

The study of the effects and results of the theory of the principle of independence of the arbitration agreement of the main contract

seyedeh maryam asadinezhad*,akbar imanpour, zohreh rahmani,

Abstract The rules of arbitration in Iran contain principles and rules that are unique and important. One of the important principles of the principle of independence is the condition of the arbitration of the original contract. According to this principle, if the original contract is canceled or invalidated by any reason, the arbitration clause or arbitration agreement shall remain in force for any conditions. The doctrine of the principle of independence is a condition both in fiqh and in law, and it has effects and results that some of them are not clearly and completely stated in the regulations. What are the consequences and achievements of this principle in the rights of the parties is realized, the main subject of this thesis. Whether all the results this principle have been identical in the provisions of the Civil Procedure Act of Iran and the International Commercial Arbitration Law, is a challenging topic discussed in this thesis. The results and effects of the principle of independence of the arbitration clause of the original contract include the survival of the arbitration agreement by dissolution of the original contract and the voidness of the original contract as well as the difference or non-compliance between the law governing the original contract and the law governing the arbitration agreement as well as jurisdiction to jurisdiction. The negative aspect of this recent rule and the arbitration agreement is the partial and interim denial of the jurisdiction of the courts and is subject to legal review by the court.

Keywords : arbitration agreement, principle of independence of the condition of the main contract, the law of the place of arbitration, the jurisdiction of the arbitrators

Author Seyyedeh Maryaym Asadi nejad

