

Summery

Year: 2019

Subject matter: International Commercial Arbitration

Author: Трофимов Иван Игоревич

Specialty / direction of training: 40.03.01 - Jurisprudence

Level of study: bachelor's degree

Institute: IDORIKT

Department: Department of International Law, Justice and Law Enforcement.

Scientific adviser: Cand. legal entity Sci., Associate Professor, Head of the Department of International Law, Justice and Law Enforcement Activity Дурнева Полина Николаевна.

The organization-customer: Pyatigorsk state University

The relevance of the research topic is due to the emergence of disagreements between organizations engaged in international cooperation that are not resolved through negotiations. In this connection, it is necessary to create conditions that guarantee objective and competent resolution of possible disputes by international arbitration courts. International commercial arbitration contributes to the development and simplification of international economic cooperation.

Currently, international commercial arbitration has become the most popular way to resolve disputes in international Commerce. Commercial practice in modern conditions has generated quite complex disputes, the resolution of which requires the appropriate specialization of judges, as well as the need to attract the most authoritative experts in the field of jurisprudence, specializing in certain problems of law, to participate in arbitration courts. However, to date, various approaches have been used to determine the nature of international commercial arbitration, from which the powers of the arbitrators themselves derive directly.

The object of the study is the public relations that are developing in relation to international commercial arbitration.

The subject of the study is the rules governing the organization and operation of the system of international commercial arbitration.

The purpose of the study is to analyze international acts, current national legislation, judicial practice, scientific papers relating to the practice of international commercial arbitration, to identify current problems of international commercial arbitration.

To achieve the above goal, the following tasks were set:

- analyze the development of international commercial arbitration;
- to study the system of international arbitration institutions;
- identify the most relevant approaches to the essence of international commercial arbitration;

- to reveal actual questions of practical activity of international commercial arbitrations;
- to analyze the existing domestic and international legislation in connection with the goal;
- to analyze the judicial practice of international commercial arbitration bodies in relation to the Russian Federation.

Conclusions: Effectiveness of the entire arbitration proceedings and the fair satisfaction of the parties claims depends directly on the enforcement of the award. The Convention on the recognition and enforcement of foreign arbitral awards (New York, 1958) establishes the foundations of the international regime for the recognition and enforcement of foreign arbitral awards. According to foreign researchers, the wide acceptance by States of the above-mentioned New York Convention indicates a departure from the traditional paradigm that provides unreasonable freedom of action on the part of the courts of the place of arbitration. The Convention is an example of the normative collective activity of States, which enshrines the legality and validity of transnational arbitration law. Nevertheless, when rendering a decision to international arbitration courts, it is necessary to take into account the specifics of the domestic legislation of the state in which the award is enforceable.