

**PROFILING OF DISPUTE RESOLUTION MECHANISMS IN ASEAN  
COUNTRIES**

**NOOR AKMALEENA BT MD DAUD**

**A master's project report submitted in partial fulfillment of the  
requirements for the award of the degree of  
Master of Science in Construction Contract Management.**

**Faculty of Built Environment  
Universiti Teknologi Malaysia**

**SEPTEMBER, 2012**

## DECLARATION

“I declare that this Master Research Project entitled “Profiling Dispute resolution Mechanisms in ASEAN Countries” is the result of my own research and that all sources are acknowledged in the references. The project report has not been accepted for any degree and is not concurrently submitted in candidature of any other degree.”

Signature : .....

Name : NOOR AKMALEENA BT MD DAUD

Date : .....

## DEDICATION

*To my beloved family,*

*Ayah, Ibu, Angah, Achik and Adik,*

*Thank You for your support, guidance and confidence in me.*

*Thank You for your prayers.*

**Thanks for everything.**

## ACKNOWLEDGEMENT

Bismillahirrohmanirrahim.....

Assalamualaikum w.b.t.

I would like to take this opportunity to record my sincere appreciation to those who has been helping me throughout the research. The research would not have been successful without the great support, sacrifice and understanding from all.

First of all, I would like to thank my supervisor, Dr. Nur Emma Binti Mustaffa for her guidance, encouragement, concerns, advice and support in order to complete this dissertation.

Not forgetting my dearest parents and family, Ayah, Ibu, Angah, Achik, Adik and Amar, a token of appreciation goes to them for all the support given and understanding me in complete this research. Lastly, I would like to thank all my friends for their support, understanding and dedication in helping me to complete this research.

Thank you very much!

## **ABSTRACT**

Construction industry in ASEAN countries has improved from year to year. For example in Vietnam, its economic sector has grown because of the development of infrastructure and new construction projects. But, dispute can occur among contracting parties if the construction industry become more popular and advanced. Dispute in construction industry needs to resolve to avoid the construction project from delay and not completed on time. Thus, construction players need to know the dispute resolution in ASEAN countries to settle the disputes among themselves. This research objective is to develop the profile of dispute resolution mechanisms in ASEAN countries. The elements profiled are methods/types of dispute resolutions, the professional bodies or institution involved, the statute related to the dispute resolution, the rules and the procedure involved in dispute resolution. This research is carried out mainly through secondary data which are from books, journals, theses, internet and others. From the finding of this research, it highlight that all the ASEAN countries used litigation, arbitration and mediation. Each country has institution, statute, rules and procedures in organising and managing the dispute resolutions process. By developing this profile of dispute resolution in ASEAN countries, hopefully it will assist the construction players to know more on dispute resolution in ASEAN countries if there any disputes in their construction project. This profile definitely helps to settle the disputes in ASEAN countries in construction industry because it is used as a tool in contract management.

## ABSTRAK

Industri pembinaan di negara-negara ASEAN semakin menunjukkan peningkatan dari tahun ke tahun. Contohnya, Vietnam telah menunjukkan peningkatan dalam sektor ekonomi dengan adanya pembangunan infrastruktur dan projek-projek pembinaan baru. Tetapi, jika industri pembinaan menjadi lebih maju dan membangun, ia akan mendatangkan pertikaian dan tidak persefahaman antara pihak-pihak yang berkontrak. Pertikaian dalam industri pembinaan perlu untuk diselesaikan dengan kadar segera bagi mengelakkan kelewatan dalam tempoh pembinaan projek seperti yang dijadualkan. Oleh itu, pihak yang terlibat dalam industry pembinaan perlu mengetahui penyelesaian pertikaian khususnya di negara-negara ASEAN. Objektif bagi kajian ini adalah untuk mengkaji profil penyelesaian pertikaian di negara-negara ASEAN dengan mengkhususkan kepada lima elemen iaitu kaedah / jenis penyelesaian pertikaian, badan-badan profesional atau institusi yang terlibat, akta-akta yang berkaitan dengan penyelesaian pertikaian, peraturan dan prosedur yang terlibat dalam menyelesaikan pertikaian. Kajian ini dijalankan dengan menggunakan analisis data sekunder yang diperolehi dari buku, jurnal, tesis, internet dan lain-lain. Hasil kajian ini mendapati bahawa semua negara ASEAN menggunakan kaedah litigasi, penimbalngtaraan dan pengantaraan. Ada diantara negara mempunyai institusi yang menguruskan, akta dan peraturan yang perlu dipatuhi dan prosedur dalam menguruskan penyelesaian pertikaian. Terdapat perbezaan yang dikenalpasti dalam setiap elemen bagi setiap Negara yang terlibat. Dengan membangunkan profil ini, diharap ia dapat membantu pihak yang terlibat dalam industry pembinaan untuk mengetahui lebih lanjut mengenai penyelesaian pertikaian di negara-negara ASEAN jika terdapat apa-apa pertikaian dalam projek pembinaan mereka pada peringkat antarabangsa. Selain itu, ia digunakan sebagai alat dalam pengurusan kontrak, profil ini pasti membantu untuk menyelesaikan pertikaian di negara-negara ASEAN dalam industri pembinaan.