


Chapter 2

Expiration vs. Termination: Reassessing Legal Boundaries in Contract Law

Dilshad Ahmad Mhia-aldin

 <https://orcid.org/0009-0005-4046-1607>

University of Mosul, Iraq

Akram Mahmoud Hussein

University of Mosul, Iraq

ABSTRACT

The legal concepts of expiration and termination in contract law, though often used interchangeably in practice, possess distinct theoretical and practical implications that significantly affect contractual relationships. This paper undertakes a critical reassessment of the boundaries between expiration—the natural conclusion of a contract upon fulfillment of its terms—and termination—the active cessation of contractual obligations prior to their stipulated end. Through doctrinal analysis, comparative legal perspectives, and examination of recent judicial decisions, this research elucidates how the ambiguity between these concepts can create legal uncertainty, especially in complex commercial agreements. The paper proposes a refined legal framework that distinguishes expiration from termination in both statutory and common law contexts, providing clarity for courts, practitioners, and contracting parties. The study contributes to contract theory by enhancing precision in contractual language and advocating for uniform interpretive standards in international contract practice.

DOI: 10.4018/979-8-3373-4862-9.ch002

1. INTRODUCTION

Contract law serves as the foundational pillar of modern commercial and private transactions, governing obligations, expectations, and remedies among parties. Within this legal framework, the distinction between “expiration” and “termination” plays a pivotal role in the lifecycle of a contract. While expiration denotes the natural cessation of contractual obligations after a predefined duration or completion of terms, termination involves an active process of dissolving contractual ties—often prematurely and sometimes contentiously (Cazac, 2012). Despite their operational significance, the legal boundaries between these two concepts remain blurred in many jurisdictions, leading to interpretive conflicts and practical uncertainties. The increasing complexity of contractual structures, especially in transnational agreements and digital ecosystems, further magnifies these ambiguities (Mhia-Alddin & Hussein, 2025a; Banta, 2019).

A critical review of existing jurisprudence reveals inconsistent legal treatment of expiration and termination across common law and civil law systems. Some courts treat the terms synonymously, while others impose materially different legal consequences (Dehaini, 2021). This inconsistency is exacerbated by the lack of harmonized interpretive standards and insufficient doctrinal clarity in contract drafting and enforcement. The result is a legal gray area that undermines predictability in contract enforcement, increasing litigation risk and decreasing transactional efficiency (Bradley, 2021; Read et al., 2023).

This paper aims to reassess and redefine the legal contours separating expiration and termination in contract law. It will examine the doctrinal underpinnings, analyze comparative legal systems, explore case law interpretations, and propose a unified theoretical framework to distinguish these concepts more clearly.

Research Questions are:

1. What are the key legal distinctions between expiration and termination across different jurisdictions?
2. How do courts interpret these terms in cases of dispute, and what legal consequences follow from such interpretations?
3. What legal or doctrinal reforms can enhance clarity and predictability in the application of expiration and termination in contract law?

The reassessment of these concepts has both theoretical and practical implications. Theoretically, this research contributes to a more nuanced understanding of contract theory and the evolving nature of legal obligations (Grosskopf, 2011; Holmen-Jensen & Åsmoen, 2024). Practically, it offers legal professionals, policymakers, and contracting parties clearer guidance in drafting, negotiating, and

22 more pages are available in the full version of this document, which may be purchased using the "Add to Cart" button on the publisher's webpage: www.igi-global.com/chapter/expiration-vs-termination/383259

Related Content

Corporate Social Responsibility (CSR): A Cross-Cultural Comparison of Practices

Adriano Ciani, Lucia Rocchi, Luisa Paolotti, Francesco Diotallevi, José B. Guerra, Felipe Fernandez, Alek Suni, Golda A. Edwin, Nandhivarman Muthu, Yasuo Oheand Ana-Maria Grigore (2015). *Empowering Organizations through Corporate Social Responsibility* (pp. 73-96).

www.irma-international.org/chapter/corporate-social-responsibility-csr/121279

Responsible Management in the CSR 2.0 Era

Patricia Martínez García de Leanizand Raquel Gómez-López (2017). *CSR 2.0 and the New Era of Corporate Citizenship* (pp. 37-54).

www.irma-international.org/chapter/responsible-management-in-the-csr-20-era/174076

Ensuring Privacy and Security in Machine Learning: A Novel Approach to Efficient Data Removal

Velammaland N. Aarthy (2024). *The Ethical Frontier of AI and Data Analysis* (pp. 138-155).

www.irma-international.org/chapter/ensuring-privacy-and-security-in-machine-learning/341191

Enabling Democratic Local Governance through Rural E-Municipalities in Kyrgyzstan

Zamira Dzhusupova (2015). *Human Rights and Ethics: Concepts, Methodologies, Tools, and Applications* (pp. 1009-1033).

www.irma-international.org/chapter/enabling-democratic-local-governance-through-rural-e-municipalities-in-kyrgyzstan/117074

International Commercial Arbitration and Alternate Dispute Resolution: An Exordium

(2023). *Policies, Practices, and Protocols for International Commercial Arbitration* (pp. 1-23).

www.irma-international.org/chapter/international-commercial-arbitration-and-alternate-dispute-resolution/333074