



Arbitraje de derecho administrativo y fuerza vinculante del precedente constitucional en Colombia [

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text (article)

Analítica

Abstract This paper is an advance of research of a doctoral thesis on the scope of arbitration in Colombia and Spain. It states that, in the Colombian legal system, arbitration has a jurisdictional nature. In addition to being transitory judges, arbitrators have a wide margin of autonomy to choose the law applicable to the case. To this is added that, as it is a single instance process, subject only to the motion for annulment, which process for defects in form or procedure, there is no procedural way to question the substance of the decision. The research is descriptive and is done from the qualitative approach. The general objective of the article is to demonstrate that, despite the above, and to that idea was reached in the conclusions, the arbitrators are subject to the precedent of the Constitutional Court, by virtue of the principles of constitutional supremacy, consistent interpretation and legal certainty. The purpose of the article is to generate arguments so that, from the arbitration processes, the constitutional precedents are respected

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