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我国CAS 仲裁的司法监督问题实践和理论状况探析\*

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摘 要:北京奥运会的成功举行,使得国际体育仲裁院(CAS)为中国人民所熟知。事实上,由于国际体育纠纷金字塔式的解决模式,CAS 仲裁已经成为 最重要的国际体育纠纷解决方式,所以对我国CAS 仲裁的司法监督问题也渐为人们所关注。但这一问题却终究不能成为热点,原因是CAS 仲裁的司法监督 具有不同于传统国际商事仲裁的的独有特点,在实践中没有CAS 仲裁裁决被推翻的案例,这使得对CAS 仲裁司法监督问题的研究在我国遭受质疑,但对这 一问题的研究是有意义的,主要是为我国体育仲裁司法监督的构建提供思路。

关键词: CAS; 仲裁; 司法监督

Practical and Theoretical Exploring on the Judicial Supervision of the CAS Arbitration in China

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Absrtact: Because 2008 Beijing Olympic Games Was Successfully Held In China, The International Court Of Arbitration For Sport (Court Of Arbitration For Sports, Hereinafter Referred To As CAS) Is Known Well By Chinese People. With The Development Of The Olympic Movement, CAS Arbitration Has Become The Most Important Resolution In International Sports. So, More Close Concern Is Paid To The Issue Of The Judicial Surveillance On The Arbitration Of CAS In China. However, This Issue Eventually Cannot Become The Research Hotspot Owing To The Characteristics Of The Judicial Supervision On The CAS Arbitration In Theory And The Chinese Court's Positive Attitude To The CAS Arbitration In Practice. The Lack Of Cases Makes The Research On Judicial Supervision Of The CAS Arbitration Being Questioned In China. In Fact, It Is Meaningful To Research On This Issue, We Can Get Ideas To Construct Judicial Supervision Of Chinese Sports Arbitration System.

Key Words: CAS; Arbitration; Judicial Supervision

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