

Examining the Status of Arbitration in Iranian Law with an Emphasis on Imami Jurisprudence

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1. Round 1

1.1. Reviewer 1

Reviewer:

The historical context of arbitration in Iran is well-stated, but it would be beneficial to support this claim with references to historical sources or case studies demonstrating its long-standing use in Iranian society.

The claim about arbitration being recognized as a profession in developed countries should be supported with examples of specific legal frameworks or institutions (e.g., ICC, LCIA, SIAC) that have contributed to its institutionalization.

Domestic Arbitration (Sentence: "Domestic arbitration refers to arbitration that takes place within the geographical boundaries of a country and deals with disputes arising within that country.")

The definition of domestic arbitration is accurate, but it would be beneficial to clarify how Iranian law distinguishes domestic arbitration from international arbitration, particularly under Iranian procedural codes.

The text states that arbitration may be administered by an international institution such as ICSID. However, ICSID handles investor-state disputes, not all types of international arbitration. Consider revising to clarify the specific types of cases ICSID handles.

The discussion of arbitration's legal nature could be enriched by referencing leading legal theories on arbitration (e.g., contractual, jurisdictional, hybrid theories) and connecting them to Iranian and Imami jurisprudential perspectives.

The discussion of arbitration in Imami jurisprudence would benefit from examples of how Qadi al-Tahkim has historically functioned in Islamic governance and how these precedents influence modern arbitration in Iran.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The introduction mentions previous studies but does not explicitly highlight how this research fills a gap in the literature. Consider adding a brief statement clarifying the unique contribution of this study to the existing body of research.

The reference to "1911" appears to be incorrect or anachronistic. Verify the publication year to ensure accuracy, as it is unlikely that a study from 1911 discusses contemporary arbitration practices.

The discussion on Rahimi's study lacks depth regarding how the comparative analysis of arbitration in Iran, Islam, and the U.S. relates to the study's findings. It would strengthen the review to discuss key differences and similarities in arbitration practices across these legal systems.

This section could benefit from more detailed examples of cases where each type of arbitration (institutional, ad hoc, domestic, international) would be applicable, particularly in the Iranian legal context.

While this section covers the contractual theory well, it lacks an explicit discussion of how Iranian law accommodates or restricts party autonomy in arbitration agreements. Consider integrating references to specific Iranian legal provisions.

The jurisdictional theory is discussed well, but it would be beneficial to elaborate on how this theory is reflected in Iranian court decisions regarding arbitration. Are Iranian courts inclined toward judicial intervention in arbitration?

The mixed nature of arbitration is explained well, but additional references to international arbitration scholars or jurisprudence would help reinforce this argument.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.