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Guideline to Eliminate Problems of Joint Venturing In Construction Industry

M. H. A. Beygi^{1*}, A. R. Tabarsa², R. Hosseini Tara³ E. Jahangiri⁴

¹ Assistant professor of Civil Engineering Faculty, Babol Noshirvani University of Technology m.beygi@nit.ac.ir

² Assistant Professor of Civil Engineering Department, Golestan University, artabarsa56@yahoo.com

³ MSc Civil Construction Engineering & Management, Islamic Azad University of Science and Research Broojerd Branch, ramin_hosseini_tara@yahoo.com

⁴ MSc Civil Construction Engineering & Management, Amir Kabir University of Technology
ehssan.jahangiri@gmail.com

ABSTRACT

Nowadays one of conventional contract for urban construction is joint venturing. Regarding the fact that this is a new way of investment in Iran and the increasing number of dispute in courts it is necessary that to review and refine the contracts.

Regarding the needs of country, in this research we try to introduce technical and civil guideline. Finally this research was complete with a study between different groups related to this topic.

Keywords: Construction industry, dispute, guideline, joint venturing, questioner

1. INTRODUCTION

Human spend important part of his social relationship for agreement and signing different contracts. From the first days of his life, social life human understand this issue. Which agreement with others will help to remove the problems and this is necessary to accept responsibility for the both side who sign the contract. If in time of agreement one of the contractor try to think of his own advantages this would be the beginning of all problems [1]. Joint venturing is one of constructions contract which became conventional in Iran after the approval of law.

For urban area in 1993 which is a contract between the owner of land and the constructor who shares the land, which create legal and actual rights. Share of both side will be maintain by their amount of participating in the contract after the end of construction. Separated document would be registered in their name, to share the buildings constructed in that land [1].

Each side of the contract are obliged to meet the commitment, if not it would be the beginning of problems. Problems are due to lack of information's and unclear contract for both side which can be removed by the recognition of different factors. Due to ambiguity in this issue and inflation in construction industry which damaged most part of contract in this section it cause difficulty in this part of construction. The lack of skill and the lack of knowledge for legal and construction rights create lots of disputes in courts [2].

Without using skillful specialist and the involvement of those who thinks only for their own advantages it creates lots of disputes, which waste lots of time and money.

Due to high speed of construction and development in industrial construction in the country and the necessity to sign specialized contracts the lack of enough vogue for engineer are evidence. This is necessary to educate skill full workers in the universities. We should mention this researcher was in close contact with courts to touch the problems relating both side of disputes. So in this research we avoid to mention the name of people and data regarding this issue.

In this research we consider guidelines for technical and legal rights in order to achieve to the goals of this research we classified the damages and introduce solution for each one and in the end we used some questioner to obtain the opinion of lawyers, engineers, judges, real estate agency, and executives.