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Abstract

Arbitration is a system, voluntarily adopted by parties to decide disputes, in which an impartial arbitrator, after hearings, issues a legally enforceable award. Particularly construction arbitration is defined as arbitration system resolving dispute between owner and contractor about construction work, contractor and sub-contractor about sub-contract in construction, contractor and third parties about construction liability, engineer and contractor, etc. In the construction industry, arbitration often involves a technical aspect. The arbitrator may be called upon to interpret plans or specifications or to judge the quality of workmanship in the field. Judges and juries may not be very well qualified to resolve technical matters. Nothing but all parties must agree to arbitrate before a dispute can be settled by arbitration. Agreement is usually reached before the dispute arises, by arbitration agreement included as a clause in a construction contract. Agreement also may be reached after the dispute arises, in which case it is referred to as a submission.

Recently, through the awards of seoul subway construction case, concern about construction arbitration is raised. The current awards are significant from point of view reflecting considerably claims of contractor. However the construction arbitration system in Korea has not been activated by reason of some problems. For example, ambiguity of arbitration clause in contract document, deficiency of connection with mediation system, neutrality deficiency of arbitration organization, specialization deficiency of organization and manpower are major

cause of inactivation.

Therefore the purpose of this study is to activate utilization of the construction arbitration system through concrete case analysis and careful consideration of construction arbitration system. This study is consist of I ~ VI chapter. In the part of chapter II, we introduce arbitration as dispute resolution system in construction industry. In chapter III, we show the present condition of construction arbitration in korea and analysis of construction award. And we give careful consideration to a problems about arbitration system of construction industry in chapter IV. In the part of chapter V, we introduce arbitration system and organization in other developed countries. In the last chapter, this study will suggest each improvement device for arbitration activation in construction industry, laying stress on the point of strengthening the consolidation of ' The korea commercial arbitration board ' and redevelopment of arbitration clause.