

DETERMINATION OF THE SUITABLE ALTERNATIVE DISPUTE RESOLUTION METHOD FOR THE CONSTRUCTION INDUSTRY PLAYERS IN MALAYSIA

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ABSTRACT

Disputes always occur and are hard to be avoided in the Malaysia construction industry through all these years. Disputes can happen anytime from pre contract until post contract, payment issues, issues regard workmanship, architect instructions are the common factors that lead to dispute in the Malaysian construction industry. When dispute occurs, different approach of dispute resolution will be adapted to solve or reduce the disputes. There are two main categories of dispute resolution method available for the industry; one is the traditional dispute resolution method (TDR) and alternative resolution method (ADR), the TDR are methods that are famous and commonly use in the industry all these years, will the ADR is method that are develop to redress the shortage of the TDR and provide a alternate means to solve disputes. The objectives of this research are to address the gap of the Traditional Dispute Resolution Methods in Malaysia and to identify their problems and to study on different kinds of dispute resolution method and the pros and cons. The main finding of this research is to determine the suitable types of dispute resolution method the industry players preferred to be adapted, based on the nature and culture of the Malaysia construction industry. The findings will be obtained from analysis based on in-depth interview (qualitative research method) conducted with the Malaysia construction experts like the quantity surveyors, engineer, and arbitrators/mediators. This is a helpful research which help to analyse the different ADR method and to determine the better ADR used in Malaysia, which help to reduce resolution time, solve dispute as fast as possible, and to spell out which ADR method is suitable for which type of dispute.

***Keywords:* Construction, dispute resolution, traditional dispute resolution method, alternative dispute resolution method, pros and cons, suitable types of dispute resolution method**