

LEGAL PROCEDURE FOR CONDUCTING ONLINE ARBITRATION PROCEEDINGS

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Abstract: Online arbitration has emerged as a popular method of dispute resolution in the digital age, offering convenience, cost savings and accessibility. This article provides an overview of the legal procedures involved in online arbitration. This begins with the importance of having a valid agreement that indicates the intent to conduct the arbitration online and the choice of arbitration rules. Then the issue of choosing an arbitral tribunal is discussed, emphasizing the need for impartial and independent arbitrators with experience in this matter. The article describes the initiation of the arbitration process, including the filing of the notice of arbitration and the respondent's response. Emphasizes the role of online case management tools in document sharing, scheduling hearings, and managing communication. Conducting virtual court hearings is examined, covering various formats and court discretion in determining procedural rules. The article examines the exchange of documents and evidence, including court orders and parties' requests for document preparation. Finally, it discusses the process of issuance and subsequent enforcement of an arbitral award. By understanding the legal process for conducting online arbitration, parties can effectively navigate the virtual environment and take advantage of the advantages it offers in resolving disputes.

Key words: online arbitration, arbitration agreement, American Arbitration Association, The Singapore International Arbitration Center, Procedure for Commencing Arbitration

Introduction: Arbitration has long been recognized as an effective alternative dispute resolution mechanism, offering parties a private and efficient dispute resolution process outside of traditional litigation. With technological advancements, the practice of conducting arbitration online has become popular, offering many advantages such as cost savings, convenience, and accessibility. This article outlines the legal procedure for conducting an online arbitration, and outlines the key considerations and steps.



The first step in initiating online arbitration is to ensure that the parties have a valid agreement to arbitrate. This is usually determined by an arbitration clause in the contract or in a separate arbitration agreement. The agreement must clearly state the intent to conduct the arbitration online and may also

specify the choice of arbitration rules provided by the International Chamber of Commerce (ICC), the American Arbitration Association (AAA), or other organizations.

After an agreement to arbitrate is drawn up, the next step is to select an arbitral tribunal. This usually involves appointing one or more arbitrators to preside over the dispute. The selected arbitrators must have the necessary experience in the subject matter of the dispute and must be impartial and independent. The parties may agree on the arbitrators directly or follow the selection process set forth in the arbitration provisions.

Procedure for Commencing Arbitration To initiate online arbitration, a claimant must send a notice of arbitration to the respondent, detailing the dispute and the relief sought. The notice must also include relevant documents or evidence to support the claim. The defendant then has a certain period of time, usually specified in the arbitration rules, to respond to the claim.

Online arbitration platforms or service providers offer digital tools and systems to facilitate case management throughout the process. These platforms allow the parties and the arbitral tribunal to securely exchange pleadings, evidence and other documents. They can also provide features to schedule hearings, manage time limits, and facilitate communication between parties and the court.

One of the main aspects of online arbitration is the holding of virtual hearings. These hearings may take a variety of forms, such as videoconferencing, teleconferencing, or a combination of the two. Parties present their evidence, cross-examine witnesses and present evidence virtually. The arbitral tribunal has the power to establish procedural rules for hearings, including the use of special videoconferencing platforms and the allocation of speaking time.

Exchange of documents and review of evidence is one of the main tasks. During the process, the parties exchange relevant documents and evidence through an online platform. The court may set time limits for the presentation of evidence and may issue instructions on the admissibility and validity of electronic evidence. The parties may also, subject to the court's discretion and applicable arbitration rules, request the production or subpoena of documents.

Award and enforcement is the final step. The arbitral tribunal issues the arbitral award after hearing the evidence and arguments. The award sets out the court's decision on the dispute and may include details of the allocation of costs and any other remedies provided. Once an award is issued, the parties may request that it be enforced in accordance with applicable law and international conventions, such as the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

Online arbitration is a relatively new development in dispute resolution, and its availability and acceptance varies from jurisdiction to jurisdiction. However, the concept of online arbitration is increasingly recognized and accepted in many countries around the world. Although it is difficult to provide an exhaustive list, here are a few countries where online arbitration exists or is actively used:

1. Online arbitration is gaining popularity in the United States, with various arbitration institutions offering online arbitration services and platforms. The American Arbitration Association (AAA) provides online dispute resolution options, and parties often include online arbitration provisions in their arbitration agreements.
2. The United Kingdom has adopted online arbitration, particularly for international commercial disputes. Organizations such as the Chartered Institute of Arbitrators (CIArb) and the London Court of International Arbitration (LCIA) have developed online arbitration platforms and procedures.

3. Singapore is known for its commitment to arbitration and online arbitration is well established in the country. The Singapore International Arbitration Center (SIAC) offers an online filing and administration system that allows parties to conduct arbitration proceedings electronically .

4. Switzerland has a long tradition of arbitration and online arbitration is common. The Swiss Chambers of Arbitration Institute (SCAI) provides online arbitration services that allow parties to submit their claims and arguments electronically.

5. Sweden is known for its legal framework supporting arbitration and online arbitration is recognized and practiced in the country. The Arbitration Institute of the Stockholm Chamber of Commerce (SCC) offers online case management tools and electronic filing options.

6. Online arbitration is on the rise in Germany, with several arbitration institutions offering online dispute resolution services. The German Arbitration Institute (DIS) has developed an online arbitration platform to facilitate virtual hearings and document exchange.

7. Australia has embraced online arbitration, with institutions such as the Australian Center for International Commercial Arbitration (ACICA) offering online case management systems and virtual hearings.

8. Hong Kong has adopted online arbitration as a means of resolving international disputes. The Hong Kong International Arbitration Center (HKIAC) provides online arbitration services, including virtual hearings and electronic document exchange.

offering online dispute resolution platforms and services. It should be noted that the availability and acceptance of online arbitration may vary in these countries, and specific practices and procedures may vary between different arbitration institutions. In addition, the landscape of online arbitration is constantly evolving, and new jurisdictions may adopt and develop online arbitration mechanisms in the future.

Conclusion: Online arbitration offers parties an efficient and flexible way to resolve disputes outside of traditional court proceedings. By following the legal procedures set forth above, including consenting to arbitration, selecting an arbitral tribunal, using online case management tools, conducting virtual hearings, sharing documents and evidence, and obtaining an enforceable award online, the parties may can effectively manage the arbitration process. As technology continues to advance, online arbitration may become an increasingly common and convenient method of dispute resolution in a globalized world.

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