

Party Autonomy vs. Judicial Intervention: A Doctrinal Analysis of Arbitration Regime

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ABSTRACT

The very basis of arbitration law is the principle of party autonomy that enables the disputants to influence the process by selecting rules, procedures and arbitrators. Nevertheless, the extent of judicial intervention is a matter of concern across jurisdictions. The courts usually intervene on the grounds of fairness, procedural inconsistencies and noncompliance with the national policies, but such intervention can jeopardize the efficiency and independence of arbitration. This paper provides a doctrinal study of the law of arbitration from theoretical and practical perspective to analyze different national approaches regarding party autonomy and judicial intervention. It investigates legislative and judicial practices, and legal controversies attached with this tension. Moreover, an assessment of international arbitration regime created through UNCITRAL Model Law and the New York Convention is provided to determine the conflicting approaches taken by the national laws. It concludes that judicial oversight is necessary but it must be exercised responsibly and has to be proportional, to protect integrity of arbitration, without compromising party autonomy. The harmonization of arbitration laws is important to achieve fair and effective arbitral process which will ensure smooth global arbitration practice.

Keywords: Arbitration, International Commercial Disputes, Judicial Intervention, Party Autonomy, International Trade.

INTRODUCTION

Arbitration has evolved as an instrument of choice in settling commercial disputes as it offers flexibility and impartiality to the disputing parties to settle their disputes outside state courts. Party autonomy is considered to be the cornerstone of arbitral process because it allows parties to shape the process according to their expectation. Particularly, by arbitration agreement, parties conclude on the law, institutional rules, language, and the fora of proceedings applicable to them. This autonomy has been termed as the “magna carta” of arbitration, based on the notion that arbitration is a consent based confidential process (Redfern, 2004).

Party autonomy is not, however, a vacuum. The courts have the power to interfere with arbitral processes especially in the instances where issues of jurisdiction, award enforcement, or safeguarding of public policy are involved. Judicial intervention is welcome to prevent abusive practices and to protect weaker parties, but is otherwise subject to criticism where it slows down proceedings or compromises the finality of arbitral awards. This conflict in the doctrinal character of arbitration between autonomy and intervention is thus at the heart of arbitration law debate (Born, 2021a).

The analysis of doctrine offers a suitable approach to analyze this balance because it focuses on legal rules and principles as they are stated in the statutes, the case law, and in academic writings. The study puts arbitration into context as a part of a larger legal theory and practice by deinstitutionalizing the conceptualizations of autonomy and judicial scrutiny in various jurisdictions. Reform arguments are also

analyzed especially in the context of commercial globalization and the wider practice of international arbitration (Gao, 2021a).

The paper is organized as follows: Part one provides an analysis of the theoretical basis and extent of party autonomy in arbitration. The second part discusses the reasons and restrictions of judicial intervention. Part three discusses the components of doctrinal tensions arising between the two principles and the ways in which courts understand them. Part-four provides some comparative views by comparing major international instruments with some of the national laws from those jurisdictions where arbitration practice has developed significantly. The policy implications and reform discussion is provided in part five of this study. It is followed by the conclusion providing an overview of research and also recommends some ways to balance autonomy with the judicial restraint.

THE PRINCIPLE OF PARTY AUTONOMY IN ARBITRATION

Conceptual Foundations

Party autonomy lies at the heart of arbitration law and represents the defining characteristic that distinguishes arbitration from litigation. Unlike court adjudication, which operates under mandatory procedural frameworks, arbitration empowers disputants to shape the process in accordance with their mutual preferences. Through arbitration agreements, parties may decide the substantive law governing their contract, the procedural rules applicable to the arbitration, the composition of the tribunal, the seat of arbitration, and even the language of proceedings (Brand, 2025). This freedom is rooted in the consensual nature of arbitration since no valid arbitral process can take place without a valid arbitration agreement.

The significance of party autonomy has been widely recognized in both theory and practice. It is well established that “agreements are made to avoid disagreements, and in case of a disagreement, it is the agreement that guides toward a solution” (Ranjha, 2022), and same is true for the arbitration agreements. Scholars often describe it as the cornerstone of modern arbitration because it reinforces contractual freedom and respects the principle of *pacta sunt servanda* (Veronese, 2021). This orientation reflects a liberal legal philosophy in which private ordering is valued and state interference is minimized. In this sense arbitration is not merely an alternative forum but also an exercise of private sovereignty where parties regulate their disputes outside the reach of state courts.

Historical Evolution

The emergence of party autonomy as a foundational principle can be traced to the growth of international trade in the nineteenth and twentieth centuries. Merchants and commercial actors preferred arbitration because national courts were perceived as parochial and slow in addressing transnational disputes (Garcia Sanchez & Stephens, 2025). Early arbitral practices relied heavily on trade associations and merchant guilds which offered flexibility and expertise absent in judicial systems. As arbitration gained international legitimacy through instruments such as the 1923 Geneva Protocol and the 1958 New York Convention, the notion of party autonomy got importance in both treaty and domestic law.

The UNCITRAL Model Law on International Commercial Arbitration (1985, amended 2006) further consolidated this principle by expressly recognizing the right of parties to determine the rules of procedure subject only to limited mandatory safeguards. Article 19 provides that the parties are free to agree on the procedure to be followed by the arbitral tribunal failing which the tribunal may conduct the arbitration in such manner as it considers appropriate. This provision reflects the international consensus that autonomy should be the default unless compelling reasons justify its curtailment (Garcia Sanchez & Stephens, 2025).

Scope of Party Autonomy

The scope of party autonomy in arbitration is extensive, though not unlimited. Parties may freely select the substantive law governing their dispute which allows them to avoid rigid domestic systems. They may also agree on institutional rules such as those of the International Chamber of Commerce (ICC) or London Court of International Arbitration (LCIA) or opt for ad hoc arbitration. Additionally, they may determine the number and qualifications of arbitrators which can be particularly valuable in technical disputes, requiring specialized knowledge (Born, 2021b).

Procedural autonomy extends to timelines, discovery processes, confidentiality arrangements, and hearing formats. The rise of digital arbitration platforms has further expanded this flexibility by enabling parties to agree on virtual hearings and electronic submissions. The ability to tailor such elements enhances efficiency and reduces costs, making arbitration attractive for international commercial disputes.

Nevertheless, autonomy is not absolute. Parties cannot exclude mandatory procedural rules designed to safeguard fairness and due process. For instance, rules requiring equal treatment of parties or the right to be heard cannot be derogated, even by an agreement. Similarly, parties cannot contract out of provisions safeguarding public policy or national sovereignty. This limitation ensures that while arbitration respects contractual freedom it does not operate in a legal vacuum, detached from the broader legal order.

Theoretical Justifications

The prominence of party autonomy is justified on both normative and practical grounds. Normatively, it aligns with the principle of freedom of contract which allows parties to regulate their relationships as they see fit. Arbitration extends this principle into the realm of dispute resolution, thereby respecting individual autonomy. Practically, party autonomy enhances efficiency and legitimacy since parties are more likely to accept outcomes of procedures, they themselves choose. This contributes to the enhanced enforceability of arbitral awards and the perceived legitimacy of the process.

Scholars further argue that autonomy strengthens transnational commercial law by allowing private actors to bypass conflicting domestic systems (Vijayakumar, 2024). This fosters predictability and certainty in global commerce since parties can choose neutral rules or *lex mercatoria* rather than being bound by unfamiliar domestic laws. In this way autonomy also contributes to the harmonization of international trade law.

Limitations and Critiques

Despite its central role, party autonomy is not free from critique. Some commentators argue that excessive autonomy may create imbalances where stronger parties impose arbitration clauses, favorable to their interests, over weaker contracting parties. For instance, in consumer or employment arbitration, clauses may restrict procedural rights or designate distant seats of arbitration that burden weaker parties (Gao, 2021b). This has led some jurisdictions to introduce mandatory protections to prevent abuse of autonomy.

Another critique concerns the tension between autonomy and public policy. While parties may seek to exclude certain mandatory rules, courts often intervene to ensure compliance with fundamental principles such as anti-corruption measures or competition laws. Critics argue that this undermines the very essence of autonomy, though proponents contend that such intervention is necessary to preserve legitimacy of arbitration within the legal order.

Moreover, the globalization of arbitration has raised concerns that absolute autonomy might facilitate regulatory avoidance. By choosing favorable laws or seats of arbitration, corporations may attempt to

circumvent stringent national regulations. This intentional use of autonomy has sparked debates about the necessity of balancing contractual freedom with regulatory oversight.

JUDICIAL INTERVENTION IN ARBITRATION

Conceptual Basis

While arbitration is celebrated for its independence from state courts, judicial intervention remains an integral part of its legal framework. Courts retain supervisory jurisdiction because arbitration derives its enforceability from the legal order in which it operates. Without judicial support, arbitration agreements might be ignored and arbitral awards would lack binding force. Judicial intervention thus functions as both a safeguard and a legitimizing mechanism (Mistelis & Rao, 2022). It ensures that arbitration does not drift into a self-contained system detached from public law values.

The doctrinal basis for judicial intervention can be traced to the principle of limited court oversight embodied in many international instruments. For example, the UNCITRAL Model Law provides a framework in which courts may intervene only in matters explicitly specified by the law (PROVISIONS, n.d.). This aims to create a balance between preserving party autonomy and recognizing the necessity of judicial control over core elements such as jurisdictional validity, due process, and enforceability.

Forms of Judicial Intervention

Judicial involvement in arbitration takes multiple forms that occur at different stages of the arbitral process. At the pre-arbitral stage, courts may be called upon to enforce arbitration agreements and compel parties to arbitrate rather than litigate (Born, 2021c). This intervention protects the integrity of the arbitration agreement by preventing parties from evading their contractual obligations. Courts also play a role in granting interim measures such as injunctions or freezing of assets which may be necessary to preserve the subject matter of the dispute.

During arbitral proceedings courts may intervene in the appointment or removal of arbitrators where parties fail to agree or when allegations of bias arise. They may also assist in obtaining evidence through subpoenas or depositions which arbitrators cannot compel on their own. At the post-award stage, judicial involvement is crucial in setting aside awards, refusing recognition, or granting enforcement under the New York Convention framework. These interventions are designed to ensure that arbitral awards comply with minimum standards of legality and public policy (SALDANA SOLARI, 2022a).

Justifications for Judicial Oversight

Judicial intervention is justified on several grounds. First, it protects the rule of law by ensuring that arbitration does not become a mechanism for evading essential legal standards. Courts guarantee that arbitral proceedings respect fundamental rights such as equal treatment and due process. Second, judicial oversight secures the enforceability of arbitration since awards have no coercive power without court recognition. This link underscores the symbiotic relationship between arbitral autonomy and judicial authority (Arsal, 2024).

Third, intervention prevents abuse of party autonomy by addressing situations where one party imposes unfair terms. For instance, mandatory consumer protection or employment laws may override contractual provisions that excessively limit rights of weaker parties. Courts also intervene to preserve public policy interests including anti-corruption enforcement, competition regulation, and state sovereignty. These safeguards maintain the legitimacy of arbitration within the broader legal order.

Doctrinal Limits

Although judicial intervention is necessary, excessive interference risks undermining arbitration's efficiency and independence. Recognizing this danger, most legal systems impose doctrinal limits on court intervention. The principle of minimal judicial intervention, codified in instruments like the UNCITRAL Model Law, stipulates that courts may only intervene where explicitly permitted (Gullifer, 2022a). This principle prevents courts from revisiting the merits of disputes or substituting their judgment for that of the arbitrators.

International practice further reflects a restrained approach. The New York Convention restricts grounds for refusing recognition or enforcement of awards to a narrow set of circumstances such as invalidity of the arbitration agreement, lack of due process, or violation of public policy. By confining judicial review to procedural safeguards rather than substantive correctness, the Convention preserves the finality of arbitral awards (SALDANA SOLARI, 2022b).

Nevertheless, domestic courts show different attitudes in their application of these standards. Some jurisdictions adopt a pro-arbitration stance by narrowly interpreting grounds for intervention while others adopt a more interventionist approach in the name of public policy. This divergence highlights the persistent tension between uniformity of international arbitration and sovereignty of national courts.

Comparative Perspectives

The Arbitration Act 1996 in England reflects the autonomy of parties except that the court may intervene in certain matters like the appointment of arbitrators, jurisdiction challenges as well as making appeals on questions of law. The general policy of English courts has been to defer to arbitral tribunals, but not to interfere with their work unless such justice is demanded (Özraşit, 2024). In contrast, some South Asian jurisdictions have historically displayed higher levels of judicial interference though reforms influenced by the Model Law have sought to limit this tendency.

The Federal Arbitration Act (FAA) creates a powerful presumption in the United States that arbitration agreements and awards are to be enforced in general. The circumstances under which awards may be vacated by a court are very limited: it can be related to corruption, fraud, or apparent bias of arbitrators. The interpretation of the FAA has occasionally been applied by courts to increase intervention by use of the so-called manifest disregard of law, and more recent jurisprudence has been trying to narrow down this intervention (Conklin, 2024).

The French approach is also considered as pro-arbitration in the context of international arbitration. The French courts mostly take a hands-off approach and they are not willing to consider the merits of the arbitration award, but they are more interested in the legality of the procedures. This approach is supportive for the international commercial arbitration. When compared to the jurisdictions that expand the grounds of judicial intervention, this approach ensures broader trust and confidence in the arbitration processes and helps in avoiding confusion about the enforcement of arbitral outcomes. These differences indicate that judicial attitudes play a very important role in the overall arbitration practice and has different approaches regarding autonomy and intervention.

Policy Tensions

The issues between judicial supervision and independence of arbitration processes is representative of wider policy arguments. On the one hand, arbitration is encouraged as the tool that helps to decrease court burden and support international trade and commerce in securing settlement of disputes amicably. By extending litigation and undermining trust in arbitration, increased interference by the judiciary contradicts all these ends. On the contrary, oversight of basic legal requirements and standards is against

the fairness and impartiality of process, which allows implementing awards that are against the basic principles of justice.

It is difficult to strike a balance between legitimacy and efficiency in the process of justifying intervention. In principle, this means that courts should respect the autonomy of arbitral tribunals, but keep them on the side of enforceability. The more recent discussions in policies are focused on proportionality, which implies that judicial check should be strong in cases involving fundamental rights and limited when the parties involved have freely chosen procedural structures (Menon, 2021).

DOCTRINAL TENSIONS BETWEEN AUTONOMY AND INTERVENTION

Theoretical Conflict

The coexistence of party autonomy and judicial intervention creates an inherent doctrinal tension within arbitration law. On one side, autonomy is presented as the central principle that legitimizes arbitration as a private ordering mechanism. On the other side, judicial oversight is essential for ensuring compliance with due process, public policy, and rule of law requirements. This duality reflects an unresolved conflict between the ideals of private self-governance and the imperatives of public legal order (Radicati di Brozolo, 2023).

In principal, the tension is most visible in debates over whether arbitration should be conceived primarily as a contractual process or as a quasi-judicial one. Contractual theories emphasize consent, autonomy, and freedom of contract, suggesting that judicial interference should be minimal. Jurisdictional theories, by contrast, view arbitration as deriving authority from the state's legal system, thereby justifying judicial oversight to safeguard legitimacy (Schultz, n.d.). The clash between these two perspectives continues to shape both scholarly debates and judicial practice.

Autonomy versus Due Process

One of the major conflicts in the practice occurs when party autonomy is not in alignment with the principle of due process. The parties may want to simplify procedures, limit evidence or limit hearings to save on expenses and time. Such arrangements however can be contested on the basis that they deny fairness or the right to be heard. At times, courts often interfere to provide minimum due process guarantees to arbitral procedures, even where parties have consented to the contrary (Terrizzi, 2025).

This creates a inconsistency, while autonomy empowers parties to design their process and due process imposes mandatory constraints that cannot be waived. The doctrinal challenge lies in defining the boundary between permissible procedural innovation and impermissible derogation from fundamental due process fairness. Different jurisdictions draw this line differently, which adds complexity to cross-border recognition and enforcement of awards.

Autonomy versus Public Policy

Another recurring tension is the relationship between party autonomy and public policy. Parties may attempt to exclude mandatory rules such as competition law, anti-bribery provisions, or consumer protections by selecting favorable jurisdictions or substantive laws. Yet courts often intervene to prevent enforcement of awards that contravene fundamental public policy principles. The New York Convention explicitly permits refusal of enforcement if recognition would be contrary to public policy (Born, 2021d).

This tension demonstrates the limits of autonomy in the face of collective societal interests. While parties are free to regulate their disputes privately, they cannot undermine values that states deem essential to their legal orders. This difficulty arises from the open-ended nature of "public policy" which allows significant discretion to the courts. This discretion can lead to unpredictability, particularly when states

expand the scope of public policy beyond the narrow international conception envisaged by the New York Convention.

Autonomy versus Finality

Party autonomy also collides with judicial intervention when courts review arbitral awards. Arbitration is prized for its finality, and parties often select it to avoid lengthy appeals in national courts. However, judicial review mechanisms allow parties to challenge awards on grounds such as excess of jurisdiction, procedural irregularity, or violation of public policy (Tesfay, 2021). While such review safeguards integrity, it risks undermining the finality of outcome that autonomy is meant to guarantee.

The doctrinal difficulty is whether courts should review awards narrowly for procedural defects or more broadly for substantive errors of law. Some jurisdictions, such as France, adopt a restrictive approach by limiting review to procedural legitimacy. Others, such as England, allow appeals on points of law with party consent under section 69 of the Arbitration Act 1996. These divergent approaches illustrate the doctrinal variance in reconciling autonomy with judicial control over outcomes.

Autonomy versus Equality of Contestants

Party autonomy may also clash with the principle of equality of arms particularly in situations involving asymmetry of bargaining power. Stronger parties may impose arbitration clauses that favor them, such as stipulating a distant seat, costly institutional rules, or selection of arbitrators aligned with their interests. Courts may intervene to strike down such clauses as unconscionable or contrary to mandatory protections (Mohamadinejad et al., 2021). This intervention is doctrinally justified by the need to ensure that arbitration does not become a tool of exploitation.

The tension here reflects a broader conflict between classical contract theory, which assumes equal bargaining power, and modern regulatory perspectives that recognize structural inequalities. Arbitration law attempts to preserve autonomy while preventing abuse, but doctrinal consistency remains elusive because the line between legitimate autonomy and coercive imposition is difficult to draw.

Divergent Jurisdictional Approaches

Doctrinal tensions are further compounded by variations across jurisdictions. The United States, with its strong pro-arbitration policy under the Federal Arbitration Act, tends to prioritize enforcement of arbitration agreements and awards even in contexts where weaker parties are disadvantaged. Critics argue that this undermines fairness by allowing corporations to impose arbitration on consumers and employees, with little choice available to them (Emerson & Hunt, 2021).

In contrast, European jurisdictions adopt a more interventionist stance, particularly in areas involving consumer rights and employment protections. The European Court of Justice has emphasized that arbitration clauses cannot deprive consumers of mandatory rights under EU law. This creates doctrinal tension with the principle of autonomy which is otherwise strongly supported in international commercial arbitration. Such divergence raises questions about whether a truly uniform doctrine of arbitration law is possible.

The Role of International Instruments

International instruments, such as the New York Convention and the UNCITRAL Model Law, attempt to reconcile autonomy with judicial oversight by confining court intervention to specific areas. The Convention limits refusal of enforcement to a closed list of grounds while the Model Law codifies the principle of minimal intervention. Yet their application varies widely across jurisdictions. Some national courts interpret public policy broadly while others adopt a narrow construction. Similarly, while the

Model Law envisions limited review, national courts sometimes expand intervention under the guise of protecting fundamental principles (Abimanyu & Sinaga, 2025).

This reveals a structural doctrinal tension between the international aspiration for uniformity and the domestic reality of divergent judicial attitudes. Arbitration law thus operates in an uncertain space where private autonomy operates under the shadow of judicial control.

Scholarly Critiques

Academic commentary has highlighted that the tension between autonomy and intervention is not merely practical but structural as well. Some scholars argue that autonomy is inherently illusive because arbitration ultimately depends on judicial enforcement. Others contend that judicial oversight is indispensable but should be more clearly restricted to reduce uncertainty (Landbrecht, 2021). The doctrinal instability persists because arbitration embodies a dual identity: it is both a creature of contract and an institution of adjudication embedded within the national legal orders.

COMPARATIVE PERSPECTIVES (INTERNATIONAL AND PAKISTANI CONTEXTS)

The balance between party autonomy and judicial intervention has been addressed differently across jurisdictions, reflecting distinct legal traditions and policy considerations. In England, the Arbitration Act 1996 enshrines the principle of party autonomy as a guiding principle, while still granting courts supervisory powers in instances such as setting aside awards on grounds of serious irregularity (Ali, 2024). The model adopted in England has influenced several common law jurisdictions that have sought to provide legal certainty while maintaining a narrow scope for court intervention.

In the United States, the Federal Arbitration Act (FAA) reflects a strong pro-arbitration stance with restrictive judicial review. The U.S. Supreme Court has consistently upheld arbitration clauses, treating them as contracts that must be enforced except in rare circumstances such as fraud, duress, or unconscionability (Ware, 2024). This approach illustrates a prioritization of contractual freedom and efficiency, often criticized for leaving weaker parties with limited recourse against unfair terms.

Civil law jurisdictions, such as France, have traditionally exhibited a strong emphasis on minimizing judicial involvement. French courts generally confine their review to public policy considerations, illustrating a pro-arbitration and autonomy-friendly environment (Gaillard, 2023). In contrast, Pakistan, while having reformed its legal framework through the Recognition and Enforcement (Arbitration Agreements and Foreign Arbitral Awards) Act 2011, still grapples with judicial activism. Enforcement of awards often gets delayed as courts entertain jurisdictional objections, undermining the effectiveness of arbitration agreements (Mumtaz et al., 2024).

At the international level, the UNCITRAL Model Law has provided a harmonizing influence. Many countries adopting the Model Law have codified the principle that judicial intervention should be limited to specific instances, such as assisting with evidence or ensuring procedural fairness (Yong, 2024). This framework has encouraged member states to adopt a balanced legal model, but divergence remains evident in practice due to national judicial attitudes.

The comparative analysis underscores that while international arbitration law has broadly converged on restricting judicial interference, domestic variations continue to shape arbitration's practical effectiveness. Pakistan's experience illustrates the challenges of implementing international standards where judicial culture remains inclined toward interventionist tendencies.

POLICY CONSIDERATIONS AND REFORM DEBATES

The current dispute of the party autonomy versus judicial intervention in arbitration law is heavily informed by the policy factors. The development of arbitration has had a close connection with the apparent benefits of efficiency, impartiality, and flexibility. Nevertheless, the excessively liberal autonomy will lead to the development of procedural abuses whereas overreaching of the judicial authority leaves arbitration as a substitute of litigation.

The protection of weaker parties in the contractual relationships constitutes one of the main policy issues. Although arbitration has the basis of equality of bargaining power, in reality, arbitration conditions are frequently imposed by corporations and state agencies on residential forms of contracts, and individuals, or small businesses, have no real option (Jadwani & Yadav, n.d.) This brings up fears that the autonomy of parties, if unchecked, can only continue to propagate inequality. Some scholars therefore believe that a judicial oversight is warranted as a control against exploitative practices to see that the arbitration agreements do not contradict fairness and due process.

A different policy aspect is whether the conduct of arbitration can be legitimate within the wider context of justice. According to opponents, arbitral tribunals are not as accountable and transparent as state courts because arbitral tribunals are private institutions (B Born, 2021). Judicial intervention is therefore defended as a means of maintaining legitimacy of the arbitration system, particularly in cases where awards may conflict with public policy or constitutional guarantees. However, proponents of autonomy contend that excessive court involvement creates uncertainty and delays, eroding arbitration's global competitiveness.

The scholarly discussions tend to find a balance between party autonomy and judicial intervention across different jurisdictions to enhance the arbitration sanctity and streamline its practice. The UNCITRAL Model Law has played a major role in providing an example of limited judicial intervention under specific conditions (Gullifer, 2022b). Some jurisdictions like Singapore and Hong Kong have gone to the extent of streamlining their legal systems to meet this standards provided by UNCITRAL Model Law, which improves global trust in their arbitration centers. Conversely, Pakistan is experiencing the demands to reform the courts to ensure they limit judicial activism, as well as to provide more effective statutory directions regarding the extent to which courts should interfere (Alam, 2024). Such reforms are seen as crucial to aligning domestic arbitration practices with international commercial expectations. The newly proposed arbitration law 2024 (bill) in Pakistan is an outcome of this realization which aims to curtail judicial intervention to make arbitration practice in Pakistan aligned with international standards.

The other reform area is related to the enforcement mechanisms. Application and recognition of arbitral awards under the New York Convention is still unequal with courts in certain jurisdictions exercising liberal interpretations of the exceptions to public policy (Nirwal, 2024). This divergent practice brings out the conflict of equality between national sovereignty and international standardization, especially in situations where arbitration is considered as the agent of economic globalization.

Altogether, it can be stressed that in spite of the idea that arbitration has to be based on the autonomy of parties, the role of the judiciary cannot be completely disregarded. Instead, the question is how one can come up with a legal framework that not only safeguards the integrity of arbitration but also increases its appeal as a just dispute resolution tool. This legal certainty is important in ensuring unimpeded and smooth conduct of international commercial activities. It is even more important in the times when World Trade Organization (WTO) dispute settlement system is already fractured and trade conflicts between major economies, US tariff war is recent example, are disrupting global trading activities.

CONCLUSION

The doctrinal review of the law of arbitration shows that the issue of whether the party autonomy or judicial intervention is a question of immense importance and warrants serious consideration. The arbitration is based on party autonomy, which is flexible, neutral and efficient. However, with the increase in the global use of arbitration, the imperative to have arbitration supervised by the judiciary has also become clear. The courts are the protectors of the rights of people and judicial oversight provide necessary guarantees that arbitration is not turned into a weapon of injustice.

Comparative analysis proves that although the international tools like the UNCITRAL Model Law and the New York Convention have promoted the restriction of judicial review among states, there still remain stark differences in national practices. The jurisdictions such as England and France have more or less limited intervention to extraordinary cases, and most developing countries like Pakistan are still grappling with judicial activism which is defeating the effectiveness of arbitration. These differences show that the way party autonomy and judicial intervention are exercised in practice is determined by legal culture and institutional capacity of the states.

Policy discussions also bring to the fore the fact that absolute independence leads to a continuation of inequality, and at the same time, the extreme encroachment of the judiciary undermines the credibility of arbitration process. The answer lies in a balanced approach which demands legal certainty regarding grounds of judicial intervention whilst maintaining the sanctity of party autonomy to reasonable extent. In order to establish themselves as reputable arbitration centers, national jurisdictions should focus on changes that meet established international standards, simplify enforcement processes and establishing judicial capacity to deal with arbitration related issues.

To sum up, the law of arbitration still needs a legal certainty to operate consistently within an environment where judicial intervention should not be a barrier, but a supporter, and party autonomy should be the ruling principle that will give arbitration the credibility it deserves as an alternative to litigation. The principles of good faith, respect and honesty backed by certain standards of practice are instrumental for the progress of arbitration to cater the dispute settlement needs of contemporary multicultural and cross border trade and commerce.

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