

## Frequently Asked Questions

Q1. What is arbitration?

A1. Arbitration is a form of alternative dispute resolution where parties agree to resolve their disputes privately before a neutral third party—the arbitrator—rather than through the courts. The arbitrator, appointed either by the parties or an appointing body, renders a final decision known as an award, which has legal effect.

Q2. What is the advantage of arbitration over court litigation?

A2. Arbitration offers several advantages over court proceedings. It is generally more flexible, allowing parties to tailor the procedure to suit the nature of their dispute. Confidentiality is another key benefit, as arbitration proceedings are private, unlike court cases, which are matters of public record. Additionally, parties have the ability to appoint arbitrators with expertise in the subject matter, ensuring a more informed and efficient resolution.

Q3. Can I choose my arbitrator in arbitration?

A3. Yes, arbitration allows parties to have a say in the selection of their arbitrator. If the arbitration agreement provides for a sole arbitrator, parties may agree on a candidate. In a three-member tribunal, each party typically appoints one arbitrator, with the two arbitrators selecting the third. Where parties cannot agree, an appointing authority—such as PAM—may step in to appoint the arbitrator.

Q4. Who pays for the arbitrator?

A4. The costs of arbitration, including the arbitrator's fees, are typically shared by both parties. The arbitrator may also decide on cost allocation at the conclusion of the proceedings, directing one party to bear a greater share of the costs if warranted by the circumstances.

Q5. Is the award granted by the arbitrator binding on parties?

A5. Yes, an arbitral award is final and binding on the parties. It has the same effect as a court judgment and can be enforced accordingly. While limited grounds exist for setting aside an award—such as procedural irregularity or lack of jurisdiction—courts will generally not interfere with an arbitrator’s decision.

Q6. What is PAM’s preferred mode of communication?

A6. PAM’s preferred mode of communication is by email. All correspondence should be directed to the following addresses :-

[adr@pam.org.my](mailto:adr@pam.org.my)

[danieltwx@pam.org.my](mailto:danieltwx@pam.org.my)

Q7. What is the naming convention for arbitration proceedings initiated at PAM?

A7. All arbitration proceedings initiated at PAM follow the naming convention below :-

**ADM / ARB / 36-1 / 2025**

ADM [acronym for Alternative Dispute Mechanism] / ARB [abbreviation for Arbitration] / 36 [internal documentation code] – 1 [file number] / 2025 [year in which proceedings were initiated]

For easy reference, parties should :-

- (i) include the full case number (before the name of the parties) in the subject title of emails / letters addressed to PAM; and
- (ii) inform the Case Counsel of the file number when making any telephone enquiries.

Q8. How are payments to PAM to be made?

A8. PAM only accepts payment by cheque, issued in favour of “**PERTUBUHAN AKITEK MALAYSIA**”.

For record-keeping purposes, please provide :-

- (i) A hard copy of the cheque (submitted by hand); and
- (ii) A soft copy of the cheque \*(submitted by email), together with a cover letter.

Once the cheque is received, PAM will issue a receipt via email and hard copy.

Q9. What is PAM’s preferred naming convention for soft copy documents (in PDF format)?

A9. To streamline processing, all soft copy documents should be named according to the following format :-

*[YearMonthDate] [Subject Natter]*

Example

“250101 PAM Application Form”

For letters / documents with enclosures, each enclosure should be attached as a separate document, as follows :-

Example

- 250101(1) PAM Application Form
- 250101(2) Annexure A (PAM Contract 2006 – CTC)
- 250101(3) Annexure B (Letter of Award)
- 250101(4) Annexure C (Notice of Arbitration)
- 250101(5) Annexure D (Reply to Notice)

OR

- 250101(1) Letter from XX to YY
- 250101(2) Cheque

This system ensures clarity and expedites processing.