

The Efficacy of the Judicial System in Resolving Court Cases/Conflicts in the Construction Industry Using Construction Law

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Abstract

Globally, construction conflicts are acknowledged as a leading cause of project delays, cost overruns, and strained professional relationships. Previous studies have explored the use of litigation using interviews and questionnaires to collect the opinion, experience, and knowledge of experts. Consequently, there is limited empirical evidence based on judicial decisions. Therefore, this research explores litigation using a wealth of data from real construction court cases using R software to perform the analysis. The search strategy resulted in 101 court cases categorized as contract (63%), tort (28%), and employment/labor (9%) related cases. The overall winning rate by plaintiffs is 93%, with over 60% of these conflicts resolved in more than 2 years. The main causes of conflicts in the construction industry are non-payment and breach of contract, responsible for over 75% of all conflicts in the construction industry. Furthermore, the study findings show that an average of USD 90,000 and USD 16,000 are awarded as special and general damages, respectively. In conclusion, based on the lengthy time taken to resolve construction conflicts in comparison to the judicial targets and lead time, the judicial system in Uganda appears inefficient.

Keywords: Judicial system, Construction, Conflicts, Damages, Court cases, Lead time.

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INTRODUCTION

The construction industry continues to be one of the most dynamic and economically significant sectors contributing to infrastructure development, national growth, and employment generation globally. However, construction projects are inherently intricate involving many stakeholders, vast sums of money, technical challenges, and strict regulatory requirements (Rauzana, 2016; Cakmak & Cakmak, 2014). Due to the above characteristics and multiplicity of actors, conflicts are inevitable and pose negative impacts on the project's success. Globally, construction conflicts are acknowledged as a leading cause of project delays, cost overruns, and strained professional relationships (Mbatha, 2021; Moffitt & Bordone, 2012; Osei-Tutu *et al.*, 2010). The main causes of construction conflicts include payment delays, design errors, scope changes, unlawful dismissal or non-payment of workers, and contract ambiguity (Chan *et al.*, 2021; Soni *et al.*, 2017).

According to Arcadis' annual construction dispute report of 2023, disputes increased by 42% between 2021 and 2022. Equally, Arcadis (2016) indicates that the construction industry's global average estimate of disputes is USD 46m with a dispute length of 15.5 months. Although standard contract forms and legal frameworks exist to regulate the construction industry, conflicts remain a leading cause of strained professional relationships, project delays, and increased project costs. Africa as a continent continues to face persistent challenges of weak regulatory policies, institutional capacity gaps, and frequent construction conflicts. Despite the existence of the legal framework governing the construction industry in Uganda, such as the Contracts Act, 2010; Employment Act, 2006; Occupational Safety and Health Act, 2006; and the National Environment Act, 2019, conflicts continue to be one of the challenges faced by the industry.

Unfortunately, previous court rulings have not been well utilized to avoid and minimize future occurrences of these conflicts despite the gaps highlighted regarding contract management practices and enforcement of labor, safety, and environmental standards during court proceedings. Given the significant contribution of 12% to the country's Gross Domestic Product (GDP) by the construction industry in Uganda and the continued occurrence of these conflicts, it is important to examine the causes of such conflicts and assess the effectiveness of litigation, particularly using the wealth of data available in the courts of law.

Arguably, litigation in the construction industry is costly and consumes a lot of time that is not even documented. Unfortunately, there is limited information available in the scholarly literature regarding the above that can be used to inform policy and practice. Globally, in an attempt to examine the judicial system in resolving construction conflicts, the majority of the previous studies were conducted using interviews and questionnaires to collect the opinion, experience and knowledge of experts. As a result, there is limited scholarly work that has explored litigation using the wealth of data available from real-life court cases. As an example, there is little information available regarding damages usually awarded to plaintiffs or claimants in the construction industry globally. Relatedly, most of the research is usually biased towards contract law and contractual conflicts, leaving out the application of the other laws such as tort law, employment law, procurement law, and environmental law, which are also part of construction law.

Consequently, this research addresses this gap by exploring litigation using a wealth of data from real court cases in the construction industry and contributes to the scholarly literature by proposing a new classification of construction conflicts, providing the first empirical estimates

of litigation duration in Uganda and quantifying damages awarded in construction litigation. Therefore, in this paper we address the following questions:

- (1) What are the principal causes of construction conflicts in Uganda?
- (2) What categories of construction conflicts dominate judicial proceedings?
- (3) How effective is litigation in resolving construction conflicts?
- (4) What damages are typically awarded in construction litigation?

Construction Law and Conflicts in the Construction Industry

Construction is defined as a production process that involves the extraction of natural resources; the manufacture of building materials and their use; the use of tools, equipment, and personnel to produce finished products such as buildings and roads, including the provision of services such as design and project management. This appears to be the broad definition of construction without restricting the term to only the physical work carried out on sites. The construction industry is composed of various projects (privately and government-owned) that include industrial, infrastructural, residential, and commercial buildings. Projects in the industrial category may include petroleum refineries, automobile plants, petrochemical plants, nuclear plants, and steel mills. The heavy engineering and infrastructure projects include roads, waterways, airports, bridges, dams, tunnels, railways, and water supply-related projects as well as urban public transit systems. The public utilities, which may include power, telecommunications, piped gas, and solid waste collection and disposal, are also part of the engineering infrastructure projects. The commercial building projects may include government buildings, hospitals, warehouses, shopping malls, churches, and mosques. Lastly, residential projects include personal single-family homes, apartments, and condominiums. As seen from above, the construction sector is widely recognized as a highly complex undertaking that involves multiple parties such as clients, contractors, subcontractors, consultants, suppliers, funding agencies or donors, and government regulators. Each of the stakeholders brings different expectations, roles, and contractual obligations, which frequently result in conflicting interests (Cheung & Yiu, 2006).

A number of studies such as Cheung *et al.* (2014) and Ofori (2013) argue that contractual disputes in construction are not accidental but a natural by-product of the contractual process since construction contracts tend to allocate risks and responsibilities in various rigid ways. Similarly, some of the conflicts in the industry stem from misaligned objectives between the different parties. In the African context, the complexity is compounded by the institutional weaknesses, capacity gaps of local contractors, and a large reliance on donor-funded projects that come with different restrictions in implementing the projects. Khmis *et al.* (2024) and Okeyo *et al.* (2021) show that in Kenya, complexity increases where international contractors draw an interaction with local subcontractors under unequal bargaining positions. In Uganda, studies by Alinaitwe (2020) and Alinaitwe *et al.* (2013) describe the construction sector as not only a growth engine but also a dispute hotspot. These authors argue that persistent corruption, poor supervision, and weak contract enforcement mechanisms tend to increase the likelihood of conflicts. In Uganda, construction is not only described by its complexity by nature but also by context, which reflects the structural weaknesses of the wider governance and legal environment.

The term "construction law" refers to a specialized area of substantive law governing all the rights, obligations, and responsibilities of all parties that are involved in the construction of projects, considering the planning, design, procurement, and implementation phases of the project cycle. Basically, it widely covers a range of legal issues that are related to construction, such as contract law, commercial law, planning law, employment and labor law, environmental law, and tort law. In construction, tort law focuses on legal obligations created by statute or through judicial opinions. Its main goal is to protect individuals from overwhelming and unexpected misfortunes. Torts can be categorized as unintentional, intentional, and strict liability torts. Intentional torts occur due to intentional acts on the part of the tortfeasor/wrongdoer, which results in liability even if there were no intentions of causing any harm. As a result, courts always allow for compensatory and punitive damages to make whole the victim by putting a monetary value as a result of the harm incurred and to punish malicious wrongdoers, thereby preventing future occurrences. Intentional torts may include assault, false imprisonment, fraud, and trespass to land. Unintentional or negligent torts involve carelessness of the wrongdoer through their failure to take sufficient care in fulfilling a given duty. Elements of a negligence claim are stipulated well by common law and statutory standards. The basic principle of negligence tort is that there is a minimum behavior standard for all society members where it is expected that such a standard includes the call to take reasonable steps for protecting others from being injured or having any damage to their possessions. The other form of tort is strict liability, which considers situations where a given party is liable for all injuries no matter what precautions have been taken. Strict liability refers to the fact that the wrongdoer's liability is based strictly on the result of his/her conduct; it does not matter whether the wrongdoer/tortfeasor may have done all that could be done to avoid injuries. The common example of strict liability in the construction industry is claims for injuries that result from hazardous activities like blasting. Lastly, the other tort in construction is the misrepresentation (negligent or intentional) of a material. Claims resulting from negligent misrepresentation are common in construction, usually against design professionals alleged to have supervision negligence or not follow approved design plans and specifications.

The employment law ensures that both employers and workers in the construction industry hold the key to a safe and fair work environment. Employment or labor law includes the laws and rules set by the government such as workers' rights, working hours, safety standards, minimum wage, overtime pay, and child labor. The Ugandan Constitution and the Employment Act, Cap 226, and its regulations are the primary regulatory framework for workers' rights in the country. In addition, the other most relevant laws and regulations governing employment rights in Uganda include the Labor Unions Act, Cap. 228; Workers Compensation Act, Cap. 233; Minimum Wages Advisory Boards and Wages Council Act, Cap. 229; National Social Security Fund Act, Cap. 230; and Occupational Safety and Health Act, Cap. 231.

Environmental law refers to the legal framework that includes a body of regulations, statutes, treaties, and policies aimed at protecting the natural environment and managing the impact associated with construction activities on ecosystems and natural resources. In line with this, Uganda has a comprehensive framework of all related environmental laws, with the National Environment Act, No. 5 - 2019, being the principal law governing environmental management that establishes the National Environment Management Authority (NEMA) as the main regulatory body accountable for coordinating and monitoring environmental activities in Uganda. The other laws include the Uganda Wildlife Act of 2019, the Mining Act of 2003, the Water Act, Cap. 152, the National Forestry and Tree Planting Act of 2003, and the National Environment (Waste Management) Regulations, S.I. No. 49 of 2020. Procurement law establishes the legal framework detailing the rules and procedures governing the purchase of

goods, services, and construction works by a public entity for example, government agencies. The aim of these rules and regulations is to ensure that public expenditure is structured and transparent to ensure accountability and integrity and efficient use of public resources. Through this, favoritism and corruption are reduced so as to secure value for money. This law establishes the framework for both public and private sector procurement and disposal of assets, covering aspects such as contracting process, compliance with regulations, evaluation and submission of bids, competition and dispute resolution. The main piece of legislation governing procurement in the country is the PPDA (Amendment) Act, of 2021.

Construction contracts in Uganda are primarily governed by the Contracts Act, 2010, which outlines the principles, requirements, and enforcement of contracts in the country. A contract refers to an agreement that is made between two or more people with an intention to create legally binding obligations that are enforceable in courts of law. During contract formation, there is an exchange of promises usually with a specific remedy for breach so that if any party fails to do so as per the contract, the offended party may be compensated by the court for breach. The essential requirements in the formation of a valid contract include consent, offer, acceptance, consideration, capacity, and an intention to create a contract that is legally binding and should be legally acceptable.

The judicial system in Uganda is the branch of government responsible for interpreting laws, resolving construction conflicts, and ensuring justice, primarily through the Supreme Court, Court of Appeal, High Court, and Magistrate Court. Generally, the efficacy of the judicial systems may be measured considering the ability of courts to deliver justice efficiently, impartially, and accessibly, encompassing independence, efficiency, access, and quality. In this research, the focus is only on efficiency which involves timely resolution of cases.

The scholarly literature uses the terms "conflict" and "dispute" interchangeably, although there is a clear distinction between the two. This research attempts to clearly distinguish them despite a mix of definitions in the scholarly literature. According to Mitkus and Mitkus (2014), a conflict can be managed, and a dispute cannot be managed but is usually resolved by court. On the contrary, according to Spangler and Burgess (2003), a dispute emerges in the short term and is relatively easier to resolve. Although disputes and conflicts refer to situations where two or more parties disagree, this research argues that disputes can be managed, and if not, they may escalate to a conflict usually resolved by litigation. In the same line of thought, Burton, Mason, and Dukes (1990) suggest that a dispute is usually short-term and can turn into a conflict normally in the long-term.

A number of scholars have attempted to categorize construction conflicts in a number of ways. Pinkley and Northcraft (1994) describe some common categories of conflicts in construction, including relationship-oriented conflict, task-oriented conflict, and underlying interpersonal relationships. These conflicts are further defined as cognitive and emotional/affective conflicts according to Amason (1996). According to Awakul and Ogunlana (2002), conflicts in the construction industry are of two types: interface and internal. Internal conflicts involve parties attached to the project, whereas interface includes parties that are outside the project. In our research, we propose classification of conflicts based on the applicable laws used to resolve them as contract, tort, employment, procurement and environmental conflicts.

In the construction and engineering world, the terminology "damage" is used in a number of scenarios, which may include liquidated damages. However, in this research, damages are used strictly with regard to compensation awarded to conflicting parties during court ruling. Therefore, damages are sums paid as compensation awarded by courts to the

plaintiff/respondent for a breach of duty or obligation by either party imposed by contract, general law, or legislation. The main types of damages usually awarded by courts are categorized as special and general damages. Damages categorized as "special" are quantifiable monetary losses for example, damages as a result of lost wages, medical bills, damage to property, transportation to and from hospital etc. On the other hand, damages categorized as general are monetary compensation for things that cannot easily be quantified, for example, suffering and pain.

Globally, construction is highly complex with multiple parties having diverse objectives and expectations which creates grounds for contractual disputes. Cheung and Yiu (2006) highlight that the uncertainty in contract interpretation continues to remain a persistent source of disputes, especially in large-scale projects where multiple stakeholders are engaged under differing contractual arrangements. Similarly, the adversarial culture that underpins many construction contracts, for example, various stakeholders often prioritize self-interest rather than adopting collaborative or relational contracting approaches (Fenn *et al.*, 1997; Soni *et al.*, 2017; Francis *et al.*, 2022). Some studies (Love *et al.*, 2010; Soni *et al.*, 2017) show that payment delays, design errors, and changes in scope are responsible for contractual disputes. Payment-related disputes are particularly prevalent in both developing and developed countries, often arising when employers delay honoring interim payment certificates, thereby leading to cash flow problems for contractors (Gunarathna *et al.*, 2018). Additionally, poor project management practices, such as inadequate scheduling and coordination, tend to increase disputes, creating mismatched expectations regarding delivery timelines (Jaffar *et al.*, 2011).

In some parts of Asia, for example, Hong Kong and Singapore, disputes frequently stem from rapid scope modifications in fast-track projects and the use of standard forms of contract (Chan & Suen, 2005). Such variations suggest that while global causes like scope creep and delays are common, contractual conflicts are also shaped by broader legal traditions, procurement practices, and cultural orientations towards resolution of disputes. Drawing a reference from the Canadian industry, an analysis of fifty litigation cases revealed that incomplete and redundant information in contract documents is the key reason for a conflict between all parties in a contract (Chan *et al.*, 2021). Several scholars highlight poor contract documentation, unrealistic timelines, inadequate risk allocation, and payment delays as the recurring causes of conflicts in construction (Alinaitwe, 2020; Sanson and Bretherton, 2001; Fenn *et al.*, 1997). Generally, according to Harmon (2003), causes of conflicts in construction are numerous; for example, those related to ambiguous contract terms, changed conditions, late supply of material and equipment, poor communications, disputes in labor, limited resources, force majeure events, and poor design.

Construction disputes in Sub-Saharan Africa (SSA) are often because of institutional weaknesses and economic vulnerabilities. Time and cost overruns as key drivers of disputes, attributing them to inflation, corruption, and inadequate feasibility studies (Gituro and Mwawasi, 2016). These authors reveal that contractors and clients frequently underestimate project costs and timelines, thereby leading to contentious renegotiations during implementation. Similarly, Amoako (2018a) found that contractual disputes frequently arise from poorly drafted agreements and ineffective supervision, which allow room for opportunistic behavior (Amoako, 2018b). According to Baloyi and Agumba (2014), construction disputes commonly emerge as a result of misinterpretation of clauses, particularly concerning variation orders and risk allocation (Amoah & Nkosazana, 2023). Parties often enter contracts with unrealistic expectations, which subsequently clash during the execution phase. Among other challenges are underfunding, skills shortages, and regulatory delays,

which contribute to conflicts (Haron *et al.*, 2020). Furthermore, political interference is also another systemic issue leading to contractual conflicts. Many African countries politicize public procurement and contract award processes, leading to disputes when projects are either underfunded or abandoned, for example, after changes in government (Osei-Tutu *et al.*, 2014; Osei-Tutu *et al.*, 2010). These governance gaps exacerbate mistrust among stakeholders, undermining the effectiveness of existing contractual frameworks.

Construction in Uganda has been found to be one of the most dispute-prone sectors stemming from systemic governance and institutional weaknesses. This sector suffers from delayed payments, contract variations, and poor project supervision, particularly in public works projects (Alinaitwe and Ayesiga, 2013). Additionally, many contracts are awarded without adequate project preparation, hence leading to frequent scope revisions once implementation begins. Additionally, Oluka and Basheka (2014) identify weak procurement processes under the PPDA framework as a major source of disputes, especially in large-scale projects such as road construction. Consequently, contracts are always offered basically on political/patronage grounds and not on merit, hence leading to subsequent conflicts when contractors fail to meet contractual obligations. Additionally, corruption and political interference continue to remain as one of the deeply entrenched drivers of disputes, with some contracts deliberately structured to favor parties.

Muhwezi *et al.* (2020) showed that Uganda's public construction projects always suffer from weak monitoring, which allows contractors to exploit various loopholes, resulting in disputes over quality, timelines, and variations. The Auditor General's reports (2017–2020) repeatedly revealed concerns about abandoned sites, inflated contractual costs, and substandard works, all of which contribute to contractual conflicts. The context of Uganda's construction sector is further complicated by capacity constraints among contractors and consultants. Small and medium-sized firms always lack the financial and technical capacity to execute large-scale projects, in addition to limited capacity to secure loans, yet they continue to secure contracts through political patronage. This results in frequent disputes over performance, penalties, and termination. In addition, the adversarial nature of Uganda's dispute resolution culture where litigation is more prioritized compared to negotiation or mediation has always been criticized for prolonging disputes and increasing costs (Muhwezi *et al.*, 2020). Although the global and regional causes of disputes such as delays, scope variations, and payment challenges are comparable to the causes of conflicts, its dispute profile arises from procurement inefficiencies, corruption, and weak enforcement of legal frameworks. Generally, there is limited documentation regarding the damages awarded in courts of law as well as time taken to resolve construction conflicts.

METHODOLOGY

A qualitative-descriptive research approach using document analysis of real construction court cases was adopted in this research. Uganda is used as a case study in this research where construction conflicts that have been resolved by the judicial system are analyzed. Unlike most of the previous studies that relied heavily on self-reported questionnaires and interviews, this study analyzes actual conflict case scenarios and documented resolved court cases to give deeper and concrete empirical findings. The approach employed in this study enhances objectivity, reproducibility, and analytical depth, thereby enabling a nuanced understanding of what causes construction conflicts, damages awarded, and time taken to resolve the conflicts. Actual construction court cases resolved between 2000 and 2023 were obtained from reputable

institutional and online based sources specifically from official websites and repositories of Ugandan institutions such as the Judiciary of Uganda, Uganda Legal Information Institute (ULII), the Centre for Arbitration and Dispute Resolution (CADER), the Uganda Law Reports database, and the Public Procurement and Disposal of Assets Authority (PPDA). All construction related court cases in English language with the required variables were included in the study. A data collection tool with specific variables required for this research was developed using Microsoft Excel before being imported into R statistical software for further analysis. R software, a very powerful, open-source programming language and analytical tool used in statistical analysis, data visualization, and text analytics, was used in this study to clean and analyze the data.

For each case, the full judgment was read, understood and information extracted on 46 variables. All data was recorded into a structured Microsoft Excel workbook, with separate columns for raw text descriptions (preserving the original language of the judgment) and cleaned numeric values (extracted figures ready for statistical analysis). Damage amounts were recorded as descriptive text from the judgments. After completing data entry, a data cleaning script was written in the R programming language to prepare the dataset for analysis. To analyse the causes of construction conflicts, a text mining script was written that processed the free-text cause descriptions recorded from each judgment. This helped to categorize each case into one or more of seven cause types: non-payment, breach of contract, project delay, defective work, subcontractor disputes, personal injury, and negligence. Where a case involved multiple causes, all applicable flags were recorded and a total cause count was computed. Descriptive statistics and visualizations were produced showing the frequency of each cause type, broken down by law type and court level. A systematic audit of all damage variables was conducted by comparing the original text descriptions against the extracted numeric values.

RESULTS AND DISCUSSION

The search strategy resulted in 101 construction court cases that were analyzed. This research categorized these court case conflicts as contract (63%), tort (28%), and employment/labor (9%) conflicts. This is a new classification of construction conflicts that is based on the applicable laws used to resolve them. Arguably, the best way to understand, resolve and minimize some of these conflicts is the understanding of the law where they are deeply entrenched. One limitation to the study findings is the lack of court cases related to environmental, safety, and procurement laws. With procurement laws, one possible explanation is that procurement related disputes are normally resolved during administrative review. Thus, the findings in this study are limited to conflicts related to contract, tort, and employment laws in the construction industry. The findings indicate that the majority of the conflicts in the construction industry occur between parties that signed construction contracts, usually resolved by applying contract law. Therefore, in order to minimize conflicts in the construction industry, more effort and strategies are needed in contract management. In these court cases, the plaintiffs' winning rate is 100% (employment/labor conflicts), 96% (tort conflicts), and 91% (contract conflicts). The overall winning rate by plaintiffs is 93% of all construction court cases in Uganda. Generally, the results show a very high success rate for plaintiffs in having their conflicts resolved in the courts of law, provided the filing is in line with the applicable laws.

The main causes of conflicts in the construction industry are non-payment and breach of contract. The other causes found in this research include negligence, land/property damage,

subcontracting disagreements, and dismissal/termination/nonpayment of employees. Contract breach in this research includes wrongful termination, failure to complete works/services, repudiation (outright refusal to perform remaining obligations), failure to supply or deliver materials and equipment, and general nonperformance. Non-payment issues account for nearly 50% of all court cases in the construction industry. Therefore, to minimize construction conflicts in the construction sector, more effort is required in resolving payment-related disputes during contract management. These findings, especially non-payment, are similar to findings in other studies (Love *et al.*, 2010; Soni *et al.*, 2017; Gunarathna *et al.*, 2018), although not as clearly emphasized in this research. Generally, non-payment and breach of contract account for nearly 75% of construction conflicts in Uganda.

The average length of time required to resolve a construction-related conflict through litigation in Uganda is 43.4 months (more than 3.5 years). The time required to resolve conflicts in Uganda is slightly lower compared to that in Kuwait, where the mean duration for litigation was 5 years (Alrasheed *et al.*, 2023). Construction conflicts between private individuals/entities take more time to be resolved (45.4 months) compared to conflicts between the private sector and the government (39.4 months). One possible explanation is the element of effective legal representation by government compared to the private sector that may not be effectively represented. It is also possible that the judicial system may give priority to government court cases compared to those involving only the private individuals and organisations. More than 60% of the court cases analyzed took more than 2 years to be resolved in courts of law. The minimum and maximum length of time required to resolve a construction conflict in Uganda is 6 months and 156 months respectively. Surprisingly, employment related conflicts take more time (58 months) to be resolved compared to tort related conflicts (47 months) and contract related conflicts (40 months). Possibly, individuals in employment and labour related conflicts lack in legal representation compared contract related conflicts since organizations/entities may have the capacity to hire experienced law firms. In the judiciary annual performance report of 2023/24, the lead time in Uganda was 897 days in 2022/2023 and 891.25 days in 2023/2024. The target lead time for the court cases in Uganda was 1,074 days in 2022/23 and 1,044 days in 2023/24. The lead time is the amount of time from the start of the case (registration) to its conclusion. Based on the above data, it clearly shows that the average time taken to clear contractual court cases in Uganda is above the lead time and the targets presented. Possibly the delays may be largely due to court processes, case backlog, shortage of staff, and limited automation but not the insufficiency of construction law.

The study findings show that in resolving construction-related conflicts, an average of USD 90,000 and USD 16,000 are awarded as special and general damages, respectively. In addition, the results show that more damages are awarded in tort-related conflicts, specifically with property damage and negligence, than contract and employment-related conflicts. One possible explanation for higher damages in tort claims is primarily the intention to compensate the victim for the full extent of the harm so as to return to their pre-injury financial position. Tort damages are not just monetary awards for the harm suffered, but are intended to make the victim whole again by catering for the invisible costs of pain and suffering. The least damages were awarded in employment or labor-related damages. Obviously, most the conflicts in this category are usually related to non-payment of wages, salaries and unfair dismissal which may not attract a lot of compensation. For general damages, court cases with more legal issues framed attracted significantly higher awards. In the ruling on the claims submitted by the plaintiffs, the court only awarded 63% of the total claims made. There is a possibility that most claims made by the plaintiffs are exaggerated. It is prudent for claimants to gather and present all the relevant evidence to get the expected compensation since court rulings are

fundamentally based on evidence which can be in form of medical, police or technical reports by experts and witness statements. These findings are important for claimants or plaintiffs by giving them an indication of the possible recovery ratio and a strategy to get well compensated through litigation.

CONCLUSION

This paper has explored the application of the judicial system in resolving construction conflicts by determining the causes, lead time, and damages awarded by courts of law using 101 real court cases in the construction industry, unlike most previous studies that use questionnaires to collect the opinions, experiences, and knowledge of experts. The major contribution of this study to the body of knowledge is the time taken to resolve conflicts using litigation and quantification of damages awarded, which are limited in the scholarly literature. In addition, using the real wealth of court cases, this research also proposes a new classification of conflicts in the construction industry based on the applicable laws used to resolve them as contract, tort, and employment/labor conflicts, with contract-related conflicts as the majority. The findings show that the overall success rate by plaintiffs is 93%, indicating very high chances of a plaintiff winning in most cases. The main causes of conflicts in the construction industry are non-payment and breach of contract. Non-payment issues account for nearly 50% of all court cases in the construction industry. Generally, non-payment and breach of contract account for nearly 75% of construction conflicts in Uganda. The study findings show that in resolving construction-related conflicts, an average of USD 90,000 and USD 16,000 are awarded as special and general damages, respectively, with more damages awarded in tort-related conflicts. The average lead time required to resolve a construction-related conflict through litigation in Uganda is 43.4 months (more than 3.5 years), which is above the average lead time for all court cases in Uganda as well as the annual judicial targets. Therefore, based on the lengthy time taken to resolve construction conflicts, litigation appears inefficient in resolving construction conflicts in Uganda.

Author Contributions

CREDIT: **PK:** Conceptualization, formal analysis, Writing – original draft; **CBB:** Conceptualization, Supervision, Writing – review and editing; **JM:** Conceptualization, Supervision, Writing – review and editing.

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The data that support the findings of this study are available on request from the corresponding author [CBB]

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Conflict of Interest Statement

The authors have no potential conflict of interest to declare.

Declaration of Generative AI Use

The authors report that generative AI was not used in their research or preparation of this manuscript.

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