

**The effect of the arbitration clause on the special nature of the
administrative contract**

“Comparative analytical study”

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Abstract

This study aimed to demonstrate the impact of the arbitration clause on the special nature of the administrative contract, considering that arbitration is a means of settling disputes, and therefore it is an inevitable result that is exposed before the legally prescribed judicial authorities in the event of any dispute that may arise from this contract, which in turn promotes resorting to another means of amicable agreement, and resolve any dispute that may occur in the future, the source of this contract, is (arbitration) that exceptional means in which the doctrinal opinions conflicted between violators and supporters. While some consider it a violation of the competent judicial authorities, it is not considered a violation of the state's policy and national law because it does not oppose resorting to arbitration, a good example of this is Article three of the arbitration law, which states that "the provisions of this law apply to every arbitration agreement taking place in the Kingdom and related to a civil or commercial dispute between parties of public or private law, regardless of the nature of the legal relationship around which the dispute revolves, whether contractual or non-contractual".

If the arbitration clause or condition is applied in the countries that have adopted this agreement, the arbitration proponents have pointed out that the failure to resolve the dispute provoked by the publication of this agreement does not exempt the parties to the contractual process from resorting to justice, and that referring the dispute to arbitration is only a confirmation of the principle of consent and friendliness between the parties. The contractual process and reducing the burden on the judiciary shortens a lot of time and effort, through qualified and professional arbitrators and experts in the field of resolving legal disputes in an amicable manner no less than the efficiency of the judiciary.

One of the most important findings of the study is that the inclusion of the arbitration clause in the administrative contract increases its flexibility and reduces the bureaucratic procedures associated with administrative disputes, enhances the confidence of investors and private companies in administrative contracts, in addition to providing a legal and stable environment for investors.

Keywords: arbitration clause, administrative contract, arbitration law.