

International Arbitration in The Digital ERA

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Abstract

Alternative dispute resolution (ADR) is a process by which parties get resolved their disputes amicably without the intervention of the judicial institution. It deals with matters related to family, commercial contracts, negligence, partnerships, general trade, machinery and corporate disputes etc. International arbitration in the digital era is one of the most emerging industries in the legal field. It scrutinize how technology can be adeptly use to further sound arbitration proceedings. The methods of interaction between arbitration and technology, among them first one is the most comprehensible whereby parties and arbitrators make use of technology, second is ODR and Virtual ADR, the virtual ADR provides an uncomplicated resolution to the parties. Both parties can communicate with each other through video conferencing, which allows them both to hear and see each other. This research paper also discusses the relationship between arbitration and the technology and analyses how social media can affect arbitrators and counsel's behaviour.

Keywords

Arbitration, International Arbitration, Digital Era, ADR, ODR, VADR.

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Introduction

Alternative dispute resolution (ADR) is a process by which parties get resolved their disputes amicably without the intervention of the judicial institution. It deals with matters related to family, commercial contracts, negligence, partnerships, general trade, machinery and corporate disputes etc. International arbitration in the digital era is one of the most emerging industries in the legal field. Global mediation is a proficient and compelling method for settling cross line disputes in an unbiased and confidential setting, under adaptable and internationalized rules, and with overall implementation of arbitral choices. Unfamiliar financial backers can likewise go to worldwide speculation discretion for cures when states participate in ill-advised mediation and in this way upset or seize ventures. Worldwide arbitration is especially appropriate to adjust to the difficulties presented by the Coronavirus pandemic its confidential nature permits gatherings to keep delicate business questions secret and takes into account more prominent procedural adaptability than public court case, as proven by the mediation local area's consistent change to virtual hearings and paperless procedures. The collaboration among innovation and arbitration isn't something for the future - it is occurring at present. The test that lies before us is the most effective method to coordinate innovation in a systematic design and use it to further develop discretion. Innovation will alter the manner in which we arbitrate. It is up to the arbitration community to settle on how this occurs, not when.

Methods of Interaction

The global arbitration community has forever been centred around working on the productivity of arbitration. The unique partners in arbitration look to enhance such factors as the term, expenses of mediation, as well as the straight forwardness and consistency of these elements.¹ At present key question is that innovation would be able proceed to assume a part in accomplishing these objectives. The methods of interaction between arbitration and technology, among them first one is the most fathomable, for example by which parties and arbitrators utilize innovation in help of the system.² Expenses and time are saved by imparting exclusively by method of email and recording entries and shows on a web-based stage or on the other hand 'drop box', the admittance to which is given by the arbitral establishment or on the other hand the authority. Also, throughout the course of recent years, procedural hearings have been progressively held by phone or video-conference. Interestingly, witness hearings or hearings on the merits today generally stay physical experiences which must be arranged well ahead of time and which have a significant effect on the assertion costs.

The second association is in full turn of events: the creation and utilization of stages for Online Dispute Resolution (ODR) to work with dispute resolution.

ODR stages exist in all shapes and sizes and can serve unique purposes, however they all target resolving a dispute in a straightforward, quick, adaptable and effective way. The primary inquiry encompassing ODR is the way to ensure that the basic standards of dispute resolution are protected. An ODR framework ought to meet the standards of decency, fair treatment, straightforwardness, responsibility, unbiasedness, productivity and viability. Up to this point, the primary focal point of ODR is to get disputes in regard to low-esteem exchanges from customary legal frameworks.³

The ODR stage made by the European Association in 2015 endeavours to meet that goal, disregarding the way that evidently it is essentially a way for buyers to endeavour to team up with vendors when a discussion has arisen.⁴ One of the most captivating features of ODR stages is that they normally offer different ways or levels to decide a question. When in doubt, an ODR cycle will have three stages: negotiation, worked with settlement and a third stage adjudication.⁵

The third one is virtual ADR, the virtual ADR is a new process for settling dispute through virtual interaction. It provides an uncomplicated resolution to the parties. Both parties can communicate with each other through video conferencing, which allows both of them to hear and see each other.

Tools in Digital Arbitration

Correspondence is the pre-condition to address the matter before the suitable specialists. Customarily we were utilized papers to introduce the case and actual participation of the gatherings and witnesses were required however at present situation methods of correspondence have been changed paper to electronic ways on account of the innovation. Technology and internet make simple and speedier ways and devices to convey. Tools in digital arbitration refer to the equipment's for conduct the proceeding of arbitration at globally. When we decide which web search tool to buy into, which data set to look and which programming to purchase we need to remember, that despite the fact that evaluating new computerized tools may be enjoyable. The motivation behind such a device is to lead an arbitral procedure in an additional time and cost-productive way. The Clients won't be enthusiastic about digitalization for it. While taking a gander at new instruments and outrageous mechanized devices, the contraptions that are utilized are by a wide margin the greater part of the times not momentous new turns of events. In light of everything, they depend on what is expected by the court, the social occasions or its aide and keep watching out for this need by making and fostering the things accessible and at times clearly envisioning an all-out new thing.⁶ While requesting the client from computerized apparatuses, what they need, regularly, the reaction is to improve

previously existing cycles. The current's tools are following which might be help out, through email, phone, video conference and different internet-based stages which are working for online gatherings, for example, google meet, Microsoft team, what's-up, zoom, skype, webEx, cisco webex meeting and so on.

Reasons for Growing Technology in the Arbitration Proceedings At Globally

Throughout recent years, we have seen a blast in the application of technology to all parts of our regular routines and everyday organizations. To be sure, there has been a proceeded with speed increase of this interaction as time passes. With the Coronavirus pandemic convincing all enterprises to embrace adaptable working practices. Consistently, innovation has kept organizations, working environments, and any remaining substances up and working. This is additionally evident in the arbitration field. Most of worldwide arbitral organizations were obliged to involve remote types of debate goal because of worldwide lockdowns, bringing up a few issues about the framework's dangers and advantages.⁷ Today, over the long haul, the innovations utilized in and for human administrations are turning out to be further developed. We are perceiving how these sorts of advances are turning out to be more pervasive in our life. From composing cases in the record to saving the information on the PC, from declaration of cause rundown to online accessibility of date of next hearing, impedance and effect of innovation should be visible wherever in the legitimate field moreover. Same is the situation with mediation innovation is utilized in different circles of discretion where it offers benefits like - productivity in work, adequacy of the work, easy and speedy justice, transparency in justice delivery system, effectiveness of the work, decreeing the cost of work, party do not have to travel, easy accessibility to documents by storing and authenticity of them in a digital form and comfort it gives while culmination of the work.

Impact of Technology on Arbitration Proceeding

Information technology is the greatest accomplishment of the science that is useful to every single person of society in each part of life. Advancement have been caught each stream and play critical roll to deal with circumstance, make simple and solace to assistant the work. Enhancement in innovation, especially somewhat recently, have in like manner impacted the course of global arbitration itself. The utilization of innovation presently saturates and works with the discretion cycle in a wide assortment of ways. Similarly by virtue of information, data can be taken care of online rather than managing huge piles of papers in the construction case records. This makes mediation strong and viable as well as by working with straightforward receptiveness to the reports by taking care of them in a mechanized construction. Counsel, mediators, and foundations had recently introduced, executed and involved

new progressions in overall intercession before the improvement of the Covid pandemic. Tragically, disregarding the stunning benefits and for various reasons, show of development has been happening right at a piecemeal speed.⁸ While the issue of implying the use of current development may be expressly suggested in the get-togethers discretion courses of action, such reference was, practically speaking modestly unprecedented before Covid-19. In similarity of the consensual thought of intercession, mediation could moreover choose such utilize going before or during the arbitral methodology.

Pros of Technology In International Arbitration

Development of the innovation and web has significantly had an impact on the approaches to working style of each and every part of this globe. After the improvement of web, computers and mobile phones we as a whole are interface with one another more closely regardless of the boundaries. Even though the issue of inferring the use of current progress might be explicitly proposed in the group's declaration plans, such a reference was essentially quite significant prior to the Coronavirus. In comparability of the consensual thought of mediation, get-togethers could other than pick such utilize going beforehand or during the arbitral systems.⁹ Development movement and its application in arbitration proceedings contribute to the evaluation and decision-making process. During the arbitration process, innovation has a number of advantages, including the elimination of geographic shut off points, isolation directed, support when stress is high, less expensive, time saving, transparency in records, and faster delivery of data.

Fatal Consequences of Technology In the Field of Arbitration

There are many advantages of connecting innovation with arbitration however this can likewise lead unfavourable impact on the general set of laws.

1. The most significant risk posed by the application of innovation in the field of arbitration is the threat to the security framework. Hackers have used the fictitious character a lot of times to control the evidence reports.
2. Internet outages or problems with the framework can cause the web to stop working when it is most needed, which can make the problem worse rather than solve it. Because India's internet speed is not as fast as that of other countries, getting line talks over video conferencing can be difficult. This can lead to miscommunication between the parties, which could affect the outcome of the case.
3. Releasing the fragile information associated with the case which ought not to be spilled.

4. The issue of virus in computer programs is most certainly not a pariah thought. It has the potential to corrupt the data stored on the computer and to delete important case-related documents.

Conclusion

International arbitration is the preferred method for resolving international disputes. To be honest, there are lot of energy, normal assets, framework, and development business administration agreements with discretionary clauses. It permits groups to classify sensitive business questions and takes into account more significant procedural adaptability than public court cases. In the field of regulation and arbitration, innovation is a wonderful gift. The most important thing we want to learn is how to use it in a reasonable way to get the most out of it. In spite of the way that there are various issues which arises due to information technology, yet it is particularly hard to ignore the advantages it offers of real value which assists being developed of legitimate field or in discretion with circumnavigating. Mediation is not harmed by innovation. It can and should be used to work on the perspectives for which intervention is investigated today. The worldwide arbitration association has created and is yet becoming more grounded at an incredibly high speed.

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