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Evolution of Arab Arbitration Laws: Review and Comparative Analysis of Commercial and International Sectors

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Abstract

Arbitration serves as an autonomous means of resolving disputes, gaining prominence in international and commercial contexts. Procedural practices of arbitration and rulings are exponentially increasing in the domain of international and commercial sectors The study aims to determine the arbitration law practices in the Arab world with the amendments discussed between the previously stated arbitration law and newly transformed arbitration legislation. Moreover, this research study also explores different interchanges based on the conceptual practices of both arbitrations in the commercial and international sectors. This research paper is based on the methodology of systemic review embedded with the comparative analysis. The integration of the analysis provides relatable instances and cases where the arbitration practices are conducted under the ruling of arbitration laws and judicial to conduct the proceedings with higher efficiency and accuracy. The intervention of judicial regulation in the tribunals of the arbitration constructs enforceable tactics for the consistency of arbitrational practices. The study synthesizes insights and provides a roadmap for future investigations into the interplay between judicial involvement and arbitration laws, offering clarity

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for researchers in the evolving Arab world's international and commercial sectors.

Keywords
Arbitration tribunals, national courts, judicial intervention, international arbitration law, Shari'ah jurisprudence

Introduction

International arbitration laws and jurisprudence are the resolving verdicts between commercial disputes arising under international commercial contracts. The parties decided on international commercial arbitration because it enables the adjustments to resolve the dispute with ultimate neutrality in the procedural ruling without any involvement of legislation regulatory and national courts.[1] In the practical approach involvement of the national courts and legislation regulatory in international arbitration is a usual and common phenomenon preferred in all jurisdictions because domestic courts play a major role in smoothing the procedural ruling of arbitration during the party disagreement on the procedural ruling and points upheld in the process.[2]

Based on the individuality of cases arbitration follows the below-mentioned stages during its procedural ruling for the completion of stages generally: the initiation case, invitation of an arbitrator, appointment by the arbitrator, prior information exchange and hearing, hearing, and award stages.[3] At every stage, parties have the right to invite the intervention of national courts. National laws are permissible for national courts to be encouraged during the proceedings of arbitration. However, to protect the autonomy of arbitration law and the efficiency of the decision to resolve the dispute between the parties it is necessary for international arbitration and commercial proceedings to preliminary identify the action plan and information of national courts. As arbitration is a contractual alternative settlement to resolve disputes and conflicts, it is not completely resistant to court arbitration; hence the intervention of the court is required. The intervention of courts is not

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1 Sameer Sattar, "National courts and international arbitration: a double-edged sword?," *Journal of International Arbitration* 27, no. 1 (2010).

2 Nebiat Lemenih Lenger, "JUDICIAL INTERVENTION IN COMMERCIAL ARBITRATION IN ETHIOPIA: A COMPARATIVE ANALYSIS," *The International Journal Of Ethiopian Legal Studies* 4, no 1 (2019).

3 Capital India Power Mauritius, "AMERICAN ARBITRATION ASSOCIATION INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION."

always appropriate rather a certain coordination is important and needs to be conducted efficiently and economically in both arbitration and court proceedings, in this globalization.[4]

The areas of international commercial arbitration are one of those that can continuously change and transform, as they shape the overlapping and competing interests of international incorporation actors, practitioners of arbitration, and national courts. The field of law has exponentially grown in the time frame of recent years.[5] According to the study of Fouchard et al.[6] Arbitration is a kind of device that can settle the conflict between two parties and the question of two parties commending the interest of two or more persons called arbitrators. Arbitrators are those, who can develop the powers from a private agreement with the perspective of one or two more persons and not associated with the authorities of the State who proceed to the decision of the case based on the agreements to resolve the conflict between two parties. The clear explanation of the definition expresses the division between arbitration and the authorities of the State. Arbitration is the process preferred by the parties to conduct their dispute for resolution by the neutral and individual panel expertise and not from the regulating legislative. Thus, arbitration elaborates the concept of independence from its core proceedings. The aforementioned explanation is more accurate in arbitration in international and commercial domains, where parties try to avoid meetings from national courts and judicial interventions relevant to their potential hometown justice, as judges may be organically drawn to side with the party of the same nationality.[7] Several other important factors are highlighted by the proceedings of arbitration for the global business market, such as confidentiality, the expertise of arbitrators, cost-effectiveness, or the arbitral awards worldwide implementation.[8,9]

However, obligations on the processes of arbitration are alternatives for the improved development of constant economic growth with the value foundations for money, besides this identification of shortcomings in the

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4 Jonathan Mance, "Arbitration: a Law unto itself?," *Arbitration International* 32, no. 2 (2016).

5 Loic E Coutelier, "Annulment and Court Intervention in International Commercial Arbitration," *Available at SSRN 1957278* (2011).

6 Philippe Fouchard and Berthold Goldman, *Fouchard, Gaillard, Goldman on international commercial arbitration* (Kluwer Law International BV, 1999).

7 Coutelier, "Annulment and Court Intervention in International Commercial Arbitration."

8 Coutelier, "Annulment and Court Intervention in International Commercial Arbitration."

9 Fouchard and Goldman, *Fouchard, Gaillard, Goldman on international commercial arbitration.*

legislative regulations and current judicial system. Based on the following reasons, judicial intervention during the arbitral tribunal is justified:[10]

1. Firstly, arbitration is restricted from the consent of parties to avoid legal action and courts must not interfere with parties'" freedom of contract
2. Secondly, arbitration unfettered by excessive court intervention, is vital to enhance international trade and attract foreign investment; and

The use of arbitration is gaining popularity and limelight finds the perspectives of different researchers in the area stand only in the Gulf States or called Arab world to resolve commercial disputes, particularly in the UAE, the arbitration advantages can be reinforced in some cases by the national court's involvement in the procedures. For instance, arbitral tribunals can request help from the legislation of the national court to eliminate any hurdles and barriers that can affect the proceedings and ruling of arbitration processes.[11] Therefore, the success of the processes is connected with the correspondence between the judicial interventions during the arbitration. However, the intervention of the judiciary must be grounded upon assimilation and collaboration rather than based on competitiveness.[12,13,14]

The aforementioned explanation provides insights for courts to assist and support practices and procedures of arbitration during its steps of ruling and tribunal to confirm and reassure the integrity of the arbitration proceedings.[15] This study aims to explore the analysis in the Arab world about the practices of arbitration as laws with their effective compliance to support judicial intervention for the resolution of conflicts. Besides the interconnection of Arab arbitration laws and regulation are comparatively discussed to contrast the difference in the approaches. The outcomes of the review study provide constructive support to understand the apprehension of arbitrators and its integrated implementation associated with its positive impacts on the legislative regulations of the Arab world.

The Arab region holds a historical and cultural significance in utilizing arbitration for conflict resolution, deeply rooted in Islamic jurisprudence. Examining contemporary arbitration practices in this context is likely to

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10 John O Abwuor, "Role of courts in arbitration: a critical analysis of the Kenyan Arbitration Act no. 4 of 1995" (University of NAIROBI, 2012).

11 Julian DM Lew, "Does national court involvement undermine the international arbitration process," *Am. U. Int'l L. Rev.* 24 (2008).

12 Saeed Albedwawi, "Analysing the Role of the National Court Under the UAE Arbitration Law 2018 in Establishing and Challenging the Arbitral Tribunal, the Award, and Its Enforcement" (University of Manchester, 2022).

13 William G Bassler, "The symbiotic relationship between international arbitration and national courts," *Disp. Resol. Int'l* 7 (2013).

14 Lew, "Does national court involvement undermine the international arbitration process."

15 Lew, "Does national court involvement undermine the international arbitration process."

insights into the alignment between modern procedures and traditional values. Given the Arab world's economic influence, effective dispute-resolution mechanisms are pivotal to maintaining foreign investment and facilitating international trade. The study also takes advantage of the diverse legal systems within the region, providing a platform to compare how different frameworks interact with arbitration and judicial intervention. As the Arab world undergoes legal reforms and harmonization efforts, understanding the implementation of new arbitration laws and their relationship with judicial intervention is crucial. In a globally connected economy, the region's cross-border transactions underscore the importance of robust dispute-resolution mechanisms. By analyzing these dynamics, this study contributes to the broader understanding of how arbitration practices and judicial intervention harmonize within a cultural, legal, and economic context.

Method

This study employs a comprehensive and multidimensional approach to analyze the complex relationship between arbitration practices, judicial intervention, and legislative frameworks in the Arab world. Drawing upon a qualitative research design, the study extensively reviews and analyzes existing literature, scholarly articles, legal documents, and case studies addressing the topic. The primary focus is to unfold insights into how arbitration practices have evolved, the role of Sharia and Islamic jurisprudence, and the impact of recent legislative changes on arbitration mechanisms.

The analysis rests upon a comprehensive examination of key laws and regulations, including the UNCITRAL Model Law on International Commercial Arbitration, which provides a global benchmark for arbitration practices. Furthermore, the study deeply explores the Sharia and Islamic legal principles that historically guided arbitration mechanisms in the Arab world. The examination extends to recent amendments in arbitration legislation in the Arab world, such as the new arbitration law in Saudi Arabia, to understand how these changes influence arbitration practices, judicial involvement, and dispute resolution.

While this study provides valuable insights into the arbitration practices and legislative changes in the Arab world, it also has certain limitations. The analysis heavily relies on available literature and secondary sources, which may lead to potential gaps in capturing the full spectrum of arbitration practices and developments across all Arab countries. Moreover, the study's focus on legal and theoretical aspects might overlook practical challenges faced during the implementation of arbitration mechanisms. Additionally, the rapidly evolving nature of arbitration practices and legislation means that the analysis

might not capture the most recent developments at the time of publication. Nonetheless, the study strives to provide a comprehensive understanding of the subject matter within the scope of its limitations.

The Intervention of Courts During Tribunals of International Arbitration Laws

The intervention policies of courts in the arbitration laws are different from legislative authorities to jurisdictions. Because the powers of the judiciary relevant to the practices of arbitration are diverse. The compliance of a court of law is to serve their approaches with the alternatives to resolve the dispute and conflicts, the mechanism ranges from an open mistrust to fulfilling and determining the responses of parties. The success of arbitration is not related and dependable individually on the arbitrators or arbitral tribunal's expert. Reasonably the procedural ruling is reinforced by the institutional fundamentals of the arbitration process essentially managed by the legislative courts. Furthermore, all concerned stakeholders play a vital role in conserving the efficiency and excellence of arbitration laws, however, the outcomes reduce the cost and expenses of the procedural ruling with the reindentation in the time and delays. Judiciaries' role is to facilitate and enforce the arbitration practices to understand and support efficient and knowledgeable information, in all respects, they must be impartial concerning international and domestic arbitration law and practice. Cumulatively the right degree of court interference during arbitral processes is to maintain the judicial involvement for a better ruling to keep the principles that underscore to avoid the frontier occurrence of disputes between the group of the people in the legal sector of courts and the private sector of arbitration.[16,17] Another time, court interventions in arbitration proceedings, are an intense factor during the arbitration ruling stages:

1. Preliminarily commencement of arbitration
2. Pre and post-publication of final awards in the proceedings of arbitration law, a placement, and stage of proceedings where the legislative courts have interfered.

To commence any arbitration proceedings it is necessary to understand, that one party having the dispute may have the independent choice to ask questions related to the existence and scope of contracts of agreement before

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[16] Giulia Carbone, "The interference of the court of the seat with international arbitration," *J. Disp. Resol.* (2012).

[17] C Croft, "How the Judiciary can Support Domestic and International Arbitration" (paper presented at the Arbitrators and Mediators Institute of New Zealand Annual Conference,(Auckland, 25-27 July 2013)).

any national law of court intervention. Because one party has a right to assist the agreement between them. These kinds of legal proceedings provide an outcome about the anti-suit injunction, at this stage of the arbitral proceedings, the intervention and involvement of courts are allowed to support the ruling of arbitrators and are equally effective in the decision for the resolution of dispute and setting agreement documentation. Henceforward troubles issues of lacking consent, period limitation, procedural steps, and writing formulation and demands among others may be raised to aggravate the performance of arbitration processes.[18,19,20,21]

Moreover, the situation of competence appears when one party refuses the clauses of arbitration agreements and disagrees with the opponent participant and instead of this elects any other legal models of proceedings for agreement clauses of arbitral processes. The arbitration ruling is the decorum to raise concerns independently and not question the reality or validity of arbitration rulings. Usually, such circumstances happen particularly during the processes of arbitration that confer jurisdiction, to make that determination in disobedience courts are allowed to take interventions in the rulings of arbitration. This tells us about the lack of courts since their action effectively takes over the powers conferred by their law on the arbitral tribunal.

UNCITRAL Model Law

Many international arbitration laws and models identify the different intensities of court intervention in between the ruling of arbitration. Also, the intervention can be examined by the models, such models are called the UNCITRAL Model Law on International Commercial Arbitration advises limited court intervention in arbitration. The specific functionalities are elucidated in the following,[22,23,24]

1. Arbitral tribunal assessments for appointments.
2. Deciding challenges and terminating arbitral instruction.

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18 Carbone, "The interference of the court of the seat with international arbitration."

19 Croft, "How the Judiciary can Support Domestic and International Arbitration."

20 Alemnew Gebeyehu Dessie, "The Extent of Court Intervention in Arbitration Proceedings: Ethiopian Arbitration Law in Focus," *Arbitration International* 32 (2016).

21 Emilia Onyema, "The Role of Arbitration Institutions in the Development of Arbitration in Africa," (2015).

22 Onyema, "The Role of Arbitration Institutions in the Development of Arbitration in Africa."

23 Michael F Hoellering, "The uncitral model law on international commercial arbitration," *The International Lawyer* (1986).

24 Ergün Koca, "Possibility of an autonomous international commercial arbitration" (fi= Lapin yliopisto| en= University of Lapland, 2017).

3. Ruling on the jurisdiction.
4. Award application settings decision.
5. Staying in court proceedings when a valid agreement of arbitration governs the parties providing provisional measures of protection from disputes.
6. Enforcement of the credentials of provisional arbitral procedural tribunals is to restrict the domain of corrective measures and resistance up to several grounds.
7. Assisting sittings intended for the collection of evidence.
8. Recognizing an arbitral award.

The UNCITRAL Model Law specifies the gratitude of arbitration law and its autonomous theory. Highlighting the fact that judicial intervention provides more clarity in the arbitral ruling is also helpful for the parties to resolve their disputes arbitrate and the rest. The limitation restricts the court interventions and interference to provide a result with a likelihood of independence and impartiality during the compliance of arbitration law in specific conditions.[25]

Limitations and Considerations of Court Intervention in Arbitration Proceedings

Despite the potential benefits of judicial intervention in arbitration proceedings, several limitations and considerations need to be carefully examined. The extent of court involvement can vary greatly, and striking the right balance is crucial to ensure the effectiveness of arbitration while upholding the principles of justice. For instance, excessive court intervention can undermine the fundamental autonomy and confidentiality that arbitration seeks to offer. While some level of intervention is necessary to safeguard due process and prevent potential abuses, overreach can minimize the advantages of arbitration for dispute resolution. In the context of the Arab world, where Islamic jurisprudence and historical practices hold significance, harmonizing judicial involvement with cultural norms and religious values becomes complex. Furthermore, the timing and nature of court interventions need to be carefully determined. Premature court involvement may suppress the autonomy of arbitration by encouraging parties to resort to litigation prematurely. Conversely, delayed intervention might lead to challenges in enforcing arbitral decisions effectively.

Moreover, the costs and delays associated with court interventions can sometimes outweigh the benefits. The objective of arbitration is often to provide a faster and cost-efficient resolution, and excessive court involvement

[25] Koca, "Possibility of an autonomous international commercial arbitration."

could undermine these advantages. The independence of arbitrators and arbitral institutions can be compromised if courts intervene inappropriately, leading to doubts about the fairness of the process. Ensuring that courts maintain a supportive and unbiased stance towards arbitration is crucial for its success. Therefore, careful calibration is a must to avoid encroaching on the autonomy and efficiency that arbitration offers, although judicial intervention can enhance the effectiveness and credibility of arbitration proceedings.

Arbitration Law in Arab

In the Arab world there is substantial information in the governance of arbitration as Islamic jurisprudence covers all the regions of Arabs and in Islam arbitration has the significance to resolve the issues and conflicts between parties without the interference and involvement of any legislative regulation and judgments. The history of arbitration begins in the Kingdom of Saudi Arabia in the Middle East. Shari'ah rule book of law in the Arab world, which explains the meaning of 'path' in Arabic. Shariah practices also discuss the arbitration rules (or *tahkim* in Arabic), which works like a methodology for resolving conflicts from the initial scratch and the earliest beginnings between two parties having conflicts. People living in the region of Gulf States are used to arbitration which is the establishment approach used to commence before any legislative proceedings even during the pre-Islamic period. In Quran, there is an approval of arbitral practices, "if they fear a breach between them, then appoint arbiters, "if they wish for peace, God will cause their conciliation, for God hath full knowledge and is acquainted with all things".[26]

The last messenger of Allah Prophet Muhammad factually guided his ummah for the approach of arbitration to resolve disputes among the parties. He also follows the approach of arbitration to resolve the dispute over a black stone of the Ka'ba between the clans of the Quraysh tribe during the Ka'ba renovation. This one was the most significant settlement in the history of Islam and the development of Shari'ah. Because of the resolution of the dispute, the big war between the Prophet Mohammad and the Quraysh tribe was dissolved. Treat of Medina in Ad 622 was signed first time to resolve the dispute through the practices of Arbitration. All four schools of main Jurisprudence of Sunni, the Hanbali (which is predominantly practiced in Saudi Arabia), the Hanafi, the Maliki, and the Shafi'i, have conserved and reinforced the execution of arbitration law for centuries. Moreover, in the Middle East, the practices of arbitration faced a series of challenges and issues related to the business of oil

[26] Jalal El-Ahdab and Abdel Hamid El-Ahdab, "Arbitration with the Arab Countries," *Arbitration with the Arab Countries* (2011).

and gas dealing in the 1950s as the Arab world has been the biggest exporter of Oil and gas globally for more than 30 years. Several disputes between the corporations of Saudi Arabia and Arabian American Oil Co. (ARAMCO) were resolved under the fundamentality of international arbitration law.[27] By the repetitive tribunals and procedural ruling, the concession of the contract was grounded on the practices of arbitration monitored under the governance of the Kingdom of Saudi Arabia but the paperwork and the agreement contract were not fully prepared according to the Shari'ah compliance. Instead, general principles of Shari'ah and law were complemented conventionally by the practices in the oil business industry to concept the pureness of jurisprudence whenever the Kingdom of Saudi Arabia would not secure the rights of private sectors. The consequences of the outcomes are the denial of Saudi Arabia's governance, the right to award a concession on transport to Aristotle Onassis in legislative authority, and identifying ambiguities in favor of Aramco, American consortium at that time explored the exclusive right in the extraction, exploitation, and transportation of oil within the Kingdom.[28]

Assortment of Dispute for Arbitration

The previous arbitration law did not provide clarity on the matters, of what kind of dispute can be discussed under the older concepts of arbitration laws. The new law of arbitration provides clarity and a spacious domain to understand every matter to its depth from Article Two (2), "it shall apply to any arbitration regardless of the nature of the legal relationship subject of the dispute, it carves out personal disputes and matters not subject to reconciliation, e.g., criminal matters".[29] I comparison with the older arbitration law based on resolution 58 mentioned above contrast with the newer concept of arbitration, following the newer practices governments are not allowed to use arbitration except with the approval of the Prime minister, and this is stated in article 10.2 unless there is special law incorporated under the powers of Minister Councils that permit the arbitration on systematic bases. The (old arbitration law) practices were limited to internal settlements. The transformed arbitration law from the former approaches covers every aspect of disputes in the domestic, international, and commercial sectors.

The model of international and commercial arbitration laws is designed to provide fundamental rules in domestic commercial Arbitration. Formerly

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[27] Saud Al-Ammari and A Timothy Martin, "Arbitration in the Kingdom of Saudi Arabia," *Arbitration International* 30, no. 2 (2014).

[28] Saud Al-Ammari, "Saudi Arabia and the Onassis arbitration–A commentary," *Journal of World Energy Law & Business* 3, no. 3 (2010).

[29] Al-Ammari, "Saudi Arabia and the Onassis arbitration–A commentary."

Kingdom of Saudi Arabia followed the idea of arbitration laws and the design included domestic and internal commercial arbitration along with laws with international arbitration to resolve disputes through the involvement in the new arbitration Law. Third Article (3) of the New Arbitration Law explains the positions of international disputes under the following principles in the Model Law of arbitration in Table 1;[30]

TABLE 1. Multiple Arbitral Scenarios and Settlements

A condition during Arbitration Settlement	Principles of Model Arbitration Law
If the head office of parties to an arbitration agreement is in more than one country at the time of the decision of the tribunal and if a party has multiple places of business during the time of arbitration proceedings.	The consideration shall be given to the place of business most connected to the subject matter of the dispute for settlement.
If either or both parties have no specific place of business	Consideration shall be given to their place of residence.
If the two parties to arbitration have their head office in the same country at the time of conclusion of the arbitration agreement, and one of the following places is located outside said country	The venue of arbitration is determined by or according to the arbitration agreement. Any place where a substantial part of the obligations of the commercial relationship between the two parties is executed. The place most connected to the subject matter of the dispute.

Arbitral Agreements

No paperwork and written formatting of documentation was mandatory between the parties in the practices of old arbitration law to resolve their dispute among this the older practices of arbitration only required a person can enter into arbitration with full legal capacity. Execution of the arbitration processes is the decision of the competent court of law. According to the law of Model design article (9) stated that any arbitration processes under the new arbitration practices require written formatted documentation for agreements between the parties involved in the resolution of their disputes under the practices of arbitration regulations.[31,32] The person with the agreement can enter into arbitration either in the introductory session of the tribunals or at the time of the dispute. The agreement of arbitration can be an independent contract either in printed or in a soft copy of the documentation (electronic format), the creation of document clauses is as simple as making an agreement

[30] Al-Ammari, "Saudi Arabia and the Onassis arbitration–A commentary."
[31] Al-Ammari and Timothy Martin, "Arbitration in the Kingdom of Saudi Arabia."
[32] Al-Ammari, "Saudi Arabia and the Onassis arbitration–A commentary."

on model legislation or framing a treaty for the international cause of reference to the concepts of an arbitration institution. According to Article 21, the agreement of the arbitration in the new practices and regulation is an independent and separate individual contract of agreement from the documentation itself. The aforementioned approach provides and sustains the alignment with the global acceptance of doctrine separability; i.e., any clause of arbitration is a "separable" clause from the contract of agreement which should be inclusively valid even after the contract is not.[33]

Tribunals of Arbitration

The former and old arbitration law required experienced arbitrators for better and more efficient conduction and results of arbitral ruling and the arbitrators should be familiar with the complete and controlled capacity of legal authoritative information and apprehension. Article three (3) is about the implementation of the regulation previously stated in the law of arbitration that Saudi citizens were preferred for the designation of arbitrators, as mentioned in the requirements. Besides this, the jurisprudence of Hanbali the dominant caste in the Kingdom of Arab requires the arbitrators mostly male, the profile of judges in Saudi Arabia predominantly functions by the male population. It is still in a conflictual debate in Saudi courts rebuffing to enforce the involvement of females in the arbitrator's awards and placements. There, the practice of litigation in the Arab world has generally considered the arbitrator's gender for the determination of the enforceability of internal commercial arbitration but not international arbitration.

Procedural rules

New Arbitration laws allow the parties to use procedural ruling for the resolution of disputes. The parties are also allowed to select any designated model for the arbitration model from the international arbitration proceedings and regulations or the parties can also select the Ad hoc administered institution of the arbitration unless it does not breach and contravene the clauses and practices of the Shari'ah compliance and jurisprudence in the government administration.[34]

In the other situation if the parties do not agree to the arbitral tribunals, on the contrary parties have the right to comply with the laws of arbitration

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[33] Al-Ammari, "Saudi Arabia and the Onassis arbitration–A commentary."

[34] TILAHUN Teshome, "The legal regime government arbitration in Ethiopia: A synopsis," *Ethiopian Bar Review* 1, no. 2 (2007).

and select any model of procedural ruling for dealing with disputes. This type of consequence sets out new arbitration guidelines and requirements in detail for better procedures that apply by default. The requirements include similar features like the arbitration of international processes (such as pleadings, witness statements, expert reports, and court hearings). Regardless of the similarities between the old and new laws of arbitration in the domain of the Arab world and international arbitration rules, the party should choose the arbitration ruling on their own for the better conduction of the whole ruling, alternatively depending upon default regulation functions and provisions. The new Arbitration laws choose their own domestic and institutional arbitrators and rules of commercial arbitration. (Article 2) explains that "the provisions of this Law shall apply to any arbitration regardless of the nature of any legal relationship subject of the dispute if this arbitration takes place in the Kingdom." The aforementioned statement allows companies of Saudi Arabia to develop operational compliance with rules and institutions of arbitration in choosing their contracts with their corporate party.[35]

In this respect to the 27 number article about the Laws of Models States, "The arbitral tribunal or a party with the approval of the arbitral tribunal may request from a competent court of this state assistance in taking evidence. The court may execute the request within its competence and according to its rules on taking evidence." Following this provision, the tribunals for arbitration itself or the parties with the approval can request the assistance of judicial interventions in the investigation of the evidence. This type of intervention is generally conducive and appropriate in situations when the arbitral court of law does not evaluate and measure obligatory analysis and thus such kind of intervention has a contract of agreements for the tribunals.[36]

Judicial Role in Post-Arbitration

The litigation process begins after the decision of the arbitration. Once the dispute is resolved between the parties, the national courts and judicial intervention take part in the setting of appeal, and awards implementation. Eventually, document closure of arbitral processes or arbitration awards does not end the journey for the parties to the arbitration. Principally the award could be pointless if the award debater failed to resolve the dispute and the compliance of terms and conditions of awards administration. Hence legal jurisprudence involvement and assistance are important for the affirmative of

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35 Al-Ammari, "Saudi Arabia and the Onassis arbitration–A commentary."

36 Gabrielle Kaufmann-Kohler, "Globalization of arbitral procedure," *Vand. J. Transnat'l l.* 36 (2003).

a decision without any impositions on the decision. In post-arbitration courts of two different countries will be involved;[37]

1. The place of arbitration is the courts when a party seeks to set aside a challenge for an award or appeal and lodges under the applicable arbitral law against the award.[38]
2. The law of Courts is in place for the reinforcement and recognition of the awards for creditors.[39]

Depending upon the Model Law, the recourse applications can be lodged a national court intervention at the seat of the arbitration when there is one or more of the following grounds are to be filled:

1. The deals of awards with a dispute to be resolved are not anticipated as a result of subsidizing the terms and conditions under the arbitration model submission.
2. In situation like, when a party is unable to represent their case.
3. The concerns of the award arbitration are not covered by the arbitrator in the agreement.

If arbitral procedural ruling and tribunals are not correlated as per following the clauses of the contract and settlement of arbitration and when the matter of the subject is not relatable or sinks with the dispute the practices and fundamentals of arbitration law due to the policy of public reasons cannot be integrated in the system of ruling. Eventually, sometimes the intervention of legal jurisprudence is significantly important for the enforcement and imposition of the terms and conditions of laws and policies for the award. The contrasting difference between the recognition and imposed enforcement of decisions has little practical relevance and there is no special recognition procedure required under the international arbitration law.[40,41]

Comparative Analysis of Arbitration Mechanisms: UNCITRAL Rules vs. Arab Practices

The contrast between 'arbitration mechanisms outlined in the UNCITRAL Rules and those observed in the Arab world' offers a deeper insight into the interplay of arbitration practices, cultural context, and legal frameworks.

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37 Kaufmann-Kohler, "Globalization of arbitral procedure."

38 Kaufmann-Kohler, "Globalization of arbitral procedure."

39 Kaufmann-Kohler, "Globalization of arbitral procedure."

40 Carl-August Fleischhauer, "UNCITRAL Model Law on International Commercial Arbitration," *Arbitration journal* 41, no. 1 (1986).

41 Marc Bungenberg and August Reinisch, *From bilateral arbitral tribunals and investment courts to a multilateral investment court: options regarding the institutionalization of investor-state dispute settlement* (Springer Nature, 2020).

Notably, the Arab region holds a historical reverence for arbitration, tied to Islamic jurisprudence. The introduction of the new arbitration legislation in the Arab world seeks to refine and expand the scope of arbitration, accommodating domestic, international, and commercial disputes. One of the fundamental distinctions between the two systems is the assortment of disputes subject to arbitration. While the older arbitration approach was limited in scope, the modern legislation, grounded in Islamic principles, widens the spectrum of issues eligible for arbitration. Additionally, the role of arbitral agreements has evolved, with the new law mandating written documentation for arbitration agreements, fostering clarity and enforceability. Tribunals of arbitration have also transformed for experienced arbitrators to become more structured, while also grappling with gender-related considerations. The new arbitration law presents procedural flexibility, allowing parties to choose between international arbitration models or domestic institutions that promote alignment with the parties' intentions. Moreover, judicial involvement in post-arbitration scenarios, as national courts plays an important role in award enforcement and challenges. The comparison illuminates the harmonization of cultural values, Sharia principles, and international norms, as the Arab world navigates its arbitration landscape, embracing a blend of tradition and modernization.

International and Arab Arbitration Law: Comparative Analysis

The comparative analysis is to justify the information collected through the review of different articles by the outcomes relevant to the objective and aim of the study. There is always an integrated management system for the successful results of the legislation. The analysis of the study results shows the involvement of judicial national courts is always important for the high accuracy and efficiency of the arbitration, for international and commercial (domestic) laws collectively. Furthermore, several circumstances may arise during the proceedings of arbitration and call for judicial intervention and legislative involvement. Moreover, it should be stringent for the regulation to sustain the balance between the stages of proceedings or arbitration and court association for the harmonized operational proceedings arbitral law and tribunals, alternatively which is an intended substitute to judicial dispute settlement. Pure independent arbitration is not possible in the real world as there are several cases and situations where the intervention of the judiciary is to enhance the procedural ruling with better investigation criteria. However, there are always certain terms and conditions to be fulfilled for the implementation of an autonomous system. Additionally, the involvement of

state laws and policies in arbitration rulings is still debatable whether state presence of absences, but preferably the state presence provides a level and quality of examination.[42,43] Whenever the state power is used righteously it could increase the novelty and efficiency of the arbitration procedural ruling and the overall quality can be inclined towards better results and decisions to resolve the dispute among the parties. It is mentioned above that state interference is always a problem there are different instances discussed in the paper, where the arbitration proceedings would miss out without the intervention of judicial ruling and regulations. For quality results, the interference of the legislative authorities needs to the framed correctly. The intervention of the legislation during the arbitration processes needs to be added very precisely as much as possible, restricted towards the field of internal or domestic disputes of commercial and international arbitration. The corporation and business of the arbitration must not take a step back and be affected by the State's power.[44]

The role of the State must be only framed to permit their intervention during the time of the need for arbitration for either investigation or evidence collection. The powers of state intervention are suitable only when armed forces like the police are involved for better uprightness and a coherent approach to justice in the proceedings and practices of arbitral laws. For the delivery of the state intervention that is via the court's involvement without discouraging the independence of the arbitration processes, it accounts largely for restoring its legitimacy and providing the limitation for the privacy management system. In a comprising statement, it is said to be correct that any State is slighter negative and evil to allow the legality and variability of justice in the functioning of arbitration.[45]

Moreover, many legislative authority and ruling system of arbitration serves as a remote and individual sector that provides decorum for the resolution of disputes among the parties. In any arbitration tribunal, it is stated in the same perspective that arbitration is a legal proceeding between the two parties in terms of agreement and contract to resolve their agreements. The decision of the arbitration tribunal does not bind any third parties. Quasi-judicial authority is being established under the shade of national law of courts privately which helps in the arbitration law conduction Besides this even if the procedural law recognizes the individuality and freedom of the parties to

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42 Koca, "Possibility of an autonomous international commercial arbitration."
43 Teshome, "The legal regime government arbitration in Ethiopia: A synopsis."
44 Teshome, "The legal regime government arbitration in Ethiopia: A synopsis."
45 Teshome, "The legal regime government arbitration in Ethiopia: A synopsis."

initiate a contract or agreement; no power will allow them to escape from the practices and commandments of arbitration.[46]

In the Arab world, many states and cities are practicing arbitral law for their international and commercial disputes, and their agreements are slightly based on the intervention of judicial authorities. No one can skip easily the impact of commercial and international arbitration practices in the Arab world. Several international disputes related to the corporate market sector such as disputes of ARAMCO are easily handled by the practices of international arbitration law. Each of the cases required individual analysis by the respective national governments of Western oil companies under their governance.[47]

Implementation Analysis of Arbitration Comparisons in the Arab World

The review analysis in this study indicates that there is an inconsistency of judicial intervention patterns that characterize arbitration proceedings across different jurisdictions within the Arab world. What emerges is a distinct spectrum of approaches: while certain countries emphasize the integration of national courts at various junctures of arbitration, others prioritize the preservation of arbitration's inherent autonomy. The differential approach exhibited by countries is deeply rooted in Islamic jurisprudence. Drawing inspiration from historical arbitration practices resonating with Islamic principles of conflict resolution, the Arab region showcases a unique approach that aligns with their cultural and religious norms.

The study also showed that Islamic jurisprudence, or Sharia plays an important role in shaping arbitration practices throughout the Arab world. The historical roots of arbitration in the region find a firm grounding in Islamic principles. However, the utilization of arbitration as a method of dispute resolution predates even the Islamic era, signifying its deep-rooted cultural significance. This historical continuum underscores the harmonious coexistence of arbitration practices with the region's cultural and religious fabric. Thus, arbitration practices in the Arab world often draw from historical Islamic arbitration principles, thereby influencing both parties and the legal systems.

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[46] "Arbitration and Ethiopian National Courts," 2020, https://abyssinialaw.com/blog/blogger/waliya-1999.

[47] Arthur J Gemmell, "Commercial Arbitration in the Islamic Middle East," *Santa Clara J. Int'l L.* 5 (2007).

Moreover, the exploration of newly transformed arbitration legislation emphasizes crafting structured frameworks for arbitration proceedings. Notably, these legislative updates often mirror international standards and best practices. However, it is essential to recognize that these legal changes do not necessarily eliminate the role of judicial intervention, rather, they seek to balance the preservation of arbitration while ensuring that access to judicial assistance remains available when warranted. This notable shift points towards an increased awareness of the importance of delineating clear demarcations between the responsibilities of arbitration and the judiciary.

It is noted that the arbitration reinforced by prudent judicial intervention, plays in increasing international trade and investment within the Arab world. Given the region's strategic significance in global business, there is a growing acknowledgment of the important role of effective dispute-resolution mechanisms. These mechanisms, often involving arbitration and supported by judicious judicial oversight, not only attract foreign investments but also foster an environment conducive to sustained economic growth. The findings of the present study indicate the critical nature of well-structured arbitration mechanisms in collaboration with strategic judicial involvement to create a vibrant ecosystem for cross-border commercial activities.

Conclusion

The systematic review analysis proposed findings related to the new variation placed in the Arab world with the amendments in laws of arbitration relevant to the clauses of international and commercial law of arbitration to handle many international disputes. Moreover, the study also provides a comparative proportional analysis between the former fundamental clauses of old arbitration law and new arbitration law in the Arab world. As mentioned earlier, the law of arbitration was a common practice in the religion of Islam, and the governance of the Arab world is based on the ethics of Shari'ah compliance and jurisprudence because Islamic governance arbitration is a common practice in the Arab world. The new changes in the law of arbitration more towards international and commercial disputes further required minor involvement of the judiciary to control the further investigation and evidence collection for better results and transparency. Such interventions are considered in the Arab world as the interference of the legislation makes the accuracy and efficiency of the arbitration proceedings more authentic. The study outcomes provide a platform for the new researchers to conduct their research studies in this domain and specific case studies in the Arab world that

are being handled under the rulings of new arbitration laws of international and commercial sectors.

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