

**ARBITRATION VS LITIGATION: A STUDY ON THE
EFFECTIVENESS OF ARBITRATION AS COMPARED TO
LITIGATION PARTICULARLY WITH REGARD TO THE
PROCESS OF SETTLING DISPUTES**

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Submitted in Partial Fulfillment of the Requirements for the Bachelor in
Legal Studies (Hons)

**Universiti Teknologi MARA
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April 2009

The students/authors hereby confirm that the work submitted is their own and that appropriate credit has been given where references has been made to the work of others

ACKNOWLEDGEMENT

In The Name of Allah, The Most Gracious, The Most Merciful,

We must be grateful to Allah Almighty for giving us strength and patience in completing this project paper. Peace be upon His Messenger Muhammad the Prophet.

This research project has been carried out by a team which included; Ilyani bt Noor Khuszairy, Nur Jasreen Melor bt Jasme, Hanis bt Mokhtar and Lydia Anak Kudang.

A special gratitude goes to our most respected supervisor, Mr. Izuan Izzaidi Azmi, for his invaluable advice, suggestions, comments and guidance in every stage of this project paper and for providing his time and effort to keep the research in progress.

A special thanks goes to all those who had given us their assistance and guidance that made this study possible by giving both factual information and the benefit of their experience and expert knowledge.

We would also like to extend our appreciation to Mr. Sundra Rajoo, an Advocate & Solicitor and also a Chartered Arbitrator, for his helpful opinion and assistance.

Last but not least, to all our friends for the support and assistance.

ABSTRACT

This research is conducted to study the effectiveness of arbitration as compared to litigation particularly with regard of settling disputes. This research focuses on the procedural law and specifically made comparison between Arbitration Act 2005 and Rules of the High Court 1980. Second Chapter discussed on the development of arbitration in Malaysia. Arbitration is growing as a result of the need for speedier disputes settlement by the citizen. After several amendments were made to achieve the best result, Arbitration Act 2005 was enacted on 30¹ December 2005. Civil litigation is governed by Court of Judicature Act 1964 and Article 121 of the Federal Constitution. Litigation procedures are much more related with arbitration, but the differences can be seen on the proceedings that are being conducted. In litigation, the procedures are quite rigid and require high degree of formalities and certainties, whereas arbitration requires less rigidity and more flexible. Third Chapter is on the combination of various writings made by several authors, experienced in the arbitration fields. These reviews are important as the sources to find the effectiveness of arbitration. Chapter Four is on the comparison between arbitration and litigation in terms of privacy, formality and several others. This chapter also discuss on the advantages and the limitation of arbitration. The limitation will be remedied by the results of the finding, whereby according to the interview that had been conducted, arbitration was proved as the best alternative disputes resolution as compared to litigation. This was discussed further under Chapter Five.

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