THE NECESSITY FOR THE FORMULATION OF AN ONLINE FAMILY DISPUTE RESOLUTION MANAGEMENT FRAMEWORK IN MALAYSIA

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ABSTRACT*:* This article discusses the need for the formulation of an online family dispute resolution management framework in Malaysia. One of the main reasons is that young married couples need assistance to resolve challenges that they faced in their marriage. Researches have shown that the first five years is the most difficult period in a marriage. An initial study conducted by National Population and Family Development Board also known as Lembaga Penduduk dan Pembangunan Keluarga Negara (LPPKN) has shown that in 2014, more than one third of a first marriage that were less than 5 years ended in divorce or separation. With the prominent role that technology plays in our society, it is hypothesized that the internet can be used as a tool to reach out to couples who are experiencing marital discords. Professional intervention is often needed to address such disagreements before it escalates into separation or divorce. Through a survey of literatures and a series of discussions gathered from workshops, it has been found that a more effective method of outreach is needed for younger couples in Malaysia who are in need of professional marital advice. This article therefore proposes for the use of an online family dispute resolution management framework as an outreach tool which can connect marriage professionals and couples who are in need of professional intervention. This Online Dispute Resolution framework will act as a guided pathway of information and advice to young couples who are considering separation or divorce.

KEY WORDS: *Justification, Family Discords, Expert Intervention, ODR, Reaching Out, Young Couples*

1. INTRODUCTION

Marital discord is inevitable in any family. Whilst disputes can be a positive move towards understanding the dynamics of any relationships, researches have shown that it may lead to divorce if not managed in an effective manner and allowed

to escalate out of control.[1] Unfortunately, today's society is plagued with rising divorce rates which is destroying the social fabric of the society.[2]

Majority of family experiences three major concerns when faced with marriage conflicts and marriage dissolution, namely, a parenting crisis,[3] economic crisis,[4] and emotional crisis.[5] If the marriage has resulted in any children, then the children are subjected to drastic emotional mayhem due to family disintegration which results in a significant parenting crisis and they can have emotional consequences lasting for decades. Should the parties decide to dissolve their marriage, advice and support is needed to address the stress which will often time accompany the process such as tedious court procedures, ballooning litigation expenses and the time and energy which will be spent. This economic crisis further aggravates the emotional crisis that would already be experienced by both parties.[6]

In order to resolve the concerns mentioned above, it is proposed that intervention by professionals approved by the parties concerned is required. The

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[1] See Paul R. Amato and Stacy J. Rogers, "A Longitudinal Study of Marital Problems and Subsequent Divorce," *Journal of Marriage and Family*, Vol. 59, No. 3 (Aug., 1997): 612-624, doi: 10.2307/353949; Elyse Jennings, "Marital Discord and Subsequent Marital Dissolution: Perceptions of Nepalese Wives and Husbands," *Journal of Marriage and Family*, Vol. 76, No. 3 (June 2014): 476–488, doi: 10.1111/jomf.12104.

[2] See Boo Su-Lyn, One divorce in Malaysia every 10 minutes, *Malay Mail*, March 3, 2014 <https://www.malaymail.com/news/malaysia/2014/03/03/one-divorce-in-malaysia-every-10-minutes/628027> Luqman Zakariyah and Siti Nurafiqah Sapardi @ Saparti, "High Rate Divorce Among Muslims In Malaysia: A Study Of Legal Reconciliation And Islamic Matrimonial Dispute Remedy" in International Conference on Religion, Culture and Governance in the Contemporary World (ICRCG 2018), 3rd-4th October 2018, Kuala Lumpur <http://irep.iium.edu.my/68493/2/Full%20Paper%20for%20ICRCG2018.pdf>

[3] See Kao, Meei-ying, "The impact of marital discord and parenting practices on adolescent adjustment in intact and step families", Retrospective Theses and Dissertations. 11274. (1994), <https://lib.dr.iastate.edu/rtd/11274> at 26-36 (describing how the marital quality plays a vital role in influencing individuals' parent functioning).

[4] See generally Rand D. Conger, Glen H. Elder, Jr., Frederick O. Lorenz, Katherine J. Conger, Ronald L. Simons, Les B. Whitbeck, Shirley Huck and Janet N. Melby, "Linking Economic Hardship to Marital Quality and Instability," *Journal of Marriage and Family*, Vol. 52, No. 3 (Aug., 1990): 643-656, doi: 10.2307/352931 (describing negative impact of economic hardship on marital quality).

[5] See Paul R. Amato, and Juliana M. Sobolewski, "The Effects of Divorce and Marital Discord on Adult Children's Psychological Well-Being," *American Sociological Review*, Vol. 66, No. 6 (Dec., 2001): 900-921, doi: 10.2307/3088878 (describing that marital discord appears to erode children's emotional bonds with mothers, whereas both divorce and marital discord appear to erode children's emotional bonds with fathers); Osarenren Ngozi, Nwadinigwe Peter and Anyama Stella, "The Impact of Marital Conflicts on the Psychosocial Adjustment of Adolescents in Lagos Metropolis, Nigeria," *Journal of Emerging Trends in Educational Research and Policy Studies* (JETERAPS), Vol. 4, No. 2 (2013): 320-326 © Scholarlink Research Institute Journals, 2013 (ISSN: 2141-6990) <jeteraps.scholarlinkresearch.org> (describing that the findings of the research showed that there is a significant impact of marital conflicts on the psychosocial adjustment of adolescents).

[6] See Rand D. Conger, Lora Elbert Wallace, Yumei Sun, Ronald L. Simons, Vonnie C McLoyd, Gene H. Brody, "Economic Pressure in African American Families: A Replication and Extension of the Family Stress Model," *Developmental Psychology*, Vol 38, No. 2, (2002):179–193, doi: 10.1037/0012-1649.38.2.179 (describing that economic hardship positively associated with economic pressure in families which was in turn related to the emotional distress of caregivers); Deadric T. Williams, Jacob E. Cheadle, and Bridget J. Goosby, "Hard Times and Heart Break: Linking Economic Hardship and Relationship Distress," *Journal of Family Issues*, Vol 36, No. 7, (2015): 924–950, doi: 10.1177/0192513X13501666 (describing how economic hardship affects each parent (i.e., depressive symptoms), the relationship between parent and child (i.e., parenting stress), and the relationship between parents (i.e., interpersonal discord and co-parenting).

dynamics of marriage dissolution is undoubtedly complex and cannot be solved in segregation. Spouses who are separating must be able to grasp control over their personal lives while seeking for the most suitable process to resolve the issue with minimal damage inflicted on all parties. In addressing the above issue, the authors believe that a credible, efficient and innovative outreach platform is needed by young couples who are experiencing marital discord.

Intervention through pre-marital education, however, has been provided since 1990s through compulsory pre-marital courses for Muslims in Malaysia. The course, which only lasts for two days, has provided a basic foundation for these couples to navigate simple marital conflicts. Studies have shown that pre-marital education programs can reduce divorce rates and relationship aggression while improving communication.[7] However, the relatively short length of two days limits its effectiveness in tackling complex marital disputes. Continuous expert advice is often needed to aid disputing couples in handling more complex marital issues but carries with it a certain stigma which can reduce the rate that couples will engage these professional services.

Learning from the best practices of increasing number of sectors, such as e-commerce and the finance sector, they have successfully adopted effective online and electronic means of managing and resolving disputes. This trend is in-line with the growth and influence of the Information and Communication Technology (ICT) in the everyday lives of its users. The cyberspace has become a place where powerful tools have been developed for communicating, storing and processing information. Over time, ICT has redefined the way the society communicates and interacts. Among the range of disputes which benefited from this platform are armed conflict negotiations, business to consumer disputes, as well as domain name and workplace disputes. Of relevance is the fact that other countries such as Australia have also used online platforms to manage and solve family disputes. A possible solution to the stigma faced by couples' therapy is to exploit the use of an online platform to discreetly deliver relevant information to couples with marital disputes.

The authors believe that an online dispute management framework would bridge the gap between family law experts and the disputants in Malaysia in this digital age. This structured platform will provide a better avenue for couples who are in discord as opposed to obtaining non-professional advice from social media and online forum websites.

With the main objective of providing a neutral platform that establishes an inextricable link between family law experts and the common people, this paper seeks to highlight the need for a structured online family dispute management framework in Malaysia and how it may benefit the couples who are experiencing marital discord. Statistical data on family disputes in Malaysia will be presented and the rate of internet use by the Malaysian population will be highlighted to substantiate the need for a platform which can disseminate expert and credible information to couples who may need marital intervention. This paper will also introduce the model online platform and how it seeks to operate in providing assistance and avenues to couples in need.

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[7] Emily J. Georgia and Brian D. Doss, "Web-Based Couple Interventions: Do They Have a Future?," *Journal of Couple and Relationship Therapy*, Vol. 12, No. 2, (2013): 168-185, doi:10.1080/15332691.2013.779101.

2. MARITAL DISPUTES IN MALAYSIA

As mentioned above, conflicts and disagreements between husband and wife are avoidable and a natural part of a marriage. However, what determines the outcomes of these conflicts depends on the couples' ability to manage these conflicts either through conflict management skills or through the intervention of an external party.

In 2017, it has been recorded by the Department of Statistics Malaysia that 39,709 Muslim divorces were registered compared to 41,030 in 2016. Though there is a decrease of 3.2 per cent of Crude Divorce Rate (CDR) from 2.1 in 2016 to 2.0 per cent in 2017 per 1000 Muslim population, it is still considered higher compared to non-Muslim divorces. Non-Muslim divorces declined 3.4 per cent from 10,612 (2016) to 10,256 (2017).[8]

The Royal Malaysia Police reports in their statistics that 3,756 and 3,769 of domestic violence towards women have been reported in 2007 and 2008, respectively. A slight decrease has been noted to 3,643 and 1,871 cases in 2009 and 2010 (January to July), correspondingly. In June 2010, Women Development Department in the Ministry of Women, Family and Community Development organized counselling sessions for 3,598 women comprising those who suffered abuse and domestic violence. A notable rise in the number of women attending the counselling sessions have been noted. In addition, 60% of the recorded cases involve the victim's close family members, specifically the victim's spouse.[9] These numbers have yet to improve as of 2015, when LPPKN reports that one third of marriages (of less than 5 years) still ended in divorce or separation.[10]

According to the same report, among the causes of divorce/separation cited by men are; 56.2% was due to general incompatibility, 11.8% from infidelity, 10% due to intervention from in-laws and 22% from other causes such as financial difficulties, irresponsible partners, infertility, health problems, partners involved in crimes and others (Table 1). The same causes have also been cited by the women however the percentage slightly differs.[11]

Table 1: Causes of Divorce (First Marriage) Cited by Men

Causes	Percentage (%)
General incompatibility	56.2
Infidelity	11.8
Intervention from In-laws	10.0
Other causes (including financial difficulties, irresponsible partners, infertility,	22.0

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[8] Department of Statistics Malaysia, Official Portal, *Marriage and Divorce Statistics, Malaysia, 2018* <https://www.dosm.gov.my/v1/index.php?r=column/cthemeByCat&cat=453&bul_id=ZFAzVjE1Ny93VlZXenloWXJBQmYyUT09&menu_id=L0pheU43NWJwRWVSZklWdzQ4TlhUUT09>

[9] Mohd Taib Dora and Noor Baiduri Halim, "Issues and Factors of Problematic Families in Malaysia," *International Journal of Humanities and Social Science,* Vol. 1, No. 4 (2011): 155-159.

[10] Lembaga Penduduk dan Pembangunan Keluarga Negara (LPPKN), *Laporan Penemuan Utama Kajian Penduduk dan Keluarga Malaysia Kelima (Kuala Lumpur, 2014),* <http://www.lppkn.gov.my/index.php/pusat-sumber/2016-02-26-02-25-15/2016-03-04-00-42-00/file.html> at 23.

[11] Ibid., at 24.

health problems, partners
involved in crimes and others)

(Source: Initial Findings of the Fifth Malaysian Population and Family Survey 2014, LPPKN)

In 2010, JAKIM stated that approximately 77 Muslim couples end their marriage every day, or in other words, three divorces occur every hour.[12] Such inclination has affected the family institution.[13]

A number of factors have influenced the Malaysian society outlook towards divorce, including the shift in social and cultural climate, the passion for liberty and freedom and the affirmation of individualism. Although the law is trying to catch up with the aspirations and needs of modern society, we are still seeing marriages being dissolved at an unhealthy rate. Society cannot bear the cost of ignoring family feuds and marital discord. The most crucial and fundamental part of a social structure is the family unit, and its erosion and demise will heavily impact the future generation's commitment on managing marital commitments and disputes.

3. DEALING WITH MARITAL DISPUTES

A study conducted by Hafizah Abdullah shows that 92.6% of Malay couples in Malaysia adopt the avoidance tactic when faced with a marital conflict. Through this tactic, the parties will try to do whatever is necessary to avoid tensions and further disputes.[14] Lack of communication skills and conflict tactics could however be detrimental to the marriage and could lead to separation and divorce when not managed effectively from the early stages.

Research on marital conflict conducted over a period of three decades in the West has consistently shown that how a couple manages their marital conflict directly affects the quality and longevity of their marriage.[15] Through observations on marital interactions, longitudinal researchers are in agreement that marital success is directly related to how satisfied a couple is with the way they work out their differences.[16] Therefore, couples in Malaysia should be given the necessary tools which can equip them to be better conflict managers. It is hypothesized that

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[12] Siti Farhanah Md Sam and Puzziawati Ab. Ghani, "Determinants of Divorce among Women in Peninsular Malaysia," in Forum Penyebaran Data Hasil Penyelidikan LPPKN Siri 2, 8 Mei 2014, Hotel Crystal Crown, Petaling Jaya, 2014.

[13] Norizan Abdul Ghani et al., "Divorce Trends among the Malay Community in Perlis, Malaysia over a Ten Year Period (2006-2015)," *International Journal of Academic Research in Business and Social Sciences,* Vol. 7, No. 4 (2017): 269–283.

[14] Nor Hafizah Abdullah et al., "Conflict Management among Malay Married Couples: An Analysis on Their Strategies & Tactics," *Asian Social Science*, Vol. 13, No. 10; (2017): 95-103, at 100, doi:10.5539/ass.v13n10p95.

[15] Georgia and Doss, "Web-Based Couple Interventions". See N.7; Larisa N. Cicila, Emily J. Georgia, and Brian D. Doss, "Incorporating Internet-Based Interventions into Couple Therapy: Available Resources and Recommended Uses," *Australian and New Zealand Journal of Family Therapy*, Vol. 35, No. 4, (2014): 414–430, doi:10.1002/anzf.1077; E Wilson Evered et al., "Towards an On-Line Family Dispute Resolution Service in Australia," in *Mobile Technologies for Conflict Management: Online Dispute Resolution, Governance, Participation,* Volume 2 of Law, Governance and Technology Series edited by Marta Poblet, Springer Science & Business Media, 2011, doi:10.1007/978-94-007-1384-0_10.

[16] See Farah Haris & Aneesh Kumar, "Marital Satisfaction and Communication Skills among Married Couples," *Indian Journal of Social Research*, Vol. 59, No. 1, (2018): 35-44 (describing that the interpersonal communication skills are vital for strong marital relationship in preventing misunderstanding and conflicts).

such tools however should not only be provided prior to the marriage but must be readily available at any time throughout the marriage.

4. LITIGATING FAMILY DISPUTES IN MALAYSIA

In Malaysia there exists a dual arrangement in family law; one for Muslims and one for non-Muslims. The grounds for such an arrangement came from the differences in the constituents of the people of Malaysia. Malaysia is made up of citizens from numerous races, faiths, traditions and their usage in topics pertaining the family. Family law is the sole law region that separates people on the basis of faith. Owing to the presence of the dual arrangement of family law, diverse courts have been put into place to manage family law for Muslims and non-Muslims separately.[17]

It has been a customary process largely done by numerous individuals worldwide to resolve disputes by means of consensus and without bringing in courts or other official judicial establishments (J.A. Cohen 1978). Accounts in history illustrate that people of all faiths worldwide, whether Phoenicians, Romans, Greeks, Hindus, Jews, Christians, Chinese or Muslims, utilized religious and traditional techniques, rather than a litigation process, to solve societal disputes. Litigation was solely sought for after informal resolutions failed and when it was not possible to achieve justice through any other means.[18]

The incompetence of the Syariah Courts when it came to handling cases was one of the cited criticisms, specifically the delay on giving a verdict in cases, a procedure that even took more than five years at times. Such a delay was a cause for accumulation of cases. As a solution, a proposal was made to implement mediation. Therefore, Malaysia provided mediation or *sulh* in the Syariah Civil Procedure Codes of the states of Malaysia.[19]

Increased rates of divorce, general dissatisfaction with the procedural aspects of the law and the ineffectiveness of the provisions intended to further reconciliation, resulted in the need for an alternative mechanism for helping parties to efficiently handle marital disputes while reducing the role of the court.

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[17] Ain Husna Mohd Arshad and Roslina Che Soh, "The Need for Establishment of A Family Court in Malaysia: An Appraisal," *IIUM Law Journal,* Vol. 20, No. 2 (2012), 195-217.

[18] Raihanah Azahari, "The Development of Family Mediation in Malaysian Muslim Society," *European Journal of Social Sciences,* Vol 18, No. 2 (2010): 220–230.

[19] Ibid., at 227 (citing sections 87-93 of the Syariah Civil Procedure Code (Selangor) Enactment No. 7 of 1991; sections 87-93 of the Syariah Civil Procedure (Sarawak) Ordinance No. 7 of 1991; section 94 of the Syariah Courts Civil Procedure (Federal Territories) Act 1998 [Act 585]; sections 89-94 of the Syariah Civil Procedure (Kedah) Enactment 1979 No. 2 of 1984; sections 91-96 of the Syariah Civil Procedure (Kelantan) Enactment No. 5 of 1984; and sections 87-93 of the Syariah Civil Procedure Code (Melaka) Enactment No. 7 of 1991). See also Zainul Rijal Abu Bakar, "Sulh in the Malaysian Syariah Courts," 2nd AMA Conference, Rediscovering Mediation in the 21st century, Sheraton Imperial Hotel, Kuala Lumpur, 24-25 February 2011 <http://barcouncil.org.my/conference1/pdf/16.SULHINTHEMALAYSIANSYARIAHCOURTS.pdf> (describing the *sulh* proceedings in the Syariah courts).

Studies on how to combat divorce cases and family-related problems from legal,[20] *Shari'ah,*[21] psychological[22] and sociological perspectives[23] have mushroomed within the past two decades, but there has not been significant studies on the utilization of advances in ICT in family-related issues in Malaysia. The utilization of online platforms for family issues can provide a neutral platform for parties while ensuring privacy and easy access to experts. Recognizing the importance of ICT in this social-legal matrix, the approach to solving marital problems and addressing preliminary concerns regarding one's relationships should also be scaled up to reflect modern realities.[24]

5. THE USE OF THE INTERNET IN AIDING DISPUTE RESOLUTION

It would be an understatement to say that the Internet has pervaded into our daily life. As of 2016, 76.9% of the Malaysian population are internet users (24.5 million people).[25] Table 2 shows, out of that number, 57.4% of the users are male and 42.6% are female. The majority of the users are in the age group of 20-34 years old (53.6%) while the second highest age group is between 35-49 (24.7%). From the information presented above, we can see that the majority of core users of the Internet in Malaysia are young adults. 89.4% of the Internet users in Malaysia access the Internet through their smartphone and use it mostly for texting via over-the-top (OTT) messaging platforms. Apart from texting, 89.3% of them uses the Internet to visit social networking sites while 86.9% use it to get information.[26]

These young adults access the internet through computers, laptops and smartphones and have become conditioned to the idea that any question has an answer that is only one click away. The same demographic will immediately look online to answer a school or work research question and will only reluctantly go to a library or other sources if the answer is not immediately found. Services are also found online, where food deliveries and taxis are booked online, and even mechanics and laundry services are found by reading online reviews to find credible businesses. From here, it can be gathered that the Internet is seen as an important source of information for a majority of Internet users in Malaysia.

Table 2: Breakdown Statistics of Internet Users in Malaysia

Characteristics	2015 (%)	2016 (%)

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[20] Zaleha Kamaruddin and Raihanah Abdullah, "Protecting Muslim Women against Abuse of Polygamy in Malaysia: Legal Perspective," *Hawwa,* Vol. 6, No. 2 (2008): 176–201.

[21] Sa'odah Ahmad and Nora Abdul Hak, "Family Mediation and Sulh: An Alternative Dispute Resolution in Malaysia," *International Journal of Social Policy and Society,* Vol. 7 (2010): 66–79.

[22] Fatimah Yusooff et al., "Is Perception of Social Support Hinging on Demographic Factors and Types of Abuse Inflicted on Wife? A Survey Study Employing Malaysian Sample," *Procedia-Social and Behavioral Sciences,* Vol. 30, (2011): 596–601.

[23] Maznah Mohamad, "Malaysian Sharia Reforms in Flux: The Changeable National Character of Islamic Marriage," *International Journal of Law, Policy and the Family,* Vol. 25, No. 1 (2011): 46–70.

[24] Emilia Bellucci, Deborah Macfarlane, and John Zeleznikow, "How Information Technology Can Support Family Law and Mediation," in *International Conference on Business Information Systems* (Springer, 2010), 243–255.

[25] Malaysian Communications and Multimedia Commission, *Internet Users Survey 2017: Statistical Brief Number Twenty-One* (Cyberjaya, 2017), <http://www.mcmc.gov.my> at 8.

[26] Ibid., at 13.

Gender		
Female	40.6	42.6
Male	59.4	57.4
Broad Age Group		
Below 20	15.5	13.0
20-34	52.2	53.6
35-49	23.8	24.7
50-64	7.8	7.5
65 and above	0.6	1.2

(Source: Malaysian Communications and Multimedia Commission, 2017)

On average, studies conducted by LPPKN have found that the age of first marriage for a male is at 26.4 years old and for a female at 23.0 years old.[27] This correlate strongly with the largest group of Internet users in Malaysia, where the young adults from 20-34 years old make up 56% of local Internet users. Going through the rocky first 10 years of marriage, would also place their final ages at 36.4 and 33 years old respectively, still within the range of the highest number of Internet users.

Fig. 1 Duration of first marriage

(Source: Initial Findings of the Fifth Malaysian Population and Family Survey 2014, LPPKN)

Therefore, in the context of using the Internet as a possible platform for marriage intervention, young adults within the age group of 20-34 would benefit the most if a marriage dispute resolution framework is introduced. This is also the age group in which most males and females would enter into their first marriage. Such a framework would allow any couples in dispute to gather information on managing their marital conflict.

6. ONLINE DISPUTE MANAGEMENT: A NECESSITY

There is a gap between family law experts and common people in Malaysia, as there is no existing formal platform where instant counselling or advice can be sought for an instantaneous reply. Distressed couples therefore suffer in silence or turn to non-experts for advice, which may further exacerbate the situation.

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[27] Lembaga Penduduk dan Pembangunan Keluarga Negara (LPPKN), "Laporan Penemuan Utama". See N.10, at 23.

Increased rates of divorce, general dissatisfaction with the procedural aspects of the law and the ineffectiveness of the provisions intended to reconcile the conflicting parties, are all reasons for an alternative mechanism for helping parties to handle their family disputes. Dispute resolution outside of the courts is not new; societies the world over has long used non-judicial, indigenous methods to resolve conflicts. Courts are in fact far from an ideal solution for marital discord due to the nature of this conflict, the monetary and temporal costs, as well as the number of unresolved and backlogged cases in civil law, including family law cases.

6.1. Early Intervention

Although the Internet has previously been successfully utilized to mediate and handle dispute resolutions, it is in the interest of the state and nation to avoid the issue escalating that far in the first place. Instead of discussing the possibility of using the internet to settle marital disputes either through online mediation, online negotiations etc., the Internet can also provide early intervention through marital advice articles before a marital dispute transforms into a full-blown conflict resulting in divorce proceedings.

A study in Australia found that numerous forms of relationship help, including talking to a friend, co-worker, family member and individual therapist as well as reading self-help materials had a larger impact than attending couple's therapy. This is due to the fact that although couples' therapy and relationship education are effective, their limited reach greatly reduces its impact.[28] When one partner in the relationship is facing problems, he/she will often first approach these other sources of advice and will only approach a couple's therapist once the problem has gone too far to be remedied. It is felt that there is an urgent need for intervention which possesses a broader reach and is highly accessible to married couples who are showing signs of relationship distress.[29]

To accommodate this pressing need, Australia developed an online platform called CoupleCARE. Through this intervention program, couples are offered a relationship education program either through tapes or guidebooks on topics relating to relationship enhancement. Other services offered include real-time communication with certified psychologists. Emily Georgia notes that although such online intervention has shown promise in providing larger outreach to couples, she cites concerns on the possibility of increasing costs and the limited number of couples that can be helped at one time as these interventions are handled by experts and trained professionals. She therefore calls for a couples' intervention that can be delivered without extensive professional contact. Further findings from the research also shows that although the effectiveness of the online intervention platform cannot be fully ascertained, the research still finds that couples are still more likely to consider using relationship focused websites as sources to improve their relationship rather than going to therapy or talking to individual therapists.[30]

Other countries such as the USA and the United Kingdom have also founded relationship based informational websites[31] which are designed for couples at all

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[28] Georgia and Doss, "Web-Based Couple Interventions". See N. 7, at 168.
[29] Ibid., at 169.
[30] Ibid.
[31] Examples include www.TwoOfUs.org (founded by United States' Department of Health and Human Resources and is maintained by the National Healthy Marriage Resource Centre),

relationship stages. Such websites vary from those managed by experts or those where contributions are mainly from individuals sharing their personal relationship experiences. Among the topics discussed in these informational websites are discussions on emotional intimacy, effective communication, navigating parenting disputes and coping with infidelity. These sources of information provide an avenue for interested parties to learn conflict management skills as well as what a healthy relationship should look like so that healthy behaviors can be modelled. In doing so, they are often much better able to avoid triggering disputes or to resolve such disputes in a manner which enhances the relationship.

The existence of websites of this nature have existed in other countries since the early 2000s, whereas Malaysia does not yet have platforms of such nature, especially those tailored to the local context. Therefore, Malaysia can be seen to be far behind in terms of providing a guided internet marital advice platform for married couples. It is therefore timely for Malaysia, either through government-backed bodies or NGOs to set up similar informational websites which can cater specifically to married couples in Malaysia, that can guarantee a wider reach through use of the Internet. However, following the experience of CoupleCare in Australia, such intervention should have minimal professional contact at this stage.

6.1. *Online Dispute Resolution (ODR) and Divorce Proceedings*

As discussed earlier, the court is not the best place to resolve wounded and emotional feelings. Family dispute, particularly divorce, leaves a disturbing effect and the judicial system does not answer to the emotions and suffering that the disputing parties have gone through. Such emotional reactions vary from disappointment and anxiety to depression, sadness, grief and anger. Divorced couples usually associate the divorce process as one of the hardest periods of their lives. The couples are more than likely to put the blame on the other and many times, children end up as victims in the matrimonial brawl. Children of parents who divorce, unless they are very young, are typically distraught by the disintegration of their families.[32]

Moving away from litigation, countries have adopted Alternative Dispute Resolution (ADR) as a means to resolve disputes and this includes family disputes. ADR has the advantages of being a) cheaper; b) faster; c) more flexible; d) less adversarial; f) more informal; g) solution rather than blame-oriented; and h) private.[33] Additionally, the internet can also offer solutions in easing the separation and divorce processes between couples through Online Dispute Resolution (ODR).

Online dispute resolution refers to dispute resolution processes conducted with the aid of information and communication engineering, particularly the Internet. This can include facilitating processes such as online mediation, advisory processes such as online case appraisal, and determinative processes such as online arbitration or adjudication. It also includes processes conducted through a computer program or other artificial intelligence that do not call for a "human" practitioner.

TheCoupleConnection.net (Established and run by NGO OnePlusOne, Aoetearoa and TalkAboutMarriage.com.).

[32] Ahmad and Abdul Hak, "Family Mediation and Sulh". See N.21.

[33] M. Ethan. Katsh and Janet. Rifkin, *Online Dispute Resolution : Resolving Conflicts in Cyberspace* (Jossey-Bass, 2001), <https://books.google.com.my/books/about/ Online_Dispute_Resolution.html? id=_hKZQgAACAAJ&redir_esc=y> at 25.

Similar terms are "online alternative dispute resolution (ADR)", "eADR", "iADR", "virtual ADR", "cyber mediation" and "cyber arbitration".[34]

Among the advantages which ODR offers as opposed to face-to-face family dispute resolution are:

i. Providing conflict resolution services to parties who are geographically distant saves the cost in terms of time, travel and adjustment;
ii. Offers contact and communication in a neutral setting;
iii. Prompt and virtually immediate delivery of progress and agreements made during the resolution process and of settlement proposals.[35]

Australia has also long utilized ODR to facilitate divorce proceedings between divorcing couples. ODR processes have been heavily used as a negotiation assisting tool during the divorce processes. Examples of online negotiation support systems utilized in Australia are Family Winner, Smartsettle, AdjustedWinner and Split-Up.[36]

These support systems are all interactive programs which are developed to assist conflicting parties in negotiating agreements. This is useful for disputing couples who wish to negotiate divorce settlement terms. However, Evered proposed to further improve the current negotiation program by educating and preparing the couples before the actual negotiation process either through videos, workbooks, webpages, information sheets, discussions and/or FAQs.[37]

7. PROPOSAL FOR AN ONLINE FAMILY DISPUTE RESOLUTION MANAGEMENT FRAMEWORK PLATFORM IN MALAYSIA

The discussion above elucidates that the internet can be used to manage family disputes either from the beginning of any conflict or when the parties decide to dissolve their marriage. At any stage where the parties involved start to seek for external help, research has shown that they will ask for advice from convenient and easily accessible sources, including friends, family and the Internet. However, the lack of credible sources which are propagated by family law experts can lead the disputing parties to get imperfect advice from non-experts. In addressing the issue, the author believes that an online dispute management framework such as the ones provided above would bridge the gap between family law experts and the common people in Malaysia in this digital age. With the principal objective of providing a neutral platform that establishes an inextricable link between family law experts and the common people, this research seeks to propose for the establishment and utilization of Online Family Dispute Resolution Management Framework.

The statistics discussed previously shows that people between the age range of 20-34 years old would benefit the most from this management framework as they are the main users of the Internet in Malaysia and are also the demographic who would more commonly enter into their first marriage.

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[34] Melissa H Conley Tyler and Mark W McPherson, "Online Dispute Resolution and Family Disputes," *Journal of Family Studies,* Vol. 12, No. 2 (2006): 165–83.
[35] Ibid.
[36] Evered et al., "Towards an On-Line Family Dispute Resolution". See N.15.
[37] Ibid.

The proposed Online Family Dispute Resolution Management Framework platform would consist of two phases. The first phase would be an outreach tool which can connect marriage professionals and couples who are in need of professional advice and intervention. It will act as a guided pathway of information and advice to young couples who are considering separation or divorce. Guided professional advice will be provided by professionals according to topics in the form of advisory posts and columns. Should the couples need further professional advice, the platform can propose and connect the couples to a marriage professional.

The second phase would be a platform to connect divorcing couples who are opting for ODR as opposed to litigation with online mediators and negotiators or negotiation software. However, before such services are pursued, the platform will also provide advice and educational materials on what to expect throughout the whole process. The above platform is expected to provide an avenue for couples who are having problems in the household to seek the views and advice from experts anytime and anywhere. This is expected to provide the tools to save the marriage institution from an imminent collapse, and perhaps show alternatives other than divorce to the disputing parties.

8. CONCLUSION

In the digital age, more and more services are being offered online, and the young adult generations have taken to this convenience like a fish takes to water. They turn to the Internet first and foremost for any inquiry whether it be information or services, and this is exacerbated further when looking for answers to potentially embarrassing questions or when dealing with highly stressful situations where they would like to stay anonymous, such as avoiding the stigma of a failing marriage. Answers can readily be found online for any form of relationship conundrum, but it is often provided by uncertified non-experts where the information could be either helpful or hurtful. In addition to this, the majority of relationship advice platforms that exist online, cater to a more western market and might therefore not take into account the cultural, religious, legal, and racial contexts of the married couples in Malaysia, which can be a significant factor in the dispute. The existence of an online platform that allows easy access to local family law experts would be a great complement to existing offline solutions currently employed in the country. It would allow an avenue for couples to seek the views and advice of experts at any time and place, which would theoretically allow earlier interventions to take place that could reduce the number of failed relationships.

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