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EMOTIONAL DISORDER AS OBSTACLE TO SULH SETTLEMENT IN CHILD CUSTODY CASES IN MALAYSIA

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Abstract:

Sulh is renowned for resolving various types of disputes, including hadhanah (child custody) matters in the Syariah Court. However, its effectiveness in responding to hadhanah (child custody) cases that involve emotional disorders requires further investigation. The main objective of this study is to examine the obstacle brought forth by a party suffering from an emotional disorder in a sulh session of a child custody case in Malaysia. The study adopts a qualitative approach and builds on library resources. Data were analyzed descriptively from a literature review on sulh, emotional disorder, and court processes. This study finds that a party who suffers from emotional disorder in a child custody case may affect sulh settlement because it obstructs the sulh officer from carrying out his facilitative task effectively according to the rules mentioned in the sulh procedure and sulh work manual. Therefore, the implication of this study is to draw awareness of the incidence of emotional disorders and the need for the Syariah Court to conduct an early reality check on each party's mental capacity prior to determining whether to place a particular child custody case for possible sulh settlement.

Keywords:

Sulh, Emotional Disorder, Child Custody, Court, Malaysia

Introduction

Malaysia records from health helplines revealed that there are more than 37,000 phone calls thus far relating to mental health (Lim, 2020). In 2019, 301 million individuals suffered from an anxiety disorder, 280 million individuals suffered from depression, and 40 million individuals suffered from bipolar disorder (Institute of Health Metrics and Evaluation - Global

Health Data Exchange, 2019). Emotional disorders are the most usual psychological disorders and are linked with important impairment of life, as well as extensive direct and indirect costs (Mojtabai et al., 2015; Kessler, Petukhova, Sampson, Zaslavsky, & Wittchen, 2012; Lahey, 2009). An emotional disorder is caused by prolonged feelings of grief and anxiety throughout a person's life and will weaken one's ability to cope naturally, and resulted in difficulty in sustaining relationships, persistently low mood, and negative bodily symptoms such as fatigue (Kamberaj, 2021).

NewsToday (2021) mentions that emotional health is likely affected by strained relationships with spouses, family members, or friends. In relation to this, the Syariah Court deals with cases relating to domestic abuse, injunctive applications against physical harassment, child custody battles as well as interim custody orders. Undoubtedly, the parties in these cases are exposed to prolonged feelings of grief and depression. As such, early detection of depression is important to prevent psychological illness and its undesirable effects (Mohd Sidek, Lekhdraj, & Nadarajan, 2003). The parenting capacity of a parent who suffers from mental illness is a matter that should be taken seriously in a child custody dispute (Deutsh, 2016).

From the mental health perspective, mediation is healing (Greenspan, 1990). In the same vein, sulh which draws close resemblance with mediation is also healing in nature, especially when the parties are facilitated to reach an amicable settlement at the end of the sulh session. Nevertheless, the healing effect of sulh is doubtful if the parties are incapacitated mentally. In Malaysia, sulh is implemented as a mediation annexed to the court which is implemented in the Syariah courts. Sulh's definition is broader than mediation for the former, which includes arbitration, conciliation, and counselling (Zainur, 2011). Sulh has developed a reputation as an alternative to court adjudication to resolve family issues such as hadhanah (child custody) (Ramizah, 2008). Both sulh and mediation in the Civil Courts emphasize the need for a third-party neutral as a host of the session (Ramizah, 2007; Mackie et al. 1995; Brown, & Marriot, 1993). Several Quranic verses mentioned sulh as an approved mode of settlement, for instance, An-Nisa' verse 35, An-Nisa':128, and al-Hujarat: 9. For example, Allah (SWT) explicitly stated in An-Nisa':35 as follows: "And if you are afraid of dissension between the two, send an arbitrator from his people and an arbitrator from her people. If they both want reconciliation, Allah will cause it between them." This verse clearly allows spouses who disagree with each other to seek third-party assistance in resolving their differences amicably.

Sulh is understood as a form of consultation, mediation, conciliation, and compromise to aid in the resolution of disputes (Hashim, 2021; Dahlan et al., 2019, Ahmad, 2015; Buang, 2002). As of to date, there is a scarcity of references, on the need to determine whether an emotional disorder is a probable obstacle for the sulh officer to carry out his task in a child custody case. It is worth noting that most individuals who suffer from emotional disorders do not seek treatment immediately after the disorder's onset, which further worsens the associated harm (Wang et al., 2007).

The main objective of this study is to examine the probable obstacle brought forth by a party suffering from an emotional disorder in a sulh session in a child custody case. The specific objectives are to (1) Examine the explanation for the term "emotional disorder"; (2) Identify the forms of emotional disorder; and (3) Analyze how the forms of the emotional disorder can affect sulh settlement of a child custody dispute. The listed questions below are to draw the objectives of the study: (1) What is the explanation for the term "emotional distress" (2) What

are the forms of emotional distress? (3) How can the forms of emotional distress affect sulh settlement of a child custody dispute?

Literature Review

The sulh process is conducted based on well-described rules and practice directions issued by the Syariah Judiciary Department of Malaysia (JKSM).

Sulh and its Work Process relating to the disposal of Child Custody Cases

Sulh plays a vital role in safeguarding the interests of children in accordance with the Maqasid Al-Shariah (objectives of the Syariah) (Abdul Hak et al., 2020). According to the Practice Direction No.1 of Year 2010 of JKSM, hadhanah (child custody) is listed as a type of case that can be resolved by way of sulh. Under section 99 of the Syariah Court Civil Procedure (State of Negeri Sembilan) Enactment 2003 [N.S. P.U. 5/2004]. It is conducted according to the *Manual Kerja Sulh* (Sulh Work Manual) introduced by JKSM.

A standardised sulh process in a child custody case as practiced in many Syariah courts in the various states in Malaysia will normally begin after a case is registered in the Syariah courts. The work process of sulh procedure involves several court officials (namely Registrar, Senior Assistant Registrar, sulh officer, and the judge). The sulh process is conducted according to JKSM Practice Direction No.3 the year 2002, Sulh Work Manual of JKSM 2002, and the Sulh Officer Ethical Code of JKSM 2002. The sulh session provides an opportunity for the parties to voice their opinions without being tied by strict procedural rules of a litigation process. Sulh helps the parties to avoid the complexity of a trial, or avoid a trial, and reduces the backlog of cases (Raihanah Abdullah, 2009; Ainul Jariah & Syahrina, 2010).

The sulh mechanism is meant to expedite the resolution of cases and reduce the backlog of cases. As an example, the sulh procedure rules are applicable to child custody cases as specified in the First Schedule (Subrule 2(1) of the Syariah Court Sulh Procedure (Negeri Sembilan) Rules 2016 (N.S.P.U.2).

The procedure of carrying out the sulh session is standardized for all the Syariah Courts in the various states in Malaysia. For instance, Rule 10 of the Syariah Court Rules of Sulh Procedure (State of Negeri Sembilan) 2016 explains that the procedure of the *Majlis Sulh* involves the opening statement by the sulh officer; preliminary submission by the parties regarding the issues together with planned solutions, joint discussions between the parties with the Sulh Officer to reach an agreement; Closed session (caucus) where Officer *Sulh* convenes with the parties separately if a joint discussion cannot be held or if he thinks necessary; and lastly, further joint consultation whereby the Sulh Officer will hold joint discussions between the parties to reach a good and voluntary settlement. In addition, the sulh officer will also exercise his task by following closely the guides in the Sulh Work Manual which requires him to perform the following procedure, namely: to explain the following steps in detail: I. The process for initiating the *Majlis Sulh* (Sulh Council); II. Presentation by the parties; III. Mutual discussions; IV. Single (one) party or caucus meetings; V. Collective negotiation; VI. Concluding a judgment based on mutual consent; VII. Confidentiality of session.

The sulh officer will prepare the settlement agreement which will be endorsed and recorded by the court as a consent judgment. As an example, see sections 11 and 12 of the Syariah Court Sulh Procedure (Negeri Sembilan) Rules 2016 (N.S.P.U.2). A trial will be fixed for an unsuccessful sulh (JKSM Practice Direction No.3 the year 2002).

Issues On Sulh Process Involving Emotional Disorder in Child Custody Cases

As of September 2021, the Selangor Syariah Judiciary Department (JACKESS) had successfully resolved 161 ancillary claims after divorce by way of sulh. Out of this figure, 100 cases were successfully resolved by way of consent judgment whereas 59 were unsuccessful, and the remainder (2 cases) involved parties who failed to appear in the Sulh Conference (Sinar Harian, 2021). The figures show that sulh might not be the best solution for all types of cases.

Undeniably, sulh is an integral part of the process of resolution in the Syariah Courts. According to JKSM Practice Direction No.3 Year 2002 (JKSM Practice Direction), a custody case will be heard through sulh before placing it on the litigation track. Upon the registration of a case, the parties in dispute may have to have their case referred to a sulh officer instead of appearing for a hearing before the Assistant Registrar (Hamid et. al, 2019). The sulh session should be a session whereby the parties should be able to identify their needs and interests as well as the best method to resolve their dispute (Wan Azimin & Ahmad Hidayat, 2021). However, the JKSM Practice Direction and the current sulh work process do not stipulate the method of treating specific cases involving emotional disorders.

The sulh session is a 'private and confidential session. As an example, section 16 of the Syariah Court Sulh Procedure (Negeri Sembilan) Rules 2016 (N.S.P.U.2) stipulates the need to preserve confidentiality whereby "a sulh officer shall not disclose any communication in the *Majlis Sulh* to any party including the Court after the completion of the *Majlis Sulh*, whether the sulh is successful or otherwise." Since sulh is a private and confidential session, not much is known about the effects of emotional disorder on each party's ability to present their cases, co-operate, negotiate, or form a unanimous opinion on important aspects of hadhanah (such as the right to custody and visitation hours) during the sulh session. It is also unknown whether emotional disorder might hamper the task of the sulh officer as a facilitator of the sulh session.

According to the Selangor State Syariah Judiciary Department, the success factors of the sulh are as follows: (1) Both parties are eager to settle the claim out of Court; (2) Both parties faithfully give and receive and are willing to negotiate sincerely and openly rather than emotionally /revenge; and (3) Both parties are aware of the implications if the case proceeds with the trial". The factors of Sulh's failure are the following: (1) One of the parties or both parties discusses emotionally or because of seeking revenge; and (2) Either party or neither party can make any decision. (Selangor Syariah Judiciary Department, Pamphlet related to Sulh Council). Despite declaring that emotion is an important factor that may affect a sulh settlement, there is no ample elaboration by the Selangor Syariah Judiciary Department about the detection and obstacles possibly faced in the *Majlis Sulh* due to the presence of a party who suffers from any form of emotional disorder.

Methodology

This qualitative study involves the analysis of documents relevant to the topics of sulh, child custody, and emotional distress. Data will be analyzed according to the content analysis method. Primary sources include the Qur'an, statutory laws, and court practice directions. Secondary data include journal articles, news reports, and internet sources.

Findings and Discussion

This study finds that a party who suffers from emotional disorder in a child custody case may affect sulh settlement because it obstructs the sulh officer from carrying out his facilitative task effectively according to the rules mentioned in the sulh procedure and sulh work manual. In

line with Syariah (Islamic law), and the relevant applicable Islamic Family laws an early check on each party's mental capacity to bring forth his(her) respective case must be determined by the Syariah court before deciding whether a child custody case is suitable to be resolved in a sulh session.

The Explanation for the Term “Emotional Disorder”

The American Psychological Association Dictionary defines the term “emotional disorder” as (i) any psychological disorder represented by maladjustive emotional responses that are improper or inconsistent with their cause; (ii) any mental disorder. The term “emotional disorder” is inadequately defined in the psychological and medical literature. Several scholars defined emotional disorder according to how a person leads his or her daily life which is full of sorrow and fatigue (Mohd Sidek, Lekhdraj, & Nadarajan, 2003). It is pertinent to note that scholars seem to describe the term “emotional disorders” in their own specific ways such as by associating the term with other kinds of mental disorders or syndromes. Baek (2014) defines the term refers to anxiety disorder, depression, and bipolar disorder. Zvolensky, Farris, Leventhal, and Schmidt (2014) define the term by referring to psychiatric symptoms and psychopathologies, depressive and anxiety syndromes. Alladin (2016) opines that emotional disorder refers to a variety of psychological circumstances including anxiety, depression, dissociation, somatization, and trauma-related problems. Sung et al. (2016) argue that the term is not an evidently described medical term, but is referred to psychological disorders (e.g., generalized anxiety disorders and major depressive disorders) that seem to affect emotions.

Finning et al. (2017) define emotional disorder as “feelings of depression or anxiety”. Bullis et al. (2019) indifferently define the term “emotional disorder” as a transdiagnostic mechanistic definition with consequences for evaluation, treatment, and prevention. In addition, Bullis et al. (2019) laid down the criteria for determining whether a disorder is termed an “emotional disorder” as follows: (a) The disorder is categorized by the experience of regular and strong negative emotions; (b) there is an aversive reaction to the emotional experience itself that is driven by the individual's weakened sense of control and negative assessment of the emotion; and (c) the individual involves in efforts to reduce, escape, or avoid the emotional experience, either pre-emptively or in reaction to the onset of a negative emotional situation.

Forms of Emotional Disorders and Identification of Their Symptoms.

Emotional disorders are identified by their symptoms and regularity. The key characteristics of depressive disorders include consistent feelings of sadness and hopelessness, while the key characteristics of anxiety disorders include persistent feelings of worry and fear (Kamberaj, 2021).

Emotional disorders are categorized into two types, namely depressive and anxiety disorders. Symptoms of depressive disorders are feelings of grief, whereas symptoms of anxiety disorders are feelings of anxiety and uneasiness. The warning signs of depression are sorrow, sobbing, trouble in reaching decisions, need for energy, self-deprecation, bad temper, changes in self-appreciation, and work problem (Molina et al., 2014; Kamberaj, 2021). Kennedy (2008) states that other signs of depressive disorders are loss of concern or desire in almost all pursuits (anhedonia). According to Kamberaj (2021), symptoms of depressive disorder are sorrow, lack of concern in all activities, unsound sleep, fatigue, and suicidal thoughts. Kamberaj (2021) states that sufferers of bipolar disorder will experience feelings of happiness at high levels and depression at low levels whereas sufferers of dysthymic disorder will experience a lack of vigor, feelings of hollowness, inability to focus, and fatigue. The forms of emotional disorders

are bipolar disorders, depressive disorders, posttraumatic stress disorder (PTSD), obsessive-compulsive disorder (OCD), and anxiety disorders (Waszczuk et al., 2017; Dornbach-Bender et al., 2017) A spouse or former spouse can be dominating and control his or her spouse or former spouse by using violence or threat (Abdul Ghani et al., 2017). The American Psychiatric Association states that a spouse who suffers from sexual violence or injury is likely to suffer from Post-Traumatic Stress Disorder (PTSD). Apart from PTSD, a spouse also might suffer from obsessive-compulsive disorder (OCD) before or after divorce. According to Mymodern law (2021), OCD “can impact relationships and affect a person’s thoughts on divorce and custody arrangements.

How Do the Types of Emotional Disorders Affect Sulh Settlement of a Child Custody Case

Generally, the typical task of a third-party neutral who mediates a family dispute is to assist the parties to reach a mutual decision on children’s welfare, property, and finance (Parkinson, 1997). A mediator may suggest general advice or a way to reduce animosity among the parties (Hassan & Cederroth, 1997) as well as address poor communication between the parties in the sulh session (Nur Syasya, 2020). In the same vein, the sulh officer facilitates the parties to reach a possible settlement in the *Majlis Sulh*. He carries out his task by following the Sulh Procedure and Sulh Work Manual. Section 10(3) of the Syariah Court Sulh Procedure (Negeri Sembilan) Rules 2016 allows the Sulh Officer to determine the issues, interests of the parties, and options of settlement.

The task of the sulh officer is a difficult one if he faces a party who suffers from an emotional disorder. The sulh officer is not professionally trained in medicine and psychology and may not be able to identify the symptoms of the two types of emotional disorders, namely depressive disorders, and anxiety disorders. PTSD and OCD may affect the sufferer’s mental capacity and in making sound decisions. A sufferer of PTSD might be traumatized and suffers from stress and depression and even has flashbacks of sexual violence or serious injury caused by his or her spouse during the marriage. On the other hand, a sufferer of OCD might be overly confused and become judgmental and critical of his or her former spouse.

Sulh settlement requires two disputing parties to co-operate to reach decisions peacefully (Zaleha Kamaruddin, 2014; Md Shahadat Hossain, 2013). However, the unpleasant emotional reaction of a party suffering from an emotional disorder such as crying profusely, screaming, shouting, grumbling, and dramatic mood change may affect the duty of the sulh officer in facilitating the parties in negotiation, joint discussion, and caucus. The situation of the *Majlis Sulh* might also turn into a ‘battle ground’ or where one party withdraws from the sulh session, leaving the sulh officer with little choice but to terminate the session (see, for example, section 13 of the Syariah Court Sulh Procedure (Negeri Sembilan) Rules 2016 (N.S.P.U.2) on Termination of *Majlis Sulh*). The inability of parties to agree mutually on certain terms means that an agreement does not exist within the meaning of Article 1531 of *Majallah al-Ahkam Al-Adliyya* which defined sulh as a contract removing a dispute by consent.

It is worth noting that the factors contributing to the unsuccessful discussion in a sulh session are in situations where: (1) either one or both parties discuss(es) with emotion or wishes to retaliate; and (2) either one or both parties have no ability to make any decision. Based on the above discussion, it is inferred that the hostile emotional response of a party who is suffering from an emotional disorder and the inability to make any sound decision will disrupt the duty of the officer in facilitating the discussions in the sessions on issues of child custody and parental access arrangements.

Recommendations

Sulh officers are not medically trained to diagnose accurately whether a party to a session is suffering from any specific kind of emotional disorder. Nevertheless, sulh officers should be aware of the mental state of the parties and the symptoms of an emotional disorder such as crying, and difficulty in making decisions. As such, the sulh officers ought to undergo courses on effective communication and psychology. In addition, the Syariah Court may make necessary arrangements with psychologists or medical officers to clarify whether a party is suffering from an emotional disorder. Prior to the issuance of the sulh notice, the parties should declare that they are not suffering from any kind of emotional disorder that might prevent them from engaging in negotiations or discussions in the sulh session.

Conclusion

The main scope of work of a sulh officer is to facilitate the parties in the sulh session according to the sulh procedure and sulh work manual. In cases where emotional disorder is not present in a party, it is generally expected that the officer is competent enough to facilitate the parties to search for a point where the parties can reach an agreement. The inability of a party who suffers from an emotional disorder to discuss rationally has the effect of not only jeopardizing the interests of the party who is not suffering from an emotional disorder but also extending to the interests of the child(ren) of the parties. In addition, the unpleasant response of a party suffering from an emotional disorder (such as screaming and shouting) might be an obstacle to the duty of the sulh officer to facilitate settlement for the parties.

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References

- Al-Qur'an. (Translations by Saheeh International), Al-Muntada Al-Islami Trust, 7 Bridges Place, London, United Kingdom.
- Ahmad, S. (2015). Sulh: An Alternative Dispute Resolution and Amicable Settlement of family Dispute. *UMRAN Journal of Muslim Affairs*, (1), 1-18.
- Abdul Ghani, M., Husin, S., and Mohamad, A. (2017). Isu Keganasan Rumahtangga: Keberkesanan Perkhidmatan Kaunseling Berdasarkan Perspektif Klien Wanita Mangsa Penderaan. *Jurnal Kemanusiaan*, 14(2).
- Ainul Jariah, M. and Syahrina, I. (2010). Alternative Dispute Resolution For resolving Land Use and Environment Disputes in Malaysia: The Law and Practice. Petaling Jaya: LexisNexis, 192-193.
- Arumugam, A. - April 4, 2020. MCO-linked domestic violence rises. News Straits Times, <https://www.nst.com.my/news/exclusive/2020/04/581233/mco-linked-domestic-violence-rises> (accessed on 10 June 2021).
- American Psychiatric Association website. <https://www.psychiatry.org/patients-families/ptsd/what-is-ptsd>. (Accessed on 31 July 2021).
- Al-Majalla Al Ahkam Al Adaliyyah (The Ottoman Courts Manual (Hanafi)). https://www.iium.edu.my/deed/lawbase/al_majalle/index.html

- Amato, P.R. (2014). The Consequences of Divorce for Adults and Children, *Journal of Marriage and Family*, (62)4, 1269-1287.
- Alladin, A. (2016). Emotional Disorders and the Wounded Self. *American Journal of Clinical Hypnosis*, (59), 1–3.
- Abu 'Isa Muhammad Bin 'Isa, *Kitab al-Ahkam, in Al-Jam'e al-Sahih wahuwa Sunan al-Tirmidhi*, Dar al-Fikr, (n.d), (3), hadith 1352.
- Baek, S. B. (2014). Psychiatric Rehabilitation of Emotional Disorders. *Journal of Exercise Rehabilitation*, (10), 205–208.
- Brown, H.J. & Arthur L. Marriott, A.L. (2011). *ADR Principles and Practice*. Sweet & Maxwell. London.
- Buang, S. Kertas Kerja Kursus Mediasi Mahkamah Syariah Selangor Darul Ehsan. Organised by Jabatan Kehakiman Mahkamah Syariah Selangor, Shah Alam, 2002.
- Bullis, J., Boettcher, H., Saeur, S & David, and David, B. (2019). What is an emotional disorder? A transdiagnostic mechanistic definition with implications for assessment, treatment, and prevention. *Clinical Psychology: Science and Practice*. (26) 10.1111/cpsp.12278.
- Bernie Yeo (2021). (03/10/2021). Child sexual abuse and COVID-19: When the home becomes unsafe. <https://focusmalaysia.my/child-sexual-abuse-and-covid-19-when-the-home-becomes-unsafe/> (accessed on 14 July 2022).
- Dahlan, N.K., Mohd Rizal Palil, M.R. Yaakub, N.I., and Hamid, M.A. (2017). Sulh: pengadilan tanpa perceraian mahkamah dalam memenuhi tuntutan pasaran kewangan Islam di Malaysia. *Jurnal Undang-Undang dan Masyarakat*. 1-22.
- Deutsch, R.M., and Clyman, J. (2016). Impact of Mental Illness on Parenting Capacity in A Child Custody Matter. *Family Court Review*, (54) 1, Special Issue: Mental Illness in the Family, January 2016, 29-38.
- Department of Syariah Judiciary Selangor, Pamphlet related to Sulh Council; <https://www.jakess.gov.my/hakam/sulh.pdf>).
- Dornbach-Bender, A., Ruggero, C. J., Waszczuk, M. A., Gamez, W., Watson, D., & Kotov, R. (2017). Mapping Emotional Disorders at the Finest Level: Convergent Validity and Joint Structure Based on Alternative Measures. *Comprehensive Psychiatry*, (79), 31–39.
- Finning, K., Moore, D., Ukoumunne, O. C., Danielsson-Waters, E., & Ford, T. (2017). The Association Between Child And Adolescent Emotional Disorder And Poor Attendance At School: A Systematic Review Protocol. *Systematic Reviews*, (6), 121.
- Greenspan, A.L. (1990). *Handbook of Alternative Dispute Resolution*. State Bar of Texas; 2nd edition (January 1, 1990).
- Hamid, N.A.A., Ramli, R., Ahmad, S.N. Hasssim, M;H. Ab. Wahab, N. & Aziz, T.N.R.A. (2019). Judgment with Consent: Analysis of Sulh Innovation. *International Journal of Law, Government and Communication*, 4(17), 102-111.
- Hassan, S.Z.S; and Cederroth, S. (1997). *Managing Marital Disputes in Malaysia. Islamic Mediators and Conflict Resolution in the Syariah Courts*, Surrey. Curzon Press.
- Hashim, H. (2021). Mekanisme Pelaksanaan Majlis Sulh Di Jabatan Kehakiman Syariah Negeri Sembilan. Seminar Antarabangsa Islam dan Sains held on 21 September 2021.
- Hossain, M. S. (2013). Arbitration in Islamic Law for the Treatment of Civil and Criminal Cases: Analytical Overview. *Journal of Philosophy, Culture, and Religion – an Open Access International Journal*, Vol. 1.
- Institute of Health Metrics and Evaluation. Global Health Data Exchange (GHDx), (<https://vizhub.healthdata.org/gbd-results/>, accessed 1 September 2022).

- Jabatan Kehakiman Syariah Negeri Selangor, Pamphlet berkaitan Majlis Sulh; <https://www.jakess.gov.my/hakam/sulh.pdf> (accessed on 12 July 2021).
- Kamaruddin. Z. (2014). *Islamic Family Law: New Challenges in the 21st Century*. Kuala Lumpur: International Islamic University Malaysia. Vol. II.
- Kennedy, S.H. (2008) Core symptoms of Major Depressive Disorder: Relevance to Diagnosis And Treatment, *Dialogues in Clinical Neuroscience*, (10)3, 271-277.
- Kessler, R. C., Petukhova, M., Sampson, N. A., Zaslavsky, A. M., & Wittchen, H. U. (2012). Twelve-Month And Lifetime Prevalence and Lifetime Morbid Risk of Anxiety And Mood Disorders In The United States. *International Journal of Methods in Psychiatric Research*, 21(3), 169–184.
- Lahey, B. B. (2009). Public Health Significance of Neuroticism. *American Psychologist*, 64(4), 241–256.
- Lim, I. *The COVID-19 Mental Toll on Malaysia: Over 37,000 Calls to Help Hotlines.*: <https://www.malaymail.com/news/malaysia/2020/11/19/the-covid-19-mental-toll-on-malaysia-over-37000-calls-to-help-hotlines/1924062> (accessed on 7 August 2021). *Malaymail*, 14 July 2021.
- Molina, M.A.L, Jansen, K., Drews, C., Pinheiro, R., Silva, R., & Souza, L. (2014) Major Depressive Disorder Symptoms in Male and Female Young Adults, *Psychology, Health & Medicine*, (19)2, 136-145.
- Mohd Sidik, S., Lekhraj, R. & Nadarajan, K. (2003). Prevalence of emotional disorder among medical students in a Malaysian University. *Asia Pacific Family Medicine*. 2. 213 - 217.
- Mojtabai, R., Stuart, E. A., Hwang, I., Susukida, R., Eaton, W. W., Sampson, N., & Kessler, R. C. (2015). Long-Term Effects Of Mental Disorders On Employment In The National Comorbidity Survey Ten-Year Follow-Up. *Social Psychiatry and Psychiatric Epidemiology*, 50(11), 1657–1668.
- Mackie, K., Miles, D. and Marsch, W. (1995). *Commercial Dispute Resolution: An ADR Practice Guide*. London: Butterworths.
- Mymodernlaw. How Obsessive-Compulsive Disorder May Affect Your Divorce. <https://mymodernlaw.com/how-ocd-may-effect-your-divorce-2/>
- Parkinson, L. (1997). Family Mediation. London: Sweet & Maxwell Ltd. Post, D. Arguments Against Joint Custody. 4 *Berkeley Women's Law Journal*. 316 (1988-1990).
- Ramizah Wan Muhammad, “The Theory and Practice of Sulh (Mediation) in the Malaysian Shariah Courts.” (2008). *International Islamic University Malayan Law Journal* 16, IIUMLJ 33, 35.
- Ramizah Wan Muhammad (2007) *Sulh Sebagai Alternatif Penyelesaian Kes di Mahkamah Syariah dlm Kaedah Perundangan Dan Bidang Kuasa Dan Tatacara Mahkamah Syariah*. Kuala Lumpur: Dewan Bahasa Dan Pustaka.
- Raihanah Abdullah. (2009). Penangguhan kes di Mahkamah Syariah: Cabaran dan Penyelesaian. *Jurnal Syariah*, 17(1), 1-30.
- Syasya, N. (2020). The Significance of Sulh in The Syariah Court. *YUDISIA: Jurnal Pemikiran Hukum dan Hukum Islam*. (11) 141-152.
- Waszczuk, M. A., Kotov, R., Ruggero, C., Gamez, W., & Watson, D. (2017). Hierarchical Structure Of Emotional Disorders: From Individual Symptoms To The Spectrum. *Journal of Abnormal Psychology*, (126), 613–634.
- Wan Azimin Wan Adnan and Ahmad Hidayat Buang. (2021). *Pemeriksaan Pelaksanaan Sulh dalam Kes Tuntutan Hartanah Orang Islam di Mahkamah Syariah di Malaysia*. Vol 33 No 1 (2021): *Kanun: Jurnal Undang-undang Malaysia*, (33)1 January 2021.

Zainur Rijal Abu Bakar, Sulh in the Syariah Court, a paper presented at the 2nd AMA Conference: Rediscovering Mediation in the 21st Century, held at Sheraton Imperial Hotel, Kuala Lumpur on 24-25 September 2011.

Statutes

Practice Direction No. 3 of year 2002 (JKSM/100-24/5(14) (Jabatan Kehakiman Syariah Malaysia)

Syariah Court Civil Procedure (State of Negeri Sembilan) Enactment 2003 [N.S. P.U. 5/2004].

Syariah Court Sulh Procedure (Negeri Sembilan) Rules 2016 (N.S.P.U.2)

Syariah Court Civil Procedure (Sulh) (Selangor) Rules 2001

Syariah Court Civil Procedure (Sulh) (Federal Territories) Rules 2004

Syariah Court Civil Procedure (Sulh) (Malacca) Rules 2004

Syariah Court Civil Procedure (Sulh) (Johor) Rules 2004

Syariah Court Civil Procedure (Sulh) (Penang) Rules 2006