

Title: Dispute Resolution : A Comparative Study of Dispute Review Board And Arbitration

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Abstract :

With so many varieties of dispute resolution in existence, this study will focus mainly on arbitration and dispute review board (DRB). While arbitration on the whole has been successful over the years, it has increasingly developed rules and regulations evolving more and more like litigation. Subsequently, DRB was developed in the United States (US) as a response to the need to find a better way to prevent and settle disputes in the construction industry. Despite its success in global application, DRB is not much heard of in Malaysia. In order to determine the potential of DRB in the local construction industry, a comparative study between DRB and arbitration is carried out. This research takes the approach of case studies to compare DRB and arbitration. Due to limitations, only one case for each method is examined in this research. Comparatively, both of these methods hold the same objective which is to resolve dispute in a timely and economy manner. The dispute resolution processes are about the same except that DRB recommendations are non-binding and arbitration awards are. However, DRB has one distinctive advantage, the ability to prevent disputes which arbitration does not hold. Combined with its global achievement, DRB has potential indeed for its use in Malaysia. Even so, its use lies in the hands of the participants of the local industry, depending on an individual's preference.