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Formation of the Arbitration Tribunal According to Jordanian Arbitration Law

*Radwan Obeidat**

ABSTRACT

Formation of the arbitration tribunal and choosing its judges is considered one of the most important stages in the arbitration process as we can not envisage a public or private court without judges to determine the issue under dispute. And whereas arbitration is a special judicial system, in which the parties seeking arbitration choose their judges under a special written agreement therefore, the freedom of the parties to choose their judges is considered one of the most advantages of arbitration.

The idea of arbitration is based on the confidence, which the parties to the dispute place in the arbitration tribunal, in terms of its expertise, impartiality and ability to settle the dispute through a just legal solution. Thus came the legislator's decision to agree to grant the two parties to the arbitration agreement complete freedom to choose the arbitrators, members of arbitration tribunal and not to impose any restriction thereon other than the number of members to be uneven and that the principle of participating in choosing arbitrators shall be equal among the concerned parties and, consequently any other condition to the contrary shall be null and void.

If however the legislator has left to the parties to the dispute complete freedom of forming the arbitration panel, as a confirmation of the purport of confidence in its arbitrators, he did not make their disagreement to choose panel members a reason preventing finalization of the arbitration process, but he referred such task and vested it in the competent court to appoint the arbitrators upon the request of either party. Consequently, the aim from judicial intervention in this issue shall be confined to providing assistance in forming the arbitration panel in order to complete the arbitration process and make it a success.

Accordingly, the researcher has focused on three major aspects, which dealt with the formation of the arbitration panel in accordance with the provisions of the new Jordanian Arbitration Law and the comparative law, which constitute subject of the two topics from which this study was formed. These are: First Section: Consensual formation of the arbitration panel, Second Section: Judicial formation of the arbitration panel.

Keywords: Tribunal, Dispute, Judges.

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