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**Doctoral thesis entitled: The legal effects of the arbitration clause and party autonomy**

The subject of the research conducted in the dissertation is the factors limiting the effects of an arbitration clause considering the principle of freedom of contract expressed in the provision of Article $353^1$ of the Civil Code. The research conducted in the dissertation aims to identify the factors shaping the effects of an arbitration clause and to determine their significance for the scope of the parties' freedom in shaping the content of the arbitration agreement concluded by them and for the shape of the arbitration proceedings while indicating the applicable limitations and their sources.

According to the research thesis, the limitations on the freedom of the parties shaping the content of an arbitration clause do not exceed the limits indicated in Article $353^1$ of the Civil Code. Still, there are several factors specific to arbitration that affect the effects of the clause. The norms contained in the provision apply to an arbitration agreement given its substantive legal nature. The parties to an arbitration clause, in concluding it, exercise the principle of freedom of contract. At the same time, however, by the provision of Article 56 of the Civil Code and considering the momentous procedural and systemic effects produced by an arbitration clause, there are numerous factors shaping the effects of the clause. Indeed, in addition to the elements delimiting the freedom of contract indicated in Article $353^1$ of the Civil Code, the institution of arbitration has developed specific limitations on the parties' freedom to shape the content of the arbitration agreement they conclude. Consequently, the analysis of the scope of freedom of the parties making an arbitration clause requires considering its legal and procedural meaning and specificity, resulting primarily from the fact that the clause is an obligation-authorization agreement and constitutes the source of a contractually created competence norm.

The structure of the research is based on four parts of the work consisting of five chapters. The first part (contained in Chapter I) focuses on the institution of the arbitration clause, its constitutive elements, and its legal nature. The second part (Chapter II) covers the analysis of the principle of freedom of contract: the concept and its significance, the normative

basis, and the factors delimiting freedom of contract in the light of the provision of Article $353^1$ of the Civil Code. The principle of freedom of contract is examined separately in relation to the classic contracts of obligation and in relation to the arbitration clause. In the case of the latter, the analysis addresses the relevance of the principle of party autonomy in arbitration, the legal instruments comprising the (multi-element) normative basis of the principle of freedom of contract of an arbitration clause, and the main components of this principle from the point of view of arbitration institutions. Thus, this part corresponds to the research objective of establishing the specificity of the principle of freedom of contract in arbitration in juxtaposition with the adopted interpretation of the provision of Article $353^1$ of the Civil Code, as well as identifying the limitations requiring a separate research search considering the nature of the arbitration clause.

The second and third parts of the dissertation (contained in Chapters III-IV and Chapter V, respectively) deal with the arbitration-specific factors shaping the effects of an arbitration clause, to determine their significance for the scope of the parties' freedom to shape the content of their arbitration agreement and the shape of the arbitration proceedings, including the applicable limitations and their sources. The trichotomic division of these considerations is based on the delimitation concerning the impact of the sources of arbitration law (Chapter III), the jurisdictional dimension of the role of the arbitrator (Chapter IV), and the shaping of the scope of the jurisdiction of the arbitral tribunal (Chapter V).

Among the research techniques applied, the formal-dogmatic and comparative methods were the leading ones. At its core the research is based on a study of Polish and foreign legal literature and the analysis of legal instruments regulating domestic and international arbitration while making use of well-known methods of law interpretation (linguistic, systemic, teleological, and logical). Thus, the research focused on the normative content of Polish legal acts, legal acts of foreign jurisdictions (with a cross-sectional consideration of legal systems of both common law and continental legal traditions – *e.g.*, Germany, France, the United Kingdom, the United States of America, or Switzerland), and on instruments specific to the institution of arbitration itself, especially international arbitration, including conventions and soft law.