

Law  
Comparative

The Journal of Comparative Law  
Semi-annual, Vol. 11, No. 1, Spring & Summer 2024  
Issue 21, pp. 133-153  
Original Article

حقوق تطبیقی

دو فصلنامه علمی حقوق تطبیقی  
دوره یازدهم، شماره یک، بهار و تابستان ۱۴۰۳  
شماره پیاپی ۲۱، صص ۱۳۳-۱۵۳  
مقاله پژوهشی

## Reopening the Concept of Autonomous Arbitration and its Efficacy in Iranian Domestic Arbitration and the English Arbitration Act 1996

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DOI: <https://doi.org/10.22096/law.2025.2024164.2198>

Received Date: 02/03/2024 - Accepted Date: 23/08/2024

### Abstract

Despite the fact that autonomy is known as one of the approaches related to the nature of arbitration, it is a type of rule-making mechanism in international commercial arbitration. This mechanism, based on the contractual nature of arbitration and aimed to achieve the goal of arbitration, which is the final peaceful resolution of the dispute, directs rule-making toward reducing court intervention, giving broad powers to the arbitrator or arbitral tribunal, and limiting the agreement that conflicts with the goal of arbitration. This article, using a descriptive-analytical method, first describes the quality of the autonomous mechanism and concludes that the autonomous mechanism is not specific to international commercial arbitration; rather, it is a rule-making approach that can also be applied in domestic arbitration. Then, it compares rule-making in the two legal systems of England and domestic arbitration in Iran. The use of the autonomous mechanism has led to the efficacy of the arbitration institution in English law. Rule-making based on the autonomous approach can mitigate or eliminate the inefficiency of domestic arbitration in Iran.

**Keywords:** Arbitration; Mechanism; Autonomy; Rule-making.

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