

Abstract

This thesis presents a concise definition of arbitration as a method of dispute resolution, in particular in international commercial trade. In its seven chapters it contains a brief introduction to the history of international arbitration, its definition as opposed to other forms of alternative dispute resolution or the judiciary, an outline of the progress of operations from before the start of the procedure up until the end of it, and also a consideration of the advantages and disadvantages of arbitration.

The first chapter of this thesis deals with the general characteristics of alternative dispute resolution. Disputes shall be defined by their relationship to arbitration, and a brief characterization of the different types of ADR such as mediation, conciliation, mini-trial, etc. will be included. It also outlines the development of arbitration proceedings, in particular in our country.

The second chapter includes an introduction to the subject of arbitration. It contains the definition of the concept of international justice, in the context of fundamental theoretical doctrines which define the legal nature of the Institute and the Czech Constitutional Court and the case-law of the Court of Justice of the European Union. Finally, this chapter addresses the categories into which arbitration is divided: the institutional arbitration, where the proceedings take place before permanent arbitration institutions, and ad hoc arbitration, in which the arbitral tribunal is established for resolving a particular dispute. Online arbitration as a new and progressive way to conduct the arbitration will also be discussed.

The third chapter defines the legal framework of the arbitration proceedings, both in terms of national law and in terms of international standards, without which the functioning of the system of international arbitration of the judiciary would be almost unthinkable. More of this chapter deals with the New York Convention, which forms the backbone of the entire system.

The fourth chapter is devoted to the most important detail in the relatively conventional institute of arbitration-arbitration agreement. The arbitration agreement is an agreement between the parties to reach a solution before an arbitral tribunal for disputes which already exist, or disputes which may present themselves in the future. The arbitration agreement can effectively delegate this power of decision only in accordance with certain conditions. One of these conditions is the arbitrability of dispute in the country conducting arbitration proceedings, an issue dedicated to the second part of this chapter.

Chapter five discusses the course of the proceedings from its launch until after the decision in the case. The introductory part of chapter attempts to provide an answer to the question of the applicable law that will apply to the subject of the dispute and the procedural rules governing the dispute. The second part of the chapter then compares the progress of arbitral proceedings according to Czech and German legislation, and also compares the minor aspects of the course of the proceedings before the Arbitration Court attached to the Economic and Agrarian Chamber of the Czech Republic and the German Institute for arbitration.

The penultimate chapter is devoted to the issue of recognition and enforcement of arbitral awards. More attention is placed on the recognition and enforcement of foreign arbitral awards, since the mechanism of recognition and enforcement of foreign arbitral awards is significantly easier, and, in the opinion of the author, is the most important advantage of arbitration proceedings before the courts compared to the classic model.

The seventh and final chapter offers a debate on the advantages and disadvantages of international arbitration. This chapter concludes that the positives of this type of management clearly outweigh its disadvantages, which reflects the growing popularity of this type of dispute resolution.