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THE ROLE OF CUSTOM IN CONTRACT INTERPRETATION: A COMPARATIVE STUDY

Sabah Erees Abdulraoof

University of Kufa,

Najaf, Iraq

E-mail:

raghadf.altaai@uokufa.edu

ORCID: [https://orcid.org/0000-](https://orcid.org/0000-0001-7072-5590)

[0001-7072-5590](https://orcid.org/0000-0001-7072-5590)

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ABSTRACT. Custom has different functions within the scope of contracts, which is reflected in the fact that the agreement's content must be precisely defined since this content is determined by the terms of the contractors indicating its common will, of course. Since sometimes, these terms are vague and therefore need to be interpreted by the judge. The Custom is one of the variables that guide the interpretation of this ambiguity by suggesting the meaning of words and acts and their indication of the genuine intents and goals shown. The contractors drew upon all ancillary and circumstantial evidence. However, this is without regard for literal adherence to the look of the word because seeing words as flexible templates would emphasize the spirit of the message they convey. As a result, it is unsurprising that the word's meaning alters according to changing events and settings. Therefore, Custom is an important means to help the judge reach the true intentions of the contractors to determine the meaning of the word in the contract.

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L14, D86

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