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INTERNATIONAL COMMERCIAL ARBITRATION LAW IN THE TURKIC STATES OF AZERBAIJAN, TÜRKIYE AND UZBEKISTAN

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Abstract. *This research paper examines the international commercial arbitration legal frameworks in three jurisdictions: Azerbaijan, Türkiye, and Uzbekistan. These three Turkic States, positioned at the crossroads of Europe and Asia, have emerged as significant players in international trade and investment, necessitating robust arbitration systems to resolve cross-border commercial disputes. The study reveals that while all three jurisdictions have made substantial progress in developing their arbitration frameworks, they exhibit varying degrees of alignment with international standards. Türkiye has established the most sophisticated arbitration regime and developed institutional infrastructure through the Istanbul Arbitration Centre. Uzbekistan has demonstrated remarkable recent progress, particularly with its 2021 Law on International Commercial Arbitration and the establishment of the Tashkent International Arbitration Centre in 2018. Azerbaijan has also modernized its arbitration framework with the adoption of the 2023 Law on Arbitration and the establishment of the Baku Arbitration Centre in 2025. The findings indicate that all three countries are signatories to the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958, demonstrating their commitment to international arbitration standards. However, enforcement mechanisms vary, with all three jurisdictions showing judicial support for arbitration and some issues such as public policy exceptions examined carefully. Recent reforms reflect a regional trend toward harmonization with international best practices, including legislative amendments to streamline enforcement procedures and strengthen institutional capacity. The paper concludes with recommendations for legislative reforms, institutional development and capacity building to position these jurisdictions as competitive arbitration venues in the Eurasian region.*

Keywords: *international commercial arbitration, arbitration institutions, arbitrability, enforcement, public policy, the UNCITRAL Model Law, the New York Convention, Azerbaijan, Türkiye, Uzbekistan*

Introduction

International commercial arbitration has emerged as the preferred mechanism for resolving cross-border commercial disputes in the globalized economy. As international trade and investment flows continue to expand, the importance of effective, efficient and enforceable dispute resolution mechanisms is vital. The three Turkic States – Azerbaijan, Türkiye and Uzbekistan strategically positioned at the intersection of Europe, Asia and the Middle East – have recognized the critical role of international commercial arbitration in facilitating foreign investment, promoting trade and enhancing their competitiveness in the global marketplace.

The significance of international commercial arbitration in these three jurisdictions stems from multiple factors. First, their geographic positions along historic trade routes, including the modern Middle Corridor initiative, make them natural hubs for international commerce and investment. Second, Azerbaijan and Uzbekistan have undergone significant economic transitions toward more market-oriented frameworks, necessitating modern dispute resolution mechanisms that increase confidence among international investors and trading partners. Third, the development of robust arbitration frameworks signals these countries' commitment to the integration into the global dispute resolution system.

Türkiye has established itself as a regional leader in international arbitration, with a developed legal framework and institutional infrastructure centered around the Istanbul Arbitration Centre (ISTAC). The country's strategic location bridging Europe and Asia, combined with its large economy and extensive treaty network, has positioned it as an attractive arbitration venue for disputes involving parties from diverse jurisdictions.

Azerbaijan, as part of the Caucasus region, has made significant steps in modernizing its arbitration framework, particularly in the context of its energy sector and foreign investment regime.

Uzbekistan has undertaken comprehensive legal reforms in recent years, including the adoption of modern arbitration legislation and the establishment of the Tashkent International Arbitration Centre (TIAC), reflecting its ambition to become a regional arbitration venue.

Methods

The research employs a legal doctrinal analysis of the arbitration laws of three jurisdictions: Azerbaijan, Türkiye, and Uzbekistan. Using a comparative legal research approach, the study identifies the similarities and differences in the legal regulation of international commercial arbitration across these jurisdictions and examines the extent to which their legal frameworks are compatible with the UNCITRAL Model Law and the New York Convention. To assess the judiciary's attitude toward the recognition and enforcement of foreign arbitral awards, this study relies on scholarly findings from Azerbaijan, Türkiye, and Uzbekistan.

Results

The comparative study of these three jurisdictions offers valuable insights into the challenges and opportunities facing emerging arbitration venues. Although all three countries have ratified the 1958 *Convention on the Recognition and Enforcement of Foreign Arbitral Awards* (New York Convention) and adopted arbitration laws influenced by the 1985 *UNCITRAL Model Law on International Commercial Arbitration* (Model Law), their implementation experiences, institutional development, and enforcement practices reveal important differences. Understanding these similarities and differences is essential for practitioners, policymakers, and scholars seeking to navigate the arbitration landscape in these jurisdictions.

This paper provides a comparative analysis of international commercial arbitration law in three Turkic states—Azerbaijan, Türkiye, and Uzbekistan. It examines the development of arbitration in each country; analyzes their domestic legal frameworks and their alignment with international standards; evaluates their institutional infrastructure and procedural practices; assesses enforcement mechanisms and the challenges associated with the recognition and enforcement of arbitral awards; and explores recent reforms and future trends. By identifying the strengths, weaknesses, and areas for improvement in each jurisdiction, this study aims to contribute to the ongoing dialogue on arbitration law reform and harmonization in the Eurasian region.

Discussion

Development of Arbitration Law

A. Azerbaijan

Azerbaijan's arbitration framework has evolved significantly since its independence in 1991. As part of the broader Caucasus and Central Asia region, Azerbaijan has participated in regional efforts to modernize arbitration frameworks and align them with international best practices.

Azerbaijan's accession to the New York Convention marked a critical milestone in its arbitration law development, signaling its commitment to international arbitration standards and the enforceability of foreign arbitral awards.

B. Türkiye

Türkiye's engagement with international commercial arbitration has a longer and more developed history compared to Azerbaijan and Uzbekistan. The country's strategic position bridging Europe and Asia, combined with its substantial economy, has driven the development of a sophisticated arbitration framework.

Türkiye ratified the New York Convention in 1991, demonstrating its commitment to international arbitration standards. The country's arbitration law has undergone several significant reforms, with the most notable being the adoption of the International Arbitration Law in 2001, which was based on the Model Law. This legislation represented a major step toward harmonizing Turkish arbitration law with international standards and enhancing Türkiye's attractiveness as an arbitration venue.

Türkiye's arbitration framework has been further strengthened by the establishment of ISTAC in 2015. The development of institutional arbitration infrastructure reflects Türkiye's ambition to position Istanbul as a leading arbitration hub for disputes involving parties from Europe, Asia, the Middle East and Africa.

C. Uzbekistan

Uzbekistan's arbitration law development reflects the country's broader economic and legal reforms following independence in 1991. Uzbekistan has undergone significant economic transformation, particularly in recent years under comprehensive reform programs aimed at liberalizing the economy and attracting foreign investment.

The adoption of the Law "On International Commercial Arbitration" in 2021 (ICA Law), marked a watershed moment in Uzbekistan's arbitration framework development. This legislation, largely based on the Model Law, provided a modern legal foundation for international commercial arbitration and demonstrated Uzbekistan's commitment to aligning its legal framework with international standards.

A significant milestone in Uzbekistan's arbitration development was the establishment of the TIAC in 2018. This institution was created to provide a modern, efficient platform for resolving international commercial disputes and to position Tashkent as a regional arbitration venue. The establishment of TIAC reflected Uzbekistan's recognition of the importance of institutional infrastructure in supporting effective arbitration practice.

Domestic Arbitration Legislation

Scope of the Arbitration Laws

Azerbaijan's Law on Arbitration (2023) applies to both domestic and international arbitration. However, the Law does not apply to arbitral proceedings conducted in the Alat Free Economic Zone (Article 4.7). In addition, Article 13 limits its scope by specifying the categories of non-arbitrable disputes, which are discussed below. Apart from these exceptions, the Law largely follows the 2006 revised version of the UNCITRAL Model Law.

Türkiye's International Arbitration Law excludes disputes concerning real rights in immovable property and disputes that are not subject to the parties' free disposition. However, it expressly permits arbitration of disputes arising from concession contracts.

Uzbekistan's Law on International Commercial Arbitration (2021) largely follows the 2006 revised version of the UNCITRAL Model Law and applies exclusively to international commercial arbitration. Domestic arbitration is governed separately by the Law on Arbitration Courts (2006).

Azerbaijan's Arbitration Framework

Azerbaijan's domestic arbitration legislation reflects its commitment to international standards while addressing specific national circumstances. The country's Law "On Arbitration" (2023) addresses both domestic and international commercial arbitration, with provisions governing arbitration agreements, the composition and jurisdiction of arbitral tribunals, arbitral procedures, and the recognition and enforcement of arbitral awards. Azerbaijan's legislation recognizes the principle of party autonomy, allowing parties to determine key aspects of the arbitral process, including the selection of arbitrators, applicable procedural rules and the seat of arbitration.

One of the notable features of Azerbaijan's Law "On Arbitration" (2023) is its treatment of arbitrability, which defines the scope of disputes that may not be submitted to arbitration (Art. 13). Like many jurisdictions, Azerbaijan excludes certain categories of disputes from arbitration, particularly those involving public policy considerations or matters reserved for state courts. The interpretation and application of arbitrability requirements have important implications for the scope of arbitration in practice.

Azerbaijan's legal framework also addresses the relationship between courts and arbitral tribunals, including provisions for judicial assistance in the arbitral process (such as the appointment of arbitrators or the taking of evidence) and judicial review of arbitral awards.

Türkiye's Arbitration Framework

Türkiye has undergone a long process of developing its arbitration legislation, reflecting the country's longstanding engagement with international commercial arbitration and its ambition to establish itself as a regional arbitration hub. The cornerstone of Türkiye's international arbitration framework is the International Arbitration Law (No. 4686) of 2001, which is based on the UNCITRAL Model Law.

The International Arbitration Law applies to arbitrations where at least one party is domiciled or has its principal place of business abroad, or where the subject matter of the dispute has a connection with a foreign country. The Law comprehensively regulates key aspects of arbitration, including the arbitration agreement, the composition of the arbitral tribunal, the tribunal's jurisdiction, the conduct of arbitral proceedings, the rendering of arbitral awards, and the grounds for setting aside awards.

In addition to the International Arbitration Law, Türkiye's arbitration framework includes relevant provisions in the Code of Civil Procedure governing domestic arbitration and the International Private and Procedural Law (2007) (IPP Law), which regulates, inter alia, the recognition and enforcement of foreign arbitral awards. The interaction of these

legal instruments creates a comprehensive, although occasionally complex, regulatory framework for arbitration in Türkiye.

The Turkish International Arbitration Law (2001) (TIA Law) recognizes broad party autonomy, allowing the parties to determine the procedural rules, appoint arbitrators, choose the language of the proceedings, and select the applicable substantive law. The Law also provides default procedural rules that apply in the absence of party agreement, thereby ensuring that arbitral proceedings can proceed efficiently even where the parties have not agreed on all procedural matters.

A distinctive feature of Türkiye's arbitration framework is its regulation of arbitration in specific sectors, including public–private partnership (PPP) projects, particularly in areas such as healthcare infrastructure. These sector-specific provisions reflect the increasing use of arbitration in disputes involving state entities and the need to balance party autonomy with public interest considerations (Yılmaz, 2021).

Uzbekistan's Arbitration Framework

Uzbekistan's arbitration legal framework is anchored in the ICA Law, adopted in 2021 and largely based on the Model Law with amendments of 2006. This legislation provides a modern foundation for international commercial arbitration and demonstrates Uzbekistan's commitment to aligning its legal framework with international best practices. The ICA Law (2021) applies only to international commercial arbitration, with a separate Law "On Arbitration Courts" (2006) governing domestic arbitrations.

The ICA Law (2021) addresses key aspects of the arbitral process, including the definition and scope of arbitration agreements, the composition and competence of arbitral tribunals, procedural rules governing arbitral proceedings, the making and form of arbitral awards, and the recognition and enforcement of awards. The law applies to international commercial arbitration, defined as arbitration involving parties from different states or arbitration where the subject matter has an international character.

A significant feature of Uzbekistan's arbitration framework is its recognition of the principle of competence-competence, which allows arbitral tribunals to rule on their own jurisdiction, including objections regarding the existence or validity of the arbitration agreement. This principle, widely recognized in international arbitration practice, enhances arbitral autonomy and efficiency by reducing opportunities for dilatory tactics.

Uzbekistan's legal framework also addresses the enforcement of arbitration agreements, requiring courts to refer parties to arbitration when a valid arbitration agreement exists, subject to limited exceptions (Masadikov, 2025). The law specifies grounds, aligned with the Model Law, on which courts may refuse to enforce arbitration agreements.

Model Law Compatibility

Comparative Analysis of Model Law Adoption

The UNCITRAL Model Law on International Commercial Arbitration, first adopted in 1985 and revised in 2006, has become the global standard for international arbitration legislation. Its adoption by numerous jurisdictions worldwide has promoted the harmonization of arbitration laws and enhanced predictability for parties engaged in international commercial arbitration. All three jurisdictions examined in this study—Azerbaijan, Türkiye, and Uzbekistan—have been influenced by the Model Law, although the extent and manner of its adoption vary.

Türkiye adopted legislation based on the Model Law through its International Arbitration Law (2001). This represented a significant step toward modernizing the country's arbitration framework and aligning it with international standards. The Turkish legislation closely follows the structure and substantive provisions of the Model Law, regulating

key aspects of arbitration, including arbitration agreements, the composition of arbitral tribunals, the tribunal's jurisdiction, the conduct of arbitral proceedings, and the recognition and enforcement of arbitral awards.

Uzbekistan's Law on International Commercial Arbitration (2021) is likewise largely based on the Model Law. It incorporates most of the Model Law's core principles, including party autonomy, the principle of competence-competence, and the limitation of judicial intervention to the circumstances expressly provided by law.

Azerbaijan has also aligned its arbitration framework with the principles of the Model Law. The Law on Arbitration (2023) is largely based on the 2006 revised version of the Model Law, although certain provisions have been adapted to reflect the country's domestic legal framework and policy considerations.

The adoption of Model Law-based legislation in all three jurisdictions has produced several important benefits. First, it has enhanced legal certainty and predictability for parties engaged in international commercial arbitration by providing a well-established and internationally recognized legal framework. Second, it has facilitated the recognition and enforcement of arbitral awards by aligning domestic legislation with the standards embodied in the New York Convention. Third, it has encouraged the development of arbitration-friendly judicial approaches by providing clear guidance on the appropriate role of national courts in supporting and supervising arbitral proceedings.

Deviations and Adaptations

While all three jurisdictions have adopted legislation based on the UNCITRAL Model Law, each has introduced certain adaptations to address its specific national circumstances, legal traditions, and policy objectives. Understanding these deviations is important for practitioners and parties considering arbitration in these jurisdictions.

Türkiye's International Arbitration Law (2001) generally follows the Model Law but includes several provisions reflecting Turkish legal traditions and policy considerations. For example, the Law contains specific rules governing arbitration in disputes involving state entities and public-private partnership (PPP) projects, reflecting the significance of such arrangements in Türkiye's infrastructure development (Yılmaz, 2021). It also contains provisions governing the relationship between arbitration and Turkish courts, including mechanisms for judicial assistance and judicial review that reflect Turkish procedural traditions.

Uzbekistan's Law on International Commercial Arbitration (2021) likewise follows the framework of the Model Law while incorporating several additional provisions addressing matters such as arbitrator immunity, the independence of arbitral institutions, and the confidentiality of arbitral proceedings. These adaptations reflect Uzbekistan's efforts to establish an arbitration-friendly legal environment.

According to UNCITRAL, the arbitration legislation of Azerbaijan and Uzbekistan is based on the 2006 revised version of the Model Law. The 2006 amendments introduced revisions to Articles 1(2), 7, and 35(2), replaced Article 17 with a new Chapter IVA on interim measures, and introduced a new Article 2A. The revised Article 7 modernized the formal requirements for arbitration agreements to better reflect contemporary international commercial practice, while the newly introduced Chapter IVA established a comprehensive legal regime governing interim measures in support of arbitration.

The amendments to Article 1(2), which clarify the definition of "international" commercial arbitration, have been implemented by both Azerbaijan and Uzbekistan. Likewise, Article 2A, which promotes the international and uniform interpretation of the Model Law and discourages reliance on domestic legal concepts, was fully incorporated into Article 3 of Uzbekistan's Law on International Commercial Arbitration (2021).

Azerbaijan and Uzbekistan have both adopted Option I of Article 7 of the Model Law concerning the form of the arbitration agreement. Azerbaijan has supplemented this provision by expressly providing that arbitration rules incorporated by reference form part of the arbitration agreement (Article 16.7) and that any ambiguity in interpreting an arbitration agreement should be resolved in favor of its validity and existence (Article 16.8). These additions strengthen Azerbaijan's pro-arbitration legislative framework and align it with international best practices.

Chapter IVA of the Model Law introduced a comprehensive regime governing interim measures by expressly empowering arbitral tribunals to grant such measures, including orders to preserve assets or evidence, and by establishing a framework for their recognition and enforcement by national courts. Uzbekistan adopted Chapter IVA in its entirety, whereas Azerbaijan omitted Articles 17B and 17C of the Model Law relating to preliminary orders.

One area in which deviations from the Model Law have practical significance concerns public policy as a ground for refusing the recognition or enforcement of arbitral awards. Although the Model Law recognizes public policy as a basis for refusal, its interpretation and application vary among jurisdictions, resulting in differences in judicial practice.

Another area of divergence concerns the procedural requirements for the recognition and enforcement of arbitral awards and the role of national courts in that process. Although all three jurisdictions have adopted legislative frameworks based on the Model Law, their practical implementation differs with respect to court procedures, documentary requirements, and the circumstances under which courts may refuse recognition or enforcement of arbitral awards.

Compliance with the New York Convention

Ratification Status and Reservations

The Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention) is the cornerstone of the international arbitration system, providing a legal framework for the recognition and enforcement of arbitral awards across national borders. With more than 170 States Parties, the Convention has achieved near-universal acceptance and has played a pivotal role in promoting international commercial arbitration as an effective mechanism for resolving cross-border commercial disputes.

All three jurisdictions examined in this study—Azerbaijan, Türkiye, and Uzbekistan—are parties to the New York Convention, demonstrating their commitment to international arbitration standards and to the recognition and enforcement of foreign arbitral awards. Türkiye ratified the Convention in 1991, whereas Uzbekistan and Azerbaijan acceded to it following their independence, in 1996 and 2000, respectively.

Upon ratifying or acceding to the New York Convention, States may make two reservations permitted under Article I(3) of the Convention: the reciprocity reservation and the commercial reservation. The reciprocity reservation limits the application of the Convention to arbitral awards made in the territory of another Contracting State, while the commercial reservation restricts its application to disputes arising out of legal relationships that are considered commercial under the law of the enforcing State.

Türkiye made both the reciprocity and commercial reservations upon ratification. Consequently, Turkish courts recognize and enforce foreign arbitral awards only if they were rendered in the territory of another Contracting State and only if the underlying dispute arises from a commercial legal relationship as defined under Turkish law. These reservations are common among States Parties to the Convention and reflect a cautious approach to defining the scope of Convention obligations.

By contrast, Azerbaijan and Uzbekistan acceded to the Convention without making either reservation, thereby accepting the Convention's application without limiting it on the basis of reciprocity or the commercial nature of the dispute. This approach demonstrates a strong commitment to the Convention framework and to facilitating the recognition and enforcement of foreign arbitral awards.

Implementation Mechanisms

The implementation of the New York Convention requires domestic legal frameworks that give effect to the Convention's obligations. All three jurisdictions have incorporated the Convention's provisions into their domestic legislation, although the mechanisms for implementation differ.

In Türkiye, the recognition and enforcement of foreign arbitral awards are governed by both the New York Convention and the International Private and Procedural Law (IPP Law) (2007). Turkish courts apply the standards established by the Convention when determining whether to recognize and enforce foreign arbitral awards, with the Convention prevailing over domestic legislation in the event of a conflict (Varis, 2024).

In Uzbekistan, the implementation of the New York Convention is reflected in the Law on International Commercial Arbitration (2021) and the Economic Procedure Code (2018). These legal instruments establish procedures for the recognition and enforcement of foreign arbitral awards, including documentary requirements and grounds for refusal that are consistent with the Convention. In general, Uzbek courts adopt a narrow interpretation of the grounds for refusing recognition and enforcement, thereby supporting a pro-enforcement approach (Masadikov, 2025).

Azerbaijan has likewise incorporated the standards of the New York Convention into its domestic legal framework by establishing procedures for the recognition and enforcement of foreign arbitral awards. Although Azerbaijan has adopted a liberal and arbitration-friendly legislative framework governing the recognition and enforcement of foreign arbitral awards, judicial practice prior to the adoption of the Law on Arbitration (2023) was marked by inconsistencies in the application of the relevant legislation (Mirzayev, 2019).

Compliance and Judicial Interpretation

The effectiveness of the New York Convention depends not only on its formal ratification and legislative implementation but also on its consistent judicial interpretation and application. Judicial approaches to interpreting the Convention, particularly its provisions governing the refusal of recognition and enforcement of arbitral awards, have significant practical implications for the effectiveness of international commercial arbitration in each jurisdiction.

Türkiye has generally demonstrated an arbitration-friendly judicial approach, with its courts supporting the recognition and enforcement of arbitral awards and limiting the grounds for refusal to those expressly provided in the New York Convention. Nevertheless, certain challenges remain, particularly regarding the interpretation of the public policy exception and the right to be heard (due process) as grounds for refusing enforcement. Turkish courts have addressed these issues in numerous decisions, thereby developing a body of jurisprudence that provides valuable guidance on the interpretation and application of the Convention.

One area that has received particular attention in Turkish jurisprudence is the interpretation of Article V(1)(b) of the New York Convention, which permits the refusal of recognition and enforcement where the party against whom the award is invoked was not given proper notice of the arbitral proceedings or was otherwise unable to present its case. Turkish courts have examined the scope of the right to be heard by considering issues such as the adequacy of notice, the parties' right to present

evidence and arguments, and the obligation of arbitral tribunals to consider the parties' submissions. The development of clear judicial standards in this area is essential to ensuring both the fairness of arbitral proceedings and the enforceability of arbitral awards (Börü, 2023).

In Uzbekistan, judicial interpretation of the New York Convention has generally followed a pro-enforcement approach, with courts adopting a narrow interpretation of the public policy exception (Masadikov, 2025). Recent reform efforts have focused on incorporating arbitration-related amendments into procedural legislation, strengthening judicial training, and enhancing institutional capacity to support the effective application of international arbitration standards (ADB, 2025).

Azerbaijan faces similar challenges in ensuring the consistent judicial interpretation and application of the New York Convention. Strengthening judicial expertise in international arbitration, developing clear interpretative standards for the Convention's provisions, and fostering arbitration-friendly judicial practice remain important priorities for the continued development of the country's arbitration framework (Mirzayev, 2019).

Arbitration Institutions

Azerbaijan's Institutional Landscape

The development of institutional infrastructure is essential for supporting an effective arbitration system. Arbitration institutions provide administrative services, procedural rules, and professional expertise that facilitate the efficient resolution of disputes. Azerbaijan's institutional arbitration landscape has evolved alongside the broader development of its arbitration framework.

As part of its efforts to strengthen its arbitration infrastructure, Azerbaijan has actively participated in regional initiatives to promote institutional arbitration, culminating in the establishment of the Baku Arbitration Centre in 2025. The Centre was established by the Azerbaijan Arbitration Association (AAA) with the objective of providing a neutral and professional forum comparable to leading international arbitration institutions while serving the needs of the Caucasus, Caspian, and Central Asian regions. According to commentators, within just a few years Azerbaijan has modernized its arbitration legislation, fostered a growing arbitration community, and launched an institution with the potential to significantly reshape the dispute resolution landscape of the Caucasus, the Caspian region, and Central Asia (Karli & Erkin, 2025).

Türkiye's Institutional Development

Türkiye has made significant progress in developing its institutional arbitration infrastructure, positioning Istanbul as an emerging arbitration hub for disputes involving parties from Europe, Asia, the Middle East, and Africa. The establishment of the Istanbul Arbitration Centre (ISTAC) in 2015 marked a major milestone in the country's institutional development.

ISTAC was established to provide a modern and efficient platform for international commercial arbitration. Its procedural rules are based on international best practices, while its administrative services are designed to facilitate the effective resolution of disputes. The Centre has developed its own arbitration rules, which are inspired by the UNCITRAL Arbitration Rules and other internationally recognized standards, while also addressing the specific needs of parties conducting arbitration in Türkiye.

The development of ISTAC reflects Türkiye's strategic objective of leveraging its geographical location and economic significance to attract international arbitration cases. The Centre has invested in modern facilities, technological infrastructure, and professional expertise to compete with well-established international arbitration institutions. In addition, ISTAC has actively engaged in promotional activities, capacity-building initiatives, and

cooperation with leading international arbitration organizations to enhance its visibility, credibility, and international reputation.

In addition to ISTAC, Türkiye's institutional arbitration landscape includes several other arbitration institutions and alternative dispute resolution (ADR) mechanisms. The Union of Chambers and Commodity Exchanges of Türkiye (TOBB) provides arbitration and mediation services, while various sector-specific organizations offer specialized dispute resolution mechanisms. This diverse institutional framework provides parties with a range of options for resolving commercial disputes through arbitration in Türkiye (Varis, 2024).

Uzbekistan's Institutional Framework

Uzbekistan's institutional development in the field of arbitration has accelerated in recent years, reflecting the country's broader economic reforms and its ambition to position Tashkent as a regional arbitration hub. The establishment of the Tashkent International Arbitration Centre (TIAC) in 2018 marked a watershed moment in the development of Uzbekistan's institutional arbitration framework.

TIAC was established to provide a modern platform for the resolution of international commercial disputes, offering procedural rules based on internationally recognized standards and administrative services designed to facilitate efficient arbitral proceedings. The Centre has developed its own arbitration rules, which incorporate the principles of the UNCITRAL Arbitration Rules while addressing the specific needs of parties conducting arbitration in Central Asia.

Since its establishment, TIAC has focused on strengthening its institutional capacity, developing the expertise of arbitration professionals, and promoting Tashkent as a regional arbitration venue. The Centre has organized training programmes, conferences—including the inaugural Uzbek Arbitration Week in September 2021—and other outreach activities to increase awareness of international arbitration. TIAC has also worked to establish a roster of qualified arbitrators with expertise in various fields of commercial law and different legal systems.

The development of TIAC has been supported by a series of legislative reforms, including the adoption of the Law on International Commercial Arbitration (2021) and amendments to procedural legislation aimed at enhancing the effectiveness of institutional arbitration.

Despite this progress, Uzbekistan's institutional arbitration framework continues to face several challenges. These include the need to further strengthen the legal framework governing institutional arbitration, enhance international recognition and credibility, compete with more established arbitration centres, increase awareness of arbitration among domestic businesses, and continue building the capacity of arbitration practitioners and institutions (Masadikov, 2022).

Arbitration Procedures and Practices

Arbitration Agreement and Arbitrability

The arbitration agreement is the foundation of arbitral jurisdiction, and its validity and scope are critical issues in arbitration practice. All three jurisdictions recognize the principle of party autonomy, allowing parties to agree to submit disputes to arbitration and to determine key aspects of the arbitral process.

In Türkiye, the validity and enforcement of arbitration agreements are governed by the International Arbitration Law (2001) and related legislation. Turkish law recognizes both arbitration clauses, which provide for the arbitration of future disputes, and submission agreements, under which existing disputes are referred to arbitration. The Law requires arbitration agreements to be in writing, although this requirement is interpreted broadly

to include electronic communications and references to documents containing arbitration clauses.

Turkish law also defines the scope of arbitrable disputes by excluding certain categories of disputes on public policy grounds. Disputes relating to personal status, family law matters, real rights in immovable property, and certain administrative law matters are generally considered non-arbitrable. Turkish courts have interpreted the concept of arbitrability in a manner that generally favors arbitration while respecting the statutory limitations imposed by law (Soylu, 2016).

Uzbekistan's legal framework likewise recognizes the validity of arbitration agreements and establishes requirements concerning their form and content. The Law on International Commercial Arbitration (2021) requires arbitration agreements to be in writing and incorporates the principles of separability of the arbitration agreement and competence-competence, empowering arbitral tribunals to rule on their own jurisdiction. Where a valid arbitration agreement exists, Uzbek courts are generally required to refer the parties to arbitration, subject only to the limited exceptions provided by law (Masadikov, 2025).

Azerbaijan's legal framework governing arbitration agreements is based on similar principles, recognizing party autonomy and requiring arbitration agreements to be concluded in writing. A distinctive feature of Azerbaijan's Law on Arbitration (2023) is its detailed regulation of arbitrability in Article 13, which specifies categories of disputes that cannot be submitted to arbitration. These include disputes arising from administrative and criminal matters; family and inheritance law; labor relations; environmental protection; the registration of intellectual property rights; competition and consumer protection; real property rights concerning immovable property located in the Republic of Azerbaijan; insolvency and bankruptcy; the liquidation of legal entities; claims against carriers; and disputes concerning the lease of immovable property located in the Republic of Azerbaijan. On the one hand, this provision enhances legal certainty by clearly defining the scope of arbitrable disputes. On the other hand, it limits the range of disputes that may be resolved through arbitration, thereby narrowing the scope of application of the Law.

Appointment and Qualifications of Arbitrators

The composition of the arbitral tribunal is a critical factor in the quality and effectiveness of arbitration. All three jurisdictions recognize the principle of party autonomy in the selection of arbitrators while providing default appointment mechanisms where the parties are unable to reach an agreement.

The Turkish International Arbitration Law (2001) (TIA Law) allows the parties to determine both the number of arbitrators and the procedure for their appointment. In the absence of such an agreement, the default rule provides that the arbitral tribunal shall consist of three arbitrators, with each party appointing one arbitrator and the two party-appointed arbitrators jointly selecting the presiding arbitrator. Where the parties fail to agree on the appointment procedure, or where the agreed procedure cannot be implemented, the competent courts may intervene to appoint the arbitrator or arbitrators.

With respect to the qualifications of arbitrators, the TIA Law does not prescribe specific professional or educational requirements, recognizing that the parties are best placed to determine the expertise appropriate for their dispute. However, arbitrators are required to be impartial and independent and must disclose any circumstances that are likely to give rise to justifiable doubts regarding their impartiality or independence. The Law also establishes procedures for challenging arbitrators on these grounds.

Azerbaijan's Law on Arbitration (2023) likewise follows the principles of the UNCITRAL Model Law regarding the appointment of arbitrators. However, unlike the Model Law, it

establishes specific qualification requirements for arbitrators serving in domestic arbitration proceedings, while maintaining greater flexibility for international commercial arbitration.

Uzbekistan's legal framework similarly recognizes party autonomy in the selection of arbitrators and provides default appointment mechanisms consistent with the UNCITRAL Model Law. The Law on International Commercial Arbitration (2021) contains provisions governing the impartiality and independence of arbitrators and establishes procedures for challenging arbitrators where legitimate doubts arise regarding their impartiality, independence, or qualifications.

Procedural Rules and Conduct of the Proceedings

The conduct of arbitral proceedings is governed by a combination of party agreement, institutional rules (in institutional arbitration), and the applicable arbitration legislation. All three jurisdictions recognize broad party autonomy in determining the procedural rules governing arbitration while providing default rules that apply in the absence of an agreement between the parties.

A distinctive feature of the Turkish International Arbitration Law (2001) (TIA Law) is Article 10(E), which requires the arbitral tribunal to prepare the terms of reference unless the parties agree otherwise. Another departure from the UNCITRAL Model Law is Article 11(B), which provides for the suspension of arbitral proceedings where a party loses its legal capacity and for the automatic termination of the proceedings if the suspension continues for six months. The arbitral tribunal is not granted discretion to extend this period or to continue the proceedings beyond the statutory time limit.

This provision reflects the legislature's preference for procedural certainty and efficiency. By limiting the duration of suspension and providing for the automatic termination of proceedings, the TIA Law seeks to prevent arbitral proceedings from remaining in prolonged procedural uncertainty. In contrast, the UNCITRAL Model Law leaves the consequences of a party's loss of legal capacity largely to the discretion of the arbitral tribunal, subject to subsequent judicial review.

The development of institutional arbitration in Türkiye through the Istanbul Arbitration Centre (ISTAC) has provided parties with access to comprehensive procedural rules that reflect international best practices. ISTAC's Arbitration Rules regulate every stage of the arbitral process, from the commencement of proceedings to the rendering of the final award, while its administrative services contribute to the efficient conduct of arbitration.

Azerbaijan's procedural framework is based on similar principles, recognizing party autonomy while providing default procedural rules where necessary. Notable features of the Law on Arbitration (2023) include provisions governing the procedural succession of parties in arbitral proceedings (Article 39), the preparation of minutes of arbitral hearings (Article 43), and the allocation of arbitration costs and security for costs (Article 47). Article 43 requires that the minutes of the hearing be prepared by the secretary of the tribunal and signed by the presiding arbitrator. However, the provision also allows the parties to agree that no minutes of the arbitral hearings will be prepared.

Uzbekistan's procedural framework likewise recognizes party autonomy while establishing default procedural rules. The Law on International Commercial Arbitration (2021) regulates key procedural matters, including the commencement of arbitral proceedings, the submission of statements of claim and defence, oral hearings and document-only proceedings, the taking of evidence, and the granting of interim measures by arbitral tribunals.

With respect to the conduct of arbitral proceedings, the Law on International Commercial Arbitration (2021) departs from Article 18 of the UNCITRAL Model Law by replacing the requirement that each party be given a "*full opportunity*" to present its case

with a requirement that each party be afforded a “*reasonable opportunity*” to do so. This modification was introduced to reduce the risk of so-called due process paranoia during arbitral proceedings and at the stage of recognition and enforcement of arbitral awards.

Enforcement of Arbitral Awards

Enforcement Mechanisms

The enforcement of arbitral awards is fundamental to the effectiveness of arbitration as a dispute resolution mechanism. All three jurisdictions have established legal frameworks governing the recognition and enforcement of both domestic and foreign arbitral awards, based on the New York Convention and the UNCITRAL Model Law.

In Türkiye, the recognition and enforcement of foreign arbitral awards are governed by the New York Convention and the International Private and Procedural Law (IPP Law) (2007). A party seeking enforcement must submit an application to the competent Turkish court together with the original arbitral award (or a duly certified copy), the original arbitration agreement (or a duly certified copy), and certified Turkish translations where the documents are drafted in a foreign language.

Turkish courts examine applications for recognition and enforcement in accordance with the grounds for refusal set out in Article V of the New York Convention. These grounds include the invalidity of the arbitration agreement, the lack of proper notice of the arbitral proceedings or the inability of a party to present its case, an award dealing with matters beyond the scope of the arbitration agreement, irregularities in the composition of the arbitral tribunal or the arbitral procedure, and the recognition or enforcement of an award that would be contrary to Turkish public policy. Turkish courts have generally interpreted these grounds narrowly, in line with the Convention’s pro-enforcement approach (Varis, 2024).

Azerbaijan’s enforcement framework likewise incorporates the standards of the New York Convention and establishes procedures for the recognition and enforcement of arbitral awards. Although the legislative framework is generally arbitration-friendly, Azerbaijan has encountered certain practical challenges in the enforcement of foreign arbitral awards, particularly with respect to developing judicial expertise and ensuring the consistent application of international arbitration standards (Mirzayev, 2019).

Uzbekistan’s enforcement framework is based on the New York Convention, the Law on International Commercial Arbitration (2021), and the Economic Procedure Code (2018). Together, these legal instruments establish procedures for the recognition and enforcement of foreign arbitral awards, including documentary requirements and grounds for refusal that are consistent with both the New York Convention and the UNCITRAL Model Law.

Grounds for Refusal

The grounds on which courts may refuse the recognition and enforcement of arbitral awards are set out in Article V of the New York Convention and have been incorporated into the domestic legislation of all three jurisdictions. Understanding how these grounds are interpreted and applied in practice is essential for assessing the effectiveness of each jurisdiction’s enforcement regime.

The New York Convention establishes two categories of grounds for refusing recognition and enforcement. The first category, contained in Article V(1), comprises grounds that must be invoked and proved by the party resisting enforcement. These include the invalidity of the arbitration agreement, the lack of proper notice of the arbitral proceedings or the inability of a party to present its case, an award dealing with matters beyond the scope of the arbitration agreement, irregularities in the composition of the arbitral tribunal or the arbitral procedure, and the fact that the award has not yet become

binding or has been set aside or suspended. The second category, set out in Article V(2), consists of grounds that may be raised by the enforcing court ex officio, namely the non-arbitrability of the subject matter of the dispute and the incompatibility of the recognition or enforcement of the award with the public policy of the enforcing State.

In Türkiye, the courts have developed a substantial body of jurisprudence interpreting these grounds, particularly with respect to the right to be heard (due process) under Article V(1)(b) and the public policy exception under Article V(2)(b). Turkish courts have examined issues such as the adequacy of notice, the opportunity to present evidence and legal arguments, and the obligation of arbitral tribunals to consider the parties' submissions. The development of consistent judicial standards in this area has sought to balance the protection of due process rights with the Convention's pro-enforcement objective (Börü, 2023).

The interpretation of the public policy exception has been particularly significant in Turkish judicial practice. Turkish courts have generally adopted a restrictive interpretation, limiting public policy to fundamental principles of Turkish law and international public policy rather than treating it as a basis for reviewing the substantive correctness of an arbitral award. This approach is consistent with international best practices and strengthens the enforceability of foreign arbitral awards (Soylu, 2016).

Azerbaijan has encountered similar challenges in interpreting the grounds for refusing recognition and enforcement. Continued efforts to develop clear judicial standards and to ensure the consistent application of the New York Convention remain important for strengthening the country's arbitration framework (Mirzayev, 2019).

In Uzbekistan, courts have generally adopted a narrow interpretation of the grounds for refusing recognition and enforcement, including the public policy exception. Nevertheless, greater legislative clarification of the concept of public policy would further reduce the risk of inconsistent or subjective judicial interpretation and enhance legal certainty in future enforcement proceedings (Tuychiev, 2021).

Comparative Analysis of Three Jurisdictions

Despite differences in their historical development and legal traditions, Azerbaijan, Türkiye, and Uzbekistan share several important similarities in their approaches to international commercial arbitration.

First, all three jurisdictions are parties to the New York Convention and have incorporated its principles and standards into their domestic legal frameworks. This commitment reflects their recognition of the importance of international commercial arbitration in facilitating cross-border trade, investment, and commercial cooperation.

Second, all three countries have adopted arbitration legislation influenced by the UNCITRAL Model Law, demonstrating a commitment to harmonizing their legal frameworks with internationally accepted standards. The adoption of Model Law-based legislation has enhanced legal certainty and predictability for parties engaged in international commercial arbitration and has facilitated the recognition and enforcement of arbitral awards.

Third, all three jurisdictions recognize the principle of party autonomy, allowing parties to determine key aspects of the arbitral process, including the selection of arbitrators, the applicable procedural rules, and the substantive law governing the dispute. This recognition of party autonomy is fundamental to the effectiveness and attractiveness of arbitration as a mechanism for resolving international commercial disputes.

Fourth, all three countries have developed, or are actively developing, institutional arbitration infrastructure, recognizing the important role of arbitral institutions in supporting the efficient resolution of commercial disputes. Türkiye's Istanbul Arbitration Centre

(ISTAC) and Uzbekistan's Tashkent International Arbitration Centre (TIAC) represent significant investments in institutional development, while Azerbaijan has likewise strengthened its institutional framework through the establishment of the Baku Arbitration Centre (BAC).

Based on the comparative analysis of the three jurisdictions, several legislative recommendations can be made to strengthen their arbitration frameworks.

Clarification of Key Legal Concepts. All three jurisdictions would benefit from clearer statutory definitions of key concepts such as public policy, arbitrability, and the grounds for refusing the recognition and enforcement of arbitral awards. Uzbekistan, in particular, should prioritize clarifying the scope of the public policy exception in order to reduce the risk of subjective judicial interpretation and promote greater consistency in judicial practice. Azerbaijan's detailed regulation of arbitrability under Article 13 of the Law on Arbitration (2023) provides a useful model in this regard, and both Türkiye and Uzbekistan could benefit from adopting similarly detailed legislative provisions.

Alignment with the 2006 Amendments to the UNCITRAL Model Law. Türkiye may wish to consider incorporating the 2006 amendments to the UNCITRAL Model Law, particularly those relating to interim measures and preliminary orders. These amendments strengthen the effectiveness of arbitration by providing a comprehensive legal framework for the granting, recognition, and enforcement of interim measures.

Sector-Specific Arbitration Provisions. Türkiye's experience in regulating arbitration involving public-private partnerships demonstrates the value of adopting sector-specific legislative provisions that appropriately balance party autonomy with public interest considerations. Azerbaijan and Uzbekistan could similarly consider introducing clearer rules governing arbitration in sectors where state entities or public interests play a significant role.

Online and Electronic Arbitration. As online dispute resolution and electronic arbitration continue to gain prominence, all three jurisdictions should ensure that their arbitration legislation adequately accommodates electronic communications, virtual hearings, electronic evidence, and digitally executed arbitration agreements and awards. Such reforms should facilitate technological innovation while preserving procedural fairness, due process, and cybersecurity safeguards.

Institutional development is essential for the effective functioning of arbitration systems. The following recommendations are proposed:

Investment in Infrastructure. All three jurisdictions should continue investing in modern arbitration facilities, technological infrastructure, and efficient administrative systems. In particular, the Tashkent International Arbitration Centre (TIAC) and the Baku Arbitration Centre (BAC) require sustained investment to enhance their competitiveness with well-established international arbitration institutions.

Development of Arbitration Rules. Arbitration institutions should regularly review and update their procedural rules in light of international best practices, legislative developments, and user feedback. The rules should strike an appropriate balance between procedural efficiency and fairness and should be available in multiple languages to better serve international users.

Development of Arbitrator Rosters. Arbitration institutions should establish and maintain diverse rosters of qualified arbitrators with expertise in various fields of commercial law, different legal traditions, and multiple languages. Achieving this objective requires active engagement with both domestic and international arbitration communities, transparent appointment procedures, and effective quality assurance mechanisms.

Administrative Excellence. Arbitration institutions should invest in highly qualified

administrative personnel with specialized expertise in arbitration case management. Efficient, responsive, and professional case administration is essential for ensuring user satisfaction and strengthening institutional credibility.

International Cooperation. Arbitration institutions should strengthen cooperation with leading international arbitration centres, participate actively in international arbitration organizations, and pursue partnerships that facilitate knowledge exchange, technical assistance, and institutional capacity building.

The development of judicial expertise in international arbitration is fundamental to the effective recognition and enforcement of arbitral awards and to the appropriate judicial support of arbitral proceedings. The following recommendations are proposed:

Comprehensive Judicial Training. All three jurisdictions should implement comprehensive judicial training programmes covering the principles of international commercial arbitration, the New York Convention, the UNCITRAL Model Law, and international best practices relating to judicial support and supervision of arbitration. Uzbekistan and Azerbaijan, in particular, would benefit from continued investment in judicial education in this field.

Specialization of Courts or Judges. Consideration should be given to establishing specialized commercial courts or designating judges with expertise in arbitration to hear arbitration-related cases. Judicial specialization promotes consistency, efficiency, and a higher level of expertise in the interpretation and application of arbitration legislation.

Judicial Exchange Programmes. Judges should be encouraged to participate in international exchange programmes, conferences, and specialized training initiatives in order to learn from jurisdictions with well-developed arbitration systems. Regional cooperation among the three jurisdictions could facilitate the exchange of experience and promote the harmonization of judicial practice.

Publication of Judicial Decisions. Courts should publish decisions concerning arbitration-related matters in an anonymized form where appropriate. Greater transparency would contribute to the development of consistent jurisprudence, provide guidance to practitioners and parties, and strengthen confidence in the judicial system while preserving the confidentiality of arbitration.

Dialogue with the Arbitration Community. Regular dialogue between judges, arbitration practitioners, arbitral institutions, academics, and policymakers should be encouraged. Such engagement can foster a shared understanding of international arbitration standards, identify practical challenges, and contribute to the continuous improvement of judicial practice and arbitration legislation.

Conclusion

This comparative study of international commercial arbitration law in Azerbaijan, Türkiye, and Uzbekistan reveals a complex landscape of legislative frameworks, institutional development, and enforcement practices. All three jurisdictions have demonstrated a commitment to international arbitration standards through their participation in the New York Convention and the adoption of arbitration legislation influenced by the UNCITRAL Model Law. Nevertheless, they differ in the maturity, effectiveness, and practical implementation of their arbitration systems.

Türkiye's longstanding engagement with international commercial arbitration and its strategic geographical location have contributed to its emergence as a regional arbitration hub. At the same time, Türkiye continues to face challenges in ensuring consistent judicial interpretation of arbitration legislation, refining the application of key concepts such as the public policy exception, and enhancing its competitiveness with well-established international arbitration centres.

Azerbaijan has established a modern legislative framework for arbitration through the adoption of the Law on Arbitration (2023). However, further institutional strengthening and capacity building remain necessary. In particular, the country faces ongoing challenges in developing institutional infrastructure, enhancing judicial expertise in arbitration, and increasing its attractiveness as an international arbitration venue.

Uzbekistan has undertaken the most extensive recent reforms among the three jurisdictions, reflecting its broader programme of legal and economic modernization. The establishment of the Tashkent International Arbitration Centre (TIAC) in 2018, together with the adoption of the Law on International Commercial Arbitration (2021), demonstrates a strong commitment to developing an arbitration-friendly legal environment. Nevertheless, Uzbekistan continues to face significant challenges relating to the effective enforcement of arbitral awards, the development of judicial expertise, institutional capacity, and international recognition. Addressing these challenges will require sustained investment in institutional development, judicial training, and professional capacity building.

The comparative analysis identifies several common challenges shared by all three jurisdictions. First, the recognition and enforcement of arbitral awards require continued attention through the development of clearer legislative standards, more consistent judicial interpretation, and greater judicial expertise. Second, strengthening institutional capacity remains a priority, requiring continued investment in modern infrastructure, administrative capabilities, professional expertise, and international visibility. Third, awareness and understanding of international commercial arbitration among businesses, legal practitioners, and members of the judiciary should be further enhanced through education, professional training, and public outreach.

The study also highlights a number of best practices and policy recommendations. Clarifying key legal concepts—particularly the public policy exception and the scope of arbitrability—would promote greater consistency in the recognition and enforcement of arbitral awards. Continued investment in arbitral institutions, including their procedural rules, administrative capacity, arbitrator rosters, and technological infrastructure, would further strengthen institutional effectiveness. In addition, comprehensive judicial training and the development of specialized expertise in international arbitration are essential to ensuring effective judicial support for arbitration and the consistent application of international arbitration standards.

In conclusion, Azerbaijan, Türkiye, and Uzbekistan have each made substantial progress in developing legal and institutional frameworks for international commercial arbitration. Nevertheless, important challenges remain. By drawing upon each other's experiences, aligning more closely with international best practices, and continuing to invest in legislative reform, institutional development, judicial capacity, and professional expertise, these jurisdictions can further strengthen their arbitration systems and enhance their position as competitive arbitration venues within the Eurasian region.

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