

A Study on the Development of the Arbitration System based on the Prosecution and Police Investigation Mediation Right

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The purpose of this paper is to focus on the development of the arbitration system, such as the establishment of the arbitration industry and expanding the scope of arbitration fields. The solution method of arbitration differs greatly from that of the court's trial process. This can be seen in the way of autonomous conflict resolution. Therefore, the role of arbitrator is a very important function. In this sense, it seems necessary to establish a professional arbitrator system. Now the Arbitration Promotion Act has been enacted and interest in the arbitration industry is also rising. It is necessary to deal effectively with new incidents according to changes in the legal environment internationally. In order to do this, it is imperative to train professional arbitrators. A training plan for arbitration manager to assist this is now under consideration. The coming of the Fourth Industrial Revolution and the growth of artificial intelligence (AI) technology will simply stop the uniform way of determining winners by lawsuits. Even in new companies entering new markets as well as overseas companies, assistance from arbitration experts is indispensable in order to effectively deal with international trade disputes that will develop in the future. In addition to fostering the arbitration industry, it is necessary to train experts in domestic and foreign arbitration and arbitration practitioners to provide high-quality legal services. For these human resource development measures, we will explore the subject and procedural methods. The Arbitrators Association should concentrate on these matters and be cautious when focusing on the training of arbitrators and arbitration managers through the selection process. The Arbitrators Association must strengthen the level of new education (designation / consignment). Measures must be taken in order to grant such procedures as well as subsequent steps.

Key Words : Arbitration Promotion Act, Alternative Dispute Resolution, International Arbitration Center, Arbitrator, Arbitration Manager

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I. Introduction

The purpose of this paper to focus on the development of the arbitration system, such as establishing the arbitration industry and expanding the scope of arbitration fields. Recently, Korea has been actively involved in training arbitration experts by opening the International Arbitration Center of Korea Commercial Arbitration Center in accordance with the change of the domestic and foreign legal environments.

The role of the prosecution and the police is also a problem that can be seen in the changing legal environment. It is expected that the Arbitration Association and the International Arbitration Working Group will play a role in this. It is evident that the market principle of the arbitration industry is functioning properly due to the opening of the legal market. Now, intermediary agencies with leading foreign lawyers' organizations show interest in these Korean arbitration industry sites. In fact, it is true that many efforts are being tended to anticipate ADR pending issues. The coming of the fourth industrial revolution and the growth of artificial intelligence (AI) technology will simply stop the uniform way of deciding a winner / loser in litigation.

Even in new companies entering new markets as well as overseas companies, assistance from arbitration experts is indispensable in order to effectively deal with international trading disputes that will develop in the future. In addition to nurturing the intervention industry, it is necessary to cultivate domestic and international arbitration experts and arbitration practitioners to implement high quality legal services. Article 10 of the Constitution stipulates that “all citizens have the dignity and value as human beings and have the right to pursue happiness. States have the obligation to identify and guarantee the non-inviolable human rights of individuals.” There are a lot of problems to be solved by the low cost of mediation, not by going to court and fighting a lawsuit. There are many cases that go to arbitration, not to court nor to

prosecution.¹⁾ On the other hand, if a party to a legal relationship that is able to resolve the dispute by itself leaves the dispute settlement to a third party arbitrator and the opportunity for attack and defense is secured in the arbitration proceedings, it becomes evident that arbitration holds certain binding powers.²⁾

II. Role of the Act on the Promotion of the Arbitration Industry

1. Establishment of the Act on the Promotion of the Arbitration Industry

The Act on the Promotion of the Arbitration Industry (abbreviated as: Arbitration Promotion Act) is Law No. 14471, dated December 27, 2016. It has been enacted since June 28, 2017. In Article 1 (purpose), “This law sets out necessary matters for the promotion of the arbitration industry and makes it possible for the Republic of Korea to develop as an arbitration place by making arbitration effective as domestic and international dispute resolution. It aims to contribute to the development of the national economy by creating the foundation for the promotion of mediation industry.

Particularly noteworthy is the enactment of the International Arbitration Act, stipulating that “the creation of a foundation for promoting the arbitration industry as a means of solving domestic and international disputes and facilitating the development of Korea as an arbitration center” can be seen. In the meantime, the Ministry of Justice has opened the Seoul International Arbitration Center (SIDRC) and has contributed to the revitalization of international arbitration.³⁾

1) 2018,6,22, Greetings from Seoul Regional Bar Association and Korea Arbitration Association Joint Symposium, Meeting Room on the 1st floor of the Bar Association Hall, and Lee Ki-Soo Chairman of Arbitration Association (14: 30).

2) Kang, Su-Mi “A Study on the Effectiveness of Arbitration Judgment”, *Intervention Research*, Vol. 27, No. 1, Korea Arbitration Association, 2017.3, p.65.

3) SIDRC is 2013.5.27, Opening 2018.4.20, It was absorbed and integrated into the establishment of the Korea Commercial Arbitration International Arbitration Center (KCAB INTERNATIONAL). It was changed from the competent department or Industrial and Commerce Resources Department to the Legal Department.

2. Prosecution · Police Investigation Mediation Right and Arbitration

Regarding the Prosecution · Police investigation mediation right, The government decided to set up a cooperative relationship between the prosecution and the police at 10:00 am on June 21, 2018. In addition, they announced the 'agreement on the control of prosecution and police investigation' which the police contains the contents of the primary investigation and the right to terminate investigation.⁴⁾ There is still a parliamentary debate on the proposed amendment to the draft law. The important point is that the police have the right to close the investigation and to have the primary investigation right. Here, there is a provision that makes it possible to discipline if the police do not fulfill the complementary investigation request of the prosecution.

However, they do not need to submit any complaints or accusations to the prosecution or to the police, so they will not accept reception from the beginning. This also applies to electronic reception. In civil cases such as property cases, criminals will be handed over to arbitration by listening to the opinions of the parties. Now the department responsible for arbitration operations has been changed to the Legal Department at the Ministry of Industry and Trade and Resources,

There are also arbitration promotion, laws, environments which have changed, etc. 2018.6.22. At the meeting with the police Mugunghwa Club and Ulsan Police Agency executive, Chae 00 said, "The essential meaning of the investigation is to protect the

4) The main contents of the agreement between the prosecution and the police investigation authority are as follows: o In the interrelation between the prosecution and the police - the two institutions are set up to cooperate with each other in order to facilitate investigations, - The police should have more autonomy than the first investigation, and the prosecution should be more faithful to the role of judicial control, so that the two organizations can cooperate for the safety of the people and the protection of human rights, beyond the vertical relationship of command and supervision Enhancement of individual accountability oUnder this keynote, the police should grant 'primary investigation' and 'primary investigative right' to all cases to increase the autonomy and accountability of the police, in relation to the 'primary investigation' of the police and the control of the prosecution. - The prosecution, together with the indictment, has the right of direct investigation on the specific case, the investigation right after posting, the request for supplementary investigation on the investigation of the police, the request for exclusion of duties and the request for disciplinary action, Have control of the investigation right after the immigration. - If a police officer files a legitimate seizure, search, arrest, or arrest warrant for a criminal offense by a prosecutor or a prosecutor, the prosecution shall promptly request the court to issue a warrant, - In the event that the same case is investigated by a judge and a judicial police officer in duplicate, the investigator shall be given the right of prior investigation, but if the police commences a compulsory disposition by a warrant.

<https://www.gov.kr/portal/ntnadmNews/1501047>, 2018.8.7. final search

human rights of the people. Only the people who are the party to the human rights are excluded.”⁵⁾ Such a settlement agreement made the prosecution and the police cooperate on an equal basis. Furthermore, it is meaningful that the police gave the right to terminate the investigation independently. By identifying the area of arbitration on this occasion, we need to reduce the overburden of police work. It is desirable that the field of negligence requiring civilian property or physical agreement is incorporated into the arbitration field. It is a policy that serves victim's rights and interests by solving the complicated cases of human beings promptly.

3. Improvement of Internal Examination and Disputes in Public Law

(1) Expansion into disputes over public law

The government decided to deliberate and resolve the amendment bill of the Arbitration Act in October 2015 to expand and apply it to the area of public law. Disputes over public law, such as disputes over unfair trade practices, such as violations of antitrust laws, and disputes over the validity of intellectual property rights such as patent rights, also can be resolved through arbitration. Regarding the intellectual property rights ADR, it operates the IIPAC mediation center. Especially, when the doctor confirmed by e-mail, the agreement was made to be recognized. Furthermore, in order to enhance the effectiveness of the case, the arbitration award has been made possible with the cooperation of the court to carry out direct evidence investigation.

(2) Golf hosting inside incident

The police are also on duty throughout the year without making any conclusions about the case (related to The Free Korean Party's Kim 00 emergency chairman).⁶⁾ If

5) ch-db,tistory.com/8674, 2018.7.31,search

6) National Security Agency) Rules for disposition of incident cases (National Security Officer No.1, 2015.1.6., Enforcement) Article 1 (Purpose) This rule, The purpose of the police officer is to observe the due process and protect the human rights of the public in the intercompany process by stipulating detailed procedures for the initiation, proceeding, It was enacted as the first (Maritime Police Agency) disposition case treatment order (Marine Police Agency order 592, 2007.5.28., Enactment, enforcement), and with regard to the progress of the intervention, Article 7 “It is the

Kim is in violation of the law, he will have to pay for it or make a no-probable decision. The fact that holding a simple case for such a long time is unusual in itself (2018.7.28. Chosun Ilbo A 26). This is analyzed in a case of processing to arbitration by calculating the illegal amount (1 million won) of the amount of money that is stipulated by the Negotiable Contract Prohibition Act. In the case of arbitration, the Supreme Court should judge whether the applicant is eligible under the Supreme Court precedent. For the price evaluation of goods, "receipts" shall be prioritized. If there is any doubt about the price of the goods processed by receipt, it is a matter to be compared with the 'market price'. Whether or not "subject to application" shall be examined as an arbitration pursuant to the Supreme Court precedent remains to be seen. So it seems to be a field that needs to be addressed quickly by arbitration. Regarding the scope of arbitration, the Korean Arbitration Act is relatively broadly recognized as having arbitration in any dispute under the private law.⁷⁾

Ⅲ. Diffusion of Arbitration Field

1. The motivation of revitalizing international arbitration

(1) Establishment and role of Seoul International Arbitration Center (Seoul IDRC)

2013.5.27. Commercial arbitration clerk of Seoul Arbitration Centennio was established and operates the psychological facility for international arbitration on April 20th, 2018. It opened a global psychological facility and integrated with Seoul International Arbitration Center. Although it was originally located in Seoul Jongno, we prepared an expanded arbitration hearing facility in the trade tower of Seoul Samsung-dong. On April 20, the opening ceremony of the arbitration hearing institution of the commercial arbitration institution named Seoul Arbitration Center and the ceremony of the International Arbitration Center were held.⁸⁾ In Seoul International Arbitration Center, the 27th Seoul

principle of the If the period of intervention exceeds 3 months, the police officer shall prepare a report on the progress of the intervention in Form No. 5 and report it to the head of the concerned safety office (Article 8 (2)).

7) Yong-kil Kim, "A Study on the Scope of Effect in Arbitration Agreements", 『Journal of arbitration studies』 Vol.23 No.2, the korean association of arbitration studies, 2013.6, pp. 20-21.

International Arbitration Center Overseas Lecture Invitation Lecture Meeting was held in collaboration with the Commercial Arbitration Agency on June 30, 2017 and the International Arbitration Working Group for spreading the arbitration territory was held. Gary Born, Chairman of the International Arbitration Team of the UK law firm Wilmer Cutler Pickering Hale and Dorr, and Chairman of the Singapore International Arbitration Center (SIAC) Arbitration Court, participated as a speaker. The lecture was on “What we can learn from Singapore”. He proposed the recent policy of international arbitration in Singapore and its application to Korean arbitration. In particular, he explained the efforts to speed up the introduction of rapid dispute resolution system and efforts to secure professional arbitrators.⁹⁾ The seminar was held on December 7, 2017 at the Seoul International Center for International Arbitration (11th Floor, Seoul Global Center). The seminar was held on December 7th, 2017 and covered topics such as effective dispute settlement of Vietnam-related international transactions. All.¹⁰⁾ This seems to be the effort of the related organizations to spread the arbitration area and it is evaluated as contributing to the activation of domestic and foreign arbitration.

(2) The Korea Commercial Arbitration Board International Arbitration Center(KCAB INTERNATIONAL)

International Arbitration Case Handling and Public Relations Agency, 2018.4.20. The opening ceremony of the arbitration facility and the opening ceremony of the International Arbitration Center (KCAB International) were held in the 18th floor of the Trade Tower. In addition, it merged with the existing Seoul Arbitration Center to become a truly international arbitration center. The International Arbitration Center is a dedicated international arbitration organization established to operate the existing International Arbitration Service of the Korean Commercial Arbitration Board more independently and professionally. It is expected to create a synergy effect through mutual complementation with the Seoul Arbitration Center by playing a more active role in international arbitration and publicity education and training, as well as handling international arbitration cases, using the Seoul Arbitration Center.¹¹⁾ As a result, the Korea Commercial Arbitration Board

8) www.legaltimes.co.kr/news/articleView.html?idxno=36655, 2018.7.31.search,

9) seoulidrc.com/kor/events/03.php?admin_mode=read&no=833&make, 2018.7.21.search,

10) <https://www.koreanbar.or.kr/pages/news/view.asp?teamcode...1>, 2018.7.25.search,

11) www.newswire.co.kr/newsRead.php?no=868013, 2018.7.31.search, The new arbitration facility of the

said it is expects to build a world class intermediary service infrastructure and provide a new level intermediary service.¹²⁾ Now, following the formation of that infrastructure at the world level, we need to focus on substantial human resource development. It is to expand the arbitration territory beyond only domestic arbitration and train arbitrators in charge of this expansion. Again, we must be specialized in the arbitration domain. In addition to the Commercial Arbitration Agency of Seoul, the Seoul Regional Bar Association civil affair small arbitration center (low income group civil affair minor legal rescue project), the inter-Korean commercial arbitration committee (commercial dispute within the Gaesong Industrial Complex Arbitration Organization), iPAQ (IIPAC) Adjustment Arbitration Center (Intellectual Property Rights ADR) etc, and you can look up other arbitration mechanisms classified by literal translation.¹³⁾

Korean Commercial Arbitration Association is a new psychological facility that integrates the existing mediation psychological facilities and the Seoul International Arbitration Center's (Seoul IDRC) psychological facilities. It is a comprehensive psychological facility that provides comprehensive infrastructure for domestic and international dispute resolution including international arbitration. The name of the Korean language was 'Seoul Arbitration Center', Seoul International Dispute Resolution Center, Seoul IDRC, which is the same name as the English name, in order to continue to use the international recognition of Seoul International Arbitration Center. The Seoul Arbitration Center consists of a total of five arbitration rooms, including a large psychological room of 53 pyong, and an interventional psychology space (18th floor) consisting of the meeting rooms of the parties, and an office space 17 layers). Particularly, the whole psychological facilities are divided into three areas, so that the physical condition that can carry out large-scale events such as international arbitration events and large-scale intensive arbitration hearings and international conferences can be provided. There are also facilities for user convenience, such as a video conference system, a mediator lounge for inter-governmental meetings and breaks, and a business center for parties involved. The total area of the Seoul Arbitration Center (1911m²) is about 1.5 times the area of the Hong Kong International Arbitration Center (HKIAC) arbitration hearing facility (about 1300m²), and the New York International Arbitration Center (NYIAC) About 3.8 times more. In addition, the 17th floor office space is scheduled to confirm the presence of 9 domestic and foreign arbitration institutions, which is five more compared to the four existing institutions in Seoul International Arbitration Center. This expansion is expected to contribute significantly to Seoul becoming a truly international arbitration hub.

- 12) <http://www.kcab.or.kr>, The Korean Commercial Arbitration Board was established in 1966 as the only permanent arbitration institution in Korea. And serves as a civil court to arbitrate against domestic and foreign civilian disputes. Arbitration is a representative alternative dispute resolution system characterized by single-mindedness, confidentiality of psychology, judgment by civilian experts, domestic and international enforcement of arbitration laws and decisions under the UN Convention. In addition to handling arbitration cases, the Korean Commercial Arbitration Board also provides dispute settlement services through mediation, consultation, and consultation, and also conducts various government entrusted projects such as ISD and NCP.
- 13) Seon Mo Nam, "A Study on the Sectoral Spread of Arbitration in Korea : Focusing on the Introduction of Criminal Arbitration", *the korean association of arbitration studies*, 『Journal of arbitration studies』, Vol.22 No.3, 2012.12, pp.11-13.

2. Expanding to the Arbitration Industry

(1) The role of the arbitration training institute

1) 'Arbitration' educational institution

June 12, 2018, Seoul District Attorney's Association has opened an arbitration training center and is conducting weekly lectures on attorneys of ADR for the training of professional arbitrators. This is due to the convenience of having to use the 'arbitration' system from the perspective of the people who are legal consumers. In general, lawsuits put the burden on the parties with a high cost and time investment. ADR, which can resolve disputes without going to court, is now a convenient system in the world. This implies that it is time to pay more attention to ADR. While these ADRs are emerging globally, we still want to go to court to deal with many cases. This is an outdated policy that should expand the educational institutions related to mediation and improve the system. Currently, the arbitrators' association or the arbitration center either directly conducts education or fosters widespread education.

2) Completion ceremony of the 1st Arbitration Training Institute

In association with this, the Seoul Regional Bar Association held a ceremony for opening the First Arbitration House at the Bar Association Room on the 5th floor of the Bar Association Hall on June 12, 2018, at 7 pm. They started lecturing here on "general arbitration theory" and "understanding of the arbitration system" and "main contents of arbitration law". Then they went on Tuesday and Thursday every week until July 17 in the theme of "Arbitral proceedings and creation of arbitration documents", "Approval and execution of arbitral awards". That's why I have a ceremony to complete the first phase of the arbitral tribunal (55 people). In order to develop the arbitration industry in the future, it is desirable to expand the scale of designation and consignment education at the arbitration institute. And it seems that it is necessary to access diverse contents of education. In addition to attracting international arbitration cases, in order to specialize in resolving conflicts in domestic arbitration cases, training specialized human resources is more important than the expansion of base facilities. This direction of the Arbitration Industry Promotion Act is presented.¹⁴⁾

14) The Commissioner of the Ministry of Justice makes every five years the Arbitration Industry

(2) Market Principle of Arbitration Industry

1) Arbitrator selection

The ‘arbitration industry’ emphasizes its role in Article 2 (2) of the Arbitration Promotion Act. The Seoul Bar Association has concluded business agreements with the Korean Commercial Arbitration Board to facilitate the arbitration system. In addition, they said, “The attorneys who completed the lectures decided to prioritize becoming an arbitrator of the mediator.” It is analyzed that it is proceeding to the level of liberal arts education itself in advance for the progress of the work as an arbitrator. The ‘arbitrator’ selected by the arbitrator or the arbitrator's association must be fairly managed through a regular selection process. It seems necessary to consider how to manage the international arbitrator as well as the domestic arbitrator. International arbitrators need to be fluent in the language of their country. In relation to this, Article 6 of the Arbitration Promotion Act stipulates the training of experts for intervention¹⁵⁾

Promotion Basic Plan(1. Matters concerning the activation and attraction of arbitration 2. Matters concerning the establishment and operation of dispute settlement facilities 3. Matters concerning the training of special arbitrator talent 4. Matters concerning arbitration related research and public relations 5. Other arbitration industry promotion base Matters necessary for development) must be established (Article 3), In order to establish the foundation of arbitration industry promotion, it is possible to promote the following projects (establishment and operation of dispute resolution facilities and research and international cooperation for the development of arbitration industry promotion base) (Article 4). Also, if we do not take measures to efficiently train experts in arbitration (Article 6), In particular, measures necessary to promote the attraction of international disputes (hereinafter referred to as “international arbitration”) that make the Republic of Korea an arbitration place or a psychological place, etc. (1. Investigation research 2 for international cooperation related to arbitration industry International exchange of experts in the arbitration industry and arbitration industry information 3. We set up overseas briefing sessions / supplementary events and cooperation activities with overseas arbitration agencies (Article 7).

- 15) Article 6 (Training of experts in arbitration) ① The Commissioner of the Ministry of Justice shall take measures to efficiently develop talented personnel for arbitration. ② The Commissioner of the Ministry of Justice shall designate the size of the educational institution, the availability of securing education personnel and the institution, corporation or organization (hereinafter referred to as the “administrative institution”) with the requirements specified by that presidential decree, The business of the issue can be entrusted, 1. Education and training for the training of specialized talent for arbitration, 2. Development and operation of educational curriculum for efficient training of specialist talent for arbitration, ③ The Commissioner of the Ministry of Justice may provide necessary support for the project in accordance with the provisions of paragraph 2 by the institution of education, ④ The Minister of Justice may rescind its designation if the institution for education falls under any of the following items, Provided, however, that in the case of item 1, that designation shall be canceled, 1. When specified in false or other illegal way 2. When the designated requirements under the provision of paragraph 2 are no longer satisfied, 3. If there is no business record that has been entrusted pursuant to the provisions of paragraph 2 for more

Since it is obvious that international trade will increase in the future, cases of domestic enforcement requests by foreign courts should also increase. In such cases, it is not a simple matter in which case the Korean court accepts the execution request in any case and in any case refuses it.¹⁶⁾ Considering such a case, we are strengthening the arbitrator's selection rules and specializing in the trust course and preparing it.

2) Arbitrator qualifications and training

The arbitrators thus selected will be able to act as arbitrators only if they do not take new education at the arbitration institution (designation / consignment) to be held by the arbitrator association. At the beginning of these, it will be necessary to maintain repair training every 3 years, every 5 years thereafter, to maintain the sense of arbitration due to changes in the law and the environment. Furthermore, according to Article 109 of the current Lawyer Law and the attitude of the court, it appears that the arbitration agent is limited to lawyers. In order to legalize arbitration proceedings by non-attorneys at domestic and international arbitration proceedings, the Commercial Arbitration Agency shall, pursuant to Article 109 of the existing Lawyers Act, Article 8 of the Arbitration Rules of the Commercial Arbitration Agency Article 7 of the International Arbitration Rules. It is necessary to revise the purpose. And as prospective provision for activation of arbitration in the arbitration law, we propose to clearly show the contents reflecting the purpose of the domestic and international arbitration rules concerning the qualification of the arbitration agent.¹⁷⁾ Analysis of Article 109 of the Attorney Act does not require the attorney's qualification for the eligibility of an arbitrator under the current arbitration law. This article, however, is a part of the Arbitration Act that dismisses the arbitration system itself. This should be revised to match reality.¹⁸⁾

than one year from the designated date of the supervising institution of education. ⑤ Matters necessary for designation, support, and cancellation of the supervising institution of education are specified by presidential decree.

16) Yong-kil Kim, "A Study of the Recognition and Enforcement of Foreign Arbitral Awards in Korea", 『*Journal of arbitration studies*』, Vol.20 No.3 [2010], the korean association of arbitration studies, 2010.12, pp.21-22.

17) Keon-Hyung Ahn, "A Study on the Problems and Improvement Plan of Using of Non-Lawyer Arbitrator", 『*Journal of arbitration studies*』 Vol.25 No.1, the korean association of arbitration studies, 2015.3, p.51.

18) Seon Mo Nam, previous paper, p 20.

IV. Prospects and Practices of Arbitration System

1. Utilization of Fusion and Complex System

In order to prepare for the 4th industry in the future, it is necessary to utilize fusion and complex systems. In order to secure international competitiveness, the arbitration industry should also introduce and operate an online arbitration dispute resolution mechanism. For more information on this, you may want to refer to the study of British Columbia's Civil Dispute Resolution Court. The "Dispute Resolution Explorer", which provides information, problem analysis and self-help function in the use of the automated counseling system and on-line dispute resolution, is a kind of automated counseling service that has been consistently valued in relation to online dispute resolution procedures. In the case of a simple dispute, the possibility of resolving the dispute with the correct information and concrete guidance is enormous. In this respect, it must be a very attractive means.¹⁹⁾ For example, in a smart contract that is based on a block chain, a provider serves both as a service provider and as a platform provider. Eventually, they will be in the intermediary position in the process of forming a contractual transaction between the parties.²⁰⁾ Unlike contracts based on traditional written methods, smart contracts have the ability to implement mutually agreed terms and conditions on a computer network in order to execute a series of actions under contract provisions. There are features to be executed automatically.²¹⁾ This is a system that can be used to evaluate the utilization of the system by using the arbitration contract in the future. In relation to the establishment of an online dispute resolution system, Article 4 (4) of the Enforcement Decree of the Arbitration Promotion Act stipulates this.²²⁾

19) Do Hoon Kim, "A Study on the British Columbia Civil Resolution Tribunal Act in Canada", 『Ewha Law Journal』 Vol.19 No.3, 2015. 3, p.112.

20) Young-sik, Yang · In-bang, Song, "Legal Issues for Commercialization of Blockchain Smart Contract", 『Law Review』 Vol.18 No.2, Korean Law Association, 2018,6, p.105.

21) Young-sik, Yang · In-bang, Song, previous paper, p.108.

22) Article 4 (Business necessary for the creation of the foundation for the promotion of the arbitration industry) In Article 4 (3) of the Act, "business prescribed by the Presidential Decree" means the business of each of the following subparagraphs: 1. Business for Promotion and Promotion of Arbitration System 2. Research for Improvement of Arbitration Law and System 3. Survey on Arbitration Industry and Statistics 4. Establishment and Operation of Online Dispute Resolution System

2. Training of arbitrators

In order to strengthen the international competitiveness of the intervention industry, it should strive to train the arbitrators to take charge of it. In addition to the current arbitrator, more than 100,000 people will need to be mass-produced over the next five years by adding intervention assistants. As a concrete measure of this, it is a method to divide the arbitrator and the arbitrator assistant in two. In order to open up the legal market in the future, ethics guidelines of arbitration institutions should be prepared so that they can strengthen strict ethics rules as well as education and certification of arbitrators. The fact that there is no clear code of ethics for attorneys involved in international arbitration and that there is no subject to regulate unethical behavior is the cause of ethical issues in international arbitration today.²³⁾

(1) Arbitrator

1) Current consignment standards

Currently, according to the appointment criteria of the Korean Commercial Arbitration Board arbitrator, the legal professional has established a person who has legal career of 10 years or more, in the case of qualified persons such as certified public accountants, patent attorneys, tax accountants, tariffs or the like, persons who have worked for more than five years at current positions have been stipulated. The academic society is a university professor and has established persons who have worked for more than 5 years as a doctoral degree acquirer for more than 5 years. Next, public and other specialized agencies and the industry have somewhat complicated standards that can not be rigorous. In the case of a career, work experience of 5 to 15 years is required. It is necessary to unify it with all 10 years work experience. It is necessary to strengthen the commissioning criteria such as clearly presenting the standards of qualifications. In connection with education of arbitrators, the Arbitrators Association shall separately enforce new education and maintenance education.

Using Information and Communication Technologies such as Computer and Video Communications⁵.

Public relations and education for the use of intervention by the government and public institutions

6. Support for the use of mediation system for SMEs, small business owners and low-income people.

23) Seok-Mo Hong, "Regulation of Attorney Ethics in International Arbitration", 『*Journal of arbitration studies*』 Vol.25 No.2, the Korean association of arbitration studies, 2015.6, p.9.

2) Development Plan

At the Korea Commercial Arbitration Board and the Arbitrator Association, it is desirable to form the arbitrator selection committee. It is desirable to select a person who has a history of engaging mainly in practice for more than 10 years after acquiring qualification as a lawyer as an arbitrator. Also, it is advisable to acquire all arbitrators' qualifications for assistant professors who have acquired a doctorate in law and have lectured over 10 years at university. It is a plan to grant the qualification of arbitrators by complying with the arbitrator sporadic provisions at the Arbitrator Association of 2 car prefecture. In order to acquire these qualifications, it will be a process of selecting by application. You must take these certain arbitrator new education courses and must go through selection according to the provisions. An arbitrator is a third party who is selected as the person to determine a dispute between the parties in the arbitration proceedings. The arbitrator shall be independent from the parties to the dispute and shall be entitled to a fair arbitration proceeding. If the arbitrator loses independence and impartiality, it becomes a cause of repelling by the parties.²⁴⁾ If the trust in the fairness and independence of the arbitrator is undermined, the parties to the dispute will not use the arbitration system more than the litigation of the court, despite the advantage of being able to resolve the dispute quickly. In other words, the revitalization of the arbitration system is related to the fairness of the arbitrator. The arbitrator's impartiality may be canceled if the arbitrator's violation of any serious notice obligation. This is directly related to whether the judicial system is functioning properly.²⁵⁾ In this sense, you must strengthen the new education of the arbitrator. You should also actively prepare for the legal environment through periodic maintenance training, and you also have to strive to protect the rights and interests of the arbitrators. Regarding the avoid of arbitrators and their procedures, they are provided in Articles 13 and 14 of the Arbitration Act.²⁶⁾

24) Koon-Jae Shin, "A Comparative Study on the Selection and Discharge of Arbitrator(s) among Korea, China and America", 『*Journal of arbitration studies*』 Vol.21 No.1, the korean association of arbitration studies, 2011.3, p196.

25) Seung-Nam Shin "Arbitrator's Duty to Disclose in the Context of U.S. Law : Focusing on Case Law's Evident Partiality", 『*Journal of arbitration studies*』 Vol.26 No2.,, the korean association of arbitration studies, 2016.6, p147.

26) Article 13 (Reasons for avoiding an arbitrator) ① If a person who requested to be an arbitrator or a person elected as an arbitrator has any reason to buy doubts about his fairness or independence, he / she shall, without delay, Notify (notify) the parties to this. ② Arbitrators can

(2) Arbitration Officer

If the intervention industry becomes active in the future, we will need an assistant for intervention as a practitioner in the field of intervention. The Korean Arbitrators Association, Inc has a plan to grant a person the qualification of an Arbitration Officer in accordance with the Basic Law of Qualifications. In the future, the Arbitration Association will need to strengthen the mediator's new education. In addition, a lot of intervention assistants must be trained according to the Basic Law of Qualifications.²⁷⁾ As a concrete measure, we will open an intervention manager course at the university's Lifelong Education Center. They are qualified under the Basic Certificate of Qualifications and the Certificate of Qualification of the President. It seems that it is necessary to give basic credit by the credit banking system.

(3) Arbitration Education and Certification

The Korean Arbitrators Association, Inc shall open the Arbitration Training Center and conduct the new education and the remuneration training for the arbitrators and the arbitration officer. The selection committee shall select from among the arbitrators the Arbitrators Association. The first three years of maintenance education should be conducted every five years thereafter. This should focus on the education of the new jurisprudence according to the changes of the mediator status and legal environment.

only avoid cases where there is a reason under paragraph 1 or when there is reason for not having the qualifications of the arbitrators agreed by the parties. However, concerning the arbitrators selected by themselves, they are elected, participating in the selection procedure, can apply for evasion only when there is reason to know after the selection.

Article 14 (Arbitrators' evasion procedure) ① Procedures for arbitrators' evasion shall be determined by mutual agreement between the parties. ② A party who avoids the arbitrator in the absence of the agreement of paragraph 1 shall apply in writing to the arbitral tribunal in writing within 15 days from the day when the arbitral tribunal was formed, or 15 days after knowing the grounds of paragraph 2 of Article 13 I have to do. In this case, if the arbitrator that received the challenge has not resigned (appointed) or the other party does not agree with the refusal application, the arbitral tribunal shall make a decision on the refusal application. ③ If the refusal application pursuant to the provisions of paragraphs 1 and 2 is not accepted, the party who filed the evasion may apply to the court for the challenge of the arbitrator within 30 days from the date of receiving the result it can. In this case, the arbitral tribunal can proceed with arbitration proceedings or make an arbitral award even if the refusal application is pending in the court. ④ It is not possible to appeal against the court's evasion decision against the refusal application pursuant to the provisions of paragraph 3.

27) Seon Mo Nam, previous paper, p.17.

3. Small Conclusion

There is no legal definition of the current block chain technology and no regulations governing its application. In order to prepare for the commercialization of smart contracts based on block chains, a sound and transparent institutional basis must be established. In addition, the legal norms should be established proactively.²⁸⁾ What the parties expect substantially to arbitrators is the legal expertise applied to the case. However, even in a few dispute settlements, I know that it is still preferable to induce a settlement and a middle agreement between the parties, rather than clearly dividing complicated legal relationships between good and bad. This also applies to arbitration.²⁹⁾ The arbitrator's education must be supervised by The Korean Arbitrators Association, Inc. Before becoming an arbitrator, those voluntarily taking education at an arbitral institution etc are required for liberal arts education due to the business necessities of the institution to which they belong. The qualification of the arbitrator shall be granted unless you take a certain confidence education to be carried out at The Korean Arbitrators Association, Inc after the selection of the arbitrator. I understand that such measures must be taken in the future. This is the same level as the policies that passed to a successful candidate before the abolition of the bar exam, after a certain training period and was discharged to lawyers and others. In fact, even in the case of obtaining all the qualifications, we are awarded qualifications after passing certain credential education for successful applicants.

V. Conclusion

‘Arbitration’ can be regarded as an autonomous dispute resolution method which is different from the judicial proceedings by the courts. The role of ‘arbitrator’ is a very important function in this process or procedural way. Therefore, it is necessary to establish a professional arbitrator system. Now the Arbitration Promotion Act has been enacted.

28) Young-sik, Yang · In-bang, Song, previous paper, p.125.

29) young-Ju Kim, “The Employment Issue and Qualifications for Arbitrators : A Comment on Jivraj v Hashwani [2011] UKSC 40”, 『*Journal of arbitration studies*』 Vol.26 No.1, the korean association of arbitration studies, 2016.3, pp. 47-48.

The training of professional ‘arbitrators’ is necessary and urgent in order to effectively cope with new events due to changes in the legal environment internationally. It is time to consider the idea of training an ‘intervention manager’ to assist with this. Particularly noteworthy in the implementation of the Arbitration Promotion Act is the enactment of international arbitration.

This will facilitate intervention as a means of domestic and international dispute resolution. We have established a foundation for promoting the arbitration industry so that Korea can develop into an arbitration center. Here you can find its significance. The advent of the fourth industrial revolution in the future and the growth of artificial intelligence (AI) technology will avoid a uniform way of determining victory and defeat by just lawsuits. Even in new companies entering new markets as well as overseas companies, assistance from arbitration experts is indispensable in order to effectively deal with international trading disputes that will develop in the future. Therefore, it is necessary to nurture the arbitration industry and provide domestic and foreign arbitration experts and arbitration practitioners to provide high quality legal services. This subject and procedural method should be sought for the cultivation of such manpower. The Arbitrators Association should focus on these matters and be cautious about the training methods of ‘Arbitrators’ and ‘Arbitration Officers’ through a certain selection process. In the Arbitrator Association, the Arbitrators' Selection Committee has acquired a person who has a background of engaging in practical work for more than 10 years after acquiring qualification as a first-line law and a doctor of law and has ten years or more of lectures at the university. It is advisable to grant qualifications of all arbitrators to more than an experienced associate professor. The International Arbitrator Arbitrators Association should strengthen the level of the new education (designation, entrustment), and take measures to acquire it and to pay the dues, so as to comply with the established procedures and grant the qualification.

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