CHAPTER 3

RESEARCH METHODOLOGY

3.1 Introduction

Primary information and secondary information were collected to achieve of the project report. A questionnaire survey was conducted to obtain feedback from the construction industry. The entire information gathered are categorized as Primary Information. The provisions of payment in standard forms of building contract are mostly referred to PAM 1998 Form of Building Contract (main contract only). However, some references are also made to other standard forms of building contract such as CIDB 2000 and JKR 203A when necessary. This was extended further using the research and information papers from the Master Builders Association Malaysia (MBAM) and Construction Industry Development Board (CIDB).

In order to meet the goals and objectives, data collection was based on the Malaysia Law Journal (MLJ) court cases. It was carried out using the university’s library online e-database (http://psz.utm.my) via the Lexis-Nexis website (http://www.lexisnexis.com). Difficulties were experienced in collecting and identifying the sample court cases from the online e-database due to the large number of irrelevant court cases and lack of time. The selection of sample court cases involved a depth study rather than a random sample. From literature review, a clearer framework of this research was established. Information gathered from this way are known as Secondary Information.
3.2 Questionnaire

A questionnaire survey was carried out to gather information from technical professionals who are involved in the construction industry. It is to get the opinion and understanding from the experienced respondents regarding the payment control.

Figure 3.2: Flow Chart of Research Process
CHAPTER 4

RESULTS AND DISCUSSION

4.1 Introduction

This chapter identifies and studies the profiles of Malaysian court cases relating to payment disputes in construction industry. The relevant court cases are limited to those reported in Malaysia Law Journal (MLJ) and available in the database of *Lexis Nexis* website (http://www.lexisnexis.com) through its own search engine (building contract, payment) from the year of 1990 - 2005. Besides that, to achieve the objectives of this research, some interviews and question are distributed.

It provides statistical evidence and these include the disputing parties, subjects of the disputes, the sum of money in dispute, the successful parties in disputes and the periods incurred to solve the disputes through litigation. The analyzed data is then presented through tables, figures and graphs to aid reading.

4.2 Statistical Analysis and Observations

The first objective of this research is to study the profiles of Malaysian court cases which are related to payment disputes in construction industry. It is sought to provide the information as below.

4.2.1 Number of Court Cases in Malaysia Law Journal (MLJ)

Based on the electronic database, there were twenty-three (23) court cases