

**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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Submitted in Partial Fulfilment of the Requirements for the  
Bachelor of Law (Hons)

**Universiti Teknologi MARA**  
**Faculty of Law**

December 2014

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.

## **ACKNOWLEDGEMENT**

We would like to thank everyone who had contributed to the successful completion of this project. First and foremost, we would like to express our deepest gratitude to our supervisor, Puan Nur Ezan Rahmat, without whom this project paper would have never met its finish line. We appreciate her consistent assistance and dedicated involvement throughout this journey. We would also like to thank her for her invaluable advice, guidance and enormous patience in helping us throughout the whole semester.

We would like to extend our gratitude to our respondents, Puan Fathiyah Idris and Puan Mimi Sintia Ahmad Bajury for their cooperation and useful input towards our project paper. Both of them raised many precious points in our interview sessions, which helped fill several loopholes in our research, those that we hope we have managed to thoroughly address in this project paper.

Getting through this project paper required much more than mere academic support, thus, we would like to thank our family members and friends for their endless moral support. Last but not least, thank you to all the staff of the Faculty of Law, Universiti Teknologi Mara (UiTM) for their efficient procedural work, which helped smoothen the completion of this project paper.

Thank you.

## **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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