

# International Commercial Arbitration in E-Commerce Disputes: Legal Information Governance and Sustainable Economic Growth (SDG 8) in the Saudi and Jordanian Legal Systems

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## Abstract

*This study investigates international commercial arbitration as a legal-information governance instrument for resolving e-commerce disputes while promoting sustainable economic development consistent with Sustainable Development Goal 8 (SDG 8). The research comparatively evaluates the legislative and institutional arbitration structures operating in the Kingdom of Saudi Arabia and the Hashemite Kingdom of Jordan, with emphasis placed on digital commercial transactions, electronic legal records, transnational regulatory information exchange, and the administration of online commercial disputes. An analytical-comparative legal approach was employed through the assessment of arbitration statutes, e-commerce regulations, institutional arbitration procedures, and international legal frameworks associated with electronic trade and dispute settlement mechanisms. The analysis indicates*

*that international commercial arbitration plays a substantial role in strengthening legal-information governance, increasing confidence in digital transactions, improving accessibility to enforceable legal protections, and fostering transparent digital commercial environments. The findings further demonstrate that both Saudi Arabia and Jordan have established comparatively advanced arbitration information frameworks aligned with international legal standards. Nevertheless, distinctions remain concerning institutional expertise, procedural adaptability, and the influence of public-order principles and Sharia-based regulatory oversight. The study concludes that efficient arbitration information mechanisms enhance digital legal certainty, reinforce regulatory governance structures, and facilitate cross-border digital investment alongside sustainable economic expansion. Additionally, the research emphasises the increasing significance of arbitration institutions as integral elements of contemporary digital legal-information infrastructure within evolving e-commerce ecosystems.*

**Keywords:** International Commercial Arbitration, E-Commerce Disputes, Legal Information Governance, Digital Legal Systems, Information Transparency, SDG 8, Cross-Border Digital Trade, Electronic Transactions.

## Introduction

The process of digitalisation has progressively

expanded across global economic sectors and jurisdictions (Alessi, 2026; Mushtaq, 2025; Wibisono et al., 2026). This transformation has substantially disrupted conventional commercial exchange structures, thereby accelerating the expansion of e-commerce as a central pillar of the digital economy (Sharif, 2025). Consequently, digital marketplaces, electronic payment systems, and electronically executed contracts have become indispensable mechanisms for facilitating both domestic and international commercial activities. The growing significance of electronically concluded transactions is evident in their increasing contribution to global trade volume and monetary value. Recent reports issued by the United Nations Conference on Trade and Development indicated that the worldwide e-commerce market was projected to attain a value exceeding 6.3 trillion US dollars by 2023, with continued rapid expansion anticipated in subsequent years. Such developments reflect the scale of structural economic transformation occurring within the international commercial environment (Ahi et al., 2023).

The rapid growth of EC has simultaneously generated a substantial rise in international disputes associated with electronically conducted commercial activities. Such disputes emerge from the digital characteristics of contractual relations, including jurisdictional multiplicity, transnational execution, layered contractual structures, and the involvement of numerous parties. Their complexity is further intensified by the diversity of potentially applicable legal frameworks. Reports issued by the Organisation for Economic Co-operation and related international institutions demonstrate that a growing proportion of contemporary international commercial disputes originate from contracts negotiated or performed through digital means. These developments have generated significant legal challenges concerning jurisdictional competence, determination of applicable law, evidentiary validity of digital legal information and electronic evidence, alongside the enforcement and legal-information accessibility of judicial decisions across national borders (Ahi et al., 2023).

Within this context, traditional domestic courts have increasingly been viewed as insufficiently equipped to address the procedural and jurisdictional complexities associated with EC disputes. The territorial limitations of national judicial systems, prolonged litigation procedures, and difficulties related to the transnational enforcement of court

judgments have long represented significant obstacles. Reports issued by the United Nations Commission on International Trade Law have further demonstrated that reliance upon domestic courts in EC disputes frequently results in costly and time-consuming proceedings. Such procedural inefficiencies negatively affect business continuity and weaken commercial confidence within digital trading environments (Al-Amayreh et al., 2025).

Against this background, international commercial arbitration has emerged as a highly effective alternative mechanism for resolving EC disputes due to its procedural flexibility, expedited processes, institutional neutrality, and international enforceability of arbitral awards. The significance of international commercial arbitration was further strengthened following the adoption of the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention), which established a harmonised international framework governing the recognition, enforcement, and legal-information accessibility of foreign arbitral decisions. This development substantially enhanced legal certainty for participants engaged in digital commerce and international investment activities (Sanders, 1959).

Nevertheless, comparative legal research demonstrates that arbitration laws differ considerably across legal systems in terms of legislative design, institutional implementation, and judicial supervision. In this respect, the Kingdom of Saudi Arabia and the Hashemite Kingdom of Jordan represent distinct legal environments. Although both jurisdictions utilise international commercial arbitration to support investment and commercial stability, notable differences remain regarding legislative foundations, the influence of Sharia-based oversight, and the extent of institutional development within each arbitration framework. Accordingly, an important legal issue concerns evaluating the effectiveness of both arbitration systems and determining the extent to which they successfully address disputes arising within the EC sector (Aleisa, 2016).

International commercial arbitration should therefore be understood not merely as a dispute-resolution mechanism, but also as a legal instrument contributing to commercial stability and economic development. By reducing dispute-related costs, strengthening confidence in electronic transactions, and promoting a stable investment climate, arbitration directly contributes to sustainable economic activity.

Its economic function closely aligns with SDG 8, which seeks to promote sustained, inclusive, and sustainable economic growth, productive employment, and development-oriented commercial policies (Dadhania and Parsana, 2025). Accordingly, the present study aims to evaluate the role of international commercial arbitration in resolving disputes arising from EC through examining the legal foundations and governing principles of arbitration, analysing its practical application within digital commerce disputes, comparatively assessing arbitration systems in Jordan and Saudi Arabia, and identifying the principal strengths and limitations associated with each framework.

Contemporary international commercial arbitration increasingly performs functions extending beyond conventional dispute settlement (Abimanyu and Sinaga, 2025). It now contributes to the governance, regulation, verification, preservation, and enforcement and legal-information accessibility of data associated with digital commercial transactions. Consequently, arbitration is evolving from a reactive dispute-resolution process into an institutional mechanism supporting the regulation of digital commercial environments (di Brozolo, 2025). Through this expanded role, international commercial arbitration facilitates information governance by managing electronic evidence, institutional records, digital procedural systems, and transnational legal communications. Therefore, the effectiveness of international commercial arbitration in resolving disputes originating from digital commerce depends not solely upon substantive legal rules governing the rights and obligations of contracting parties. Rather, it is equally dependent upon the quality and efficiency of systems responsible for legal-information governance, regulatory-document accessibility, procedural transparency, and institutional information management within the contemporary digital economy.

## Research Problem

One of the most rapidly expanding sectors within the contemporary digital economy is EC (Ansong and Boateng, 2019; Ozuem and Ranfagni, 2023; Rüller et al., 2023). Over recent years, this sector has undergone substantial transformation and accelerated commercial expansion. According to reports issued by the United Nations Conference on Trade and Development (UNCTAD), the global monetary value of EC activities has increased considerably,

accompanied by a notable rise in transnational commercial transactions, particularly within emerging Middle Eastern economies. Simultaneously, disputes connected with digital commercial relationships have become more numerous and increasingly sophisticated. Such disputes commonly arise from issues associated with contractual performance, data-security obligations, electronic payment systems, and broader legal complications linked to digitally executed agreements. In this respect, reports published by the International Chamber of Commerce (ICC), together with findings from regional arbitration institutions, demonstrate that a substantial proportion of contemporary international commercial disputes involve either digital contractual elements or agreements concluded through electronic mechanisms. Furthermore, commercial entities increasingly prefer arbitration over domestic judicial proceedings due to its procedural efficiency, flexibility, and effectiveness in resolving cross-border disputes (Chaturvedi, 2025; Citaristi, 2022).

Despite the growing reliance upon international commercial arbitration, an important legal paradox remains concerning its actual capacity to effectively resolve disputes emerging from EC activities, particularly within legal systems that retain strong national regulatory characteristics. Contemporary scholarship indicates that the effectiveness of arbitration does not depend solely upon statutory recognition within domestic legislation. Rather, it is significantly influenced by regulatory divergence, varying levels of institutional specialisation, and inconsistencies in judicial practice relating to the recognition, enforcement, and legal-information accessibility of arbitral awards (Berlian et al., 2025). Consequently, several recent studies have argued that evaluating arbitration in the context of digital disputes requires analysis of its practical and institutional operation rather than restricting assessment to theoretical examination of legislative provisions alone (AllahRakha et al., 2026).

The absence of complete procedural uniformity in arbitration practices becomes particularly evident when comparing the Kingdom of Saudi Arabia with the Hashemite Kingdom of Jordan. In both jurisdictions, international commercial arbitration forms part of the domestic legal framework, both states are parties to the 1958 New York Convention, and both seek to attract digital investment while facilitating efficient cross-border EC activities. Nevertheless, substantial distinctions remain regarding

the institutional infrastructure governing arbitration processes. Differences are apparent in the extent to which domestic legal frameworks specifically regulate disputes arising from EC transactions, as well as in the intensity of judicial supervision exercised over arbitration-related proceedings. This issue is especially significant within Saudi Arabia, where public-order principles and Sharia-based regulatory information structures exert considerable influence over the national legal-information framework. Such characteristics contrast with the comparatively flexible legal approach adopted within Jordanian arbitration regulation. These variations directly affect procedural efficiency, the speed of dispute resolution, and the enforceability of arbitral awards. They additionally raise important concerns regarding investor confidence in arbitration as an effective mechanism of legal protection within digital commercial environments.

### Research Significance

The importance of this issue is further reinforced by its direct relationship with SDG 8, which seeks to promote sustained, inclusive, and sustainable economic growth, productive employment opportunities, and supportive commercial environments capable of encouraging investment and economic productivity. Recent international research has established a clear connection between the effectiveness of commercial dispute-resolution mechanisms, particularly arbitration, and several economic indicators, including investment attractiveness, dispute-cost reduction, and broader economic sustainability objectives (World Bank, 2020). Consequently, any deficiency in the efficiency of arbitration mechanisms within the EC environment may adversely affect the practical implementation of SDG 8 and diminish the developmental benefits associated with the expanding digital economy.

Although numerous scholarly works have addressed international commercial arbitration or EC independently, a considerable proportion of existing literature remains centred upon theoretical analysis, traditional arbitration models, or Western legal systems. Moreover, limited research has comprehensively integrated arbitration, EC, and sustainable economic development within a unified analytical framework. Studies specifically examining the Saudi Arabian and Jordanian arbitration systems in this context remain relatively scarce and have generally concentrated upon doctrinal legal analysis rather than combining legislative examination with judicial

and institutional practice or assessing the practical developmental implications of arbitration mechanisms. The present study additionally contributes to the expanding interdisciplinary relationship between legal scholarship and Library and Information Science through its examination of arbitration as a mechanism of digital legal-information governance. In particular, the research analyses the manner in which arbitration information systems influence legal-information accessibility, institutional documentation practices, regulatory transparency, and the administration of electronic legal records within transnational commercial environments.

### Research Questions

The principal research question guiding this study is formulated as follows:

To what extent is international commercial arbitration effective in resolving disputes arising from EC, and how does this effectiveness contribute to sustainable economic growth when comparatively analysing the legal systems of the Kingdom of Saudi Arabia and the Hashemite Kingdom of Jordan?

This central question generates several subsidiary research questions, the collective examination of which assists in addressing the core research problem, namely:

1. To what extent do the legal and regulatory information structures governing international commercial arbitration in Jordan and Saudi Arabia adequately address the distinctive characteristics of disputes arising from EC?
2. How do the institutional frameworks and judicial procedures operating within both jurisdictions influence the efficiency of digital dispute resolution and the enforceability of arbitral awards?
3. What impact do public-order governance principles and Sharia-related legal controls have upon the effectiveness of arbitration within each legal system?
4. To what extent does the current implementation of international commercial arbitration contribute to strengthening confidence in EC and promoting digital investment in a manner consistent with the objectives of SDG 8?

### Methodology of the Study

The present investigation adopts an integrated

legal research methodology combining doctrinal and practical analytical approaches in order to address the research problem and fulfil the objectives of the study. The analytical method constitutes the principal methodological framework and involves detailed examination of legislative provisions governing international commercial arbitration and EC within the Kingdom of Saudi Arabia and the Hashemite Kingdom of Jordan. This analysis focuses upon arbitration rules, procedural information-management mechanisms, judicial supervision relating to arbitration proceedings, the enforcement and legal-information accessibility of arbitral awards, and the extent to which these frameworks are adaptable to the contemporary digital environment.

In addition, the comparative method is utilised to identify areas of convergence and divergence between both legal systems, evaluate their respective strengths and limitations, and examine how legislative differences influence the resolution of EC disputes and the enhancement of confidence within digital commercial environments. Particular attention is devoted to issues associated with public-order governance and Sharia-based legal restrictions, together with their implications under international legal standards and their impact upon the enforcement and legal-information accessibility of arbitral awards. Through this combined analytical and comparative framework, the study seeks to produce balanced, comprehensive, and evidence-based conclusions capable of contributing to the development of both legislative regulation and arbitration practice.

### **The Conceptual and Legal-Information Framework of International Commercial Arbitration in E-Commerce Disputes**

International commercial arbitration is widely regarded as one of the most effective dispute-resolution mechanisms suited to the requirements of international trade. Similar to conventional judicial litigation, its principal objective is the settlement of disputes and the restoration of stability within legal relationships. However, unlike court proceedings initiated before national judicial authorities, arbitration is conducted before an arbitral tribunal selected by the disputing parties or appointed through a specialised institution pursuant to a written arbitration agreement. Through this agreement, the parties voluntarily remove jurisdiction from ordinary domestic courts and submit their disputes to a private adjudicative framework

characterised by procedural flexibility, neutrality, and contractual autonomy. The outcome of this process is a binding and enforceable arbitral award (Newcomer, 2011).

The significance of arbitration derives from its capacity to address conflicts relating to jurisdiction and applicable law while simultaneously establishing a legal-information framework specifically adapted to the characteristics of international commercial relationships commonly associated with digital commerce. Such transactions are typically rapid, transnational, and commercially sensitive, thereby requiring efficient dispute-resolution mechanisms capable of minimising interruption to economic activity and reducing the financial burdens associated with commercial disputes.

At the conceptual level, arbitration fundamentally derives its legitimacy from the principle of consent, which constitutes the sole source of its authority and existence. The inclusion of an arbitration clause within a contract, or the subsequent agreement of contracting parties to arbitrate disputes, signifies the parties' voluntary waiver of recourse to ordinary courts in favour of binding adjudication before an arbitral body (Born, 2020). Contemporary legal systems increasingly perceive arbitration not as an exceptional or marginal procedure, but rather as an autonomous legal framework founded upon the independence of the arbitration agreement from the principal contract and the protection of contractual freedom, subject to procedural fairness and public-order considerations. Such principles are particularly relevant in online contractual relationships, where dispute-resolution mechanisms are frequently incorporated into electronic agreements or digital platform terms. Since digital transactions often involve parties, contractual elements, and commercial activities distributed across multiple jurisdictions, the availability of a neutral and expeditious dispute-resolution process becomes a practical necessity inherent in the nature of the transaction itself.

The expression EC disputes refers to disputes arising from the formation, interpretation, or execution of contracts and transactions conducted through electronic and information-technology systems. These disputes may involve the sale of goods, provision of digital services, operation of online marketplaces, electronic platforms, or digital payment-processing systems (Paun et al., 2024). Their distinctive nature stems from the virtual character of contractual relationships, the electronic mode of communication,

and the geographical dispersion of contracting parties. Such factors increase the complexity of dispute settlement, particularly regarding jurisdictional determination, procedural efficiency, and litigation costs. These characteristics explain the growing suitability of international commercial arbitration for EC disputes, given its procedural adaptability and ability to accommodate the specialised requirements of digital commercial relationships.

International commercial arbitration possesses several legal and procedural characteristics that make it especially appropriate for disputes arising within the digital sphere. These include procedural flexibility enabling parties to determine arbitration rules, select the arbitral seat, choose the language of proceedings, and identify the applicable governing law. Arbitration additionally offers confidentiality protections essential for safeguarding commercial data and sensitive information transmitted through EC activities (Trakman and Walters, 2025). Furthermore, procedural efficiency and cost reduction represent significant advantages of arbitration, particularly because prolonged disputes may disrupt digital commercial operations and generate substantial economic losses through interruption of electronic trading activities.

From a comparative legislative perspective, the regulation of international commercial arbitration within the Kingdom of Saudi Arabia and the Hashemite Kingdom of Jordan is grounded in relatively modern legal frameworks substantially influenced by the UNCITRAL Model Law. In Saudi Arabia, the legislator enacted an independent Arbitration Law in 2012 that recognises both the binding nature and separability of arbitration agreements from underlying contracts while limiting excessive judicial interference in arbitral proceedings. This framework supports the effectiveness of arbitration in resolving international commercial disputes, including those arising from electronic transactions (Nesheiwat and Al-Khasawneh, 2015). Complementing this framework is the Electronic Commerce Law of 2019, which introduced specialised regulation governing electronic transactions and strengthened the practical legitimacy of referring digitally concluded transactions to arbitration mechanisms while preserving the legal validity and consistency of electronic dealings (Nesheiwat and Al-Khasawneh, 2015).

Similarly, the Jordanian Arbitration Law No. 31 of 2001, together with its subsequent amendments, constitutes a legislative framework designed to

facilitate consensual settlement of commercial and civil disputes (Al-Sharman et al., 2025). Jordanian legislation recognises the contractual nature of arbitration agreements and their applicability to disputes associated with electronic contractual relationships (Haddad, 2002). This legal structure is further supported by the Electronic Transactions Law No. 15 of 2015, which grants legal recognition to electronic records and digital data and contributes to establishing a formal legal environment suitable for the arbitration of EC disputes. Subject to compliance with prescribed formal and substantive requirements, this legislation provides an effective regulatory foundation for electronically conducted commercial activities (Al Masadeh et al., 2024).

At the international level, the principal legal basis for cross-border enforcement of arbitral awards remains the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention). This Convention established a unified international standard governing recognition of arbitration agreements and the enforcement and legal-information accessibility of foreign arbitral awards among contracting states (Newcomer, 2011). Its importance is particularly evident within EC disputes, where arbitral proceedings may occur in one jurisdiction, awards may be issued in another, and enforcement may target assets located within a third jurisdiction. Consequently, the New York Convention functions as the essential legal instrument transforming arbitral awards into practically enforceable international legal decisions.

This framework is further reinforced through the United Nations Convention on the Use of Electronic Communications in International Contracts 2005, which sought to remove formal legal barriers affecting the use of electronic communications within international trade. The Convention recognises the functional equivalence between traditional written forms and electronic communications (Coetzee, 2006). Such recognition directly affects the legal validity and enforceability of electronically concluded contracts and extends to arbitration clauses incorporated into digital agreements or electronic standard terms and conditions. This development has contributed to the emergence of electronic arbitration as a procedural evolution of conventional arbitration adapted to digital commercial environments rather than a fundamentally distinct legal concept.

A comprehensive understanding of international commercial arbitration within EC disputes additionally

requires consideration of Sharia-derived principles governing commercial transactions. Arbitration is generally regarded as compatible with the broader objectives of Islamic Sharia, particularly those relating to justice, dispute settlement, protection of property, and facilitation of commercial dealings (Aleshoush and Almahzoumi, 2024). Arbitration is recognised as a legitimate dispute-resolution mechanism provided that essential requirements such as consent, impartiality, and legal competence are satisfied. This compatibility significantly strengthens the legitimacy of arbitration within the Saudi legal context and reinforces confidence in arbitration as a mechanism consistent with both Sharia and national legal principles.

Accordingly, a strong relationship exists between international commercial arbitration and the development of trust within EC environments. Arbitration serves not merely as a dispute-resolution process but also as a legal mechanism supporting the stability and predictability of online commercial transactions. It provides investors and transnational traders with a neutral, efficient, and binding method for resolving disputes that may arise during commercial operations. Such legal certainty contributes to the establishment of secure digital commercial environments capable of supporting investment and promoting sustainable economic activity. In turn, this reduces the risks associated with commercial disputes and positively contributes to sustainable economic growth.

Recent legal and information-governance research further emphasises the close relationship between disputes arising from digital commerce and broader issues concerning information management, institutional coordination, and accessibility of legal services. The effectiveness of arbitration within EC increasingly depends upon the ability of legal systems to manage digital documentation, authenticate electronic communications, preserve transactional evidence, and provide procedural information across multiple jurisdictions (Trakman and Walters, 2025). Consequently, arbitration institutions increasingly perform functions associated with information governance, including management of legal records, facilitation of digital communications between disputing parties, and maintenance of transparency within procedural information systems relating to international commercial activities. From this perspective, arbitration no longer operates solely as a dispute-adjudication mechanism but has evolved into an integrated legal-information system supporting

contemporary digital economic activity.

### **The Effectiveness of International Commercial Arbitration in Resolving E-Commerce Disputes and Its Role in Supporting Sustainable Economic Growth (SDG 8)**

International commercial arbitration is widely recognised as one of the most effective contemporary legal mechanisms for dispute resolution and commercial regulation. It has evolved into a significant legal instrument for organising and facilitating international commercial relations, strengthening transactional stability, and enhancing confidence within global trade environments. Although EC is not legally exceptional in itself, it involves highly complex and multidimensional legal relationships characterised by multiple parties, transnational interactions, and technologically mediated contractual structures. Consequently, disputes arising within digital commercial environments possess a particularly sophisticated legal nature. Within the context of rapid digital transformation, the success of EC no longer depends solely upon technological infrastructure or technical expertise; rather, it equally requires the existence of efficient legal mechanisms capable of managing commercial risks and resolving disputes effectively.

Within this framework, international commercial arbitration may also be understood as a strategic legal policy instrument utilised by states to attract digital investment and encourage innovation-driven economic activity. Owing to its procedural flexibility, efficiency in dispute settlement, and the international enforceability of arbitral awards, arbitration contributes significantly to the continuity and stability of commercial operations. The importance of this role becomes particularly evident in disputes arising from EC contracts, which are commonly concluded electronically across national borders and therefore require neutral dispute-resolution mechanisms capable of operating beyond territorial limitations and producing internationally enforceable outcomes.

International commercial arbitration additionally represents an important mechanism supporting implementation of SDG 8. This objective seeks to promote sustainable economic growth, productive investment, and commercial environments conducive to business development while simultaneously establishing legal-information frameworks characterised by certainty, stability, and procedural fairness. In this respect, arbitration performs a dual function by both resolving disputes and facilitating international trade,

thereby contributing to achievement of sustainable development objectives within the contemporary digital economy.

Accordingly, the present research seeks to examine the significance of international commercial arbitration in resolving disputes arising from EC through comparative analysis of the legal and institutional approaches adopted within the Kingdom of Saudi Arabia and the Hashemite Kingdom of Jordan. Both jurisdictions represent important examples of legislative transformation towards increased reliance upon arbitration across commercial and institutional sectors. The study therefore evaluates the capacity of arbitration-related regulatory and procedural frameworks within both countries to support the digital economy and examines the broader developmental implications of these mechanisms. Through this analysis, the research aims to identify the principal strengths and limitations of existing arbitration systems and assess their potential to function as effective legal instruments supporting sustainable development within digital commercial environments.

### **The Regulatory and Procedural Framework of Arbitration in Saudi Arabia and Jordan: Regulation, Procedural Information Management, and Enforcement and Legal-Information Accessibility of Awards in Light of Public Order and Sharia Controls**

The regulatory and procedural environment governing international commercial arbitration constitutes the fundamental basis for evaluating the effectiveness of arbitration in resolving disputes arising from EC activities. The effectiveness of arbitration within the digital commercial sphere cannot be ensured merely through the existence of a written arbitration agreement. Rather, it depends upon the evolution and sophistication of arbitration legislation, the flexibility of procedural mechanisms, and the degree of legal clarity embedded within the governing framework. In this regard, comparative examination of the Saudi Arabian and Jordanian systems is particularly significant because both jurisdictions represent developing legal environments that support international investment and global commercial integration, despite differing considerably in their legislative foundations and regulatory limitations. Table 1 therefore provides a comparative overview of the Saudi and Jordanian frameworks governing international commercial arbitration, procedural

information management, and the enforcement and legal-information accessibility of arbitral awards, thereby establishing the basis for the detailed analysis presented in subsequent sections.

Accordingly, the effectiveness of arbitration systems in Saudi Arabia and Jordan may be assessed through the quality of their institutional documentation structures, accessibility of arbitration procedures, and the transparent management of electronic records and communications. Contemporary arbitration increasingly depends upon sophisticated digital information systems capable of facilitating electronic submission of documents, preservation of electronically stored evidence, organisation of remote hearings, and maintenance of uninterrupted procedural activity across multiple jurisdictions (Rusakova and Young, 2023). Consequently, the procedural design and operational efficiency of arbitration frameworks are now closely connected to the development of reliable legal-information infrastructures capable of satisfying the expanding requirements of EC and transnational digital transactions. Table 1 therefore presents a comparative overview of the regulatory and procedural structures governing international commercial arbitration in Saudi Arabia and Jordan within the context of EC disputes.

As evident from Table 1, the legal frameworks of Arab states exhibit a broadly convergent orientation towards international arbitration grounded in commercial facilitation and investment promotion. However, they diverge notably in the structure and intensity of public-order review mechanisms. This divergence is particularly significant in EC disputes, where procedural speed and the enforceability and legal-information accessibility of arbitral awards are decisive factors. Consequently, these systems require separate analytical treatment due to their distinct regulatory architectures and enforcement philosophies. In the Kingdom of Saudi Arabia, arbitration is governed by the Arbitration Law issued under Royal Decree No. M/34 of 2012, a modern legislative framework influenced by the UNCITRAL Model Law and adapted to the Saudi legal environment (Nesheiwat and Al-Khasawneh, 2015). The law is anchored in the principle of party autonomy, requiring arbitration agreements to be in writing and recognising the separability doctrine, whereby the arbitration clause remains valid independently of the main contract under Article 21. Accordingly, the invalidity or termination of the underlying contract does not nullify the arbitration agreement, thereby preserving the continuity of arbitral jurisdiction.

**Table 1:** A Comparative Overview of the Regulatory and Procedural Framework of International Commercial Arbitration in Saudi Arabia and Jordan in E-Commerce Disputes.

Comparative Aspect	Kingdom of Saudi Arabia	Hashemite Kingdom of Jordan
Basic Legislative Framework	Arbitration Law issued by Royal Decree No. (M/34) of (2012)	Arbitration Law No. (31) of 2001 and its amendments
International Reference	Inspired by the UNCITRAL Model Law with Sharia adaptation	Inspired by the UNCITRAL Model Law
Binding Force of Arbitration Agreement	Writing required; separability of the arbitration clause (Article 21)	Writing required; separability of the arbitration agreement
Judicial Intervention	Limited to supporting arbitration and post-award review (annulment action)	Limited review through annulment and recognition and enforcement and legal-information accessibility
Management of Digital Procedures	Broad flexibility through modern institutional rules	Flexibility by party agreement without sufficient specialized institutional framework
Arbitral Institution	Saudi Centre for Commercial Arbitration (Rules 2023)	Multiple arbitral bodies without a unified national centre
Enforcement and Legal-Information Accessibility of Foreign Awards	Under the New York Convention 1958, subject to Sharia-based public order review	Under the New York Convention 1958, subject to civil public order review
Public Order	Linked to Islamic Sharia principles	Linked to mandatory rules and principles of justice
Impact on E-Commerce	Supportive institutional environment with expedited enforcement and legal-information accessibility	Legislative flexibility with a need to strengthen institutional specialization

Judicial intervention is deliberately restricted, reflecting a pro-arbitration policy orientation. Courts are primarily limited to procedural assistance, supervisory functions, and post-award control. Substantive review of arbitral awards is excluded, with judicial scrutiny confined to narrowly defined annulment grounds stipulated by law. This structure reinforces legal certainty and reduces litigation interference in arbitral proceedings (Nesheiwat and Al-Khasawneh, 2015). Institutionally, this framework is strengthened by the Saudi Center for Commercial Arbitration, established under Council of Ministers Resolution No. 257 of 2013. The Centre has developed contemporary arbitration rules (2023 edition) that explicitly incorporate EC-relevant mechanisms, including electronic submissions, remote hearings, and the admissibility of digital evidence. These procedural innovations align institutional practice with legislative intent, thereby enhancing investor confidence, reducing dispute costs, and improving efficiency within digital commercial environments.

By contrast, Jordanian arbitration law is governed by Arbitration Law No. 31 of 2001 and its subsequent amendments, most recently revised in 2017. The Jordanian framework is also considered progressive within the Arab legal context, as it incorporates core principles of international arbitration, including separability, party autonomy in the selection of arbitrators, and procedural freedom in determining applicable rules and governing law

(Haddad, 2002). This approach reflects a calibrated balance between maintaining judicial sovereignty and promoting an investment-friendly dispute-resolution environment. This arbitration-friendly orientation is further reinforced by Article 43 of the Jordanian Investment Law, which expressly permits disputing parties to resort to arbitration or alternative dispute-resolution mechanisms alongside judicial proceedings (Alqatarneh, 2024). This provision reflects a clear legislative commitment to arbitration as a tool for investor protection, reducing concerns regarding potential domestic judicial bias in investment-related disputes.

At the procedural level, both jurisdictions share a common reliance on party autonomy in constituting arbitral tribunals and designing procedural frameworks. This flexibility is particularly relevant to EC disputes, which require expedited proceedings, reliance on electronic evidence, and mechanisms capable of overcoming territorial constraints. In this respect, the Saudi system demonstrates greater procedural adaptability, supported both by statutory provisions and the institutional framework of the Saudi Center for Commercial Arbitration, which facilitates advanced digital arbitration processes. The Jordanian system similarly allows procedural flexibility under Article 23, enabling parties to adapt arbitration procedures to the requirements of digital disputes, although its institutional specialisation in EC-related arbitration remains comparatively less developed.

The enforcement stage, including the legal-information accessibility of arbitral awards, represents the most critical benchmark for assessing arbitration effectiveness. Without effective enforcement mechanisms, arbitral decisions lose practical legal value. In both Saudi Arabia and Jordan, enforcement is anchored in the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, which establishes a unified global framework for cross-border recognition and enforcement of arbitral decisions (Newcomer, 2011). Both systems limit grounds for refusal of enforcement, thereby aligning with the pro-enforcement bias of modern international arbitration and enhancing confidence in EC and digital investment environments.

Nevertheless, public-order doctrine remains the principal limitation on arbitral autonomy. In Saudi Arabia, public order is closely linked to Islamic Sharia principles, which serve as a substantive benchmark for reviewing arbitral awards. Saudi courts consistently refuse enforcement of awards that contravene Sharia principles or fundamental values of the national legal system (Nesheiwat and Al-Khasawneh, 2015). This necessitates heightened contractual precision in EC arbitration clauses, particularly regarding applicable law and dispute scope in cross-border digital transactions. In Jordan, public order is defined within a civil and commercial law framework influenced by comparative legal principles. Although it retains its function as a safeguard against enforcement of awards contrary to fundamental legal norms, Jordanian courts generally adopt a more liberal and flexible interpretation of public order. Enforcement is typically refused only where awards conflict with mandatory rules or fundamental principles of justice (Haddad, 2002).

Accordingly, the Saudi model integrates Sharia-based constraints not as an impediment but as a normative framework ensuring alignment of arbitral outcomes with religiously grounded legal principles, consistent with objectives of justice, dispute resolution, and protection of property rights. By contrast, the Jordanian system exhibits greater doctrinal flexibility, facilitating a more predictable enforcement environment for EC-related disputes. Overall, the comparison reveals strategic convergence between Saudi Arabia and Jordan in their endorsement of international commercial arbitration as a mechanism for investment protection and EC dispute resolution. However, divergence persists in the scope and application of enforcement

limitations, particularly concerning public order. These differences are significant for the structuring of EC contracts and arbitration clauses, as they directly influence procedural efficiency, enforcement predictability, and investor confidence. Ultimately, both systems contribute—albeit through different normative pathways—to strengthening legal certainty, improving digital commercial stability, and supporting sustainable economic growth.

### **The Developmental Impact of Arbitration on the Digital Business Environment: The Role of Arbitration Centres and the Assessment of Effectiveness in Reducing Disputes, Enhancing Digital Investment, and Promoting Cross-Border Trade in Relation to SDG 8**

The developmental impact of arbitration should also be analysed through the perspective of information infrastructure and digital legal governance. Effective arbitration systems contribute to the structured organisation and accessibility of commercial legal information (Lecaj et al., 2022), reduce informational asymmetries in digital markets, and enhance user and consumer confidence in electronic transactions. In this regard, arbitration institutions function not only as adjudicative bodies for dispute settlement but also as specialised information-governance entities that support regulatory transparency, digital record management, and procedural accessibility. These functions are particularly critical in cross-border EC contexts, where legal certainty depends upon the rapid exchange, verification, and reliability of electronically transmitted legal information across multiple jurisdictions.

Within the digital environment, international commercial arbitration is therefore not limited to a reactive dispute-resolution function. Instead, it contributes to the creation of a stable and investment-conducive commercial ecosystem, particularly in EC. This is achieved through procedural efficiency, adaptability to non-physical transactions, and the capacity to manage disputes involving multiple jurisdictions and parties. In this sense, arbitration produces a developmental effect by stabilising contractual relationships and mitigating the disruptive consequences of commercial conflict on business continuity. Accordingly, arbitration is increasingly understood as a mechanism that supports long-term economic development and aligns directly with SDG 8, which emphasises decent work and sustained

economic growth. To illustrate this developmental contribution more concretely, it is necessary to identify the specific dimensions through which international commercial arbitration enhances EC

environments and promotes economic sustainability. These dimensions are summarised in Table 2, which outlines the developmental impact of international commercial arbitration within EC systems.

**Table 2:** Developmental Impact of International Commercial Arbitration in the E-Commerce Environment.

Area of Impact	Role of International Commercial Arbitration
Reducing Disputes	Resolving disputes efficiently and expeditiously outside national courts
Enhancing Digital Trust	Providing a neutral and binding mechanism to protect contractual rights
Supporting Digital Investment	Reassuring investors through an effective legal safeguard
Cross-Border Trade	Overcoming jurisdictional conflicts and conflicts of laws
Sustainable Economic Growth	Improving the business environment and stimulating commercial activity

Taking this general analytical framework, the study further examines the practical role of international commercial arbitration within the Kingdom of Saudi Arabia and the Hashemite Kingdom of Jordan. This is undertaken by assessing the extent to which national arbitration institutions in both jurisdictions operationalise the developmental function of arbitration and transform it from a purely doctrinal construct into an effective regulatory instrument. In particular, the focus is placed on its capacity to reduce EC disputes, strengthen digital investment flows, and facilitate cross-border trade in alignment with broader economic development objectives.

In Saudi Arabia, the developmental dimension of arbitration is evident in the institutionalisation of arbitration practice through the transformation of informal norms into a structured regulatory information framework. A key development in this regard is the establishment of the Saudi Centre for Commercial Arbitration pursuant to Council of Ministers Resolution No. 257 of 2014 as an independent, non-profit institution mandated to administer arbitration and mediation in domestic and international commercial disputes. The Centre plays a central role in channelling disputes towards efficient resolution mechanisms and strengthening procedural coherence within the arbitration ecosystem. Its regulatory framework has progressively adapted to EC requirements, particularly through the 2023 Arbitration Rules, which incorporate provisions enabling electronic submissions, remote hearings, and expedited case management procedures aligned with digital economy needs.

This institutional development extends beyond procedural efficiency to the reduction of legal uncertainty, thereby enhancing investor confidence. Such confidence is further reinforced by the Saudi Arbitration Law (M/34) of 2012, which establishes arbitration as an autonomous dispute-resolution system

distinct from the judiciary while maintaining limited judicial oversight (Nesheiwat and Al-Khasawneh, 2015). The combined effect of legislative autonomy and institutional modernisation strengthens the reliability of arbitration as a governance mechanism within EC environments. In contrast, the Jordanian arbitration framework reflects a model grounded in legal flexibility and decentralised institutional development. Arbitration in Jordan is primarily governed by Arbitration Law No. 31 of 2001 and its subsequent amendments, with further support derived from investment legislation. Notably, Article 43 of the Jordanian Investment Law permits parties in investment-related disputes to resort to arbitration as an alternative to domestic judicial proceedings (Al Masadeh et al., 2024). This legislative position signals state acceptance of arbitration as a neutral dispute-resolution mechanism, thereby enhancing investor assurance within EC contexts.

However, unlike Saudi Arabia, Jordan does not operate through a single centralised national arbitration institution equivalent to the Saudi Centre for Commercial Arbitration. Instead, arbitration practice is more dispersed, relying on party autonomy and multiple institutional or ad hoc frameworks. While this enhances procedural flexibility, it may also limit institutional consolidation and consistency in EC-specific arbitration practice. From a dispute-prevention perspective, arbitration performs not only a corrective function but also a preventive one. The existence of enforceable arbitration clauses, supported by coherent legal-information frameworks and specialised institutions, encourages contractual compliance and reduces the likelihood of disputes in EC transactions. In Saudi Arabia, institutional efficiency has contributed to a reduction in average dispute resolution time, thereby improving operational continuity for digital businesses. In Jordan, although

arbitration is legally supported, the absence of a centralised institutional structure and complexities associated with recognition and enforcement of foreign arbitral awards may reduce procedural predictability, particularly in complex cross-border EC transactions.

At the investment level, international commercial arbitration plays a crucial role in enhancing the attractiveness of digital markets. Investors place significant value on enforceable dispute-resolution mechanisms that ensure legal protection across jurisdictions. The accession of both Saudi Arabia and Jordan to the 1958 New York Convention reinforces this framework by enabling the recognition and enforcement of arbitral awards in more than 170 jurisdictions, thereby strengthening cross-border legal certainty and facilitating digital asset protection in global markets. Furthermore, arbitration contributes to the transnational circulation of digital information by providing a neutral dispute-resolution mechanism that limits exposure to potentially conflicting national judicial systems. This function is particularly significant in EC transactions involving multiple jurisdictions, platform-based contractual relationships, and digitally executed obligations. Accordingly, arbitration operates as a harmonising mechanism for resolving cross-border digital disputes (Al-Sharman et al., 2025; Born, 2020).

In comparative terms, the Saudi system is characterised by institutional clarity and integration between legal-information governance and Sharia-based regulatory controls. This enhances systemic legitimacy and stability, although it requires greater contractual sensitivity to Sharia-derived principles in drafting and enforcement processes. By contrast, the Jordanian system is distinguished by legislative flexibility and openness to international arbitration standards, although it would benefit from further institutional specialisation in EC arbitration and broader regional integration of arbitration centres. Accordingly, a direct correlation can be identified between international commercial arbitration and SDG 8. By reducing the risks and costs associated with prolonged commercial disputes, arbitration enhances digital information flow, encourages innovation, and supports sustainable economic activity. Ultimately, international commercial arbitration in both jurisdictions has evolved beyond a specialised EC dispute mechanism into a broader catalyst for economic development, fostering trust, enabling investment, and facilitating cross-border

trade as part of a modern legal framework aligned with sustainable development objectives in Saudi Arabia and Jordan.

## Conclusion

The study finds that international commercial arbitration is no longer merely an alternative to litigation in the digital economy, but a structural element of governance supporting a stable and sustainable digital legal system. It is inherently consensual, procedural, and transnational, aligning with key features of EC such as speed, virtuality, and multi-jurisdictional participation. Regarding effectiveness in EC disputes, arbitration performance depends on three factors: maturity of the legal framework, consistency of judicial practice, and availability of specialised institutional support. In Saudi Arabia, effectiveness is supported by strong regulatory structures, institutional arbitration capacity, and clear judicial procedures, though moderated by public-order constraints rooted in Sharia principles. In Jordan, effectiveness is reflected in flexible legislation, openness to international arbitration standards, and facilitative enforcement and improved legal-information accessibility of arbitral awards, but limited by insufficient institutional specialisation in EC arbitration. From a Library and Information Science (LIS) perspective, arbitration also operates as a core mechanism of digital legal-information governance. It contributes not only to dispute resolution but also to the organisation, preservation, dissemination, and enforceability of legal and commercial data in EC systems. Its effectiveness therefore depends on both legal enforceability and the quality of information management systems, including documentation accessibility, transparency of communication, and digital evidence handling. Strengthening these dimensions enhances legal certainty, facilitates cross-border digital trade, and supports sustainable development aligned with SDG 8.

## Recommendations

The paper concludes that international commercial arbitration goes beyond a traditional dispute-resolution mechanism and functions as a developmental tool within the digital economy. It strengthens trust in EC, reduces transaction and dispute costs, and ensures continuity of commercial activity, thereby supporting long-term economic growth. This

role aligns closely with SDG 8, particularly in improving the business environment, facilitating investment flows, and enhancing international trade within a structured legal framework. Accordingly, the study proposes key legislative and regulatory reforms. First, it calls for a comprehensive arbitration framework tailored to digitally driven disputes, explicitly reflecting their electronic procedural nature, evidentiary standards, and cross-border characteristics. Second, it recommends the systematic institutionalisation of electronic arbitration through standardised rules for EC disputes, including clearer recognition of digital legal information and electronic evidence, regulation of electronic service of documents, and formal integration of remote hearings as a standard arbitration practice.

Furthermore, the study recommends the development of integrated digital legal-information platforms within arbitration institutions in both Saudi Arabia and Jordan. These platforms would enhance the management, preservation, and accessibility of electronic arbitration records and procedural documentation, thereby improving institutional efficiency and legal transparency. Finally, it advocates strengthening institutional capacities in areas such as digital evidence management, electronic archiving systems, and cross-border legal-information exchange mechanisms. Enhancing these components is expected to improve procedural efficiency, increase transparency, and reinforce the effectiveness of arbitration in resolving EC disputes within an increasingly digitalised commercial environment.

## Limitations and Future Directions

This study is subject to several limitations that should be acknowledged. First, it is primarily doctrinal and comparative in design, relying on legislative materials, international conventions, and institutional regulatory information structures, without incorporating empirical evidence from arbitration practitioners, digital investors, or EC businesses operating within Saudi Arabia and Jordan. As a result, the findings reflect a normative-analytical perspective rather than practice-based validation. Second, the scope of the research is limited to two jurisdictions, namely Saudi Arabia and Jordan. While this comparative focus allows for in-depth legal analysis, it restricts the broader generalisability of the conclusions to other legal systems that may operate under different institutional, regulatory, or economic conditions. Third, the rapidly evolving nature of EC,

digital dispute-resolution mechanisms, and electronic legal information or electronic evidence management systems may influence the long-term relevance of certain regulatory and procedural observations presented in this study. Accordingly, future research should adopt more empirical and interdisciplinary methodologies, incorporating data derived from arbitration centres, legal practitioners, and digital market participants. Further studies may also extend the analytical framework to emerging technological domains, including AI-assisted dispute resolution systems, blockchain-enabled arbitration processes, and advanced digital legal-information management infrastructures. In addition, comparative research involving a wider range of regional and international legal systems would enhance the robustness and external validity of future findings.

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