ABSTRACT

This thesis deals with the ways of deciding the subject-matter in the international commercial arbitration. Its primary objective is to analyze the most common ways of the subject-matter decision-making process, herein not only the decison-making according to set state law, but also as *amiable compositeur*, *ex aequo et bono* and *lex mercatoria.* Secondary objective is a brief presentation of marginal means of decision-making.

In the first chapter, there is the term international arbitration explained. The second chapter provides the essential theoretical terms and context of deciding the subject-matter in the international commercial arbitration. The aim of the chapter is not only the need to introduce the reader into the subject-matter of the thesis, but also to elucidate its further stucture. In the third chapter, the process of deciding the subject-matter of a dispute according to the state law chosen by either the parties or the arbitrators is explored. The fourth chapter deals with the decision-making as regards justice and in the fifth chapter, *lex mercatoria* is characterised. In the sixth chapter we briefly analyze other methods of deciding the merits of a dispute as to the general principles of law, trade usages, using the method *tronc commun*, according to Islamic *shari´a*, and finally, decision-making based on actual contractual arrangements made possible due to the existence of *self-regulatory contracts*.

The conclusion of this thesis disproves the hypothesis that in most European countries chosen to become seat for international arbitrations only one way of selecting applicable law by arbitrators is preferred and the hypothesis about clear definition of different ways of deciding the subject-matter is also refuted. On the contrary we confirmed the hypothesis about the dependence nonlegal modes of decision-making on national law.