

The Roles and Competencies of Women *Sulh* Officers in Malaysian Syariah Courts

Ruzita Ramli¹, Dina Imam Supaat², Hasnizam Hashim³ & Ramizah Wan Muhammad⁴

^{1,2,3}Faculty of Syariah and Law, Universiti Sains Islam Malaysia, ⁴Department of Islamic Law, Ahmad Ibrahim Kulliyah of Laws, International Islamic University Malaysia
Email: ¹ruzita.syariah@gmail.com, ²dinasupaat@yahoo.com, ³hasnizam@usim.edu.my, ⁴ramizah@iium.edu.my

To Link this Article: <http://dx.doi.org/10.6007/IJARBSS/v12-i7/14328> DOI:10.6007/IJARBSS/v12-i7/14328

Published Date: 09 July 2022

Abstract

Sulh officers are the backbones of the implementation of *sulh* as one of the alternative dispute resolutions in syariah courts. The knowledge and experience of *Sulh* officers could influence the process and the success of *Sulh* sessions. The objective of the research is to identify (i) the roles and competencies of women *sulh* officers in handling and resolving *mal* cases; (ii) their confidence levels; and (iii) their advantages and disadvantages in terms of their skills. Another objective is to identify the differences of the period of services between the women *sulh* officers in the Federal States (shared services) and the ones in the other States. By using both qualitative and quantitative methods, this research proves that a competent women *sulh* officer is significant and valuable to achieve the objective of *sulh*, ensuring the smoothness of case resolutions, thus contributes to the overall performance of syariah courts.

Keywords: Sulh, Mediation, Syariah Court, Competencies

Introduction

Based on the Syariah Court *Sulh* Procedure (Negeri Sembilan) Rules 2016, the definition of *Sulh* is “the negotiation, agreement and settlement of cases between parties in the *Sulh* session.” Whereas *Majlis Sulh* means “a mediation session between parties which are chaired by the *Sulh* Officer to resolve a case by way of *Sulh*.”

Based on the ‘*Sulh* Kit’ issued by the Jabatan Kehakiman Syariah Negeri Sembilan (JKSNS, Department of Syariah Judiciary Negeri Sembilan), *Sulh* means “a guided consultation session between two disputing parties which is conducted by the *Sulh* Officer of the syariah court with the aim of obtaining mutual agreement in resolving a dispute amicably without going through the trial process in the court” (JKSNS, 2012). Also refer to the *sulh* pamphlet issued by Jabatan Kehakiman Syariah Malaysia (JKSM, Department of Syariah Judiciary Malaysia) in defining ‘*Majlis Sulh*’ as “a guided consultation session between two disputing parties chaired by the

Sulh Officer of the syariah court with the aim of obtaining mutual agreement in resolving a dispute amicably without going through a trial process in Court” (sulh section BPKR, 2020).

According to Azhari (2005), the general meaning of *sulh* is broad, covering in the field of property, family affairs, war and all the things done between fellow Muslims and between Muslims and non-Muslims. *Sulh* literally means to end a dispute (Ahmad, 2015).

The implementation of *sulh* in syariah courts in Malaysia is formulated and based on the recommendations contained in the Quran and Hadith, as well as the application of the *maqasid Syariah* principles (Azzis, 2021). In addition to this, to achieve settlement, mediation method that has been used in the United States, Australia and Singapore is being adopted. This is explained by Mokhtar (2020) that the method of mediation is seen as good and most appropriate when *sulh* was first introduced in syariah courts throughout Malaysia starting 2001.

Based on the opinion by Azzis (2021); Mokhtar (2020); Ahmad (2015) it can be concluded that the *sulh* method is adopted from the mediation method. Researchers found that in most countries that implement mediation as one of their Alternative Dispute Resolution (ADR) principles, the original term ‘mediation’ is still being used. Diversely in Malaysia, the Jabatan Bantuan Guaman (JBG, Legal Aid Department) uses the term *pengantaraan* (which means intermediary) while in the syariah courts in Malaysia uses the term *sulh* for the implementation of ADR. However, the process of *sulh* is slightly different from the common ADR method. Therefore, the definition of *sulh* should also be read together with the original definition of ‘mediation’ so that the understanding of *sulh* process will be more accurate.

As stipulated in the procedure of Section 99, Syariah Court Civil Procedure Enactment, State Civil Procedure (*Sulh*) Rules and Department of Syariah Judiciary Malaysian (JKSM) Practice Direction No. 1 of 2010, every civil case (excluding marriage dissolution cases) will through the *sulh* process as soon as it is registered in the Syariah court.

The increasingly complex lifestyle, the changing nature of the family institutions of society and various other factors have led to an increase of the divorce rate among Muslims in Malaysia. Statistics show that there is an increase of divorce cases of over 40 percent from 2009 to 2019. This has led to the increase to the number of cases in syariah courts. Therefore, the competency of *sulh* officers must be adequate to support this demand. In this case, competency can be referred to as “*a pattern of development of knowledge, skills, abilities and behaviours required by an employee in performing daily tasks successfully*” (Yusuf, 2002: Malek & Liew, 2002).

Sulh officers are appointed from Syariah Officers (management and professional group). Generally, a Syariah Officer must possess a Bachelor’s Degree in Syariah or Islamic Studies (Syariah) with Advanced Diploma in Islamic Judiciary Law and Administration from Government-recognised institutions. However, to be a *sulh* officer, one must to have specific knowledge and competencies needed to manage and conduct the *sulh* process.

Based on the topic, this research is geared towards the competencies and roles of women *sulh* officers in managing *sulh* sessions. Subsequent discussions shall refer to previous relevant researches to explain the context and objectives of the research. The focus shall be on literatures that discuss the competencies and roles of *sulh* officers.

Literature Study

The competency levels and roles of a *sulh* officers are often linked to researches and writings about the effectiveness *sulh* implementation. Salleh (2006) touches the lack of skills amongst *sulh* officers and discusses the additional skills needed in *sulh* officers in addition to the syariah legal knowledge. According to him, the development of knowledge and skills depends on not only by attending formal courses, but also through on-the-job-training. This research, which was focusing on the state of Selangor, adopted interview approach. It has triggered the need for in-depth researches to determine whether the gender of *sulh* officers has significant impacts on consultation process. In line with Salleh (2006); Adnan (2021) states the need for further researches on the roles of *sulh* officers in two different schemes of syariah court, namely the common-use (Federal) (Negeri Sembilan, Selangor, Federal Territory, Melaka, Sabah, Penang and Perlis) and non-common-use (Perak, Kelantan, Pahang, Sarawak, Kedah, Johor and Terengganu) which have different administration and management of *sulh*.

Meanwhile, Makhtar (2011) shows that the characteristics of a good mediator is to have interpersonal skills such as communication and rapport-building. Without the right skills, the mediation process will fail despite having the right academic qualifications. The required skills may be difficult to master but not impossible to acquire. However, Makhtar (2011) research only measures mediator skills in the Kuala Lumpur Regional Center of Arbitration (KLRC) and suggests future research focusing on expanding research methods by making observations and participating in mediation processes and courses to obtain better information.

A research by Adnan and Buang (2021) supports the importance of skills and knowledge to increase the level of competency and professionalism of *sulh* officers even though this research focuses only on the cases of matrimonial property (harta sepencarian). This research concludes that in addition to the parties and the type of case, the roles and skills of the *sulh* officer is also a contributing factor to the success of the *sulh*. According to Mokhtar (2020); Hamid et al (2019), through specialized techniques and skills, *sulh* officers shall be able to maintain the highest standards in conducting *sulh* sessions, helping clients to negotiate and reach mutual agreement. Among the factors of failure of *sulh* recorded in previous researches include the aspects of competency and lack of skills among the *sulh* officers (Ahmad et al., 2019; JKSM Policy and Research Division, 2013; Safei, 2009; Azhari, 2006; Ali and Hasan, 2006). This includes the failure of *sulh* officers to act impartially or neutrally in guiding towards reaching agreements (Siang, 2017).

Among the gaps that can be seen in the previous researches are the lack of focus on the skills of *sulh* officers and their performance. Furthermore, data on the length of service of *sulh* officers and performance is also limited. There was also no specific research on the impact of the gender of *sulh* officers on the performance of *sulh* sessions. Therefore, this

research will fill the gaps by focusing on the roles and competencies of women *sulh* officers in performing their duties as *sulh* officers.

The next section will focus on the research methodology. This discussion covers the research approaches as well as the methods used to collect and analyse data to complete the objectives of the research.

Methodology

This research uses both qualitative and quantitative methods. Key data were obtained from acts and enactments, questionnaires among the *sulh* officers and syariah judges in Malaysia as well as observations in *sulh* courses and processes. Secondary data were obtained from books, hard issue magazine, online papers and website references. The statistics of *sulh* case settlement (2015-2021) were analyzed to see the relationship between the skills of *sulh* officers and the success of *sulh* process. Data analysis were done using Atlas.ti software version 8 and Statistical Package for Social Sciences (SPSS). A pioneer research was conducted at the Department of Syariah Judiciary Negeri Sembilan (JKSNS) to study the handling of civil cases by women *sulh* officers and the challenges faced during the processes.

The following is the presentation of survey findings obtained from the perspective of syariah judges and *sulh* officers themselves on the roles, performances, skills and knowledge of *sulh* officers in performing *sulh* sessions.

Findings and Discussion

The findings in this research will be used to study the specific skills of *sulh* officers in detail in addition to their knowledge in syariah laws. Other discussions include their roles, training requirements and the various skills required out of *sulh* officers. This research shows the importance of mastering the relevant knowledge and skills as well as the *sulh* officers' willingness to increase the level of competencies. This research also highlights the performances and competencies of women *sulh* officers in resolving civil cases and their career fields. This research also looks at the gaps or lacuna in the administration of syariah court relating to *sulh*.

Below are the categories of *sulh* cases registered in 6 years:

Table 1

The categories of sulh cases registered in the Malaysian Syariah Court between 2015 and 2021

CATEGORIES	REGISTERED	SETTLED
<i>Hadhanah</i>	22,741	20,628
Child support	15,565	14,023
Matrimony property	7,449	6,746
Muta'ah	7,075	6,335
Alimony of Eddah	5,959	5,420
Other cases	10,081	9,254
TOTAL	68,870	62,406

Source: Information Technology Division, JKSM (2021)

Based on the Table 1, a total of 68,870 cases were registered. *Hadhanah* ranked the highest (30.0%), followed by child support (22.6%), matrimonial property (10.8%), *muta'ah* (10.2%) and alimony of *eddah* (8.6%). The rest were cases such as betrothal compensation, marriage compensation and demands that the wife return to obedience (14.3%). From these data, the total of cases relating to claims after divorce is 58,789 (85.0%). This significantly large number will directly affect the overall performance of the syariah courts.

A total 62,406 cases relating to *sulh* were settled. However, this cannot be treated as the actual performance of the syariah court, due to the fact that case settlements include three (3) categories namely *success*, *failure* and *absentia* (*Sulh* Section, JKSM) and that only 31,559 is *success* case (50.5%) from 62,406. Therefore, the roles and competencies of *sulh* officers are vital to improve the numbers of *success* case.

Below is types engagement of *Sulh* Officers in Malaysian Syariah Court:

Table 2

Types engagement of *Sulh* Officers

ENGAGEMENT	
Contract	14
Permanent	62
TOTAL	76

Source: *Sulh* Section, JKSM (2021)

Based on the record above, contract *sulh* officers' staffs constitutes of almost 20% of the overall strength of *sulh* officers. They are majoritily from Selangor (12 staffs) and the rest are from Kedah (2 staffs). The contract staffs are hired as a backup to conduct the overwhelmed *sulh* cases. While all permanent *sulh* staffs attended a number of compulsory courses, it is not the same case for the contract staffs. Only few contract staffs attended the said courses. It is therefore likely that the performance of *sulh* cases conducted by the contract staffs are different as compared to the permanent staffs.

A survey was conducted in July 2021 that covers the roles and competencies of *sulh* officers, training and the opinions of respondents with regards to women *sulh* officers in Malaysia. The survey questions were made in two sets and distributed to two different groups of respondents. The first group were Syariah judges as the party who endorse or confirm the agreement prepared by the *sulh* officer. The second group were the *sulh* officers who are involved in the *sulh* processes themselves. Questions were aimed to obtain responses on careers as *sulh* officers and also to see any similar pattern, if any, from the responses by the two groups of respondents.

(i) Questionnaire: Syarie Judge as Respondent

There were 23 responses received under this group. The states that involved in this questionnaire are Johor, Pahang, Melaka, Negeri Sembilan, Perak, Sabah and the Federal Territory. The total of 23 respondents consisted of 21 (91.3%) men and two (2) (8.69%) women. From that total, 15 persons or 65.2% were grade LS 44, four (4) persons or 17.3%

were grade LS 52, two (2) persons or 8.69% were grade LS 48 and grade LS54. In terms of experience as a Syariah Officer in the LS scheme, 20 people or 86.9% of them have experience between 10 to more than 15 years and the remaining three (3) people or 13.0% have less than 10 years experience.

There were 29 items in the questionnaire to the respondents. The first question about constraints or problems in terms of appointment of women *sulh* officers, 18 respondents (78.2%) answered that there are no direct constraints in terms of appointment and selection of women to be *sulh* officers. Five (5) respondents (21.7%) agreed that there were problems in the appointment of women as *sulh* officers.

The second question revolves around the competency of women *sulh* officers in terms of efficiency and speed of doing work. 22 people (95.6%) agreed that they were efficient and fast and only one disagreed with the statement. While in terms of self-confidence, all respondents agreed that women *sulh* officers have self-confidence while performing their duties as *sulh* officers.

In terms of case resolution success, 21 respondents (91.3%) agreed that women *sulh* officers successfully resolved cases and only two (2) people (8.69%) disagreed with the ability of women *sulh* officers to resolve cases. In terms of details in preparing the draft agreement and smarter to control the time of endorsement of the draft, it was found that most of the women *sulh* officers agreed to be more thorough and smarter in the task, as many 21 people (91.3%), while only two (2) respondents (8.69%) who expressed disagreement. It was also found that all respondents agreed that women *sulh* officers were more efficient in preparing the terms of the agreement according to the needs of the case. Similarly, in terms of correction of the draft agreement, which is 10 respondents agreed and the remaining 13 respondents moderately agreed that there was no need for correction on the draft agreement prepared by the women *sulh* officer.

All the respondents also agreed that the terms of the agreements provided by the women *sulh* officers did not require much correction and the fact that they were competent to provide the terms of agreement. This includes the terms of the agreement that comply with applicable law and also in accordance with Islamic law. Apart from that, in terms of practical skill, all respondents also agreed that women *sulh* officers also know how to prepare agreements that can be implemented by both parties. Another very important component in a career as a *sulh* officer is the basic knowledge of the *Sulh Work Manual* issued by JKSM. In this regard, all respondents showed the same opinion that women *sulh* officers master the manual.

In the aspect of *sulh* consulting skills and psychological knowledge, about 90 percent of the respondents agreed that women *sulh* officers have the competencies in both aspects. All respondents agree that women *sulh* officers have adequate knowledge of local customs, as well as the ability to assist judges in resolving cases without trial.

All respondents agree that accurate knowledge and information about *muamalah* is important in preparing agreement terms. All respondents, agree that women *sulh* officers are more interested in further studies to the postgraduate level, except two (2) of the respondents who thought otherwise.

20 respondents (86.9%) agreed that the competency levels of women *sulh* officers is comparable to men *sulh* officers. This information is very important to generally assess the opinion of Syariah judges with regards to the position and importance of women *sulh* officers in syariah courts in Malaysia. Similarly, 22 respondents (95.6%) agreed that the career path of women and men *sulh* officers are generally indifferent, with only one (1) respondent who thinks otherwise.

(ii) Syarie Judge Feedback Analysis

From the feedback given by the 23 Syariah judges above, it is reasonable to state that the role of women *sulh* officers in the Islamic judicial system in Malaysia is just as important as men *sulh* officers. Women *sulh* officers have also demonstrated competence in terms of confidence, legal knowledge, Islamic law and *sulh* work manuals related to the preparation of draft agreements. These findings clearly answer the objective of the research which is to identify the competencies of *sulh* officers. It also fills in the gaps of the study as seen by Salleh (2006) who suggested looking at gender differences and their effects on *sulh* handling. The research also shows that the majority agrees that there constraint whatsoever to appoint women *sulh* officers. This is an indication of the acceptance of women as Syariah officers along with male Syariah officers in upholding justice. However, while all respondents agreed that women *sulh* officers were more efficient in preparing the terms of the agreement, able to assist judges in solving cases without trial and knowledgeable about *sulh* work manuals, some still feel that women *sulh* officers were not comparable to men *sulh* officers in the judiciary. The fact that 90% of respondents agree that women *sulh* officers are interested to further their studies, is an indication that women *sulh* officers show potential and desire to increase knowledge and competencies as well as awareness of the importance of lifelong learning. However, factors that cause some of the women *sulh* officers having no interest in furthering their education may include family and work commitments.

(iii) Questionnaire: *Sulh* Officer as Respondent

A total of 60 *sulh* officers were involved in this questionnaire which consisted of 24 women and 36 men from all 13 states and one Federal Territory. All respondents have various years of experience as *sulh* officers. A total of 20 people (33.3%) had experience between 10-14 years, 19 (31.6%) people experienced 5-9 years, 18 people (30.0%) had experience between 0-4 years and three (3) people (5.0%) has over 15 years of experience. About 63.3 per cent or 38 people consist the group of grade LS 41, 1.66 per cent or one from grade LS 48, and 35.0 per cent or 21 people from grade LS 44.

An interesting fact to share is that there are among these *sulh* officers who also hold other positions such as Syariah judges, registrars and research officers. These can be categorized as versatile civil servants. However, the implementation of two (2) tasks at one time also raises the perception of a conflict of interest. In terms of academic qualifications, two (2) people or 3.33 per cent have a Doctor of Philosophy (Ph. d) degree, 11 people (18.3%)

have a Master's degree and the rest, a total of 47 people (78.3%) are bachelor's degree graduates.

The cases handled by these *sulh* officers involve various categories of courts namely: (a) Lower Court only; (b) the High Court only; and (c) a combination of the Lower Court and the High Court. The number of cases handled depends on the cases registered in the syariah court. the majority of respondents handle an average of 3-4 cases a day which is 58.3 per cent or 35 people. 20.0 per cent or 12 people handled an average of 5-6 cases a day while the lowest average was 1-2 cases a day, involving 18.3 per cent or 11 *sulh* officers. The average number of cases handled is 5.0 percent *sulh* officers or only three (3) people handle up to more than 7 cases a day. The average number of cases resolved in two (2) months is 35 per cent, 27 per cent for one (1) month, and 20 per cent in less than one (1) month. The settlement period within three (3) months recorded only 18 per cent of cases. In relation to the respondents' opinion on the simplest case, many of the *sulh* officers chose hadhanah and child maintenance. There is also opinion that no particular case is easy because the most important thing is cooperation and agreement by both parties. For complicated cases, many responded that the cases of matrimonial property and muta'ah are the most complicated, especially if they involve very high value of assets.

95 per cent of respondents from *Sulh* officers' thought that the main factor of case delay was mainly due to no or lack of cooperations between the two disputing parties. 40 per cent chose the third party in the consultation (such as a lawyer) as the reason of case delay. 23 per cent agree that the delays are due to incomplete documents. Other factors with lower scores were lack of skills in terms of legal knowledge (12%); Islamic law (18%); and the human behavior knowledge (23%).

Regarding the knowledge of *sulh* work manuals among women *sulh* officers, majority of the respondents (57 or 95.0%) stated that they have knowledge of *sulh* work manuals and the remaining three (3) respondents (5.0%) disagreed that they have knowledge of *sulh* work manuals. Similarly, it was found that only two (2) people did not agree with the ability of women *sulh* officers in in the process of conducting negotiations between the disputing parties and psychological skills. Majority of the respondents did not agree to the statement that clients perceive that women *sulh* officers are not comparable with men *sulh* officers, where 36 respondents (60.0%) disagreed against 24 people (40.0%) who agreed. Quite similarly, 37 people (61.6%) did not agree with the statement that women *sulh* officers face difficulty in controlling the situation during the negotiations, while 23 people (38.3%) agreed.

Allmost all respondents (58 or 96.6%) view that the position of women *sulh* officers is comparable with men *sulh* officers in upholding justice while the balance (3.33%) disagreed. With regards to promotions and career path, over 90 percent of respondents agreed that women *sulh* officers have good chances.

(iv) Analysis of feedback by *Sulh* Officers

Both respondents from men and women *Sulh* officers recognized that the position of women *sulh* officers indistinguishable with men *sulh* officers in terms of career path and promotion as well as their competencies and knowledge of Islamic law, law and *sulh* work manual. This proves that women *sulh* officers are comparable to male officers.

The survey has also found that there are women *sulh* officers in the Non-Common Service Scheme (State) who have served as *sulh* officers for a period of 12 to 14 years such as in Johor, Pahang and Kelantan. Respondents' data also shows that all of them have reached the grade of LS44, which is the highest grade to be in the *sulh* post. Meanwhile, the record for men *sulh* officers in the same scheme shows their longest period of service in the *sulh* unit which are around 11 years, 10 years and 6 years in Johor, Kelantan and Perak respectively. Differently however, the tenure of a *sulh* officers in the Common Service Scheme (Federal) shows that the longest period of both men and women *sulh* officer are around 3 to 5 years, where the grade LS44 is the most common. Based on these comparisons, we can say that there is huge difference between the Shared Services Scheme (Federal) and Non Shared Services Scheme (State) on job rotation and also in terms of career path and promotion opportunities. Thus, these finding fills the gaps of the research as seen in the research of Adnan (2021) who recommended to look at the comparison of the two service schemes. It also answers the objective of the study in terms of comparing the service tenure of women *sulh* officers between these two (2) types of service schemes.

In both of the two service schemes, there area significant differences between the numbers of men *Sulh* Officers and women *Sulh* Officers (*Sulh* Section, JKSM, 2021).

Information on filling the position for men and women *sulh* officers is as in the table below:

Table 3

Statistics of *Sulh* Officers based on gender

SERVICE SCHEME	MEN	WOMEN
Common Service (Federal)	28 (61%)	18 (39%)
Non-common Service (States)	20 (67%)	10 (33%)
TOTAL	48 (63%)	28 (36%)

Source: *Sulh* Section, JKSM (2021)

In terms of training, it was found that very few respondents who has acquired certifications vital for efficient *sulh* process such as the Neuro Linguistic Programming (NLP), as compared to the actual numbers of *Sulh* Officers. Most of respondents also suggested that focus should be made on training courses related to soft skills.

Based on cross-analysis between the responses and document analysis on the tenure of services, it was found that 36 respondents (47.3%) had just taken up the job as *sulh* officers, which is around 1 to 3 years. The remaining 40 people (52.6%) have served for a period of 4 years and above. However, the period of service is not an accurate measure to describe the competence and performance of *sulh* officers unless the attendance record of basic courses related to *sulh* techniques and the number of cases handled and cases resolved successfully. When a Syariah Officer is placed in a *sulh* unit, they need to master the knowledge and skills required to perform specific duties and responsibilities as a *sulh* officer. As Makhtar (2011) view that without proper skills may resulting in the failure of the negotiation session. If we look at every comment and suggestion that has been submitted by the majority of respondents, it is found that inter-personal skill trainings are very necessary

to help in improving their performances. The scheduled trainings by the Training Division, JKSM are the best platform for women *sulh* officers to take advantage to improve their skills.

It was also found that men *sulh* officers from the said states are certified as judges while performing their essential duties as *sulh* officers.

The last part of this research is a summary of conclusions made based on relevant discussions. Suggestions from the administrative and implementation aspects to improve the quality of operation of the *Sulh* Council were also highlighted.

Recommendations and Conclusions

From the initial discussion, it was concluded that the roles and competency of *sulh* officers can influence the success of negotiations in the *sulh* sessions. The scopes of claims by the parties filed to court shows a variation of cases that are increasingly challenging and complex.

Having relevant legal provisions and academically-qualified *sulh* officers with longer service time does not automatically guarantee the success of resolving *sulh* cases. There are the needs for required skills involved and efforts to overcome the challenges. The provision of special trainings and officer placement plans will benefit the clients and enable the *Sulh* sessions to provide the best-case resolution services.

All *Sulh* officers require the best knowledge and competencies to support their performances in the field. Continuous efforts to increase knowledge and competencies are very necessary to continue the noble mission in increasing and strengthening the level of application of Alternative Dispute Resolution (ADR) and raise the standard of case resolution by *sulh* in syariah courts. Therefore, it is imperative that regular training to be given to *sulh* officers. Because the ability of women and men *sulh* officers is the same in upholding justice and the rule of law in Malaysia, here are some suggestions to improve the roles and competence of women *sulh* officers in Malaysia:

(i) Improving the recruitment and placement plan for Syariah Officers

Planned recruitment and placement of Syariah Officers will provide a balance career path and promotion between male or women *sulh* officers. The readiness of the top management to accept women officers in all positions in the judiciary system certainly gives an injection of motivation to women *sulh* officers especially those serving in the non-common service scheme (state). It can directly reduce the period of a *sulh* officer at the same grade. It is also important to recognize the role of *sulh* officers as a professional role, as well as reconsider the suitability of a *sulh* officer to also carry duties as a Syariah judge, to avoid conflicts of interest.

(ii) Enhancing Training Modules

Periodical training planning implemented by the JKSM Training Division every year such as Islamic Family Law Reading Course, Alternative Dispute Resolution (ADR) Techniques Understanding Course, Mediator Certification Course with cooperation Malaysian Mediation Centre (MMC), Contemporary Law Course (Land Law), Body Language Course, Law Reading Class, *Qawaid al-Maqasid* Webinar is the best platform to increase knowledge and skills among *sulh* officers. In addition, the acquisition of certification of a small number of *sulh*

officers course of Neuro Linguistic Programming (NLP) opens up space for the NLP techniques learned to be used at the negotiating table. Even so, not many respondents have obtained NLP certification from outside parties compared to the actual number of *sulh* officers, because it involves a relatively high cost of participation. The findings through the questionnaire conducted, most respondents suggested that focus should be given to the courses of internal skills (soft skills). The mastery of techniques and skills specific to *sulh* officers, is seen to be able to conduct the *Sulh* Council with the highest standards, in be able to increase the rate of successful case resolution. In addition, the active efforts carried out by the *Sulh* Section, JKSM through a series of programs, namely *Muhakat* (Simulation) *Sulh* is also able to improve the skills of *sulh* officers in handling *Sulh* Council sessions. This *sulh* simulation recording is seen as one of the platforms for the outside community to be better understand the *sulh* process as one of the services that was available in the syariah court.

The competency and performance of a women *sulh* officer is much related to the exposure and content of the trainings attended. We can no longer assume those who have served longer are more competent because this is not the actual case. The courses should be specifically designed suitable for women *sulh* officers to practice, while at the same time strengthened to enhance the competencies and professionalism. Based on comments by most respondents, it is proposed that the number of courses related to inter-personal skills to be given more priority, in addition to other courses that were already proven in contributing to the effectiveness of the implementation of *sulh* such as the handling of online *sulh*, law knowledge and Islamic law. These suggestions for improvement will avoid the misunderstanding that most failed cases were due to incompetent women *sulh* officers. This misunderstanding affects the image of the syariah court in the eyes of the public.

Syariah Judicial Institutions at present are constantly facing changes in areas such as the law, globalization, governance and technology. In overcoming all of these changes, the performance of syariah courts depends on several factors such as staff competencies, management systems and the use of technology. It is time for the JKSM as the leading organization of *sulh* services to have its own competency model. This is very important to move towards the recent 'competency-based management'. With this, it is hoped that the syariah courts are able to realize the mission and vision a more directed and orderly manner within the desired time.

(iii) Improving Completed Case Reports

Accurate reports will help stakeholders make appropriate policies and remedial actions. Completed case reports need to be separated according to the three different categories: successful; failed; and absentia. With this, the actual assessment will be able to be obtained – whether the completed cases are contributed by real successful cases or other categories. The proposed of categorisation for completed cases will give clearer direction for *Sulh* implementors. It is also proposed that the setting of key performance indicators (KPI) to be slightly modified to reflect the three categories. The setting of new targets should be followed by an increase in the competency of women *sulh* officers, in line with the needs of the community. It is hope that this study will stimulate more thinking and invite readers to see that the level of services offered is no longer the same as it was in the 90s and at the same time to eliminate negative perceptions of the syariah court.

In our effort to improve the approach of *sulh* processes, the existing knowledge and competencies need to be reengineered, in line with the pandemic situations and the new normal, so that the role of the *sulh* unit continues to remain relevant in providing case settlement amicably without taking a long time, spending high amount of cost, and, more importantly, maintaining good relationship between the disputing parties so that they could move on with their lives after going through divorce. Indeed, the pandemic has a 'silver lining' where it has made the judiciary system to work harder while the relevant stakeholders consistently think of offering the best services in response to the situation that arises.

Acknowledgement

Due appreciation for the Public Service Department (JPA) for sponsoring the Federal Partial Scholarship Training Prize (HLPSB) to the lead author. Thanks to all respondents of this research, especially to the state syariah courts and the Department of Syariah Judiciary Malaysia (JKSM). Constructive comments by anonymous reviewers are also greatly appreciated.

References

- Bahagian Dasar dan Penyelidikan JKSM. (2013). *Kajian Keberkesanan Majlis Sulh di Mahkamah Syariah Seluruh Malaysia*.
- Siang, C. O. S. (2017). *Mediation and The Courts on Settlement Of Disputes: An Analysis On Legislating Court-Directed Mediation In Malaysia*. Ph. D Thesis, Faculty of Law, Universiti Of Malaya.
- Ghani, I., Ariffin, Z., & Zainuddin, Y. (2008). Competency based career development and performance management practices and service quality in malaysian public organizations. *Academic Journal*, 4(2), 235-241.
- Malek, S., & Liew, S. L. (2002). Model Kompetensi Dan Perkhidmatan Awam Malaysia'. *Jurnal Pengurusan Awam*, 1(2), 1-15.
- Hashim, M. H., Hamid, N. A., & Muhammad, S. N. (2019). *Penyelesaian Pertikaian Alternatif Dalam Islam: Aplikasinya Terhadap Kes-Kes Kekeluargaan Dan Kehartaan Di Mahkamah Syariah*. 6(2), 1-14.
- Salleh, M. F. M. (2006). *Proses Penyelesaian Konflik Melalui Perundingan Sulh*. Ph. D Thesis. Universiti Putra Malaysia.
- Mokhtar, M. N. (2020). Application of Mediation In The Syariah courts Of Malaysia. *Unisza*, 5-9.
- Makhtar, M. S. (2011). *Soft Skills of Mediator*. Thesis - Master Science of Construction Contract Management, Faculty of Built Environment, Universiti Teknologi Malaysia.
- Yusuf, M. M. S. (2002). Model kompetensi perkhidmatan awam Malaysia. Kuala Lumpur: Institut Tadbiran Awam Malaysia.
- Ahmad, M. H., Zakaria, A., Ismail, M. A., Ishak, S. K., Othaman, N. K., Nordin, N. (2019). *Mediasi Dalam Kerangka Perundangan Sivil Di Malaysia*. April. <https://doi.org/10.13140/RG.2.2.23419.16163>
- Azzis, N. M. A. (2021). *Tuntutan Hadanah Di Mahkamah Syariah Di Zon Utara Malaysia: Analisis Permasalahan Tatacara Mal Serta Penyelesaiannya*. Tesis Ph. D, UUM College of Law, Government and International Studies (UUM COLGIS), Universiti Utara Malaysia.
- Department of Syariah Judiciary Negeri Sembilan (JKSNS). (2012). Pamphlet, 1-3. Retrieved from *Sulh* Unit, JKSNS.
- Hamid, N. A., Hassim, M. H., Wahab, N. A., Aziz, T. N. R. A., Ramli, R., & Ahmad, S. N. (2019).

- Alternative Dispute Resolution (ADR) Via Sulh Processes. *International Journal of Law, Government and Communication*, 4(17), 25–33. <https://doi.org/10.35631/ijlgc.417003>
- Azhari, R. (2005). *Prosedur Sulh Menurut Kaedah Tatacara Mal (Sulh)*.
- Azhari, R. (2006). Modifikasi Teori *Sulh* Dalam Fiqh Klasik Berasaskan Data-Data Kajian Terbaru. *Jurnal Pengajian Melayu, Jld 17*, 232–246.
- Ahmad, S. (2015). *Sulh: An Alternative Dispute Resolution and Amicable Settlement of Family Dispute*. *UMRAN Journal of Muslim Affairs*, 1(1).
- Ali, S. N. M., & Hasan, Z. (2006). *Perlaksanaan Sulh Dan Keberkesanannya Di Mahkamah Syariah Selangor*.
- Safei, S. (2009). *Majlis Sulh (Islamic Mediation) in the Selangor Syariah Court and Malaysian Mediation Centre of the BAR Council: A Comparative Study*. *Malayan Law Journal Articles*, 5(1), lxxxiii.
- Sulh* Section BPKR. (2020). Pamphlet, 3-4. Retrieved from Department of Syariah Judiciary Malaysia (JKSM)
- Adnan, W. A. W. (2021). *Pemantapan Pelaksanaan Sulh Dalam Kes- Kes Hartanah Di Mahkamah Syariah Malaysia*. Tesis PhD, Akademi Pengajian Islam, Universiti Malaya.
- Adnan, W. A. W., & Buang, A. H. (2021). *Pelaksanaan Sulh Dalam Kes Tuntutan Harta Sepencarian Melibatkan Hartanah Di Mahkamah Syariah Malaysia: Satu Analisis*. *Malaysian Journal of Syariah and Law*, 9(1), 137–152.