

A comparative Analysis of the Good Faith Principle in Construction Contracts

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Abstract : The principle of good faith plays a critical role in shaping contractual relationships, yet its application varies significantly across different types of construction contracts and legal systems. This paper presents a comparative analysis of how various construction contracts perceive the principle of good faith, a fundamental aspect that influences contractual relationships and project outcomes. The primary objective of this analysis is to examine the differences in the application and interpretation of good faith across key construction contracts, including JCT (Joint Contracts Tribunal), FIDIC (Fédération Internationale des Ingénieurs-Conseils), NEC (New Engineering Contract), and ICE (Institution of Civil Engineers) Contracts. To accomplish this, a mixed-methods approach will be employed, integrating a thorough literature review of current legal frameworks and academic publications with primary data gathered from a structured questionnaire aimed at industry professionals such as contract managers, legal advisors, and project stakeholders. This combined strategy will enable a holistic understanding of the theoretical foundations of good faith in construction contracts and its practical effects in real-world contexts. The findings of this analysis are expected to yield valuable insights into how varying interpretations of good faith can impact project performance, dispute resolution, and collaborative practices within the construction industry. This paper contributes to a deeper understanding of how the principle of good faith is evolving in the construction industry, providing insights for contract drafters, legal practitioners, and project managers seeking to navigate the complexities of contractual obligations across different legal systems.

Keywords : construction contracts, contractual obligations, ethical practices, good faith

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