

Judicial Development and the Institution of Arbitration in Comparative Analysis: Case Studies of Selected Countries

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Abstract

Judicial development is considered one of the fundamental prerequisites for achieving efficient and sustainable justice in contemporary legal systems. One of the key components in this process is the utilization of alternative dispute resolution methods, particularly arbitration, which can complement the judiciary by reducing case loads, enhancing the speed of proceedings, and increasing public satisfaction with the justice system. This article aims to investigate the relationship between judicial development and the institution of arbitration through a comparative analysis of the policies and structures in four countries: Iran, France, Singapore, and India. The primary research question is: What is the connection between judicial development policies and the institutional position of arbitration in these countries, and which models could be effective for reforming the justice system in Iran? The study employs a qualitative and comparative methodology, with data collected through the analysis of documents, laws, statistics, and previous studies. The findings suggest that in legal systems where arbitration is integrated into overall judicial policy, it has played a significant role in facilitating judicial development. In this context, the strategic use of arbitration capacities, alongside legislative and institutional reforms, is deemed a prerequisite for judicial development in countries such as Iran.

Keywords: Judicial Development, Arbitration, Dispute Resolution, Judicial Policy-Making, Comparative Law.

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1. Introduction

The judicial system of any country constitutes one of the primary pillars for realizing justice and ensuring the rule of law. However, the dynamism and efficiency of this system depend on a development process that not only addresses structural and institutional aspects but also relies on the use of complementary and alternative mechanisms for dispute resolution. Among these, arbitration, as one of the most important alternative methods to formal adjudication, plays a fundamental role in enhancing judicial productivity (Cuniberti, 2014). Indeed, one of the most critical indicators of judicial development is the

adoption of alternative dispute resolution methods such as arbitration, which can alleviate pressure on courts and improve the efficiency of the judicial system (Born, 2014).

Achieving justice as a fundamental goal of any legal system requires mechanisms that can respond to both traditional societal needs and align with economic, social, and international transformations. In this regard, judicial development, as a multidimensional process encompassing legislative, structural, managerial, and technological dimensions, plays a decisive role in increasing public trust in an effective and accessible justice system (Khalqi, 2017). One of the most important components of this development is the use of alternative dispute resolution methods, particularly the institution of arbitration.

Moreover, a key element in realizing justice is ensuring affordable, rapid, and effective access to judicial services. This issue holds significant importance in judicial development literature and, according to some scholars, forms part of the ideal judicial process (Hajihosseini et al., 2024). On the other hand, given the transformations in contemporary legal systems especially in advanced countries and international arbitration frameworks reliance solely on traditional adjudication methods is no longer sufficient. In this context, the development of institutions such as arbitration can contribute to achieving participatory and economic justice (Tan, 2018). Some researchers argue that the use of arbitration alongside formal judicial processes can reduce judicial burdens and enhance access to justice in complex systems (Sussman & Pechman, 2016).

The institution of arbitration, with its long history across various legal systems, has gained a special place in advanced legal frameworks in recent decades as a complementary mechanism to formal adjudication. Proper utilization of this institution not only reduces the volume of cases entering courts but also, through increased speed, specialization, and flexibility in proceedings, serves the realization of effective justice (Redfern & Hunter, 2009). Based on global experiences, arbitration—particularly in commercial and international contexts—can act as an efficient tool for faster and less costly dispute resolution (Newman, 2017).

In Iran, despite the legal provisions for arbitration in various laws, including the Civil Procedure Code, the International Commercial Arbitration Act, and specific regulations, the institution of arbitration has yet to secure an appropriate institutional and operational position within the formal justice structure. This is in contrast to countries like France, Singapore, and India, where arbitration is considered part of the broader judicial policy and has advanced through judicial reforms. According to international reports, the development of arbitration systems in these countries has led to a reduction in court caseloads and an increase in the speed of proceedings (Kaufmann-Kohler & Potestà, 2017; Kaufmann-Kohler & Schultz, 2004).

Although arbitration has a historical and legal foundation in Iran, its practical application faces numerous obstacles (Behbahani, 2015). In some cases, inadequate institutional structures, lack of judicial support for arbitration awards, and the absence of a public culture accepting arbitration as an alternative to courts hinder its optimal use. Conversely, in successful countries, arbitration has expanded as part of a broader judicial reform process to meet the evolving needs of society.

In modern systems, judicial development is not limited to increasing the number of courts or speeding up proceedings; it necessitates the reform of procedural structures and the institutionalization of economic justice (Habibi-Dargah, 2019, 2020, 2023; Habibi-Dargah & Almasi, 2011; Habibi-Dargah & Firozbakht, 2022; Habibi-Dargah & Mabinimajd, 2021). Furthermore, the establishment and strengthening of institutions such as arbitration can improve the performance of the judicial system on a large scale, contributing to greater transparency and efficiency in the justice system.

This study aims to analyze the relationship between judicial development and the institution of arbitration through a comparative examination of the four selected countries: Iran, France, Singapore, and India. The central question is: What is the relationship between judicial development and the institution of arbitration in the selected legal systems, and which models can be leveraged to enhance the position of arbitration in support of judicial development in Iran? The research methodology is qualitative and comparative. Initially, the theoretical concepts of judicial development and arbitration are elucidated, followed by an examination of the structures and policies of the four selected countries. Finally, a comparative analysis is conducted. The hypothesis of this study posits that arbitration can serve judicial development only when it is integrated into the broader judicial policy framework and supported by institutional and legislative measures.

2. Theoretical and Conceptual Foundations of Judicial Development and the Institution of Arbitration

Achieving justice, as one of the most fundamental objectives of legal systems, necessitates efficiency and continuous transformation within judicial structures. In this regard, a novel concept termed “judicial development” has emerged in the literature of public law and judicial policy-making, emphasizing the enhancement of quality, efficiency, and responsiveness of justice-oriented institutions. This development is not solely focused on internal structural reforms within the judiciary but also requires the utilization of complementary institutions, such as arbitration, as an informal and participatory arm in realizing justice. From this perspective, analyzing the theoretical and conceptual foundations of judicial development alongside elucidating the role of the institution of arbitration will contribute to a deeper understanding of the relationship between these two institutions and their synergistic capacities within Iran’s legal system.

2.1. *Concept of Judicial Development*

Judicial development is a relatively new concept in legal and public policy literature, emerging toward the end of the twentieth century in the context of the discourse on “efficient governance” and “responsive justice.” This concept refers to processes through which a country’s judicial structure evolves to meet the changing needs of society, thereby improving indicators such as speed, accessibility, transparency, efficiency, and justice-centered adjudication ([Hammergren, 2007a, 2007b](#)).

Judicial development can be viewed both as a goal aiming to enhance the justice experience and as a tool, providing a foundation for the effective implementation of other rights and freedoms. For this reason, international organizations such as the World Bank and the United Nations Development Programmed (UNDP) consider judicial development a condition for good governance and the achievement of Sustainable Development Goals (SDGs) ([UNDP, 2016](#)).

The indicators of judicial development vary depending on the legal system and the level of development of each country. However, common elements include public access to justice, reduction of case backlogs, judicial independence and specialization, judicial technologies, and diversity in dispute resolution methods ([Langbein, 1999a, 1999b](#)). In a field study conducted in the Tehran judiciary, indicators such as case processing time, the number of resolved cases, public satisfaction, and the use of technology were identified as key criteria for judicial development ([Hajihosseini et al., 2024](#)). Recent studies also emphasize societal participation in the judicial system, transparency in court decisions, and systematic oversight of judicial performance ([Buscaglia & Dakolias, 1999](#)).

One innovative indicator of judicial development is the ability to structure adjudication contracts to reduce case backlogs and enhance the efficiency of dispute resolution institutions. According to economic analysis of law, this approach not only lowers temporal and financial costs of disputes but also leads to a more equitable distribution of judicial resources. In this regard, economic analysis of law suggests that judicial and arbitration policy formulation should consider principles such as efficiency, reduced transaction costs, and optimal resource allocation ([Habibi-Dergah & Almasi, 2011, p. 91](#)). An independent analysis of Iran’s civil justice system indicates that judicial rules are considered effective only when they can optimize time, human resources, and transaction costs using economic criteria ([Habibi-Dargah, 2019](#)). Additionally, new institutional economics theories highlight the efficiency of judicial institutions as a prerequisite for attracting investment and economic growth ([North, 1990](#)).

Judicial development extends beyond merely increasing the number of judges or establishing new court branches. It encompasses improving the quality of judicial decisions, strengthening judicial independence, reducing case backlogs, and ensuring fairness in proceedings. In this context, alternative dispute resolution institutions, particularly arbitration, are recognized as key components of judicial development. Attention to these institutions, while reducing pressure on formal courts, can facilitate a more participatory and specialized form of justice ([Safaei & Bakhda, 2019](#)). Another scholar, emphasizing the necessity of utilizing alternative institutions like arbitration, argues that judicial development without strengthening these institutions remains incomplete, as arbitration can reduce court burdens and expedite dispute resolution, thereby contributing to effective justice ([Gharamani, 2001](#)).

2.2. *Position of the Institution of Arbitration in Contemporary Legal Systems*

The institution of arbitration is one of the most important alternative dispute resolution (ADR) methods, particularly prominent in commercial and contractual domains. Unlike formal adjudication conducted by state courts, arbitration is based on the agreement of the parties to resolve disputes through independent arbitrators or an arbitration panel (Born, 2014). In Iranian legal literature, some scholars describe arbitration as an institution with a “hybrid nature of contract and private adjudication,” retaining its consensual essence while carrying judicial and binding effects (Mafi & Taqipour, 2017).

Key features of this institution include speed of proceedings, confidentiality, lower costs, and the ability to select specialized arbitrators. Moreover, from an economic analysis of law perspective, arbitration is recognized as a strategy for reducing transaction costs and increasing the efficiency of dispute resolution institutions. Studies indicate that in legal systems where arbitration is institutionalized, traders’ confidence in dispute resolution processes increases and investors show greater willingness to enter long-term contracts (Posner, 1998). Additionally, the use of specialized arbitrators in technical and commercial fields improves decision quality and reduces the likelihood of appeals or objections in later stages (Park, 2012).

Although arbitration has a long history in many countries, its institutional position within the formal justice structure is highly dependent on judicial and legislative policies. In some systems, such as Singapore, arbitration is regarded as part of a national strategy to position the country as an international dispute resolution hub (Tan, 2018). In this country, the establishment of institutions like the Singapore International Arbitration Centre (SIAC) and judicial support for arbitration awards exemplify a successful model of synergy between formal adjudication and private dispute resolution mechanisms (Chan, 2019). Similar trends are observed in countries like Switzerland, France, and the United Arab Emirates, where arbitration has been strengthened as a complement to formal justice, both domestically and internationally (UNCTAD, 2016, p. 18).

Based on historical analyses, the institution of arbitration has evolved beyond a purely private and contractual mechanism over recent centuries, transforming into an entity with public functions in achieving economic justice, reducing social conflicts, and promoting a culture of peace (Aqayi et al., 2020).

2.3. *The Connection between Judicial Development and the Institution of Arbitration*

The relationship between arbitration and judicial development is bidirectional: on one hand, judicial development can provide the necessary legal and institutional infrastructure for the growth of arbitration; on the other, strengthening arbitration as a complement to formal adjudication can drive judicial development. This relationship becomes more effective when arbitration is not merely an optional tool but is regarded as part of a strategic judicial policy (Ginsburg, 2012).

In recent years, international organizations such as the World Bank and the Organization for Economic Co-operation and Development (OECD) have emphasized the role of arbitration as a complementary indicator in the development of transparent and responsive legal systems in their justice assessment reports (World Bank, 2020).

In systems where judicial development has been a priority for policymakers, arbitration has been strengthened through legal, judicial, and educational support, operating synergistically with other components of the formal justice system.¹

In recent years, mediation has also emerged as a novel and complementary method to arbitration. Some comparative studies of international enforcement regimes have highlighted that “establishing legal frameworks for enforcing mediation agreements can strengthen the position of alternative dispute resolution institutions within the formal justice structure” (Gharamani, 2001).

Comparative studies of leading countries like France, Singapore, and India demonstrate that synergy between the judiciary and arbitration can enhance public trust, facilitate trade, and improve countries’ international rankings in rule of law indices (Moses, 2017). From an economic analysis of law perspective, arbitration, with adequate legal support and efficient design, can play a significant role in reducing judicial costs. Managing information and adopting less costly procedural approaches in quasi-judicial mechanisms are among the key legal principles in designing advanced arbitration institutions (Habibi-Dargah

1 - Judiciary of the Islamic Republic of Iran. (2022). Guidelines for organizing dispute resolution through arbitration and the establishment and development of arbitration institutions. Approved in Bahman 1400 [February 2022].

& Mobinmajd, 2021). In this context, recent judicial policy approaches, including the expansion of arbitration contracts in digital platforms and support for online dispute resolution (ODR) institutions, are recognized as manifestations of technology-driven judicial development (Kaufmann-Kohler & Schultz, 2004). Additionally, with reference to the Singapore Convention, mediation is considered an effective complement to arbitration, capable of playing a significant role in enhancing judicial development indicators in transitional legal systems (Askari, 2021).

An examination of the experiences of countries with advanced judicial structures reveals that the systematic and synergistic strengthening of arbitration with other judicial components is a critical factor in increasing public trust and reducing case backlogs. Arbitration can play an effective role only when it is designed and implemented within a legal system as part of the broader justice policy, rather than merely an optional mechanism. This connection can be reinforced through the establishment of transparent arbitration rules, appropriate oversight of arbitration award enforcement, and the provision of electronic access to arbitration processes.

3. Comparative Analysis of Judicial Development and the Institution of Arbitration in Selected Countries with Statistical Comparison

A comparative analysis of judicial development and the position of the institution of arbitration in various legal systems provide an opportunity to identify capacities, challenges, and effective policies for strengthening efficient and responsive justice. Different countries, depending on their political, cultural, economic, and legal structures, have adopted diverse approaches to enhancing judicial development indicators and implementing arbitration. A comparative analysis of these experiences can offer a model for legal and institutional reforms in countries such as Iran, particularly when the goal is to synergistically leverage formal adjudication systems and alternative mechanisms like arbitration to achieve justice and efficiency.

3.1. Iran

Iran's judicial system, despite its extensive formal structure, has faced challenges such as case backlogs, a high volume of cases, and weak utilization of alternative dispute resolution mechanisms in recent decades. Although arbitration has deep roots in Islamic jurisprudence and judicial traditions in Iran, it has not yet secured an appropriate position alongside the formal adjudication system. Studies indicate that while arbitration is rooted in jurisprudential teachings and dispute resolution traditions in Iran, its institutional framework in the contemporary legal system lacks coordination with broader judicial policies (Behbahani, 2015). Moreover, the absence of independent arbitration institutions with robust oversight and enforcement mechanisms poses a significant barrier to its expansion.

Legally, provisions related to arbitration are outlined in the Civil Procedure Code (Articles 454–501, enacted 2000) and the International Commercial Arbitration Act of the Islamic Republic of Iran (enacted 1997). However, practical implementation is hindered by ineffective judicial policies, inadequate arbitrator training, and a lack of confidence among economic actors in arbitration (Shahabi, 2010). Additionally, the absence of a ranking system for arbitrators, weak enforcement of arbitration awards, and limited involvement of professional and trade organizations in the arbitration process are among the obstacles identified in comparative assessments (Keshavarz & Mirhosseini, 2022).

From a judicial development perspective, despite scattered efforts such as the establishment of dispute resolution councils and electronic case registration systems, indicators such as processing speed, decision quality, and diversity in dispute resolution methods remain suboptimal. The lack of institutional linkage between arbitration and overarching judicial development strategies is considered a primary weakness in Iran's justice system. Domestic research findings corroborate this situation; for instance, an assessment of judicial development indicators in Tehran Province identified weak data-driven planning and lack of procedural harmony as major challenges (Hajihosseini et al., 2024).

This is in contrast to models proposed by the European Commission for the Efficiency of Justice (CEPEJ, 2020), which suggest that institutions like arbitration can play a key role in improving indicators of accessibility, productivity, and public satisfaction. Developed countries with advanced judicial access indicators have made significant strides by leveraging technology and electronic adjudication. Affordable access to justice is not only an economic necessity but also a prerequisite

for social justice and increased public trust in the judicial system ([Habibi-Dargah, 2020](#)). A study emphasizes the need for a balance between formal justice and technology-driven efficiency ([Habibi-Dargah, 2023](#)). In this context, it has been proposed that launching online dispute resolution (ODR) institutions with limited but effective judicial oversight could reduce judicial burdens and enhance judicial development indicators ([Kaufmann-Kohler & Schultz, 2004](#)).

In Iran, despite its jurisprudential heritage of arbitration and the existence of the International Commercial Arbitration Act, the position of arbitration remains marginal and fragmented. The absence of a comprehensive judicial policy supporting arbitration, lack of systematic training, and insufficient technological infrastructure are among the primary challenges. Although the Arbitration Center of the Iran Chamber of Commerce and some non-governmental institutions are active in this field, coordination with the judiciary and legislative bodies has yet to be achieved.

One of the main obstacles to the development of arbitration in Iran is the lack of coherence among scattered legal regulations and the absence of uniform practices in enforcing arbitration awards. The lack of an independent central institution to manage and organize arbitration processes has led to inconsistencies in quality and credibility. Furthermore, the absence of systematic arbitrator training and the lack of supervisory requirements regarding professional qualifications have weakened the position of arbitration within the formal justice structure ([Shahabi, 2010](#)). Similar analyses identify the lack of a qualification assessment system for arbitrators, gaps in specialized supervisory institutions, and lack of coordination between legislative and executive branches as structural challenges facing arbitration in Iran ([Rostami, 2019](#)). Additionally, “lack of institutional will to leverage arbitration capacities, absence of uniform judicial practices, and scattered legislation” are considered primary barriers to institutionalizing arbitration in Iran ([Mohammadi & Taqipour, 2023](#)).

3.2. France

France, with its rich history in arbitration, has formally integrated the institution into its judicial policy since the 1980s. Legislative reforms, professional arbitrator training, and judicial support are among the notable measures undertaken by France in this domain. Prestigious centers such as the International Chamber of Commerce (ICC) and the Centre de Médiation et d’Arbitrage de Paris (CMAP) play significant roles in commercial arbitration. Digital justice has also gradually been incorporated into France’s arbitration processes. With its civil law tradition, France is regarded as a pioneer in structural reforms within the European judicial system. Over recent decades, clear policies promoting alternative dispute resolution methods, particularly arbitration, have been developed to improve justice quality and reduce court caseloads ([Bell, 2015](#)).

In this regard, France has sought to alleviate court burdens and facilitate access to justice by utilizing alternative dispute resolution (ADR) methods such as arbitration; driven by the need to enhance efficiency and reduce adjudication times ([Gaillard & Edelstein, 2005](#)). Arbitration in French law operates under the oversight of public courts and in close interaction with the judicial system. Reforms to the Civil Procedure Code (notably in 2011) have granted arbitrators greater authority in managing proceedings and strengthened the position of arbitration in both domestic and international contexts ([Cuniberti, 2014](#)). Moreover, the legal culture in France views arbitration not as a rival to formal justice but as a complementary mechanism ([Gaillard & Edelstein, 2005](#)). This approach, which supports arbitration—especially in the context of faster access to justice has been widely adopted in many modern judicial systems. Some domestic legal scholars argue that France’s civil law system, particularly following reforms to the Civil Procedure Code, has successfully institutionalized arbitration as a complementary and aligned mechanism with formal adjudication ([Saffar, 2019](#)).

In terms of judicial development, policy-making based on principles such as specialization, expedited proceedings, and the use of innovative technologies (e.g., digital courts¹) has improved efficiency indicators. In this process, arbitration is regarded as part of the broader strategy to strengthen justice. This perspective, observed in many developed countries including France, has led to the conclusion that arbitration can effectively reduce court burdens and facilitate access to justice. The Council of Europe’s CEPEJ report (2022, p. 73) highlights France’s significant progress in using technology and digital courts to expedite proceedings, with arbitration serving as a complementary tool in this effort.

1 - Or Electronic Judiciary

Furthermore, in Iran, the use of arbitration to reduce case backlogs and enhance access to justice has increasingly been prioritized. According to conducted studies, leveraging arbitration as an alternative dispute resolution method can reduce judicial burdens and improve the efficiency of the judicial system. In this context, attention to innovative technologies and the development of appropriate infrastructure for electronic arbitration are of particular importance (Habibi-Dargah & Mominmajd, 2021).

France's experience demonstrates that targeted arbitration policies have been successful only when accompanied by reforms in civil procedure, supervisory structures, and professional training. Granting greater authority to arbitrators, transparent regulation of proceedings, and the expansion of digital courts are among the factors that have elevated the position of arbitration within France's judicial system (Bell, 2015).

3.3. Singapore

Over the past two decades, Singapore has emerged as a successful model in judicial development and the institutionalization of alternative dispute resolution methods. Policymakers in this country have designed and implemented cohesive programs to position Singapore as a regional arbitration hub, including the establishment of institutions such as the Singapore International Arbitration Centre (SIAC¹) and the creation of the Singapore International Commercial Court (Tan, 2018). These policies align with efforts to enhance Singapore's global standing as a credible center for arbitration and international trade. In Iran, while efforts to utilize arbitration capacities for trade development and reducing judicial caseloads exist, there remains a need for comprehensive and coordinated policies in this area. Although Iran possesses significant legal potential, it continues to face challenges such as a lack of specialized training and inadequate institutional infrastructure for international commercial arbitration (Shabani, 2017). Another perspective suggests that third-party funding (TPF) for international arbitration could, by reducing financial barriers for disputing parties especially small and medium enterprises—play a significant role in developing arbitration and creating new investment opportunities (Asadi, 2023).

Singapore's arbitration law, based on the UNCITRAL² Model Law, provides a suitable legal framework for both domestic and international arbitration. Practical judicial support, systematic arbitrator training, digital justice, ODR platforms, and technical infrastructure are among the factors that have attracted investors and reduced judicial burdens (Strong, 2013). These measures have not only created a conducive environment for dispute resolution but also facilitated the attraction of foreign investment. In Iran, despite similar initiatives such as the establishment of commercial courts and the International Commercial Arbitration Act, challenges persist in arbitrator training and the development of appropriate infrastructure for international arbitration (Karimi & Partow, 2011).

Singapore's judicial development framework is designed based on principles such as transparency, speed, electronic accessibility, and satisfaction-orientation, with arbitration regarded as an integral part of this development. Indeed, the judicial policy in this country views arbitration not merely as a legal tool but as a component of the national development strategy (Askari, 2021). In Iran, despite relative progress in arbitration and the establishment of institutions like the Iran Chamber of Commerce Arbitration Center, gaps remain in implementing international commercial arbitration. The need for enhanced technical infrastructure, specialized arbitrator training, and legal support for arbitration remains evident (Hashemi-zadeh & Hosseini, 2023).

Similarly, in international FIDIC contracts, the use of Dispute Adjudication Boards (DAB³) or Dispute Avoidance/Adjudication Boards (DAAB⁴) as an effective pre-arbitration dispute resolution method has been emphasized.

1 - <https://www.siac.org.sg>

2 - The United Nations Commission on International Trade Law (UNCITRAL), commonly known as UNICTRAL, is a commission of the United Nations established under Resolution 2205 on December 17, 1966.

3 - A board that intervenes when a dispute arises between the parties to a contract (e.g., employer and contractor), issuing a non-binding or conditionally binding decision subject to the parties' consent.

4 - In addition to dispute resolution, it is tasked with preventing disputes through continuous consultation with the parties and oversight of contract execution. The board's decision is generally provisionally binding unless challenged through arbitration or a court within the specified timeframe.

3.4. India

In recent years, India has taken significant steps toward reforming its dispute resolution system and developing arbitration with the enactment of the Arbitration and Conciliation Act of 1996, which was modeled on the UNCITRAL Model Law. This law has been amended in 2015, 2019, and 2021 to ensure efficiency, transparency, reduced judicial interference, and improved standards for domestic and international arbitration (Gupta, 2020). Key reforms include setting time limits for proceedings, establishing the Arbitration Council of India, enhancing confidentiality, facilitating the enforcement of arbitration awards, and introducing new mechanisms for dispute resolution (Arbitration and Conciliation Act, 1996, amendments 2015, 2019, 2021). This reform process reflects India's commitment to aligning with economic and judicial needs and international standards (Gupta, 2020).

Among the significant reforms are the imposition of time limits on arbitration proceedings, the establishment of behavioral and professional standards for arbitrators, and the possibility of creating specialized arbitration institutions (Sundaram, 2022). India has also made progress in reducing judicial interference in arbitration processes and gradually solidifying the role of arbitration-supportive courts within its judicial system (Menon, 2019).

One of the major achievements of this country is the establishment of reputable arbitration centers such as the Mumbai Centre for International Arbitration (MCIA) and the Delhi International Arbitration Centre (DIAC), which have played a key role in positioning India as a regional arbitration hub (Sharma & Gupta, 2020). Additionally, efforts to digitize case registration, proceedings, and oversight of arbitration processes are part of the government and judiciary's digital judicial development agenda (Hashemi-zadeh & Hosseini, 2023).

Despite these advances, challenges such as delays in enforcing arbitration awards, resistance from some courts to accepting the limitations of the Arbitration Act, and the lack of widespread arbitrator training persist (Sundaram, 2022). Nevertheless, India's overall reform trajectory reflects a relatively stable political and legal commitment to enhancing arbitration as a complement to formal justice and strengthening judicial development indicators (Menon, 2019).

Table 1. Comparative Analysis of Arbitration Institutions' Status and Policies in Iran, France, Singapore, and India

Row	Indicator/Country	Iran	France	Singapore	India
1	Arbitration's Role In Judicial Policy	Fragmented, lacks comprehensive strategy	Part of judicial policy	Key pillar of justice strategy	Emerging (pos-2015 reforms)
2	Legal Framework	Dispersed laws with no unified system	Revised civil procedure code	Comprehensive law (UNCITRAL Model based)	Arbitration and Conciliation Act (2019 amendments)
3	Judicial Support	Weak and case specific	Organized institutional supports	Strong and institutionalized	Moderate (Pro-arbitration judicial trends)
4	Specialized Arbitration Institutions	Limited (Iran chamber of commerce)	ICC, CMAP centers	SIAC (Tech & international Arbitration Court)	MCIA, DIAC (Delhi International Arbitration Centre)
5	Arbitrator Training	No standardized education system	Professional academies	Accredited specialization programs	NALSAR/ ICADR programs (variable quality)
6	Technology in Arbitration	Minimal (no ODR systems)	Developing infrastructure	Advanced (Global leader in ODR)	Moderate (ODR pilot projects)

3.5. Statistical Comparison of Arbitration in Selected Countries

To assess the actual position of arbitration in judicial development, an examination of quantitative indicators and statistical data can provide a more precise and realistic picture. The table below compares three key indicators number of arbitration cases, average judicial processing time, and the impact of arbitration on reducing court caseloads across Iran, France, Singapore, and India. These statistics are derived from annual reports of international arbitration centers, the CEPEJ Council of Europe, and national reports. Although these data may have gaps, they offer a general directional overview of the countries' performance.

Table 2. Statistical Comparison of Arbitration in Iran, France, Singapore, and India

Row	Statistical Indicator	Iran	France	Singapore	India
1	Number of Arbitration Cases	~2500 cases	>5500 cases	>5000 cases	~5200 cases
2	Average Processing Time	2100 days* (no official data)	1200 days (~25% reduction)	900 days (~20% reduction)	1500 days
3	Reduction in Court Caseload Post-Arbitration Expansion	No official data	~25% reduction	~20% reduction	Up to 20% reduction (per ICA ¹ India council data)

4. Comparative and Statistical Analysis of Findings

A comparative analysis of the role of the institution of arbitration in the process of judicial development requires a simultaneous examination of legislative, institutional, and executive policies across different countries. In many legal systems, arbitration is considered not merely an alternative method but a complementary pillar of formal justice. This approach has been particularly successful when accompanied by structural reforms in the judicial system, the development of technological infrastructure, specialized training, and the enhancement of public legal culture. This section is dedicated to identifying common and distinct elements in the selected countries, analyzing comparative findings, and elucidating strategies to strengthen the position of arbitration in support of judicial development.

4.1. Comparative Analysis

A comparative study of the selected countries reveals that the success of arbitration in playing a complementary role to the judicial system largely depends on how judicial policies are designed and the extent of coordination between formal justice institutions and alternative mechanisms. In France and Singapore, arbitration is regarded as part of the broader judicial strategy; in Singapore, it is not only a complement to the formal system but also a pillar of economic development. In France, legal and procedural reforms to strengthen arbitration, particularly in commercial and international contexts, have improved the business environment and attracted foreign investment (Cuniberti, 2014). Comparative studies indicate that in the French system, arbitration has developed in structural interaction with formal justice, recognized as an effective complement to adjudication (Saffar, 2019).

India is also strengthening this policy by drawing on successful models. In this country, judicial policies are designed to position arbitration as a strategic tool for enhancing economic and judicial infrastructure. In contrast, in Iran, despite its historical and legal potential, arbitration remains un-institutionalized and lacks a strong connection to judicial policy (Mozzafer, 2016). The lack of legislative coherence, inadequate institutional support, and low public trust are among the barriers to arbitration in Iran (Rostami, 2019). In many developed countries, strengthening arbitration through transparent legal frameworks and the establishment of specialized institutions like the Iran Chamber of Commerce Arbitration Center can facilitate coordination between the judiciary and alternative dispute resolution mechanisms (Iran Chamber of Commerce Arbitration Center Report, 2023²). In Iran, these institutions have not yet fully realized their potential and require revised supportive policies. Some scholars attribute this situation to “conceptual ambiguity surrounding the legal nature of arbitration and lack of consensus in legislative and judicial practices” (Mafi & Taqipour, 2017). In this context, economic analysis of law suggests that judicial and arbitration policy formulation should consider principles such as efficiency, reduced transaction costs, and optimal resource allocation (Habibi-Dargah & Almasi, 2011).

Regarding judicial development indicators, countries that have prioritized continuous reforms in judicial structures, technology utilization, and legal education have achieved better outcomes in delivering effective and efficient justice. The role of arbitration in reducing court caseloads, expediting proceedings, and increasing public satisfaction has been significant. For example, Singapore has improved the justice experience by integrating innovative technologies in adjudication and arbitration,

¹ - Indian Council of Arbitration

² - <http://www.iran-icc.org/arbitration>

simultaneously reducing caseloads ([Tan, 2018](#)). Implementing similar reforms in Iran could help reduce case backlogs and enhance public access to justice.

Some researchers argue that “Article 139 of the Constitution, by imposing restrictions on referring state disputes to arbitration, creates a fundamental barrier in government contracts” and suggest that reinterpreting or amending this article could facilitate more effective use of arbitration in state disputes ([Dashti & Haeri-Esfahani, 2020](#)).

Although arbitration has followed diverse paths in the studied countries, three common elements are observed in successful experiences: transparent legal frameworks, effective judicial support, and institutional and technological infrastructure. Iran, by providing these foundations, can take significant steps toward improving judicial development indicators.

4.2. *Statistical Analysis*

According to Table 2, it can be concluded that France, Singapore, and India have institutionalized arbitration within their judicial systems through precise policy-making, leveraging it to reduce case backlogs, attract investment, and increase satisfaction. In Iran, despite efforts, arbitration still lacks sufficient support, and reliable statistical data at the national level are unavailable, posing a barrier to effective planning. Iran requires the development of specific policies, the establishment of effective and transparent institutions, and improved statistical transparency to strengthen the position of arbitration. Some studies indicate that “the legal structure of arbitration in Iran, due to the dual nature of laws with ambiguities and significant gaps, faces inefficiencies and challenges, consequently reducing public willingness to refer disputes to arbitration” ([Qasemi et al., 2023](#)).

5. Conclusion

Based on the findings of this study, a bidirectional relationship between judicial development and the institution of arbitration is identifiable. In systems where arbitration is designed as part of judicial policy, judicial development indicators have improved. Arbitration can play a significant role in enhancing the efficiency of the justice system, provided it receives support from legislators, courts, and governing institutions.

The comparative analysis of arbitration structures in the four selected countries indicates that arbitration can contribute to judicial development only when it is regarded as part of the broader justice policy and operates synergistically with formal judicial institutions, legislation, and education. In countries like France, Singapore, and India, arbitration has gained a strategic position within the justice system through transparent legal frameworks, consistent judicial support, technology-driven infrastructure, and specialized training. It has played a key role in improving indicators such as processing speed, court caseload reduction, public satisfaction, and investment attraction. The experiences of France and Singapore demonstrate that arbitration is not merely a supportive tool but a component of the broader judicial and economic development strategy. For Iran, integrating arbitration into judicial policies and strengthening its infrastructure is a necessary step toward achieving efficient justice. Furthermore, Singapore’s experience suggests that transforming arbitration into a legal industry requires political will, judicial support, and public education.

In contrast, Iran’s judicial system, despite its rich jurisprudential and legal heritage in arbitration, faces challenges in linking this institution to broader justice policies. Weaknesses in cohesive policy-making, scattered regulations, insufficient arbitrator training, and the lack of independent and effective arbitration institutions are among the barriers that have prevented the full utilization of arbitration’s potential. As a result, arbitration in Iran has not yet effectively complemented the formal justice structure. According to some analyses, “lack of institutional will to leverage arbitration capacities, absence of uniform judicial practices, and scattered legislation” are primary obstacles to institutionalizing arbitration in Iran. Additionally, it has been noted that “the absence of an independent decision-making structure in arbitration and instability in judicial support for this institution” is one of the main barriers to its development.

From these analyses, it can be inferred that enhancing the position of arbitration in Iran requires a fundamental overhaul of judicial policy structures, the development of cohesive and effective legislation, expanded specialized training, and the establishment of independent arbitration centers with legal, institutional, and technological backing. Moreover, bridging the

existing jurisprudential¹ capacities with successful global experiences and fostering active interaction among the judiciary, legislative bodies, academic centers, and civil society can pave the way for a localized model of judicial development based on arbitration.

In other words, arbitration should not be viewed as a substitute for formal justice but as a complementary and forward-looking mechanism for judicial development. This approach, beyond improving judicial efficiency, can transform justice from an abstract concept into a tangible, accessible, and participatory experience for society.

It appears that the most critical factor in successfully leveraging arbitration for judicial development is the formulation of a cohesive and cross sectorial policy. Such a policy must facilitate active interaction among legislative bodies, judicial institutions, arbitration centers, and academic communities. Without this coordination, even well-crafted laws cannot lead to effective justice outcomes.

5.1. *Recommendations*

Based on the findings of this study and inspired by the successful experiences of legal systems such as France, Singapore, and India, the author believes that arbitration in Iran can play an effective role in judicial development only if a strategic, structural, and cultural transformation occurs around it. In this regard, the following recommendations are proposed:

1. Incorporation of Arbitration into National Development and Legal Documents: Arbitration should be explicitly recognized as a tool for judicial development and court caseload reduction in documents such as the Judicial Transformation Plan, the Seventh Development Plan, and national justice policies (Comparative Model: National ADR Strategy in the European Digital Justice Program).
2. Formulation of a National Arbitration Development Strategy: Designing a “National Arbitration Development Document” with the participation of the judiciary, the Islamic Consultative Assembly, the Chamber of Commerce, and academic institutions is a necessary priority for legal policy-making.
3. Review and Unification of Domestic and International Arbitration Regulations through a Comprehensive Arbitration Law: Given the current fragmentation of regulations, harmonizing them with the UNCITRAL Model Law and drawing on the experiences of successful countries can enhance transparency and enforceability (Comparative Model: Uniform Arbitration Law based on UNCITRAL, which underpins Singapore’s law).
4. Development of Public Discourse on Arbitration and Alternative Justice: The author believes that arbitration’s potential will remain unrealized unless public perceptions change and media, civil institutions, and the education system actively promote this culture.
5. Promotion of a Public Culture of Arbitration in Dispute Resolution: National media, the Ministry of Education, professional associations, and awareness-raising programs should collaborate to expand the culture of arbitration among the public (Comparative Model: ADR Promotion Campaigns by France’s Superior Arbitration Council).
6. Establishment of Specialized, Independent, and Trustworthy Arbitration Institutions: The creation of professional arbitration centers under balanced judicial oversight is essential for building public trust and improving the institution’s effectiveness.
7. Development of Industry-Specific Arbitration Centers in Key Economic Sectors: The government should support the establishment of specialized arbitration centers in industries such as oil and gas, insurance, banking, and construction, drawing on domestic and international best practices (Comparative Model: Paris Energy Arbitration Center; Singapore Construction Arbitration Centers).
8. Launch of a National Online Dispute Resolution (ODR) System: In collaboration with the Judiciary’s Statistics and Information Technology Center, a unified platform for the registration, adjudication, issuance, and enforcement of arbitration awards should be developed (Comparative Model: e-Justice Platform in France and ODR Court Portal in Singapore).
9. Enhancement of University and In-Service Training in ADR: Incorporating courses on alternative dispute resolution methods, particularly arbitration, into law school curricula and conducting workshops for judges and lawyers can improve the quality of arbitrator performance.

1 - For Iran, a return to jurisprudential foundations (such as the principle of “nifa al-haraj”) and the adoption of successful mechanisms (e.g., the establishment of specialized arbitration centers) could be a viable solution.

10. Development of National Arbitrator Training Standards: The Ministry of Science, in cooperation with the Bar Association and the Chamber of Commerce, should define educational and professional standards for arbitrators and establish specialized university or in-service training programs (Comparative Model: ICC Arbitration Program in France and SIAC Arbitration Academy in Singapore).

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

The authors report no conflict of interest.

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