

Abstract

The theses includes an analysis of the institute of setting aside an arbitral award by court. It is focused on summary of present theoretical findings which are drawn mainly from commentary literature. However, the key focus of the theses is an analysis of relevant judicial decisions related to the investigated institute. It uses decisions of the Supreme Court of the Czech Republic and the Constitutional Court of the Czech Republic in particular.

The theses is divided into introduction, four parts and conclusion. The first part contains a brief explanation of historical development of setting aside an arbitral award. Then it is focused on theoretical doctrines and judicial decisions related to the nature of arbitration and arbitral award and on the role of the courts in arbitration.

The following part deals with the setting aside an arbitral award as a civil proceeding. It focuses on material jurisdiction of courts to the proceeding and possibility of setting aside a resolution issued by arbitrator as both of these matters are new to the proceeding.

The fundamental part of the theses is the analysis of the various reasons for setting aside an arbitral award. All seven reasons are covered in the order in which they appear in the law. Priority is given to the reasons consisting in lack of arbitrability, invalidity of arbitration agreement or failure to provide a sufficient opportunity to be heard in the arbitration as they has been through significant developement in connection with courts shifting to the jurisdictional theory of arbitration. The theses deals with these reasons mainly from the perspective of the recent development of case law.

Special reasons for setting aside an arbitral award in disputes between businessman and consumer are included in the fourth part of the theses. It is focused on introduction and subsequent cancellation of consumer arbitration in less than four years.