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Religious Conflict Management: An Overview of Mediation Concept and Challenges

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Abstract
Mediation is one of the Alternative Dispute Resolution (ADR) methods to avoid lawsuits which costs time and money in resolving disputes. However, its use in Malaysia is seen as fraught with obstacles and challenges, particularly in settling religious disputes. Therefore, this study will discuss the obstacles and challenges of mediation in managing religion-related conflicts in Malaysia so that the use of mediation can be improved to strengthen its implementation in Malaysia. The research method used is qualitative and analyzed thematically using NVivo software. Respondents consisted of 3 Islamic religious leaders, 3 agencies and 2 Islamic NGOs. The study found that the main challenge in implementing mediation is the intervention of external forces that aggravate the situation. Add to that the loophole in the law, the mediator's professional training, the personality that the mediator must show and the cooperation of both sides during the mediation. Therefore, the researcher hopes that further research will be carried out to solve the obstacles and challenges of opening the community's eyes to the use of mediation methods in dealing with religious conflicts.
Keywords: Religious Conflict Management, Mediation in Malaysia, Religious Toleration, Peace and Tolerance, Religion.

Introduction
The Alternative Dispute Resolution (ADR) approach was originally found in China in the practice of mediation, which has its origins in Confucian ethics. (Strazisar, 2018). According to Sanchez (1996), this phenomenon is nothing new but has existed for a long time, as early as the 7th-11th centuries AD. This happens when the parties having a dispute cannot resolve their own and, of course, the help of one seek a third party, be it a family member or friend, for advice and guidance in resolving their dispute. Although this emergence is said to have started in the United States, King, et al (2009); according to Wallgren (2006), it is a by-product of litigation, used in traditional societies and other cultures long before the advent of the

nation-state. For example, Africa, Asia, and the East have historically adopted non-judicial means of settling disputes (Fiadjoe, 2004).

In Islam, the use of mediation can be seen through events in the time of the Prophet SAW, where he acted as a mediator when inter-tribal conflicts arose (Sabri & Ab Hamid, 2021). According to Ishaq (1955), among the events that became an important historical event was the placement of Hajar al-Aswad, who had once slipped from his position due to a great flood. This has led to a dispute between Meccan dignitaries presenting their respective tribes to determine who is entitled to restore the Hajar al-Aswad to its original position. The Prophet Muhammad SAW acted as an intermediary in resolving the dispute by suggesting that Hajar al-Aswad be placed on a piece of cloth (Ishaq, 1955). Then all the dignitaries of Makkah lift it together. Thanks to his wisdom, a more significant conflict was avoided.

Whereas in Malaysia the use of mediation has long existed in religious traditions and cultural practices of different ethnic communities (Hickling, 1987). Since the 17th century, or perhaps even earlier, each village has been governed by a village headman, whose responsibilities include settling disputes (Bastin & Winks, 1979). In the norms of Malay society of the time, the village chief was usually the middleman, acting as a mediator to resolve the conflict between the parties to the dispute. While according to Hassim et al (2019), in the past, Malays used to settle their disputes concerning the village chief or Penghulu, while the Indian and Chinese communities used their respective traditional and cultural approaches. They are called mediators because of their wisdom, social standing, and experience (Othman, 2002).

According to Ibrahim and Maidin (2020), mediation can be used in all disputes, including religious conflicts, related to the religion itself or the institution. While Sanchez (2012) explains that religious arguments are about issues of belief such as objects made up of texts, symbols, principles, images, hate speech, discrimination, and inequality. Therefore, mediation is increasing because some institutions or agencies have been established to emphasize mediation (Ibrahim & Maidin, 2020). The selected institutions or agencies have their own goals and expectations. In Nigeria, for example, Imam (Dr) Muhammad Ashafa and Pastor (Dr) James Wuye founded the International Center for Ethno-Religious Mediation in 1995 to guide and train them in mediation skills (Ibrahim & Maidin, 2020).

Thus, mediation in Malaysia can be seen through cases such as shame claims, tort disputes, contract disputes, commercial disputes, intellectual property disputes, and domestic disputes (Ahmad et al., 2019). This is also explained by Farid Sufian Shuaib (2008) who states that mediation is also used to resolve various conflicting marital and religious issues. The conflict is resolved with the help of the Syariah court through Majlis Sulh. Claims or requests that can be resolved through such a method include claims for breach of promise to marry or betrothed, and claims arising out of divorce issues such as demands for custody of the child. However, custody claims can only be upheld by the Syariah High Court (Salleh, 2016).

Suppose mediation in Malaysia applies more to civil cases through the High Court and budget issues through the Syariah Court than to religious conflicts. In this case, not much attention is paid to him. This is because the use of mediation has its obstacles and challenges

in implementing the method, especially when dealing with religious conflicts. Although the religious conflict in Malaysia does not lead to a war, this matter needs attention as the mainstream media has so far increasingly reported on issues related to religious sensibilities. Hence, this study will discuss the issues of religious conflict in Malaysia and analyze the obstacles and challenges to strengthening mediation, particularly in addressing religious conflict in Malaysia.

Mediation Concept
Mediation is the most widely used method in Alternative Dispute Resolution (ADR) because the conflicting parties make their own dispute resolution decisions. According to Amanullah (2015), mediation is a non-binding process in which a third party is used as a mediator to settle a dispute. While MacFarlane (1997) also noted that mediation is a process overseen by a third party who is a neutral mediator, and power rests on the consent of the conflicting parties. This view is also supported by Kressell and Pruitt (1985), who define mediation as assistance from a third party who does not have the authority to bring about an agreement for two or more parties to a conflict. Therefore, mediation is a dispute resolution process in which a third party is involved, but the decision rests in the hands of the conflicting parties.

According to Brown and Marriott (1999), the mediator must use certain procedures, techniques, and skills to help the disputing parties negotiate and reach an agreement. The mediator has no advisory or determining role in considering the content of the dispute or the outcome of the settlement but may advise or direct the mediation process in which settlement is attempted (NADRAC, 1997). The process takes place voluntarily between the conflicting parties. It is assisted by a mediator who is a neutral third party to examine their problems, manage their emotions, analyze their needs, and create a safe space for them to negotiate and reach a solution of their own free will (Ibrahim & Girls, 2020).

Mediation is also highly recommended in Islam because mediation can create good relationships in the future and keep human relationships (Manaf et al., 2014). In Islam, mediation is known as sulh, where disputes between Muslims are resolved through sulh and is mainly used in family matters. According to Yaacob (2012), the similarity between the two approaches is that a third party handles the implementation. However, the proposed solution to the dispute is in the hands of the conflicting parties. This is also supported by Azahari (2009); Muhammad (2008) because the approach aims at unity and reconciliation. The requirement of Allah SWT states the need to implement mediation in Surat al-Hujarat:

وَإِن طَآئِفَتَانِ مِنَ ٱلْمُؤْمِنِينَ ٱقْتَتَلُواْ فَأَصْلِحُواْ بَيْنَهُمَا ۖ فَإِنۢ بَغَتْ إِحْدَىٰهُمَا عَلَى ٱلْأُخْرَىٰ فَقَٰتِلُواْ ٱلَّتِي تَبْغِي حَتَّىٰ تَفِىٓءَ إِلَىٰٓ أَمْرِ ٱللَّهِ ۚ فَإِن فَآءَتْ فَأَصْلِحُواْ بَيْنَهُمَا بِٱلْعَدْلِ وَأَقْسِطُوٓاْ ۖ إِنَّ ٱللَّهَ يُحِبُّ ٱلْمُقْسِطِينَ ٩

(Al-Quran, al-Hujurat, 49:9)

It means

If two parties among The Believers fall into A quarrel, make ye peace Between them: but if One of them transgresses Bbeyondbounds against the other, Then fight ye (all) against The one that transgresses Until it complies with The command of God; But if it complies, then Make peace between them With justice, and be fair: For God loves those Who are fair (and just).

(Translation by Tafsir Abdullah Yusuf Ali, https://quranyusufali.com/49/)

According to Sahih Bukhari, it was narrated from Anas that the Messenger of Allah SAW went to see Abd Allah bin Ubay on a donkey and was accompanied by an Ansar man, but when they arrived, a man from the tribe of Abd Allah bin said Ubay SAW the Messenger of God that the smell of the donkey had disturbed him. So, an Ansar man said to Abd Allah bin Ubay that the smell of the donkey of Allah's Messenger was better than the smell of Abd Allah bin Ubay. This caused a man from Abd Allah bin Ubay's tribe to get angry and they started fighting with sticks, shoes, and hands (Al-Sheikh, 2003). Hence the revelation of verse 9 of Surah al-Hujarat. Based on the verse, if there is a dispute between Muslims, resolve it fairly and justly to achieve peace.

Arbitration and mediation have the same purpose. According to Hassim et al (2019), the goal of the method is to end the dispute between the conflicting parties so that they are free from misunderstanding and resentment and can lead a more peaceful life. Therefore, reconciliation is the main factor in conducting the method of mediation, so that there will be no hostilities in the future. Its use at the time of the Prophet SAW can be used as a guide for dealing with religious conflicts in Malaysia. Although this method is spreading across the country and even in Malaysia, this matter will never run away from obstacles and challenges in implementation. Therefore, the researcher will explain the problems of religious conflicts in Malaysia and the obstacles and challenges of mediation in dealing with religious disputes.

Research Objective
This article aims to:
1.   Discuss the issues of religious conflict in Malaysia.
2.   Analyze the challenges of mediation based on the views of Islamic religious' leaders, agencies, and Islamic NGOs in Malaysia.

Research Methodology
This study is analyzed qualitatively and thematically, and the data of this study also come from the primary sources that were questioned in depth. This study also uses semi-structured interviews because, according to Merriem (1998), the use of semi-structured interviews is more flexible and allows informants and researchers to obtain more detailed information. This interview lasts 40 minutes to an hour for each informant. At the same time, the sampling used is targeted sampling, in which Islamic religious' leaders, Islamic organizations, and Islamic NGOs are designated third parties by conflicting parties as mediators. A total of 3 Islamic religious' leaders, 3 agencies and 2 Islamic NGOs were selected for the study. The results of these interviews were then analyzed thematically using NVivo software.

Result and Discussion
Religious Issues in Malaysia
Religious Issues in Malaysia several issues of religious sensibility are repeatedly seen, although different approaches have been taken affecting the relationship between religious believers. One of the topics that became a hot topic of conversation between Muslims and non-Muslims was the question of the word Allah in 2007 when the editors of the Herald-The Catholic Weekly newspaper used the term in their paper and said they had authorization from Interior Ministry. However, the testimony was rejected by the Home Office, leading to the church and Home Office going through various court cases until the Federal Court of Justice in 2014 rejected the churches' request. They bring it up because there is no clear law in Islam

prohibiting the use of the word Allah (Meerangani & Ramli, 2016). Again, this problem comes up again and again and is still a point of contention among religious believers.

In addition to the theological issues, social issues also frequently arise and often cause conflicts among religious believers in Malaysia. According to Aziz (2009), one of them is the issue of building a place of worship, like the issue of building a Hindu temple in Section 23 Shah Alam, which angered the Malay population because the majority of them are Muslims. According to him, the situation worsened when Muslims wore a cow's head in protest as they marched to the Secretaries of State building. According to Putra (2010), taking into account the views of all parties, the decision was made to move the temple to Section 23 of the Industrial Zone instead of apartments. The question of building a place of worship often arises between Muslims and non-Muslims, which in turn creates tension.

In addition, the issue of religious freedom is still a hotly debated topic among Muslims and non-Muslims alike. Bari (1999) states that problems associated with religious freedom include a prohibition on the development of non-Islamic teachings and apostasy. The root of the problem is Article 11 of the Federal Constitution, which states that religions other than Islam may practice freely but not propagate their teachings. However, some religious believers have linked the issue of religious freedom to apostasy. In contrast, according to Nasri and Shiddeq (2016), it is different and not about the issue of apostasy. Confusion over the matter led to a conflict arising from the apostasy motion, which led the court to rule on him through the interpretation of the federal constitution.

In addition, there are also issues related to the Islamic religious conflict, namely the exclusive religion, the judiciary, language issues and the Islamic State (Ashaari & Khushairi, 2019). While according to Yasin and Adam (2017), the Hudud Law, the call to prayer, and others have significantly influenced religious believers in Malaysia. Ahmad et al (2014) added that the issue of offending religion, the issue of child custody, the issue of heirs, and the issue of spreading other religions are also issues that evoke religious sensitivity. Given the religious sensitivity discussed above, most of these matters use judicial methods of dispute resolution, which cannot guarantee the satisfaction of the conflicting parties. As a result, these problems will continue to arise and increase because there is no satisfactory solution and guarantee for their interests.

Therefore, mediation must be used to manage religious conflict and reduce tensions. Although the religious conflict in Malaysia does not destabilize politics and lead to war, it must be taken into account. Mediation is one of the methods that can be used to maintain harmony in the country based on its nationwide success. However, obstacles and challenges in implementing mediation, particularly in Malaysia, make it difficult to succeed. Therefore, the researcher will analyze the obstacles and challenges according to Islamic religious leaders, organizations, and Islamic NGOs as they are seen as middlemen or intermediaries who carry out the mediation.

Mediation Challenges in Malaysia
Based on a thematic analysis, the researcher has divided the challenges of mediation in Malaysia into five themes according to the views of Islamic religious' leaders, agencies, and Islamic NGOs as follows

Law

Through the interviews, the study found that the legal loophole is one of the challenges facing mediation in Malaysia. Because in the event of a conflict, the law must be observed. So, if there is a law that can distort a mediation process, it will give the community a wrong perspective. The matter was explained by the informant himself in the interview that there are legal concepts in Malaysia that have loopholes that lead to bias between conflicting parties. Furthermore, there is no religious ethics in the law in Malaysia, leading to religious conflicts in this pluralistic country. As a result, the religious conflict in Malaysia is not adequately managed. The explanation can be seen in more detail in the table below.

Table 1
Legal Framework for Conducting Mediation

Theme	Sub-theme	Informant Explanation	Informant Code
Mediation Challenges in Malaysia	Law	We have legal terms and so on; Some phrases may be loopholes that cannot be used to allow people to win in cases.	N1
		The obstacle is that we do not establish religious ethics. So, in our country, there should be a religious code of ethics in this pluralistic religion.	M1

Source: Interview with Islamic religious leaders, Islamic agencies, and Islamic NGOs (2022)

According to Ibrahim and Maidin (2020), society places a high level of trust in the legality of the law, so trust in out-of-court negotiations does not receive much attention. Therefore, awareness of out-of-court talks needs to be raised by law to implement a consistent solution. This is also suggested by Choy et al (2016) who found that there is a lack of standardization and coherence in mediation practice in Malaysia, particularly about the aspects of the mediation process, procedures and governance; competence and assessment of mediators; and mediation standards and ethics. This has damaged the implementation of mediation and there will be parties who will take advantage of the deficiency. Therefore, according to the researcher, attention needs to be paid to this loophole in order to the community to use the approach.

Professional Training

Responsible mediator needs to improve their skills by attending mediation courses to become conflict mediator. However, this matter has become a significant challenge for conducting mediation because, according to the informant, it has become a problem in the community when the mediator are not among the educated. After all, most of society these days looks more at education than just experience. Not only that, but it becomes a dispute between other mediators when it comes to mediator qualifications. Therefore, this professional training must be completed by every mediator so that he can implement it practically and not only through knowledge. This matter is fundamental, especially when dealing with religious conflicts, since each mediator not only serves clients who share the same religion but may even have different religions. The problem is included in the table below.

Table 2
Professional Training for Mediators

Theme	Sub-theme	Informant Explanation	Informant Code
Mediation Challenges in Malaysia	Professional Training	But the biggest problem is that sometimes we train uneducated people. For example, sometimes his qualification is just SPM, sometimes he doesn't even have SPM which his parents were used to. But the biggest problem is that sometimes the ones we train are uneducated people. For example, sometimes his qualification is only SPM, sometimes he doesn't have SPM even his parents used to.	A2
		Perhaps we need professional mediators for the country so that the conflicts that arise are managed by those in authority.	A3

Source: Interview with Islamic religious leaders, Islamic agencies, and Islamic NGOs (2022)

Although some opinions state that a mediator does not need an academic degree or work experience to be a mediator (Abdul Rahman, 2012), the responsible mediator needs to improve their skills by attending training courses (Dingle, 2013). This was also explained by Omar and Markom (2017) who stated that the mediator must be someone who has the experience and consent to assist in the mediation process themselves. According to Zakiyy and Jen-Tchiang (2010), advanced courses at the professional level also need to be expanded to meet current skill development, and expertise in leadership of councils needs to be enhanced with knowledge of communication skills, conflict management, and legal understanding. To manage religious conflicts, a mediator, especially a religious leader, must at least know how to compare religions, even when dealing with respected individuals in the community (Ibrahim & Maidin, 2020).

Third Party
The biggest challenge researchers face with interview results is when a third party or outsider intervenes in a dispute. It is also bad for the mediator and the conflicting parties if this third party encourages speculation. The informant makes this clear when a third party is not involved in the conflict, which incites the conflicting party and further complicates the situation. The whistleblower also explained that most third parties or netizens exaggerate an issue by spreading it on social media, where sometimes the issue is not as advertised. With today's technological sophistication, such news will travel faster than it creates tension. In addition, according to the informant, some factions have groups or fanatics that further complicate the situation in the event of a conflict. The statement is explained in Table 3 below.

Table 3
Third Party or Outsider Interference

Theme	Sub-theme	Informant Explanation	Informant Code
Mediation Challenges in Malaysia	Third-party	If there is a conflict, the mood may be ignited by the party not involved in the conflict. What happens in foreign countries when we talk about the conflict between religious believers? For example, sometimes there is a party that is not involved in the conflict, but the feelings evoked by the conflict are played out and ignited so that it makes the conflict bigger and worse.	A1
		The first concerns conflict matters such as apostasy or any case involving the court. Do not expand and settle with this person, all stories do not go viral. But netizens, his problem is his challenge. In addition to the challenge, they have teams like evangelists, Hindu-Hindu Tamil guerrillas, etc.	N1
		Let's call it third-party intervention. I don't want to specifically mention the associations of non-Muslim religions that are currently on social media. If you want to leave Islam, contact us. This is a big obstacle for us.	M3

Source: Interview with Islamic religious leaders, Islamic agencies, and Islamic NGOs (2022)

This is also explained by Azam (2000); that said, there is an attitude of some non-Muslim religious activists who also question and raise the issue of conversion to Islam among non-Bumiputeras. This creates tensions between religious believers, resulting in the fragility of national harmony. This shows how hegemony, brought to influence and incitement by certain parties, causes strife and racial strife (Yasin & Adam, 2017). According to Yusuff (2015), the main cause of religious conflicts in Malaysia is the lack of knowledge about the understanding and acceptance of other religions, which is also closely related to economic, political, and social factors. This is also supported by Femandez (2004) who said that the main cause of religious conflict is the different views among believers. Every religion teaches its followers to be good people, to be tolerant, and to respect other religions.

Personality of Mediator
One of the main challenges is the personality of a mediator to carry out the mediation process. According to the informant, some mediators have a personal interest in conducting the mediation in the form of financial gain, which will affect the mediation process. In addition, it is a major challenge for the informant to put himself in a situation where he does not take sides, as this matter is an essential element in a mediation process. This is because

some appointed mediators are unpaid, which is voluntary, but this will be an issue if the mediator has other duties that need to be performed, such as prioritizing his work over mediation. The courage of the mediators to carry out the mediation process is also a challenge nowadays since there are mediators who, despite various training courses, do not dare to carry out the mediation process. This is explained in the table below.

Table 4
Mediator's Personality to Carry Out Mediation

Theme	Sub-theme	Informant Explanation	Informant Code
Mediation Challenges in Malaysia	Personality of Mediator	One of us at the level of that department, all of which this mediator does on a pro bono basis. If the voluntary name sometimes looks at this intermediary. If it's a mediator who isn't too busy and doesn't have a retired job, that's fine. But if someone works, he will make his work important. When we train he wants to do it, but when he wants to do it he's scared because he doesn't have the courage. That's a limitation that we don't necessarily train to be mediators.	A2
		We put ourselves in a neutral state. For me, as a civil servant, for example, we have a position but put our loyalty to the government of the day.	M2
		There are other factors, for example, the efforts of lawyers that do not help, that is, their client's lawyer is Muslim, they can help him, they say he can go to court, but there is no hope. Ha can put it like that, but the lawyer said, oh, there's hope. When you say there is no hope, the customer doesn't want to pay. If you say there is hope, you can get money.	M3

Source: Interview with Islamic religious leaders, Islamic agencies, and Islamic NGOs (2022)

In his article, Isola (2014) stated that the personality of the mediator is essential in the mediation process. He revealed that some mediators are motivated for a variety of reasons, including financial gain, political privilege, and the power bestowed on them. According to Young (1967), a mediator's identity and characteristics predict mediation success. This is also supported by Bercovitch and Houston (2000); Crocker et al (1999) who state that the identity of the mediator is an essential element in the effectiveness and success of mediation, since what mediators may do, do, or allow themselves to do in their efforts to resolve conflicts may depend on who they are are. Therefore, the personality of a mediator is essential for

conducting a mediation process. If the matter cannot be resolved, the mediator must withdraw from the mediation process.

Personality of Customer

In addition to the personality of the mediator, the attitude of the client also determines the success of mediation. According to the respondent, there is a significant hurdle if the parties to the conflict do not want to take part in conflict resolution. This is because the psychological and emotional conditions make them not want to counsel. In addition, time is also one of the challenges in conducting the mediation, especially for clients who do not take the negotiation seriously. The informant explains this when, after the mediation, the client spends more time with family or friends, who are referred to there as third parties. Some of them goad the parties to the conflict not to negotiate. Some clients do not have an honest attitude during the mediation process if they do not speak according to their agreement. The explanation can be seen in Table 5 below.

Table 5
Customer's Personality During Mediation Process

Theme	Sub-theme	Informant Explanation	Informant Code
Mediation Challenges in Malaysia	Personality of Customer	I think the main challenge and the biggest obstacle is that the conflicting parties do not want to be involved in conflict management activities. This will probably not only happen in this Malaysian context; I think that when we face a conflict that involves certain feelings, each party has a psychological-emotional state; it is sometimes the main reason why they don't want to negotiate at the negotiation or arbitration table and so on.	A1
		The second time the client is alone because he is only with us for one hour, but 23 hours later he will be with his non-Muslim family and the area where they live. The third is that they are not honest. Sometimes there are those around here who agree that he's still a hypocrite.	A3

Source: Interview with Islamic religious leaders, Islamic agencies, and Islamic NGOs (2022)

The client's attitude determines the success of the mediation; So, if mediation is to be carried out, the consent of both conflicting parties is required. If one of the disputing parties disagrees, this mechanism cannot be used (Omar & Markom, 2017). Therefore, it becomes a challenge when the conflicting parties do not work well together to carry out the mediation process. Whereas, according to Safei (2009), the lack of compromise factor, the unwillingness, and the absence of the disputing parties is an obstacle that leads to the registered case not being fully resolved. However, there is also the attitude of conflicting parties trying to bring

up past events that make discussions unproductive (Salleh, 2016). These matters need to be handled well by the mediator for the mediation process to run more smoothly.

Based on the explained topics of the challenges of religious mediation, these questions must be given special consideration when dealing with religious conflicts. The challenge is considered likely to create an error in a mediation process. This starts with a mediator who is responsible for conducting a mediation process. Mediators must be essential in managing a conflict and providing a better solution. However, the conflicting parties must also work well together so that the mediation process is carried out without the interference of third parties who try to complicate the situation.

Conclusion

Mediation is one of the methods of dealing with religious conflicts, the goal of which is to achieve peace. The method is growing and its success can be seen across the country. Therefore, mediation must be emphasized in dealing with religious conflicts, especially in Malaysia. While there are challenges and obstacles to implementation, they can be overcome if all parties are allowed to play their respective roles. Legal challenges can be addressed by tightening the law on mediation, which can help educate the public about its benefits. Meanwhile, challenges from third parties must be addressed by not spreading false information. A mediator needs to undergo specific training so that the skills can be used to the full and the mediator is more sensitive to the elements of mediation that need to be followed. Likewise, they should work reasonably with customers so that they can reach a better solution and benefit them in the future without hostility.

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