

Exploration of Alternative Solutions to Campus Conflicts in the Context of China and Malaysia

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Abstract: Campus conflicts, particularly school bullying, have garnered significant global attention, necessitating the exploration of effective resolution mechanisms. Peer mediation has emerged as a promising alternative dispute resolution (ADR) method, demonstrating success in various contexts, including labor disputes and community conflicts. This study examines the feasibility and implementation of peer mediation in China and Malaysia by analyzing its institutional foundation, cultural influences, and legal positioning. The research highlights the impact of Confucian ethics and hierarchical teacher-student relationships on peer mediation in China, as well as the role of Islamic collectivism and multicultural diversity in Malaysia. Additionally, the study contrasts these regional practices with the well-established peer mediation models in the United States, emphasizing procedural justice, mediator selection, and the ethical-legal balance required for effective mediation. The findings suggest that while peer mediation has the potential to reduce campus conflicts and foster a culture of peaceful dispute resolution, its success in China and Malaysia hinges on developing structured legal frameworks, enhancing mediator training, and adapting mediation principles to local sociocultural dynamics. The study provides theoretical insights and policy recommendations to support the institutionalization of peer mediation in educational settings.

Keywords: Peer mediation; School bullying; Alternative dispute resolution; China; Malaysia

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1. Research background

In recent years, campus conflicts have become increasingly prominent, particularly the issue of school bullying. A survey conducted between 2001 and 2014 involving nearly 800,000 adolescent students from dozens of countries and regions revealed that school bullying is a widespread phenomenon globally. This issue has garnered significant societal attention. As an alternative dispute resolution (ADR) mechanism, mediation has proven effective in areas such as labor disputes, family conflicts, and economic disputes. Many countries have incorporated alternative dispute resolution procedures into their civil justice reforms as part of broader judicial

reforms. Mediation offers a more flexible and cost-effective solution ^[1]. Consequently, how to utilize mediation to address and prevent school bullying has become an urgent issue that society needs to address.

Against the backdrop of school bullying and mediation mechanisms, peer mediation has emerged as a significant approach. Since its rise in the late 20th century, peer mediation has quickly become an important method for addressing school bullying in the United States, achieving notable success ^[2]. The philosophy and practice of peer mediation can effectively reduce conflicts among students and incidents of school bullying, providing a practical, educational, and experiential pathway for students to develop rational and peaceful conflict resolution skills. Additionally, the introduction of peer mediation can address the shortcomings of home-school mediation by leveraging the equal relationships and shared perspectives among peers. This approach facilitates a clearer understanding of the events and offers solutions that align with the cognitive and emotional capacities of minors.

This paper examines the necessity and feasibility of peer mediation within the context of China and Malaysia, drawing on the institutional framework of peer mediation in the United States. It proposes a legal positioning for peer mediation in the Sino-Malaysian context and provides a theoretical foundation for the development of peer mediation systems and legal principles.

2. The current state of peer mediation in the context of cultural and institutional interplay

2.1. Chinese culture and teacher-student relationships, peer relationships

Deeply influenced by the legacy of Confucian culture, morality and practice have always been central themes in traditional Chinese education ^[3]. The monopoly of knowledge by Confucianism, a dominant cultural authority in China, is distinctly characterized by its emphasis on harmony, benevolence, hierarchical order, and the tradition of resolving conflicts through moral education rather than confrontation. Within this cultural context, the concept of “harmony as the highest value” significantly shapes Chinese students’ acceptance and approach to mediation. The influence of hierarchical notions in peer mediation may affect students’ trust in older or authoritative peers.

In the ethical relationships described by Confucius, such as the hierarchy of “Heaven, Earth, Sovereign, Parents, and Teacher,” the elevated status of teachers is evident. The virtue of “respecting teachers and valuing their teachings” underscores the importance of respecting and submitting to authoritative knowledge. In the context of peer relationships, from elementary to high school, these relationships largely depend on guidance from family, classroom settings, and teachers. Respect for teachers, parents, and even implicit authoritative knowledge can enhance self-awareness and thereby help curb school bullying. However, incidents of school bullying are increasingly occurring at younger ages, with factors such as ethnic differences, cultural disparities, and physical disabilities remaining significant causes of bullying. For university students, studies have shown that awareness, identification with, and practice of traditional culture positively influence peer interactions ^[4].

2.2. Islamic culture in Malaysia’s multicultural context

In a multicultural country like Malaysia, where Malays, Chinese, and Indians each have strong cultural roots, the educational journey from primary to secondary school reflects this diversity ^[5]. During primary school, the three major ethnic groups attended separate schools. At the secondary level, students can choose between government schools or independent schools, but the treatment of each ethnic group varies. The difficulty in

cultural exchange and integration among these groups is one of the contributing factors to school bullying.

In the context of Islamic culture, which is predominant among the Malay majority and serves as one of the primary religious cultures, the design of peer mediation mechanisms must take into account the influence of religious beliefs on individual behavior. It must also respect and integrate the values and teachings of multiple cultures. The collectivism inherent in Islamic culture emphasizes the connection between the individual and the community. Individual actions and decisions are often made with consideration of their impact on the family and the broader community. In peer mediation, this collectivist spirit encourages students to demonstrate higher levels of participation and responsibility during the mediation process.

The teachings and norms of Islam provide clear guidance for the behavior of its followers. In peer mediation, religious norms can serve as a moral framework and behavioral guidelines for conflict resolution. Students may invoke religious teachings during mediation to emphasize the importance of reconciliation and the principles of justice and fairness.

2.3. Developed countries with Christian cultural backgrounds

Christian culture emphasizes values such as “loving your neighbor as yourself” and “showing tolerance toward others.” These principles manifest in mediation by encouraging parties to approach disputes with a mindset of forgiveness and understanding. In many campus or community mediation scenarios, when conflicts arise between students or residents, this cultural framework guides them to move beyond mere competition over interests. Instead, they are encouraged to view the issue from the other party’s perspective and seek solutions grounded in love and tolerance.

2.3.1. Legal recognition and regulation of religious mediation

The legal system in the United States recognizes, to some extent, the role and status of religious organizations in mediation while also regulating their activities. In specific types of disputes involving minors, family relationships, and other sensitive matters, the law explicitly outlines the fundamental principles that religious mediation must adhere to. This is to prevent religious mediation from violating legal standards and basic human rights. This balance of recognition and regulation reflects the relationship between law and religion in the U.S. legal system, where mutual respect and restraint coexist, ensuring that religious mediation operates positively within the framework of the rule of law.

Church organizations in the U.S. hold significant influence and deep roots within communities. They often actively participate in community affairs, including dispute resolution. Churches utilize their facilities and human resources to organize various mediation activities, providing free mediation services to community residents.

2.3.2. The influence of religious doctrines on legal interpretation and practice

Christian doctrines can, in certain cases, influence how people understand and interpret the law, thereby impacting the practice of mediation within the legal system. When dealing with cases involving moral controversies, Christian teachings may shape public opinion and the judgments of some legal practitioners. This can introduce religious and moral considerations into the mediation process or the resolution of related legal disputes. Although the U.S. adheres to the principle of separation of church and state, the profound influence of religious culture in society inevitably permeates legal practice to some extent. As a result, the implementation

of mediation within the legal system often reflects an interplay between legal and religious cultural elements.

2.4. The positioning of peer mediation in the Chinese and Malaysian education systems

The Chinese education system is characterized by its school-centered approach, emphasizing ideological education for students. Currently, mediation, as an alternative dispute resolution (ADR) method, is widely used in China to address civil disputes, labor arbitration, traffic accident settlements, and other areas. However, in the context of peer mediation, there are no formal legal provisions. The existing institutional framework and legal basis include the People's Mediation Law of the People's Republic of China, the Law on the Protection of Minors, and the Education Law. The Ministry of Education has announced that peer mediation will be included as a significant component in the Eighth Five-Year Plan and the revised Outline for the Rule of Law Education for Adolescents.

On the positive side, peer mediation has shown initial success in the school environment and is gradually gaining attention. Some schools have actively explored and implemented related practices. For example, certain middle schools in Shanghai have organized peer mediator training camps to cultivate student mediators, enabling them to play an active role in resolving daily disputes among classmates. This has, to some extent, alleviated internal conflicts and fostered a more harmonious campus atmosphere. However, peer mediation is currently regarded only as a supplementary tool for resolving campus conflicts. In terms of institutional development, there is a lack of clear and unified laws and regulations to standardize various aspects of peer mediation, including the selection criteria for mediators, training content and methods, specific procedures for mediation, and the validity and enforcement of mediation agreements. This lack of standardization and operability in practice makes it difficult to ensure the fairness and authority of mediation, thereby limiting its further promotion and development.

The Malaysian education system, influenced by its Commonwealth heritage, emphasizes student autonomy and the cultivation of self-regulation skills. According to the Federal Court Practice Directive No. 5 of 2010, mediation was introduced in Malaysia to address case backlogs. To encourage the use of mediation, courts have also implemented court-annexed mediation ^[6]. In 2012, the Rules of Court 2012 ("RC 2012") officially replaced the Rules of the High Court 1980 ("RHC 1980"), stipulating that during the pre-trial stage, courts may consider whether to adopt mediation or other methods to resolve all or part of the issues in a case. For non-complex cases, mediation has been introduced as an alternative dispute resolution mechanism. In the context of peer mediation for campus disputes, Malaysia has yet to establish a comprehensive and specific mediation framework or procedures.

3. Challenges in establishing mediation procedures in China and Malaysia based on the U.S. model

Taking the United States as an example, although the methods and value systems of peer mediation vary across states, there are similar procedures in place. These procedures consist of two key components: mediator selection and the mediation process. The primary principle guiding both components is to ensure procedural fairness and justice.

3.1. A relatively mature peer mediation mechanism

Compared to other countries, the United States has a relatively mature and unique positioning in peer

mediation. Although there are differences among states, the U.S. as a whole provides a certain legal framework and support for peer mediation. Some states have enacted specific anti-bullying laws or related educational regulations, incorporating peer mediation as an essential component of campus conflict resolution mechanisms. This legally affirms the legitimacy and status of peer mediation, providing a solid legal foundation for its implementation. As a result, peer mediation in school environments is legally grounded, with its processes and outcomes enjoying corresponding legal protections.

In its development, three main mediation models have emerged: the San Francisco Community-Wide Model, the New Mexico Teacher-Supported Model, and the Massachusetts Evaluation Model. These models, based on different philosophies, have gradually established the primary procedures for peer mediation.

The San Francisco Community-Wide Model began in 1976, using mediation as an alternative to judicial mechanisms to resolve community disputes. In 1982, the Community Board implemented the first conflict management program in local elementary schools. By 1984, mediation had expanded to middle and high schools, and the School Mediation Association was established that same year. The core philosophy of the association is student self-governance and learning dispute resolution skills. According to Cohen, nearly every school conflict, except for the “most egregious disputes”, is suitable for peer mediation ^[7].

The New Mexico Teacher-Supported Model began in 1984 when six schools in New Mexico launched peer mediation programs. This model requires the approval and support of over 80% of teachers, and for elementary schools, over 80% of staff must be trained as mediators ^[8]. Consequently, this model is susceptible to changes in school administration. To mitigate this instability, program advocates sought to anchor the project within more robust district administrative structures.

In Massachusetts, the evaluation model relies on a comprehensive mediation program manual to initiate school mediation projects. Additionally, the state government provides financial support to each school implementing peer mediation. Funded coordinators are responsible for managing mediators, building strong working relationships with teachers, administrators, and students, arranging mediations, conducting supervision and follow-ups, and maintaining all mediation records and statistics. The program guidelines also recommend selecting and training peer mediators, communicating with the media, and addressing other operational details. The project organizes an annual national conference for student mediators. This initiative has gained attention in the field of conflict mediation and has been replicated and promoted by schools in New York State.

3.2. The selection of mediators marks the beginning of mediation

The mediation process serves not only as a participatory decision-making tool for resolving conflicts but also as a means to teach essential skills such as communication, active listening, and problem-solving—fundamental skills that foster self-regulation and self-esteem in individuals. By implementing mediation programs, school authorities do not relinquish their decision-making power. Instead, they provide a structured procedure to address interpersonal disputes that are traditionally handled through punitive measures. In U.S. schools, common conflicts such as fights, petty quarrels, bullying, threats, and harassment can be successfully resolved through peer mediation.

3.2.1. Mediator selection process

Mediators must undergo a selection and training process before they can assume their roles. Students with strong potential for mediation can be recommended through channels such as teachers or student councils.

Schools are microcosms of multicultural integration, where students interact with peers from diverse ethnic backgrounds in their daily academic and social lives. Students who excel in resolving disputes among classmates and demonstrate a deep understanding of different cultures can be considered as candidates for mediators.

Additionally, selected mediators must possess a strong sense of impartiality, enabling them to set aside biases and discrimination when dealing with parties from different ethnic backgrounds. This impartiality is reflected in treating both sides of a dispute equally, without favoring any party based on factors such as ethnic identity or social status.

3.2.2. The challenges and long-term nature of mediator training

Within the framework of peer mediation, it is crucial to clarify the rights and responsibilities of both students and mediators. As participants in mediation, students have the right to express their grievances, receive fair treatment, and have their personal privacy protected. At the same time, they bear the responsibility to present facts truthfully, respect others' perspectives, and adhere to mediation rules.

Although mediators come from the same peer group, they assume a quasi-judicial role during the mediation process. This includes impartially guiding the mediation process, maintaining order, and ensuring fairness. Their legal status is unique, functioning as temporary coordinators within the autonomous management systems of schools or communities.

The training of mediators involves multifaceted knowledge. In multiethnic countries like China and Malaysia, mediators need a deep understanding of the cultures, customs, and religious beliefs of various ethnic groups, as well as a foundational knowledge of national laws. Additionally, strong communication skills and emotional intelligence are essential for effective mediation. Each of these areas of knowledge and skills requires long-term learning and cultivation.

3.3. The main procedures of mediation

When students become involved in disputes, the school's mediation organization or teachers will ask if they wish to have mediators assist in resolving the issue. If they agree, the mediators will follow the mediation process to clarify the nature of the dispute, explore options, and reach a mutually satisfactory resolution. Generally, mediation consists of six stages: Agreement to mediate, understanding the conflict and perspectives, identifying interests and needs, exploring win-win solutions, evaluating feasibility, and reaching agreement and creating a protocol.

3.3.1. Procedural justice and substantive justice: A dual-dimensional examination of justice

When designing procedures, it is essential to involve all stakeholders and clearly define the roles and responsibilities of mediators. The fairness and justice of the mediation process should not rely solely on the mediators but on the procedures themselves^[9]. Humans, as individuals with subjective agency and potential biases, may unconsciously be influenced by personal values, emotional tendencies, cultural backgrounds, or preconceived notions, even after professional training. In contrast, procedures offer the advantages of objectivity and stability. A scientifically sound and reasonable mediation procedure can provide a standardized and regulated process for resolving disputes.

Procedural justice requires that peer mediation grants both parties equal opportunities to participate,

sufficient time to express their views, and clear communication of the mediation steps. In practice, this means that the mediation process should ensure that all parties present their cases, rebuttals, and negotiations under the same rules, preventing any party from being disadvantaged due to unreasonable procedural design.

Before the first stage: When convening a mediation meeting, both parties should receive the same meeting notice and agenda in advance, ensuring they have adequate time to prepare their statements.

During the second and third stages: The mediation process should strictly follow the established order, allowing both parties to take turns expressing their views to prevent one side from being unfairly interrupted or suppressed.

3.3.2. Conflict and balance between legal principles and mediation ethics

Peer mediation must strictly adhere to relevant legal principles, with the foremost being the principle of protecting minors. This ensures that the entire mediation process and its outcomes do not harm the physical and mental health or legal rights of underage students. It also avoids using mediation methods or language that could cause psychological trauma. Additionally, the educational principle should be upheld, treating each mediation as an opportunity to educate students on legal concepts, moral norms, and social interaction skills. By guiding students to reflect on their behavior and the conflict resolution process, their legal awareness and sense of justice can be enhanced.

As key facilitators of mediation activities, mediators must follow strict ethical guidelines. The principle of confidentiality requires mediators to strictly protect any information related to students' privacy or family background obtained during mediation. Such information must not be disclosed to any unrelated parties to prevent secondary harm to students. The principle of neutrality demands that mediators maintain an objective and impartial stance throughout the process, free from the influence of personal emotions, interests, or group pressure. They must treat both parties equally, without favoring the interests of either side.

However, in practice, conflicts may arise between legal principles and mediation ethics. From a legal perspective, fairness and justice often have clear standards and definitions. In mediation, however, the parties' perceptions of fairness may differ based on their respective interests and feelings. Mediators must balance the interests of both parties while adhering to legal principles, striving to achieve a resolution that aligns with the spirit of the law and is acceptable to both sides. This requires mediators to possess a high level of professional competence and ethical wisdom, carefully weighing the rigidity of the law against the flexibility of mediation. They must continuously explore how to uphold legal principles while fully leveraging the role of mediation ethics to achieve true fairness, justice, and effective mediation.

3.3.3. The goal of peer mediation: Achieving win-win outcomes rather than one-sided victories or superficial conflict resolution

In scenarios involving campus conflicts or other disputes among adolescents, using non-mediative, adversarial approaches to resolve issues often leads to a zero-sum game. For example, in a conflict over sports equipment, traditional authoritative adjudication might simply assign blame to one party and impose a penalty, such as banning the use of the equipment for a week. Such an outcome could leave the penalized party resentful and resistant, potentially triggering further retaliation.

In contrast, peer mediation guides both parties to recognize that the conflict is detrimental to everyone involved. Through negotiation, a mutually acceptable solution is reached, avoiding a situation where one

party's loss is seen as the other's "victory." This approach fosters a win-win outcome, ensuring that both parties feel heard and respected and that the resolution addresses the root causes of the conflict rather than merely suppressing it.

4. Conclusion

Peer mediation, as an alternative dispute resolution (ADR) mechanism, has demonstrated significant potential and effectiveness in addressing campus conflicts worldwide. At its core, peer mediation leverages mutual assistance among peers to resolve conflicts, reduce incidents of school bullying, and cultivate students' ability to resolve disputes rationally and peacefully. In the United States, peer mediation has become a mainstream mechanism for resolving campus conflicts. Its practice and fundamental philosophy are student-centered, emphasizing equal dialogue to resolve disputes and fostering students' sense of social responsibility.

In exploring the feasibility of peer mediation in China and Malaysia, it is evident that the two countries differ in their institutional frameworks and operational mechanisms for peer mediation, influenced by their respective cultural contexts. Both nations need to improve their institutional frameworks for peer mediation to ensure its fairness and authority. The peer mediation procedures in the United States offer valuable insights, particularly in emphasizing procedural justice as a key factor for successful mediation. The selection of mediators and the design of mediation procedures require careful planning to ensure the fairness and effectiveness of the mediation process.

In summary, peer mediation demonstrates clear feasibility and advantages in addressing campus conflicts. However, its successful implementation requires the collective efforts of policymakers, advocates, and practitioners. Legislatively, lawmakers must ensure that legal principles uphold fairness. In terms of procedural design, regional or state officials should tailor procedures to local contexts to guarantee impartiality. As peer mediation mechanisms continue to evolve and improve, they hold promise for further reducing school bullying and conflicts while nurturing students to become socially responsible adults with global perspectives.

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