interviews with the Head Officer of the Mediation Centre in High Court of Shah Alam, Selangor and a Criminal Law Lecturer of UiTM had been conducted to explore the suitability of ADR programs to be incorporated into the Malaysian criminal justice system. The general result is that the ADR processes could be utilized in the system, but not without consistent effort as the road to implement it will be shackled with many limitations, principally the lack of public awareness of ADR processes and the benefits that it provides. The authors of the research believe that the application of ADR processes is feasible as it will not override the current criminal justice system, but simply supplements it in order to uphold justice for both parties involved.

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