

# **A comparative study of the principle of independence in the arbitration clause in the Iranian legal system and international arbitration**

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**Abstract** Study the legal systems of foreign countries shows in these countries, the solution of the main contract arbitration clause independence is widely accepted and the solution adopted in the Code of Civil Procedure Iran, not less popular. Iranian legislator dual solution: while the International Arbitration Act enacted in 1376, accepting the principle of independence of the contract arbitration clause (Article 16), Code of Civil Procedure Act 1379, the continuation of traditional solutions the former law, the lack of independence of one another (Article 461). Explain and justify solutions arbitration agreement independent of the main contract is the subject of this study that Bamtalh foreign legal systems and evaluate these systems we see in Iran exactly what is the dichotomy resolution and what solution should be pursued. So, it is necessary to do this the principle of autonomy of the arbitration clause in the original contract and to analyze the rights of foreign and Iran rights. **Keywords:** Contract- The principle of independence of the arbitration clause- Code of Civil Procedure- International Arbitration Act

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