



جامعة الإمارات العربية المتحدة
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Master Thesis Defense

Entitled

PRACTICAL PROBLEMS OF THE DECENNIAL GUARANTEE IN THE CONSTRUCTION CONTRACTS

By

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Abstract

United Arab Emirates is witnessing great development and achievements in the real estate, this placed an importance on Construction contracts, as the country continue to grow to meet its economic needs in various directions to achieve its goals in the field of housing, real estate and commercial investment. Due its importance, the Federal Law No. 5 of 1985 concerning the issuance of the civil transactions law of the United Arab Emirates dedicates articles 872 to 896 in the law to set special provisions regulating these type of contracts. This legislative intervention to dedicate these articles aims to protect the “employers” in construction contracts through what the articles referred to as “Decennial Guarantee”. This legal framework was put on place by the legislators to intensify and tighten the responsibility of different parties involved on these contracts, specifically it protects the members of the society, their rights, their lives and their properties against the “engineer”, who designed the building and supervised it, and the “construction contractor”, who executed the work. The emphasis that legislator has given to distinct a special guarantee in which the provisions of the guarantee are excluded from the general rules governing the contracts in general, requires a closer understanding of its allegations and implication. In this research, we will provide a comprehensive study of the Decennial Guarantee in construction contracts starting by in-depth definition the Decennial Guarantee. This will be flowed by detailed analysis and explanation of these provisions of the law to determine the effectiveness of this guarantee and the drivers behind distinguishing it from other types of guarantee mentioned in UAE law. In addition, the practical implication of the Decennial Guarantee with the authorities and executive entities in the Emirate of Abu Dhabi are considered to assess the practicality of applying this guarantee to protect the employers of these contracts. Furthermore, benchmark studies are also presented and finally we draw our results, conclusion and recommendations.

Keywords: Federal Law of of the civil transactions law and type of contracts.