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The Use of Experience in the Internal Arbitration Convention Cases: An Analytical Critical Study for Article No. (34) of Jordanian Arbitration Law

Ahmad SuliemanZayed

Abstract

This search is an analytical critical study for article No. 34 of Jordanian arbitration law, that article which addressed an issue that related to one of the key evidences that stipulated in the Jordanian Evidence Act which it is the experience. Text of that article touched a fundamental issues that related to the freedom of the arbitral tribunal in conducting the expertise and its range and selecting and appointing the experts and the procedure of stating the experts opinions, and how to bind both conflict parties to provide the necessary information to the expert/experts, and how the conflict parties could express their opinion in the expert conclusion report, and give them the opportunity to negotiate the expert/experts in the hearing session, further to use another expert/ experts opinion in all issues that stated in the expert conclusion report, provided that legislator allow other than this.

This study try to show if the above article raises a real legal problem that related to the freedom of arbitral tribunal in conducting the expertise and the its range and the necessity of select and appoint the expert/experts, and how the expert conclude his report, and the authentically proof of that report, and the right of conflict parties in negotiating such reports and if they can use another expert/experts during that. And the use of experience in the internal arbitration convention cases in light of article No. 34 of the Jordanian arbitration law and the other relevant legal texts.

This study concludes certain conclusion will stated at the end.

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