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SOME ISSUES ON CORRELATION BETWEEN ADJUDICATION OF DISPUTES UNDER THE CIVIL LAW BY ARBITRATION COURT AND TRIBUNAL

The article is devoted to the topical problem of correlation between disputes settlement under the civil law by arbitration court and tribunal.

The author analyzes the approaches to the definition of justice, developed in literature, as well as the main approaches concerning attribution of the arbitration court activity on consideration of civil disputes both to justice and to the jurisdictional activity, other than justice. The problem of such correlation determination is conditioned not only by the need of theoretical dissociation of these two categories as it is the source of practical problems of the law-making and law-enforcement. Such inconsistencies are especially notable in the light of decisions of the European Court of Human Rights in the context of review of the arbitration court's decisions, as by

the decisions of the judicial institution, the arbitral court fully falls under the term "court" within the meaning of Art. 6 of the European Convention on Human Rights and Fundamental Freedoms concerning the right to a fair treatment by an independent and impartial court determined by the law.

According to the result of the research the author does not identify the arbitration as the administration of justice, for which Ukraine has legal basis. However, taking into consideration the decision of the European Court of Human Rights and approximation of the Ukrainian legislation to the legislation of the European Union, the further shift of emphasis in understanding of the arbitration court as the body that administers the justice, though not incorporated into the state court system, is possible.