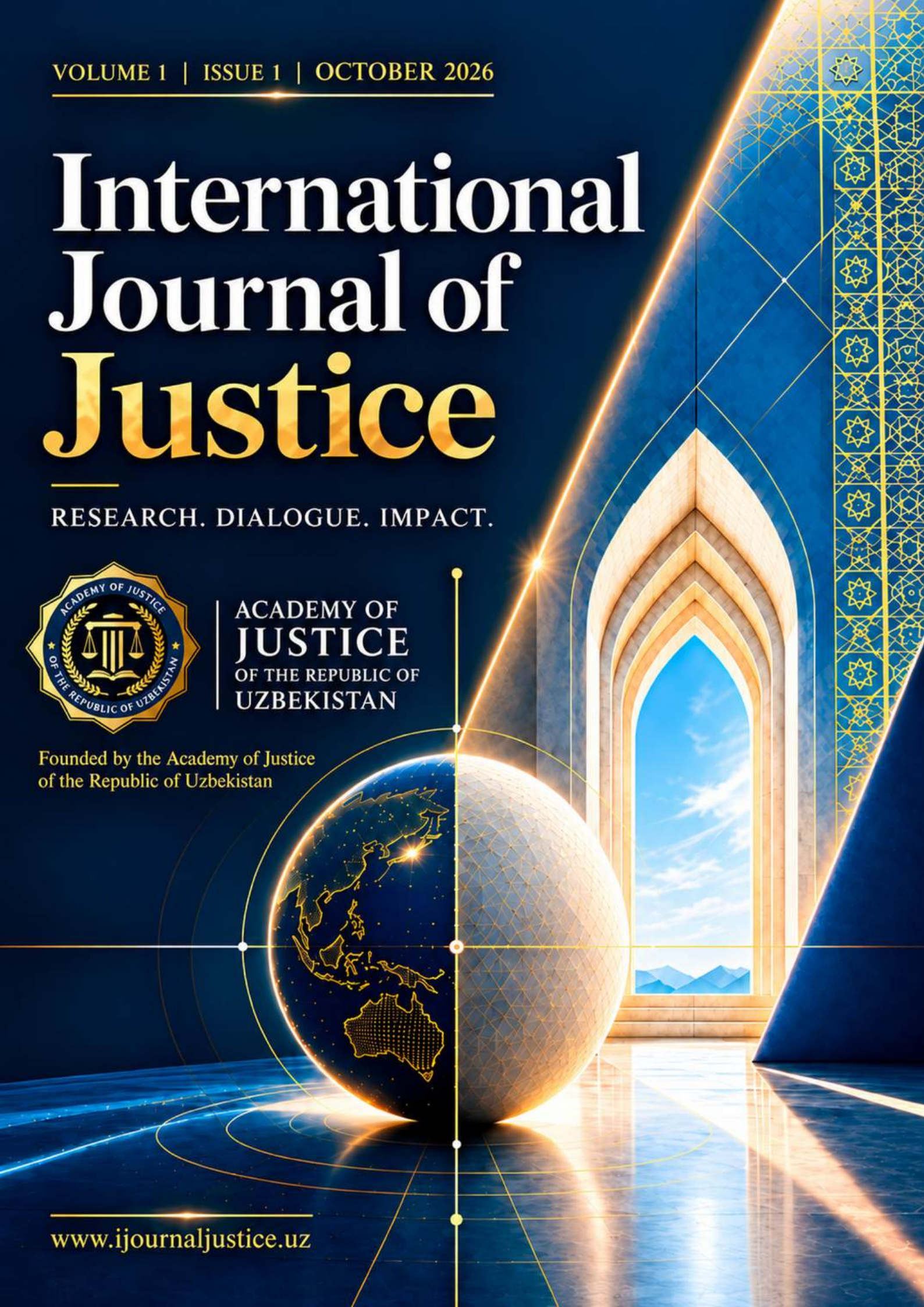
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CONTENTS

IMPROVING THE INSTITUTION OF APPEALS: TIME LIMITS, RESPONSE QUALITY, MONITORING **10**
Achilova Liliya Ilkhomovna; Rozmetova Asal Anvarzoda

LEGAL ASPECTS OF INVESTIGATIVE JOURNALISM **18**
Jahonov Shohruh Shuhrat ugli

LEGAL BASIS OF CIVIL SOCIETY INSTITUTIONS IN THE LEGISLATION OF THE REPUBLIC OF UZBEKISTAN **25**
Sharipov Asrorjon Safar ugli

DIGITAL TRANSFORMATION OF INTERNATIONAL COMMERCIAL ARBITRATION IN UZBEKISTAN: LEGAL AND INSTITUTIONAL PROSPECTS **30**
Otakhonov Foziljon Khaydarovich

THE LEGAL NATURE OF SUBSIDIARY LIABILITY IN INSOLVENCY PROCEEDINGS INVOLVING AGRICULTURAL BUSINESS ENTITIES **39**
Rakhmatjon Tojinorovich Berdiyarov

CIVIL LAW ASPECTS OF GOODS DELIVERY BY SELF-EMPLOYED COURIERS **49**
Ruzinazarov Shukhrat Nuralievich

NATIONAL AND INTERNATIONAL EXPERIENCE IN LEGAL PROTECTION OF A COMPANY NAME: IMPROVING THE LEGISLATION OF UZBEKISTAN **63**
Allayarova Maftuna Almardanovna

ORGANIZATIONAL AND LEGAL MECHANISMS FOR COMPENSATION OF CONSTRUCTION CONTRACT DAMAGES **69**
Donayev Abduqodir Haydarovich

JURISDICTION AND VENUE OF CIVIL CASES ARISING FROM INHERITANCE RELATIONS: A NATIONAL AND FOREIGN ANALYSIS **76**
Soliyeva Kamola Rustamjon-qizi

ISSUES OF USING COURT NOTICES IN ENSURING THE OPENNESS OF CIVIL PROCEEDINGS IN COURTS **84**
Sabirov Erkinjon Kuchkarbaevich

DIGITAL EVIDENCE IN SUPPLY-CONTRACT DISPUTES BEFORE ECONOMIC COURTS: AUTHENTICATION, INTEGRITY AND EVIDENTIARY RISK IN UZBEKISTAN **91**
Mahmudova Saida Rayimjonovna

CONTENTS

FROM HUMAN CAPITAL TO INSTITUTIONAL TRANSFORMATION: A NEW STAGE IN THE STRATEGIC DEVELOPMENT OF THE JUDICIAL PERSONNEL TRAINING SYSTEM 104
Aripov Dilshod Urinbaevich

THE ROLE OF INTERNATIONAL STANDARDS IN GOVERNING ARTIFICIAL INTELLIGENCE IN JUDICIAL SYSTEMS: A COMPARATIVE AND CRITICAL ANALYSIS 109
Sadikov Khurshid Primkulovich

INDEPENDENCE — A SOLID FOUNDATION OF JUSTICE AND HUMAN DIGNITY (35 years of the evolution of the judicial and legal system of the Republic of Uzbekistan) 117
Israilov Dilshod Shavkatovich

INSTITUTIONAL MODELS OF JUDICIAL QUALIFICATION BOARDS: INTERNATIONAL STANDARDS AND FOREIGN EXPERIENCE 128
Jamolov Azizjon Nodir ugli

THE DEATH OF FREE WILL. WHO BEARS CULPABILITY WHEN ARTIFICIAL INTELLIGENCE INDUCES A PERSON TO COMMIT A CRIME? 140
Salaev Nodirbek Saparbaevich

ON EUROPEAN CRIMINAL-LAW INTEGRATION – FROM MUTUAL RECOGNITION TO LIMITED SUPRANATIONAL CRIMINAL POWER 148
Krisztina Karsai

CRIMINAL LIABILITY OF OFFICIALS OF NON-GOVERNMENTAL COMMERCIAL ORGANIZATIONS: PROBLEMS OF THEORY AND PRACTICE 158
Akramova Muazzam Turdikul qizi

DISTINGUISHING OFFENCES AGAINST SEXUAL FREEDOM FROM RELATED OFFENCES IN UZBEKISTAN 162
Achilov Izzat Tulkinovich

CRIMINAL-LAW MEASURES AGAINST THE LEGALIZATION OF PROCEEDS OBTAINED THROUGH MISAPPROPRIATION OR EMBEZZLEMENT: QUALIFICATION, EVIDENCE AND ASSET RECOVERY 170
Sadullaev Bokhodir Oybekovich

CONCEPT OF HELPLESSNESS AND ITS SIGNIFICANCE IN THE QUALIFICATION OF CRIMES 178
Khalilova Zarnigor Zafar qizi

LEGAL SIGNIFICANCE OF THE INSTITUTION OF CRIMINAL RECORDS IN PROTECTING HUMAN RIGHTS 182
Yoqubjonov Omonjon Burkhonjon ugli

CONTENTS

THE APPLICATION OF CRIMES WITH BLANKET NORMS: CURRENT STATUS AND ISSUES 189
Pulatov Bekzod Adilbaevich

THE FORMATION AND DEVELOPMENT OF THE INSTITUTION OF CRIMINAL LIABILITY IN THE FIELD OF PUBLIC PROCUREMENT: A HISTORICAL-LEGAL ANALYSIS 202
Shukurova Shahnoza Mukumjonovna

ATTORNEY'S PARTICIPATION IN THE PRE-TRIAL STAGE OF CRIMINAL PROCEEDINGS: LEGAL AND PRACTICAL ASPECTS 214
Medetbaeva Aksungul Sharapatdin kizi

INTERNATIONAL COOPERATION IN OBTAINING ELECTRONIC EVIDENCE: THE EUROPEAN PRODUCTION AND PRESERVATION ORDERS 221
Bujosa Vadell, Lorenzo Mateo

COOPERATION BETWEEN THE SUBJECTS OF INVESTIGATION IN CROSS-BORDER INTERNET FRAUD CASES 230
Khabibiddinov Nodirjon Musinjon ugli

PROBLEMS OF PROCEDURAL REALITY IN CRIMINAL PROCEEDINGS 238
Aykhan Khankishi Rustamzade, Matanat Pasha Asgarova

DETENTION OF FOREIGN NATIONAL PRISONERS IN PENITENTIARY INSTITUTIONS: A COMPARATIVE ANALYSIS OF INTERNATIONAL PRACTICES AND NATIONAL LEGISLATION 246
Rikhsimov Komron Abrorovich

CRIMINALISTIC FOUNDATIONS FOR INTEGRATING GAIT IDENTIFICATION WITH FORENSIC PORTRAIT EXAMINATION 249
Nizomova Shahrigul Karimboy qizi

INTERNATIONAL LAW CRISIS: UN PEACE OPERATIONS AND INSTITUTIONAL REFORM 258
Kudaybergenov Bakhtiyar Abdumajit-ugli

ARTIFICIAL INTELLIGENCE AND CHILDREN'S RIGHTS: PROTECTION OPPORTUNITIES AND EMERGING LEGAL RISKS 267
Ergashev Gayrat Shavkatovich

ACTIVITIES OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS IN THE FIELD OF HUMAN RIGHTS 276
Nosirova Marjona Negmat kizi

DIGITAL TRANSFORMATION OF INTERNATIONAL COMMERCIAL ARBITRATION IN UZBEKISTAN: LEGAL AND INSTITUTIONAL PROSPECTS

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Abstract. *The article examines the digital transformation of international commercial arbitration in the Republic of Uzbekistan from legal, procedural, institutional, and technological perspectives. The study aims to assess the readiness of the national legal system and arbitral institutions to conduct arbitral proceedings effectively, fairly, and securely in a digital environment and to substantiate prospective directions for development. Using formal-legal, systemic, comparative-legal, and functional methods, the research analyses national regulation of international commercial arbitration, electronic documents and signatures, personal data, cybersecurity, electronic evidence, and relevant international standards. The study finds that Uzbekistan has established the basic legal prerequisites for digital arbitration, but the existing rules and institutional capacities remain fragmented and should be integrated into a coherent procedural model. Online and hybrid hearings, electronic evidence, reliable participant identification, confidentiality, cybersecurity, and responsible use of artificial intelligence are identified as priority areas. The article proposes a "centralized infrastructure — institutional pluralism" model, including a national "Tashkent ADR Center" and a regional "Samarkand ADR Platform", while maintaining the procedural and organizational independence of arbitral institutions.*

Keywords**:** *international commercial arbitration; digital transformation; online arbitration; electronic evidence; cybersecurity; confidentiality; artificial intelligence; ADR*

Introduction

Digital transformation is changing the architecture of modern dispute resolution. International commercial transactions are increasingly negotiated, concluded, performed, and documented through digital systems. Electronic correspondence, digital contracts, metadata, cloud storage, and other information generated by digital activity have therefore become part of the evidentiary environment of commercial disputes. Arbitration, traditionally valued for procedural flexibility, is particularly capable of adapting to technological change, but that flexibility must remain compatible with due process, equality of the parties, confidentiality, and the independence of arbitrators [1, pp. 1–14; 2, pp. 52–60]. Born likewise treats technological and procedural developments within the broader architecture of international arbitration and emphasizes the importance of maintaining procedural integrity while accommodating modern practice

The issue is especially relevant for Uzbekistan. The adoption of the Law of the Republic of Uzbekistan No. LRU-674 "On International Commercial Arbitration" dated 16 February 2021 created a modern statutory framework based substantially on the UNCITRAL Model Law. At the same time,

legislation on electronic documents, electronic signatures, electronic commerce, personal data and cybersecurity has developed rapidly. These acts provide the legal environment in which digital arbitration may operate, but they do not by themselves constitute a unified digital arbitral procedure.

The literature shows that digitalization is no longer limited to replacing paper documents with electronic files. It affects the organization of hearings, communication between participants, management and assessment of electronic evidence, cybersecurity, institutional infrastructure, and the use of artificial intelligence (AI) [3, pp. 147–160; 4, pp. 547–573]. Comparative research also demonstrates that technological change requires coordinated adaptation of legislation rather than isolated amendments to individual statutes [5, pp. 16–23].

Uzbek scholarship has begun to address these issues, including the prospects of digital and AI-assisted arbitration and the legal significance of digital evidence [6, pp. 31–36]. Nevertheless, a comprehensive model integrating legal, procedural, institutional, technological, and cybersecurity dimensions remains insufficiently developed. The purpose of this study is therefore to identify the principal legal and institutional gaps in the digitalization of international commercial arbitration in Uzbekistan and to formulate a coherent model for its further development.

Materials and methods

The object of the study comprises legal and procedural relations arising in the digitalization of international commercial arbitration. The subject includes national rules governing arbitration and related digital technologies, international standards, institutional practices, and procedural mechanisms for online dispute resolution.

The research materials include the Constitution of the Republic of Uzbekistan; the Law of the Republic of Uzbekistan No. LRU-674 “On International Commercial Arbitration” dated 16 February 2021; the Laws “On Electronic Document Management” dated 29 April 2004, “On Personal Data” dated 2 July 2019, “On Cybersecurity” dated 15 April 2022, “On Electronic Commerce” dated 29 September 2022, and “On Electronic Digital Signature” dated 12 October 2022; the UNCITRAL Model Law on International Commercial Arbitration; and relevant international procedural and cybersecurity instruments.

Four mutually complementary methods were applied. The formal-legal method was used to identify the content and interaction of national legal norms. The systemic method examined arbitration, information, and procedural regulation as interconnected elements of a single legal infrastructure. The comparative-legal method was used to compare the Uzbek framework with international approaches and selected foreign scholarship. The functional method assessed whether existing norms and institutional mechanisms adequately respond to practical requirements of online hearings, electronic evidence, cybersecurity, confidentiality, and AI-assisted work. The methodology follows a principle of technological neutrality: regulation should establish functional legal guarantees

rather than depend on a particular platform or software product [7, pp. 851–864].

Results

The study demonstrates that Uzbekistan has developed the principal legal prerequisites for digital arbitration, but these prerequisites are dispersed across several regulatory fields. The Law on International Commercial Arbitration provides the core framework for arbitral proceedings, while legislation on electronic documents, electronic signatures, personal data, cybersecurity and electronic commerce regulates individual components of a digital environment. The central regulatory challenge is therefore not the absence of legal permission to use technology, but the lack of a sufficiently integrated procedural cycle.

A first priority is the development of online and hybrid hearings as stable procedural forms. Virtual participation can reduce organizational and financial costs and facilitate the involvement of parties, arbitrators, representatives, experts, and interpreters located in different jurisdictions. At the same time, a digital hearing must preserve the right to be heard, equality of arms, reliable identification of participants, and the possibility of effective participation. Research on virtual arbitration confirms that cybersecurity and confidentiality are among the principal risks requiring procedural safeguards [8, pp. 829–849; 9, pp. 547–573].

A second priority is electronic evidence. The increasing use of electronic messages, digital contracts, metadata, cloud records, and other digital objects requires clear standards for authenticity, integrity, provenance, storage, and transmission. Empirical research confirms that electronic evidence is already regularly used in arbitration and may materially influence arbitral reasoning [9, pp. 30–39]. Uzbek scholarship likewise emphasizes the need to clarify the legal status and reliability of digital evidence in international commercial arbitration [6, pp. 31–36]. The electronic form of evidence should not, by itself, create a presumption of unreliability; verification should be proportionate to reasonable doubts about origin, integrity, or alteration.

A third priority is cybersecurity and confidentiality. Arbitration frequently involves commercially sensitive information, and digital proceedings increase the number of technical systems and service providers through which confidential information may pass. The literature emphasizes that cybersecurity should be assessed according to the nature and sensitivity of the dispute and the relevant technological risks rather than through purely formal compliance [10, pp. 253–290; 11, pp. 277–306]. Accordingly, arbitration institutions should adopt risk-proportionate security protocols covering access control, secure communications, incident response, data storage, backups, and the responsibilities of external technology providers.

A fourth priority concerns institutional digital readiness. Digitalization cannot be reduced to purchasing videoconferencing equipment. Effective digital arbitration requires secure platforms, procedural rules, electronic filing, reliable notification, document management, protected evidence storage, technical support, and personnel with relevant competencies. Comparative research

indicates that institutional readiness is closely connected with the capacity of arbitral institutions to adopt technology consistently and safely [10, pp. 253–290].

A fifth priority is the responsible use of artificial intelligence. AI can assist arbitrators with document classification, information retrieval, translation, legal research, and the analysis of large volumes of material. However, technological assistance cannot replace the arbitrator's personal responsibility for assessing evidence, applying the law, respecting procedural equality, and rendering the final award. Recent scholarship identifies both practical opportunities and significant ethical, confidentiality, and legal risks associated with the use of generative AI in arbitration [12, pp. 71–84; 13, pp. 49–70].

On the basis of these findings, the author proposes a model of "centralized infrastructure — institutional pluralism". The model does not require the organizational merger of arbitral institutions. Instead, it envisages common high-quality digital and material infrastructure that can be used by independent arbitration and mediation institutions. This approach combines economies of scale with institutional autonomy and preserves the parties' freedom to choose an arbitral institution.

The findings further indicate that digital arbitration should be organized as a complete procedural cycle rather than as a set of isolated electronic services. The cycle should cover initiation of proceedings, verification of the parties and representatives, electronic filing, payment and administrative communication, submission and preservation of evidence, scheduling and conduct of hearings, preparation and authentication of the award, secure archiving, and, where relevant, interaction with state courts at the recognition and enforcement stage. Fragmentation at any of these stages may undermine the practical value of otherwise valid digital tools.

Reliable identification is a particularly important component of online proceedings. An arbitral institution should be able to establish who is participating, in what procedural capacity, and whether the person appearing online is authorized to act for the relevant party. Identification mechanisms should be sufficiently reliable while remaining proportionate to the nature of the dispute. They should also provide an auditable record of procedural actions, especially where electronic submissions, technical interruptions, or changes in representation occur.

Online hearings require a standardized but flexible protocol. The protocol should regulate advance technical testing, identification of participants, access to the electronic case file, presentation of documents and witnesses, interpretation, recording where permitted, confidentiality requirements, and the procedural consequences of technical failures. It should also allow the tribunal to suspend or reschedule a hearing when a technical problem materially affects a party's ability to present its case. Research on virtual hearings supports the need to combine procedural flexibility with safeguards against inequality and confidentiality breaches [8, pp. 829–849; 4, pp. 547–573].

Electronic evidence requires a similar balance. The arbitral tribunal should distinguish between the admissibility of a

digital object and the weight to be attached to it. A message, electronic contract, database record, or metadata file may be relevant without being automatically conclusive. The tribunal should assess provenance, integrity, context, and the possibility of alteration, taking into account the parties' explanations and any expert evidence. This approach is consistent with empirical findings that electronic evidence is already an ordinary component of arbitration and that its practical value depends on the circumstances of the particular case [9, pp. 30–39].

The institutional framework should also address the relationship between arbitral institutions and external technology providers. Cloud services, videoconferencing systems, electronic filing platforms, and document-storage providers may process information that is confidential or commercially sensitive. Contractual and organizational arrangements should therefore specify access rights, security responsibilities, incident notification, data retention, and deletion procedures. Confidentiality should be understood not only as a professional or procedural obligation but also as an information-security requirement in the digital environment [11, pp. 277–306].

Digital readiness also has a human dimension. Arbitrators and arbitral secretaries should possess sufficient digital competence to understand the basic characteristics of electronic evidence, cybersecurity risks, cloud services, authentication, and the capabilities and limitations of AI. Lawyers and experts participating in proceedings require comparable competencies. International research on institutional readiness indicates that technology adoption is more sustainable where infrastructure, procedures, personnel, and organizational strategy develop together [10, pp. 253–290].

The proposed infrastructure model should be implemented in stages. At the first stage, model rules and minimum technical standards should be developed. At the second stage, common infrastructure and secure digital services should be made available to participating ADR institutions. At the third stage, interoperability with relevant state information systems and mechanisms for recognition and enforcement should be strengthened. This gradual approach would reduce the risk of investing in isolated technological solutions that later become incompatible with procedural or institutional requirements.

A further condition for successful digitalization is continuous evaluation. Arbitration institutions should periodically assess the reliability of their digital platforms, the frequency and causes of technical incidents, compliance with cybersecurity requirements, training needs, and the practical experience of parties and arbitrators. Such evaluation would permit rules to be updated in response to technological and procedural developments without requiring a complete redesign of the legal framework.

Discussion

The results confirm that the next stage of digital arbitration in Uzbekistan should be based on functional integration rather than on the adoption of a separate technology-specific law. International and comparative experience shows that technologies change more rapidly

than legal institutions; therefore, legislation should define procedural guarantees and responsibilities that remain applicable regardless of the platform used [5, pp. 16–23; 7, pp. 851–864].

The proposed approach also requires differentiation between technological possibility and procedural validity. The fact that electronic communication or a virtual hearing is technically possible does not automatically mean that procedural rights are adequately protected. A digital procedure is legally effective only when the parties have genuinely equal opportunities to participate, evidence can be reliably submitted and challenged, confidential information is protected, and the tribunal remains independent and responsible for the decision.

The electronic-evidence problem illustrates this distinction. A rule recognizing an electronic document as legally relevant is only the first step. Arbitral institutions should also establish practical standards for preserving original files, metadata, transmission records, and chain of custody. Technical examination should be activated where there are concrete reasons to question authenticity or integrity. Such a risk-based approach avoids both technological distrust and uncritical acceptance of digital material [9, pp. 30–39].

The same logic applies to AI. Recent research indicates that AI may assist with a broad range of arbitral tasks, but its use creates risks concerning confidentiality, bias, transparency, hallucinated legal authorities, and inappropriate delegation of decision-making [12, pp. 71–84; 13, pp. 49–70]. The appropriate principle is therefore human ultimate procedural responsibility: AI may support professional work, but the arbitrator must remain the final evaluator of evidence, arguments, applicable law, and the award.

The institutional dimension requires a national infrastructure capable of supporting different ADR institutions without compromising their independence. The author proposes the establishment of a "Tashkent ADR Center" as a national infrastructure provider. It could offer secure hearing rooms, videoconferencing, electronic filing, protected evidence storage, transcription, interpretation, cybersecurity support, and technical assistance. The Center should not replace existing arbitral institutions or interfere with their procedural autonomy.

At the regional level, a "Samarkand ADR Platform" could provide an open professional forum for the Central Asian states. Its functions could include exchange of experience, joint training, scholarly-practical research, professional dialogue, and development of interoperable approaches to digital ADR. The regional platform would therefore complement, rather than duplicate, the national infrastructure model.

The proposed model should be accompanied by model procedural rules for digital arbitration. These rules should address electronic filing and notification, participant identification, online hearing protocols, technical interruptions, electronic evidence, cybersecurity, confidentiality, and disclosure of AI use. They should remain technology-neutral and focus on functional safeguards.

The proposed model is consistent with the broader trend toward institutional development of digital commercial arbitration. Comparative

research suggests that digitalization is most effective where technological infrastructure is accompanied by procedural rules, professional standards, and cooperation between institutions [14, pp. 169–174]. For Uzbekistan, this means that the digitalization of arbitration should be treated as an institutional reform as well as a technological project.

An important policy choice is whether to establish one centralized arbitration institution or to create shared infrastructure for several independent institutions. The latter approach is preferable because it avoids excessive institutional concentration while allowing efficient use of costly technological resources. Centralized infrastructure can support competition among arbitral institutions rather than replace it. Parties would retain freedom of choice, while smaller institutions could gain access to security and technology that might otherwise be financially inaccessible.

The proposed "Tashkent ADR Center" should therefore be conceived primarily as an infrastructure and service platform. Its possible functions would include secure hearing facilities, digital case management, technical support, cybersecurity assistance, electronic evidence storage, transcription, interpretation, training, and methodological support. Governance arrangements should guarantee that the Center does not influence the substantive or procedural decisions of independent arbitral tribunals.

The "Samarkand ADR Platform" would perform a different function. Its purpose would be professional and regional cooperation rather than case administration. It could facilitate dialogue among arbitration and mediation communities in Central Asia, joint research, exchange of model protocols, training programs, and discussion of cross-border digital procedure. Such a platform could contribute to gradual convergence of professional standards without requiring harmonization of national arbitration laws.

The model also responds to the risk that rapid technological change may make detailed technology-specific regulation obsolete. A technology-neutral framework can remain applicable when platforms, authentication technologies, AI systems, and data-storage models change. The law should therefore define outcomes—reliable identification, procedural equality, confidentiality, integrity of evidence, security, and accountability—while allowing institutions to select appropriate technical means [7, pp. 851–864].

The most significant limitation of the present study is the limited availability of open empirical data concerning digital hearings, cybersecurity incidents, electronic evidence, and AI use in arbitration in Uzbekistan. The conclusions are therefore primarily based on normative, doctrinal, comparative, and functional analysis. Further research should include empirical surveys and expert interviews with arbitrators, counsel, mediators, experts, and representatives of arbitral institutions.

Conclusion

Digital transformation of international commercial arbitration in Uzbekistan is an objective process that can increase procedural accessibility, reduce organizational costs, and strengthen the attractiveness of the national dispute-resolution environment. At the same

time, technology does not automatically improve arbitration. Its legal value depends on whether it reinforces, rather than weakens, procedural equality, the right to be heard, confidentiality, cybersecurity, and arbitral independence.

The study leads to five principal conclusions. First, Uzbekistan already possesses a substantial legal foundation for digital arbitration, but the relevant rules are dispersed and require functional integration. Second, online and hybrid hearings and electronic evidence should be supported by clear procedural standards rather than left to ad hoc institutional practice. Third, cybersecurity and confidentiality require risk-proportionate institutional protocols. Fourth, AI should be treated as an auxiliary tool subject to human ultimate procedural responsibility. Fifth, digital transformation requires shared infrastructure and professional development in addition to legal reform.

For practical implementation, it is advisable to develop model rules for digital arbitral proceedings; establish national shared infrastructure through a "Tashkent ADR Center"; create a "Samarkand ADR Platform" for regional cooperation; introduce specialized training for arbitrators, counsel, experts, and arbitral secretaries; and develop interoperable standards for electronic identification, evidence management, cybersecurity, and responsible AI use. This model would allow Uzbekistan to move from fragmented digital tools toward an integrated and internationally compatible digital arbitration ecosystem.

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