



Medidas Cautelares Innominadas en Procesos Arbitrales Aproximación al Decreto y Prácticas de Medidas Cautelares Innominadas en los Tribunales de Arbitramento que se han Tramitado en Colombia Durante los Años 2019 a 2021 y la Alternativa que Permita su Apl [

2023

text (article)

Analítica

With the issuance of Law 1564 of 2012, progress was made in the matter of precautionary measures since the so-called preliminary orders or unnamed precautionary measures were originated, an institution that in turn was developed in Law 1563 National Statute of National and International Arbitration that took a great step in arbitration matters in our internal legal system, the brief but necessary historical account of the development of international arbitration and the legal framework that has been regulating it, among others, by the New York convention, the European Convention on commercial arbitration International Geneva of April 21, 1962 and the Resolutions that regulate them, will lead us to conclude that there is a gap in the adoption of the so-called unnamed precautionary measures and for their part this power is not directly attributed to the arbitrators, aspect which makes its applicability even more difficult due to the formalities that the arbitration process that requires the arbitrators to guarantee the effective protection of the party that agrees to this measure to resort to tools known as emergency arbitrators and judicial support that allow effective protection of the rights recognized in the substantial law. On the other hand, the purpose is to analyze and define whether in the arbitration processes carried out during the years 2019 to 2021 in a certain city of Colombia, unnamed precautions have been

decreed. What are the requirements established in the arbitration regulations for the application and decree of interim measures. The study will be carried out with respect to the analysis of processes processed in the arbitration centers of a given city in Colombia during the years

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Editorial: 2023

Tipo Audiovisual: international arbitration unnamed precautions preliminary order new york convention advance precautions arbitramento internacional cautelas innominadas orden preliminar convención de nueva york cautelas anticipadas

Documento fuente: Ciencia Latina: Revista Multidisciplinar, ISSN 2707-2207, Vol. 7, N°. 6, 2023

Nota general: application/pdf

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Lengua: Spanish

Enlace a fuente de información: Ciencia Latina: Revista Multidisciplinar, ISSN 2707-2207, Vol. 7, N°. 6, 2023

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