

**FACTOR INFLUENCING THE SELECTION OF EXTENSION OF
TIME AND DELAY ANALYSIS IN LEGAL CASES**

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ABSTRACT

Delay in construction project, often resulting in time and cost overruns. Delay and Extension of Time (EOT) is a very common dispute in construction industry, but one of the most difficult to evaluate. At the heart of the matter in dispute is often the question of the extent of each contracting party's responsibility for the delayed project completion and estimation of the EOT or delay period. Nowadays, various methodologies have been developed over the years as aids to answering this question. However, whilst the potential for accuracy has increased, so has the scope for argument over methodology. Hence, the objective of this research is to identify factor influencing the judge in selection of the method of analysis in legal cases. The analysis of the various cases is conducted to review the decision of the court on the matter of methodology in EOT and delay. Based on the finding and analysis that has been through, information, evidence and work programme was the most influence the court in makes decision. In addition, the court did not reject the method of analysis but the court chooses the appropriate method based on the information available.

ABSTRAK

Kelewatan dalam industri pembinaan sering membawa kepada permasalahan masa dan kos. Kelewatan dan penambahan masa merupakan masalah yang kebiasaan berlaku dalam industri pembinaan, tetapi juga merupakan salah satu masalah yang sangat rumit untuk diselesaikan. Persoalan pihak mana yang bertanggungjawab dalam kelewatan sering menjadi persoalan, begitu juga dengan pengiraan masa kelewatan dan penambahan masa. Seiring dengan teknologi yang semakin maju, banyak kaedah analisi untuk kelewatan dan penambahan masa juga telah ditemui untuk menyelesaikan permasalahan tersebut. Tetapi semakin maju kaedah analisis tersebut, begitu juga dengan skop persoalan yang timbul. Oleh sebab itu, objektif projek penyelidikan ini adalah untuk mengenal pasti faktor yang mempengaruhi hakim dalam menilai dan memilih kaedah analisis berdasarkan laporan kes yang berkaitan. Berdasarkan kepada kes-kes yang telah dianalisis, didapati bahawa, maklumat, bukti dan program kerja adalah faktor yang banyak mempengaruhi penghakiman. Selain daripada itu, didapati juga bahawa, hakim tidak menolak mana-mana kaedah analisis, tetapi hakim memilih dan menganalisis berdasarkan maklumat yang ada.