

Quantitative Method of Measurement for the Rights and Obligations of Contracting Parties in Standard Forms of Contract in Malaysia: A Case Study

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Abstract : Standard forms of contract in Malaysia are pre-written, printed contractual documents drafted by recognised authoritative bodies in order to describe the rights and obligations of the contracting parties in all construction projects in Malaysia. Studies and form revisions are usually conducted in a relatively random and qualitative manner, but the search of contractual documents idealization remains. It is not clear how these qualitative findings could be helpful for contractual documents improvements and re-drafting. This study aims to quantitatively and systematically analyse and evaluate the rights and obligations of the contracting parties as stated in the standard forms of contract. The Institution of Engineers Malaysia (IEM) published a new standard form of contract in 2012 with a total of 63 classes but the improvements and changes in the newly revised form that are yet to be analysed. IEM form will be used as the case study for this study. Every clause in this said form were interpreted and analysed according to the involved parties including contractor, engineer and employer. Modified from Matrix Method and Likert Scale, the result analysis were conducted based on a scale from 0 to 1 with five ratings namely "Very Unbalance", "Unbalance", "Balance", "Good Balance" and "Very Good Balance". It is hoped that quantitative method of form study can be used for future form revisions and any new forms drafting so to reduce on any subjectivity in standard forms of contract studies.

Keywords : contracting parties, Malaysia, obligations, quantitative measurement, rights, standard form of contract

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