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The Positive Effects Resulting from the Commercial Arbitration Agreement in Accordance with the Rules of Jordanian and Comparative Law

Rodwan Ebedat*

ABSTRACT

Arbitration, as a special ruling, arises normally from a contractual source. Commercial arbitration agreement is considered as the basis and essence in the arbitration process because it embodies the parties' choice to have recourse to arbitration as a method for solving their commercial disputes and defining the nature and limits of the subject under adjudication. The agreement gives the arbitrator the power to decide upon disputes by a binding decision. It makes official courts with no jurisdiction to consider it and controls the arbitration process march, starting from the appointment of arbitrator and defining his duties and passing through the legal rules applicable to the subject of dispute. Under commercial arbitration agreement, being the contract in which the parties have undertaken to solve the disputes arising or that may arise among them, through arbitration, the parties should honor their agreement and refer such disputes to an arbitral panel to issue its award in respect thereof based on the principle of the contracts binding terms, or that a contract is the law binding the relation between the two contracting parties "Pacts Sunt Servanda". Based from the general rules in the civil code, the arbitration agreement, like any other contract, is subject to the effect relativity principle resulting from the contract in terms of the parties and in substance, just as the contract can not bind but its parties, the arbitration agreement may not also be applied to any one. Who is not a party thereto, and its effect is only applied to the parties to the contract who only can hold to its invalidity, unless the subject relates to public order. The principle, which states that: the arbitral panel has the power to finally decide in its jurisdiction without being subject to any judicial control and has the right to decide upon the disputes agreed to be resolved by arbitration and defined by arbitration agreement, is considered and at the same time the most accurate of the most principles within the framework of commercial arbitration and of the most important effects of arbitration agreement.

Keywords: Commercial Arbitration, Jordanian Law and Comparative Law.

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