

---

## Legal Regulation of Electronic Arbitration: Recognition and Execution of its Decisions

---

*Mokhinur Bakhramova*

*Senior lecturer at Intellectual property law department, Tashkent state university of law, Tashkent, Uzbekistan*

---

**Abstract:** As part of this article, we will examine the question of the fact that the states should adapt their Arbitration laws to adapt arbitrates in artificial intellect or complete autonomous arbitrations. We also study the dynamics of regulation and regulation competition. Although countries are formal free in principle not to accept or not accept their unique arbitration legislation, they may be pressured in a particular direction by market forces. The states competed for arbitration business, and such competition can encourage them to renew and modernize Arbitration laws, which makes them more comfortable for technology and AI. Countries independently cannot change the New York Convention. Nevertheless, they can decide whether semi-empty or without modification or without changes or copy arbitration of another state or develop a new arbitral charter from zero.

**Keywords:** New York Convention (NYC), arbitration laws, court decisions, artificial intelligence, Covid-19 pandemy, E-ARB, International Arbitration Center, witness, traditional arbitration.

---

Taking into account the high economic shares in the international commercial arbitration market, States can allow full autonomic arbitratives, not growing. Until the state, which is not yet able to gain a significant share of the commercial arbitration market, has a strong style to jump a significant way to jump to innovation and users. Thus, we can expect technological possible and wise things that the first countries, which are trying to attract the arbitrage business, are reflected in arbitration laws.<sup>1</sup> The reasons discussed above have been in the competition for arbitration may have the advantage. What steps can we take by the countries who are carved by technologies or technology-based arbitrations? But even so, wants to modernize their own internal system to prepare well, when the technological achievement is happening? Such countries do not want to allow arbitration without human control by legal entities.<sup>2</sup>

It is necessary to identify a number of contradictions and factors in identifying the factors that identify foreign agencies from national decisions. Thus, the issues of identity on the citizenship of the dispute, the "Place of" area or compulsory law applied to arbitration regulations can be considered. From the point of view of the legal and judicial, the place of decisions separates the criteria between national and foreign arbitration. This specific

---

<sup>1</sup>Schiavetta, Susan, "The Relationship Between e-ADR and Article 6 of the European Convention of Human Rights pursuant to the Case Law of the European Court of Human Rights", 2004 (1) *The Journal of Information, Law and Technology (JILT)*. <[http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/2004\\_1/schiavetta/](http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/2004_1/schiavetta/)

<sup>2</sup>Van den Heuvel, Esther, *Online Dispute Resolution as solution to cross border e-disputes*, p.15 <http://www.oecd.org/dataoecd/63/57/1878940.pdf>

criterion is determined in the New York Convention (NYC) in 1958, as it recognizes the implementation of foreign arbitration decisions. Therefore, member states of the New York Convention are expected to have laws that reflect this practice, through which a foreign arbitration decision becomes effective in its territory.<sup>3</sup>

First, states usually need to review their own arbitration laws for unnecessary mandatory elements. As discussed, private autonomy and contract freedom is the basis of arbitration. Arbitration laws, if serious causes do not show any other view, it should be a defendant. The right to be treated equally and to submit their claim is such serious reasons. But when it comes to practical procedural rules, the autonomy of the parties must rule. For example, jurisdiction should not personally participate in court sessions or witness to testify personally. If this is required, the forms of obtaining many processes or evidence are not held in different conditions. In the context of Covid-19 pandemy, it is necessary to consider the quarantine rules set on to travelers.<sup>4</sup>

Second, states should try to help the legal data to improve the development of cars for arbitration. Such tools are currently (and in the near future) dominates the AI applicant market for arbitrations.<sup>5</sup> Court decisions, including English, should be easily and freely used in English. Arbitration courts must announce their decisions in anyone. In addition, courts also need to publish decisions in at least anonymous form. Obviously, most commercial participants prefer confidentiality on one side and in the middle of access to arbitration laws in favor of technology. In a sense, in a sense, shortening or removal of privacy can be understood as a price that can pay for better service.

Thirdly, although the concept of arbitration is not different as in the traditional arbitration, nor E-ARB, some states may want to remove some arbitration in electronic proceedings. Supporters of the formation theory of arbitration believe that the nature of the electronic permission is considered. However, the theory of delocalization contradicts the current rules of the New York Convention, 5 (1) (E), if the court has mandatory force in accordance with the legislation of the court, the country court, the request for the execution implies the imposition of the creation.<sup>6</sup>

Another point of view is that this difference is not to pay attention to the truth of the arbitral tribunal, because it is necessary to issue the rules of the court requires the decision to take into account the national state policy. Thus, it was noted that all arbitration rules should be under a single organ control without aimed at arbitration's "place" without paying attention.<sup>7</sup>

Some of the ideas identified as a result of the consideration of literature are justifying that developing countries view arbitration instructions. Often these decisions are exported in a foreign country under the supervision of the International Arbitration Center in Western countries. The debate can contain a group of companies of different nationalities or different nationalities. Statistics show that 90% or more of arbitration agricultural work in foreign countries is losing by developing countries. (Berg, 2005)

However, the current situation is that it is planned to recognize and execute foreign

---

<sup>4</sup>Schellekens, M.H.M., "Online Arbitration and E-commerce", *Electronic Communication Law Review*, Nr.9, Kluwer Law International

<sup>5</sup>Van Hof, Jacomijn J., *Commentary on the UNCITRAL Arbitration Rules. The Application by the Iran-U.S. Claims Tribunal*, Kluwer Law and Taxation, 1991

<sup>6</sup>St. John Sutton, David, *et al*, *Russell on Arbitration*, 23<sup>rd</sup> edition, Sweet & Maxwell, Limited, London, 2007

<sup>7</sup>Trcek, Dennis, "Minimising the risk of electronic document forgery", *Computer Standards & Interfaces*, Volume 19, Issue 2, March 1998

arbitration decisions to ensure justice in any member of the New York Convention.<sup>8</sup>

It is also considered natural that the parties will have the necessary technical abilities and experience to use it properly. It also has the following problems:

- Privacy and security of the E - ARB process;
- Related bonds;
- Organizing and transferring arbitration in online regime;
- The integrity of the relevant information;
- Authentication of the relevant documents.<sup>9</sup>

Jewels and Alban (2013: 36) the UAE emphasizes the use of people of people of different ages, along with the use of Internet for transactions. Commentators reveal this that this was a lack of ICT training for the national population. This means that a number of people in the UAE will also not perform a number of online services to the arbitration.<sup>10</sup>

In addition, the collective nature of the UAE society may hinder the widespread use from E-ARB. The fact that it is a hindrance to the E-ARB in an interview with the Commercial Law of the United Arab Emirates said it was a belief in him and that they were willing to open this idea.<sup>11</sup> Abu Dhabi noted that the securities should be more aware of the UAE citizens about the E-ARB. Many are not familiar with how it works.<sup>12</sup>

In conclusion, some identified reviewers argue that traditional arbitration is considered logical development and its methods and its methods and that traditional arbitration principles are insufficient for an electronic environment.<sup>13</sup> On the other hand, a number of researchers believe that electronic arbitrage of the arbitrage is not valid without following the traditional arbitration requirements and principles. Here they refer to the demand "Write" and F2F sessions between the parties they are arguing. However, now with new technological developments has a hybrid arbitration method that uses the traditional Arbitration Court model. Abdel Wahob (2012: 430) says the traditional arbitration institute remains behind electronic arbitration. E-ARB procedures are in line with the modern online environment of virtual communities, so the conflicts can occur mainly through electronic devices, and therefore should be resolved quickly through electronic means. At the same time, there are a number of important issues related to an electronic arbitration, i.e., do not comply with the basic principles of traditional international trade arbitration.

---

<sup>8</sup>Bakhramova, Mokhinur. "LEGAL STATUS OF INTERNATIONAL INSTITUTIONS SPECIALIZED IN RESOLUTION OF ODR DISPUTES." *Euro-Asia Conferences*. 2022.<http://papers.euroasiaconference.com/index.php/eac/article/view/594>

<sup>9</sup>Bahramovna, Bahramova Mohinur. "ONLAYN ARBITRAJDA NIZOLARNI HAL ETISH TARTIBI." *International Journal of Philosophical Studies and Social Sciences* (2022): 104-109.<http://www.ijpsss.iscience.uz/index.php/ijpsss/article/view/238>

<sup>10</sup>Schultz, T.Kaufmann-Kohler, G.Langer, D., Bonnet, V. *Online Dispute Resolution: The State of the Art and the Issues*, E-Com Research Project of the University of Geneva, Geneva, 2001, <http://www.online-adr.org>.

<sup>11</sup>Bahramovna, Bahramova Mohinur. "RAQAMLI MAKONDA ONLAYN NIZOLAR TUSHUNCHASI VA ULARNING HUQUQIY MAQOMI." *БАРҚАРОРЛИК ВА ЕТАКЧИ ТАДҚИҚОТЛАР ОНЛАЙН ИЛМИЙ ЖУРНАЛИ* (2022): 163-168. <http://sciencebox.uz/index.php/jars/article/view/1634>

<sup>12</sup>Shenton, David, W. "Supplementary rules governing the presentation and reception of evidence in international commercial arbitration" in Lew, Julian (editor), *Contemporary problems in International Arbitration*, Centre for Commercial Law Studies, Queen Mary College, 1986

## BIBLIOGRAPHY

1. Schiavetta, Susan, "The Relationship Between e-AD and Article 6 of the European Convention of Human Rights pursuant to the Case Law of the European Court of Human Rights", 2004 (1) *The Journal of Information, Law and Technology (JILT)*. <[http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/2004\\_1/schiavetta/](http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/2004_1/schiavetta/)>
2. Van den Heuvel, Esther, *Online Dispute Resolution as solution to cross border e-disputes*, p.15 <http://www.oecd.org/dataoecd/63/57/1878940.pdf>
3. Schellekens, M.H.M., "Online Arbitration and E-commerce", *Electronic communication law Revue*. Nr.9, Kluwer Law international
4. VanHof, Jacomijn J., *Commentary on the UNCITRAL Arbitration rules. The application by the Iran-U.S. Claims Tribunal*, Kluwer law and taxation, 1991
5. St. John Sutton, David, et al, *Russell on Arbitration*, 23rd edition, Sweet & Maxwell, Limited, London, 2007
6. Trcek, Dennis, "Minimising the risk of electronic document forgery", *Computer Standards & Interfaces*, Volume 19, Issue 2, March 1998
7. Bakhranova, Mokhinur. "LEGAL STATUS OF INTERNATIONAL INSTITUTIONS SPECIALIZED IN RESOLUTION OF ODR DISPUTES." *Euro-Asia Conferences*. 2022. <http://papers.euroasiaconference.com/index.php/eac/article/view/594>
8. Bahramovna, Bahramova Mohinur. "ONLAYN ARBITRAJDA NIZOLARNI HAL ETISH TARTIBI." *International Journal of Philosophical Studies and Social Sciences* (2022): 104-109. <http://www.ijpsss.iscience.uz/index.php/ijpsss/article/view/238>
9. Schultz, T. Kaufmann-Kohler, G. Langer, D., Bonnet, V. *Online Dispute Resolution: The State of the Art and the Issues*, E-Com Research Project of the University of Geneva, Geneva, 2001, <http://www.online-adr.org>.
10. Bahramovna, Bahramova Mohinur. "RAQAMLI MAKONDA ONLAYN NIZOLAR TUSHUNCHASI VA ULARNING HUQUQIY MAQOMI." *BAKQARORLIK VA ETAKCHI TADQIQOTLAR ONLAYN ILMIY JURNALI* (2022): 163-168. <http://sciencebox.uz/index.php/jars/article/view/1634>
11. Shenton, David, W. "Supplementary rules governing the presentation and reception of evidence in international commercial arbitration" in Lew, Julian (editor), *Contemporary problems in International Arbitration*, Centre for Commercial Law Studies, Queen Mary College, 1986
12. Mokhinur, Bakhranova. "NECESSITY AND IMPORTANCE OF ELECTRONIC DISPUTE RESOLUTION IN INTERNATIONAL LAW." *Збірник наукових праць SCIENTIA* (2021). <https://scholar.google.com/scholar?cluster=18030531839024872669&hl=en&oi=scholar>