

Principle of Competence-Competence in Iranian and French Law

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Abstract

Principle of competence-competence means the arbitrator's ability to recognize his or her competence. This principle has been introduced to support the efficiency of arbitration as a means of resolving disputes. The true place of this principle is when there is doubt as to the validity or scope of the arbitration agreement. Nowadays, French jurisprudence and doctrine have specified the scope of this principle, while this principle is not regulated in our law and there is no comprehensive knowledge about it. According to that principle, it will not find the item independent claim to the annulment of the arbitration contract. The arbitration agreement is manifestly void or unenforceable. In the case of consumer and labor contracts; for example, it does not incompetence the court. Therefore, in this article, an article is suggested to be dedicated to the explicit expression of this principle in the Code of Civil Procedure.

Keywords: Competence; Positive Affect; Negative Affect; Separability; Arbitration.

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