

**Structural Inclusiveness and the Institutional Limits of Judicial Internationalization: A Jurisprudential Analysis of the China International Commercial Court (CICC)****Li Nan**

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Email: [p120992@siswa.ukm.edu.my](mailto:p120992@siswa.ukm.edu.my)ORCID: <https://orcid.org/0009-0002-5291-5774>**Abstract**

In recent years, the institutionalization of international commercial arbitration has become a prominent trend in global judicial governance. As a flagship measure for the internationalization of China's justice, the International Commercial Tribunal of China (CICC) aims to strengthen the ability to resolve cross-border disputes under the framework of the Belt and Road Initiative and improve the credibility of justice. However, its operation practice shows that there is a continuous structural tension between sovereign authority and procedural autonomy. Although CICC is formally international, it has not yet formed an embedded mechanism to generate institutional trust, thus falling into a dilemma that can be called "symbolic openness". In response to this research gap, this article adopts institutional functionalism and jurisprudential analysis methods to explore the institutional boundaries of the internationalization of justice within the sovereign judicial system. Through the comparative analysis of the International Commercial Tribunal (SICC) of Singapore, the International Financial Center Court of Dubai (DIFC) and the International Commercial Chamber (CICAP) of the Court of Appeal in Paris, France, this article identifies under what conditions under which sovereign judicial institutions can achieve a balance between procedural autonomy and institutional trust. The article further put forward the two propositions of "structural inclusion" and "sovereign credibility", pointing out that through the opening up of the language system, the diversification of the access of lawyers and the internationalization of the composition of judges, the endogenous cultivation of institutional trust can be realized without weakening sovereignty. The research results show that the transition from symbolic openness to structural inclusion is a feasible path for CICC to promote the internationalization of justice, and provides a new analytical perspective for understanding the institutional reform of the sovereign judicial system.

**Keywords:** Judicial Internationalization, Institutional Limits, Structural Inclusiveness, Sovereign Credibility, Procedural Autonomy, China International Commercial Court (CICC)

**1. Introduction**

Since its establishment in 2018, China International Commercial Court (CICC) has been a permanent judicial body directly under the Supreme People's Court, aiming to serve the "Belt and Road" construction and promote cross-border commercial disputes. The institutionalized solution of the end. Its establishment responds to the strategic needs of China's deepening pattern of opening up to the outside world, the growth of cross-border disputes and the improvement of international judicial discourse. CICC has institutionally introduced expert committees, litigation integration and "one-stop" dispute settlement mechanisms, showing an international orientation. However, at the operational level, the institution still faces the dilemma of "formal openness and substantive closure", that is, while maintaining national judicial sovereignty, the degree of opening up to the outside world is limited, which makes it difficult to fully release its international credibility and judicial attractiveness. This phenomenon reflects the structural tension between CICC's sovereign logic and procedural autonomy, and also reveals the core challenges faced by the sovereign judicial system in promoting the internationalization of justice.

At the global level, the rise of the International Commercial Court has become an important trend in the rule of law. The establishment of institutions such as the International Commercial Court of Singapore (SICC), the Dubai International Financial Center Court (DIFC) and the International Commercial Chamber (CICAP) of the Court of Appeals in Paris, France, marks the institutional competition between countries in the field of cross-border dispute settlement and the right to speak on international rule of law through the internationalization of justice. These courts explore the balance of procedural autonomy and international trust within the sovereign framework by introducing international judges, adopting multilingual trials and establishing a mechanism for arbitration, reflecting the institutional evolution from single sovereignty to cooperative sovereignty.

Although the number of relevant literatures is increasing, the existing research mostly focusses on the descriptive analysis at the institutional level, and lacks attention to the legal roots of the limited internationalization of CICC. Most discussions focus on its mechanism innovation, expert participation and policy functions, while there is a lack of systematic explanation of the structural tension between sovereign control and the opening of procedures, nor does it reveal how institutional trust is generated within the sovereign system. The institutional contradictions of CICC have therefore become a typical case of understanding the dilemma of the internationalization of sovereign justice. Making up for this theoretical gap is not only of academic significance, but also conducive to improving the practical path of the internationalization of China's justice.

In response to the above problems, this article adopts institutional functionalism and legal analysis, compares the institutional experience of SICC, DIFC and CICAP, and puts forward "structural inclusiveness" and "sovereign credibility" (Ty through trust) two propositions to reveal that CICC, as an institutional experiment to promote the internationalization of justice within the sovereign judicial system, reflects the structural contradiction between "sovereign control" and "open procedures". This force not only restricts its institutional effectiveness, but also raises fundamental questions for the positioning and participation mode of China's judiciary in the global rule of law order.

The current academic discussion mainly focuses on the institutional innovation and policy functions of CICC. For example, Huo and Yip (2019) believe that its integrated mechanism of litigation, mediation and arbitration has structural advantages; Sun (2024) regards the "one-stop" dispute resolution platform as an institutional innovation of China's judicial internationalization; Chaisse and Qian (2021) and Alcole A (2022) pointed out that CICC assumes the symbolic function of displaying the image of the rule of law in the context of the "Belt and Road". However, these studies generally stay at the level of mechanism description and fail to reveal the structural roots of "internationalization restrictions". As Huo and Yip (2019) pointed out, although CICC has the characteristics of international appearance, it has not yet formed a real procedural autonomy mechanism.

In order to break through the above limitations, this article constructs the "tripartite jurisprudential framework" as an analytical path, and systematically reveals the inherent tension and normative dilemma of CICC internationalization:

(1) **Institutional Sovereignty:** As an institution under the Supreme People's Court, CICC is subject to the principle of "unified judicial leadership" established by the national constitution. This institutional dependence limits the space for international cooperation, and the practice of internationalization is locked in the logic of sovereign control. From the perspective of jurisprudence, national judicial sovereignty is not only reflected in the exclusivity of jurisdiction, but also structurally shapes the open boundaries of the judiciary through institutional design.

(2) **Procedural Autonomy:** As the core of measuring the depth of judicial internationalization, procedural autonomy requires the parties to participate equally in litigation, agency selection, language use, etc. However, the limitations of CICC in the composition of judges, access to lawyers and the language system make it difficult for foreign subjects to achieve procedural dygality. In contrast, procedural autonomy is not only the external characterization of procedural justice, but also the intrinsic basis for the generation of institutional trust.

(3) **Legality through Trust:** The essence of the internationalization of justice lies in winning the institutional trust of transnational subjects. The trust comes from the perceptibility of procedural justice and the predictability of institutional adaptability. At present, the CICC model still has a trust deficit at the international level due to over-reliance on the logic of domestic law. Institutional trust is not the projection of the coercive force of a single country, but the continuation of

predictability and reciprocity in cross-institutional relations. CICC reform needs to go beyond formal integration and pursue structural restructuring.

Based on this triple dimension, this article aims to explore the extent to which the current institutional design of CICC limits its internationalization process, reveal the legal conflicts reflected by its institutional tension, and analyze the feasible path to achieve "structural inclusion" within the sovereign framework. In order to achieve the above research objectives, this paper adopts a method of combining normative legal analysis and comparative methods: the former is used to reveal the institutional structure and legal tension of CICC, and the latter examines the SICC, DIFC and CICAP establishes a comparative reference for "functional equivalence" to evaluate the feasible path of CICC reform.

This research aims to promote the internationalization of China's justice from "symbolic institutional construction" to "substantial legal participation", put forward "structural inclusiveness" as the core proposition, and explore how to communicate without weakening the sovereign judicial framework. The generation of institutional trust realizes the opening of procedures and the reconstruction of transnational legality.

## 2. Institutional Positioning and Internationalization Dynamics of the CICC

The institutional positioning of China's International Commercial Tribunal (CICC) deeply affects its internationalization practice path. As an integral part of the state's jurisdiction, the operating mode and institutional space of the CICC must be examined within the framework of sovereignty. It is this "controlled openness" model that makes it show obvious structural tension in the process of promoting the internationalization of justice - that is, the institutional pursuit of international integration and essentially maintaining the logic of sovereignty. This tension is not a technical problem, but a structural constraint inherent in the judicial constitution.

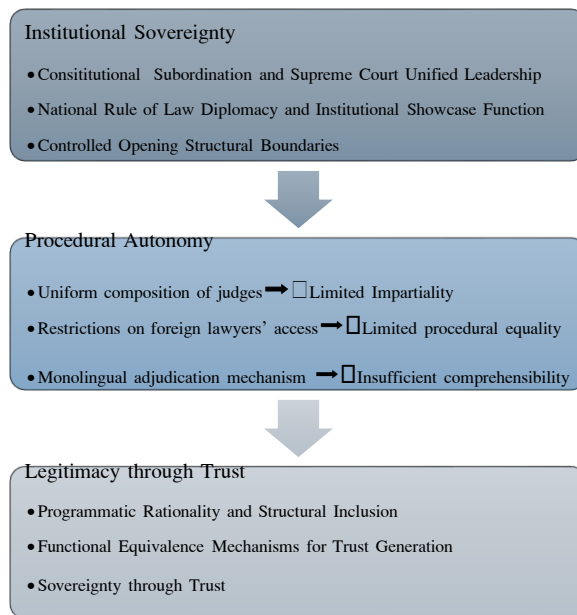


Figure 1. CICC Internationalized Three-Point Analysis Framework

*Note. This figure shows the overall analysis logic of this article: institutional sovereignty determines the structural boundaries of judicial internationalization, the actual depth of the current internationalization of the procedural government, and trust in legitimacy constitutes the ultimate goal of institutional transformation.*

### 2.1 Constitutional constraints under the Supreme People's Court

CICC is affiliated with the Supreme People's Court, and all its institutional settings, organizational structure and judicial powers are subject to the principle of "unified judicial leadership" established by the Constitution. As Cai and Godwin (2019) pointed out, although CICC has the appearance of the International Court of Justice, it is still under the direct leadership of the Supreme People's Court in essence. Its appointment of judges, procedural management and administrative guarantee are all under the unified control of the Supreme Court, and it lacks the status of an independent judicial subject.

Zhang (2020) further believes that this highly centralized judicial system determines that the operating space of CICC is necessarily subject to the structure of state power, and its "internationalization" is more reflected in the institutional display under the leadership of the central government than the true sense of judicial autonomy. Although the cases of CICC involve transnational commercial disputes, its legal application and procedural mechanisms still strictly follow the general rules of domestic courts, reflecting the institutional constraints of sovereign justice.

From the perspective of constitutional legitimacy, Qian (2020) pointed out that the international function of CICC is not based on the transnational sharing of judicial power, but a "functional extension" with the will of national judicial unity as the core logic. Therefore, its international attributes are limited to the sovereign framework, which is more reflected as an extension of national rule of law diplomacy than an independent international judicial cooperation mechanism.

Chaisse and Qian (2021) summarized this model as "conservative innovation": CICC is given international discourse, but it still reflects the structural embedding dominated by national sovereignty. Its international function is in the state of "sovereign representation", that is, to show national authority through the openness of the appearance of justice, rather than realizing transnational judicial cooperation through the transfer of power.

### 2.2 Institutional positioning of "service-based judicial display"

In the central policy design, CICC is clearly defined as a "service-based judicial display" institution. According to the establishment document, its main function is to "serve the "Belt and Road" initiative" and enhance the soft power of the national system by building a judicial platform with an international image. Sun (2023) pointed out that the creation of CICC is a strategic institutional arrangement. Its task is not only to hear international commercial cases, but also to show the achievements and concepts of the modernization of the rule of law in China.

From the perspective of policy function, Li (2024) believes that CICC is essentially a "national image project", which uses the judicial system as the medium to shape the credibility of the national rule of law through formal innovation. Although this positioning has enhanced the international visibility of China's justice, it also lacks the procedural autonomy and equal participation mechanism required by the traditional International Court of Justice.

Shan and Feng (2021) further pointed out that the "internationalization" of CICC is essentially a "judicial diplomacy project" carried out under the leadership of the will of the state. Its institutional operation is closer to a functional display platform than a multilateral judicial co-construction mechanism. Chaisse and Qian (2021) also believe that this model reflects the logic of "national rule of law diplomacy", that is, shaping the international rule of law discourse through judicial display. As a result, the political tasks of judicial display and the legal needs of procedural autonomy form a continuous tension in the system.

In general, CICC has formed a dual mission between "national unified justice" and "international appeal": it must not only show the modernity of the national rule of law, but also maintain the institutional boundaries under the unity of sovereignty. This structural feature determines that its internationalization practice has always been in a state of limited openness.

### 2.3 "Symbolic Internationalization" and Institutional Constraints

At the institutional level, the internationalization of CICC is mainly reflected in the "symbolic internationalization". On the surface, it introduces international elements such as the International Committee of Commercial Experts, the arbitration and Mediation alignment mechanism, and the citation of English materials, but most of these arrangements are "formally open" and do not touch on substantive procedural autonomy and subject diversity.

Chaisse and Qian (2021) pointed out that this "conservative innovation" is more of an institutional rhetoric: building political legitimacy through formal internationalization than true judicial autonomy. When comparing CICC with the International Commercial Court of Singapore (SICC), Huo and Yip (2019) found that the former's judge appointment, trial language and lawyer qualifications are all controlled by sovereignty; foreign experts only have consulting functions, and foreign lawyers are not allowed to appear in court directly. Yip (2019) emphasized that the real international commercial court should have a mechanism of procedural autonomy and trust, based on the consensus of transnational rule of law, rather than relying only on "international appearance" to achieve symbolic openness. Therefore, the internationalization of CICC is more of a state-led institutional strategy. Zhang (2020) pointed out that this structure of "open form and closed content" helps to improve the image of the judiciary in the short term, but the long-term risk lies in the lack of external trust mechanisms. When international commercial entities face real disputes, whether to choose CICC will depend on whether it can provide substantive, fair and neutral judicial guarantees. If its internationalization is always at the symbolic level, the judicial attractiveness will inevitably be limited.

The institutional positioning of CICC determines that its international practice can only be carried out within the framework of a unified national judiciary. This "controlled and open" structure reflects its international function more as the display of the national rule of law rather than institutional autonomy. The core of its international tension is not external institutional transplantation, but how to generate trust and procedural legitimacy in the sovereign judicial system. Therefore, in the following chapters, this article will further explore whether this institutional tension can be resolved through "structural inclusion" from the perspective of systematic theory and structural functionalism, so as to achieve international trust and procedural autonomy in the judicial system without weakening sovereignty.

### 3.The Triple Institutional Barriers to CICC's Internationalization

Since its establishment in 2018, CICC has been given the goal of serving the "Belt and Road", showing the image of China's rule of law and building a one-stop dispute resolving platform. Its operation is reflected in the "controlled opening" under the framework of unified judicial power: core jurisdiction, agency and procedural language are strictly integrated into sovereign judicial logic. From this, there are three institutional obstacles: the unity of judges, the restrictions on the access of lawyers, and the closure of the language system. For the overall understanding, please refer to Table 1.

**Table 1. Structural analysis of the three major institutional obstacles of CICC**

Institutional Barrier	Normative / Institutional Source	Operational Manifestations & Structural Outcomes	Jurisprudential Implication
Judicial Homogeneity	<i>Provisions of the Supreme People's Court on Several Issues Regarding the Establishment of the International Commercial Court</i> (2018); <i>Judges limited to Chinese nationals; Expert Committee advisory only.</i>	Lack of cross-jurisdictional judicial composition; foreign experts excluded from adjudication; weakened international perception of neutrality.	Procedural impartiality and institutional trust remain unstructured (Cai & Godwin, 2019; Shan & Feng, 2021; Antonopoulou, 2024).
Restricted Legal Representation	<i>Lawyers Law of the People's Republic of China</i> , Art. 14: foreign lawyers are prohibited from court representation; participation limited to consultancy roles.	Nationalisation of representation; restricted procedural autonomy and equality of hearing; erosion of perceived fairness and trust.	Procedural justice constrained; international trust structurally compressed (Huo & Yip, 2019; Alcolea, 2022; Chaisse & Qian, 2021).
Linguistic Closure	<i>Procedural Rules for the China International Commercial Court (For Trial Implementation)</i> (2019): Mandarin designated as the sole procedural language; English translations of judgments remain limited.	Limited judicial accessibility; restricted global comprehension and citation of judgments; formation of "legitimacy islands."	Linguistic closure weakens procedural transparency and legitimacy dissemination (Torbisco-Casals, 2021; Yan & Liu, 2024; Zhang, 2020).

Note. This table systematically summarizes the triple institutional obstacles to the internationalization of the International Commercial Tribunal of China (CICC), showing its structural tension from the source of the system, operation performance to legal consequences. These three together reflect the institutional logic of "sovereignty-limited openness" and constitute the core mechanism of "controlled internationalization".

### 3.1 The singleness of judges: the dilemma of neutrality and the limit of "symbolizing openness"

**3.1.1 Institutional history and organizational boundaries:** According to the "Several Provisions of the Supreme People's Court on the Establishment of International Commercial Tribunals" (2018), the trial organization, judge appointment, business guidance and personnel management of CICC are all included in the unified leadership of the Supreme People's Court<sup>1</sup>. Judges must be citizens of the People's Republic of China and are subject to the joint regulations of the Organic Law of the People's Court, the Judges Law and the internal selection rules of the Supreme Court. The positive function of this arrangement is to ensure the unity of judicial power and the consistency of the application of the law, but at the same time, it fundamentally excludes the institutional possibility of foreign judges. Cai and Godwin (2019) pointed out that the constitutional design of CICC reflects the state's centralized management logic of judicial power, and its internationalization can only operate within the framework of "controlled openness". In response to the outside world's questioning of "closure", the Supreme Court set up the "International Committee of Commercial Experts" to attract experts from many countries to provide advice and mediation. However, as Shan and Feng (2021) said, the committee does not have the right to adjudicate, and its function is more of auxiliary and symbolic institutional innovation.

**3.1.2 Operation performance and symptoms:** In specific operating scenarios, the singleness of judges directly affects the "appearance of neutrality" of CICC. The parties and their legal advisers often judge the neutral image of the procedure based on whether the trial members have cross-legal and cross-national backgrounds. Since the CICC's judicial power is exercised entirely by Chinese judges, and foreign experts only stand aside in the form of consultants, the signal of international participation is significantly weakened. Alcolea (2022) pointed out that in many commercial courts that claim to be "internationalized", their core competitiveness is not names or labels, but in procedural autonomy, openness of language and jurisdiction, and transnational neutrality of referees. Huo and Yip (2019) also emphasized that judicial diversity is a necessary prerequisite for the formation of international trust.

**3.1.3 Institutional consequences and spillover impact:** First, the spillover effect of trust is insufficient. Cross-border parties are more inclined to regard CICC as "an extension of national courts" rather than "international courts of courts", thus reducing the possibility of being selected at the stage of election and consensus jurisdiction (Zhang, 2020). Second, the comparative disadvantage is amplified. Against the background of the widespread introduction of foreign judges by international commercial courts in other domains, it is difficult for CICC's "single nationality jurisdiction" to establish reciprocal psychological expectations (Holloway, 2020). Third, it is difficult to explain that the community is generated. The joint participation of cross-law judges not only enhances professional depth, but also promotes the dissemination and citation of international judgments. Grout and Blair (2022) pointed out that the lack of this interpretation community will weaken the visibility of CICC in the global commercial justice system.

**3.1.4 Legal analysis: from procedural legitimacy to institutional trust:** From the perspective of institutional jurisprudence, the unity of judges is not a matter of staffing, but a structural shortcoming of procedural justice. If CICC cannot show structural diversity, it will be difficult to establish procedural legitimacy and visible neutrality. Antonopoulou (2024) pointed out that the attractiveness of the International Commercial Court depends on whether it can produce trust in a structured way, rather than on policy declarations. As emphasized by Chaisse and Qian (2021), if the internationalization of CICC stays at the symbolic level, its institutional trust will be difficult to accumulate itself in the global rule of law ecology.

### 3.2 Restrictive access to lawyers: procedural autonomy, equal participation and "nationalization of agency"

**3.2.1 Standardize the foundation and institutional boundaries:** Article 14 of the Lawyers Law of the People's Republic of China clearly stipulates that foreign lawyers shall not appear in court in Chinese courts<sup>2</sup>. As a commercial trial body directly under the Supreme People's Court, CICC has not detached from this general norm, nor has it established an independent franchise registration or temporary practice exemption mechanism. The role of foreign lawyers in CICC is "consultant-based", mainly acting on the functions of legal opinion writing, evidence assistance and out-of-court negotiation support, rather than litigation agency.

<sup>1</sup> *Provisions of the Supreme People's Court on Several Issues Regarding the Establishment of the International Commercial Court* <https://cicc.court.gov.cn/html/1/219/208/210/817.html>

<sup>2</sup> *Lawyers Law of the People's Republic of China (as amended in 2023)*, Article 14. (Adopted at the 28th Meeting of the Standing Committee of the 8th National People's Congress on 15 May 1996, last amended 1 January 2023).

Cai and Godwin (2019) pointed out that this arrangement reflects the institutional logic of China's judicial system to "maintain the right of interpretation and the right of speech in foreign-related fields". Its positive significance lies in maintaining the unity of sovereignty and the consistency of the application of the law, but at the cost of weakening the parties' procedural autonomy and equal hearing rights.

**3.2.2 Operation mechanism and practical effect:** In foreign-related contracts, cross-border corporate governance and investment and financing disputes, the parties often rely more on foreign lawyers who are familiar with the law of their home country and international trading habits. After foreign lawyers are "consulted" under the CICC system, foreign parties must relay their legal claims through local lawyers, which increases the chain of semantic transmission in practice and forms a procedural "asymmetric advantage". Huo and Yip (2019) describes this structural phenomenon with "nationalization of representation": the defense of the parties is bound to the local agency system, and the procedural ability and strategy are weakened by the system. As a result, the "procedural equality" of the parties participating in litigation is structurally compressed and turned into the erosion of procedural trust over time.

**3.2.3 Policy dynamics and untouched core:** In recent years, China has shown a certain trend of openness in the field of foreign-related legal services. In 2020, the Foreign Investment Law established transparent rules for foreign investment access; in 2023, the Ministry of Justice revised the Measures for the Administration of Representative Offices of Foreign Law Firms in China to promote cooperation between Chinese and foreign law firms; in 2024, the Supreme People's Court also proposed to "study the establishment of an international commercial lawyer system". However, these measures have not broken through the system red line of "foreign lawyers are not allowed to appear in court". As Kong Qingjiang (2022) pointed out, the internationalization reform of CICC mainly stays at the level of institutional display and compliance cooperation, and does not enter the core of the litigation agency system. Chaisse and Qian (2021) also believe that this "conservative innovation" is a symbolic openness, and its internationalization function is more reflected in the national rule of law image engineering than procedural autonomy. Shan and Feng (2021) further pointed out that although such institutional arrangements can formally enhance international visibility, they continue the state-led judicial closure in jurisprudence.

**3.2.4 Legal evaluation: equal hearing and substantive autonomy:** The principle of due process requires not only "to be heard", but also "to be heard on an equal footing". When foreign lawyers cannot appear in court and can only be recounted by local lawyers, the parties' ability to express law-based and international transaction habits is institutionally weakened. Alcolea (2022) pointed out that in international commercial disputes, the degree of realization of procedural autonomy determines the parties' subjective perception of the "institutional neutrality" of the court; when the autonomy space is compressed, trust cannot be generated. In other words, the credibility of the International Commercial Court depends on its openness and autonomy in the rules of procedure and the structure of judges, not on a simple institutional declaration. The CICC's lawyer system continues the closed boundaries of the national court system and does not form a functional equivalent arrangement with the international practice at the level of judicial representation. Under the premise of not touching the sovereign attributes, if the "narrow-caliber opening" such as limited registration or case chartered court cannot be introduced, it is difficult to achieve procedural autonomy and equal participation, and internationalization is difficult to get rid of the logic of "display type".

### **3.3 The closed nature of the language system: judicial accessibility, transparency and "legitimacy island"**

**3.3.1 Institutional rules and operational facts:** According to the Rules of Procedure of the International Commercial Court (Trial Implementation) and other normative documents, Chinese is the only language of trial, and all litigation materials, trial records and judgments shall be subject to Chinese; foreign materials must be accompanied by authoritative Chinese translations<sup>3</sup>. Cai and Godwin (2019) pointed out that this monolingual system strengthens judicial unity, but also compresses the open space of procedures at the international level. CICC's judgments are mainly disclosed through the China Judgment Document Network and the Gacommunique of the Supreme People's Court, and the official English translation is extremely limited. Zhang (2020) believes that this "asymmetry of information availability" leads foreign subjects to face a high threshold in understanding refereeing logic and procedural rules. Although the CICC English website has been launched, it only provides summary information, which is difficult to meet the systematic reading needs of the international academic and practical community for "reasons-rules-precedents", resulting in a significant decline in the understandability of the program.

**3.3.2 The causal chain of language and program participation:** Language is not only a medium of communication, but also a prerequisite for access to justice and procedural transparency. For foreign parties, the monolingual system directly increases the cost of understanding and communication, and the intervention of translation makes it easier for legal reasoning to be distorted and trigger secondary interpretation in translation. Torbisco-Casals (2021) pointed out that the legitimacy of the International Court of Justice depends not only on the output of legal authority, but also on the openness of its language and interpretation mechanism; when the language system is closed, it is easy to form a "legitimacy island" (Ds), blocking the international community's penetrating understanding of court reasoning and value orientation. In other words, when the "readability, interpretability and portability" of the judgment cannot be realized at the same time, institutional trust is difficult to accumulate.

**3.3.3 The continuous impact on academic citation and cross-border implementation:** At the level of academic and practical databases, the lack of English readability makes it difficult for cases to be systematically retrieved, commented and cited, thus weakening the value of "judgment as a legal resource". Shan and Feng (2021) pointed out that judicial transparency and language availability directly affect the transnational trust and reputation of the court. The quantitative research of Yan and Liu (2024) shows that language policy and judgment accessibility are the key variables that determine the international visibility and adjudication enforceability of a country's commercial court. When foreign courts or arbitral tribunals can only rely on unofficial translations, the difficulty of restructuring the "fact-reason-rule" chain increases significantly, weakening the enforceability and persuasiveness of CICC judgments in other domains.

**3.3.4 Minimum conditions at the legal level: understandable justice:** The principle of due process not only requires the parties to be "heard", but also "to be heard under understandable and equal conditions". The openness of judicial language is not only a guarantee mechanism for procedural rights, but also the basis for the generation of legitimacy and trust. Chaisse and Qian (2021) pointed out that when internationalization only stays at the formal level and does not extend to the language and procedural dimensions, its legal appeal will be seriously weakened. Although the monolingual trial maintains the national language sovereignty, it constitutes a structural tension of "procedural transparency" in the international context. Language invisibly shapes the party's sense of participation and security, which is the decisive factor for international business entities to choose CICC.

The monolingualization of the language system and the inadequacy of the judgment of English culture have structurally blocked the "international communication circuit" of CICC. When judgments are difficult to enter into international academic and practical dialogue, it is difficult to accelerate the accumulation of institutional trust through public discussion. In this sense, language closure is not a struggle for "translation services", but an institutional choice of "whether to recognize international legal dialogue as a legitimate audience".

## **4. Comparative Legal Reflections: Structural Openness Models in Singapore, Dubai, and France**

The previous chapter reveals the institutional limitations of "controlled internationalization" of the CICC. This chapter selects three structural open paths from the perspective of comparative law - the SICC, DIFC and CICAAP analyzes how they are from the three dimensions of constitutional authorization, procedural autonomy and cultural inclusion. Realize "functional equivalence" and "structural inclusiveness" within the framework of sovereignty to reveal that the real logic of judicial internationalization lies in institutional redesign rather than formal imitation.

### **4.1 SICC: Trust Logic of Constitutional Amendment and Procedural Autonomy**

SICC was established in 2015. Its legitimacy is based on Article 93B of the 2010 Constitutional Amendment, which introduced the concept of "special courts" in the Constitution for the first time, authorizing Congress to establish international courts without violating the principle of judicial integration. Menon (2021) pointed out that this "constitutionalized internationalization" makes SICC not an administrative experiment, but institutionally embedded in the national judicial system, realizing the "main The coupling of power justice and the system of international openness.

The judges of SICC are highly international. About 4/4 cent come from major legal systems such as the United Kingdom, the United States, Australia, France and Japan. Foreign judges can participate in the joint or sole trial. Yip (2016) believes that this design separates judicial decision-making from the experience of a single legal system and enhances procedural legitimacy and party trust. Godwin, Ramsay, and Webster (2017) emphasized that cross-law trial groups form "collaborative trust" through institutionalized coordination mechanisms to achieve "omnient neutrality" at the institutional level. "And "openness of law".

<sup>3</sup> Supreme People's Court of the People's Republic of China. (2019). *Procedural Rules for the China International Commercial Court (For Trial Implementation)* (Fa [2019] No. 349). Effective January 1, 2020. Retrieved from <https://cicc.court.gov.cn/html/1/219/208/209/1657.html>

In terms of program design, SICC fully guarantees the autonomy of the parties. According to Article 3 of Legal Profession (Representation in Singapore International Commercial Court) Rules 2014, foreign lawyers After registration, you can appear in court to defend, and you do not need to be qualified as a Singapore lawyer. Yip (2019) pointed out that this move gives transnational parties full agency options, significantly improving procedural equality and international participation. Chong and Yip (2019) believe that this extends the principle of contract autonomy to litigation, forming a "procedural co-governance" model of international commercial trials. Nishimura & Asahi (2021) added that SICC allows the parties to independently choose the applicable law, trial language and appeal mechanism, realizing the flexibility and self-regulation of the judicial system.

SICC also actively participates in the transnational judicial network and establishes a precedent exchange mechanism with courts in London, Dubai, Hong Kong and other countries. Landbrecht (2016) pointed out that this networked cooperation makes SICC form a "institutional resonance" effect; as of 2023, its judgment has been cited more than 400 times in international databases. Grout and Blair (2022) believe that this cross-court dialogue mechanism spills judicial trust into international capital trust, forming a "secondary market of institutional trust".

The success of SICC lies in the internationalization of trust within sovereignty through the trinity system of "constitutional authorization-foreign judges-procedural autonomy". Yip (2019) concluded that SICC shows a replicable "open within sovereignty" path, that is, to build an international trust mechanism with structural openness without giving up the judicial sovereignty of the country.

**4.2 DIFC: Judicial autonomy and independence within sovereignty in the free zone**

DIFC was established in 2004, and Decree No. 12 of the Dubai International Financial Centre Act established its judicial independence and granted legislative, administrative and judicial powers. The system does not shake the constitutional unity of the United Arab Emirates, but embeds the international rule of law in national governance under the framework of "sovereign zoning". Koster and Obe (2018) described it as "an experiment of judicial autonomy within sovereignty", which realizes controlled internationalization within the framework of sovereignty through the opt-in mechanism. Krishnan and Purohit (2014) believe that DIFC uses the operation of the common law court as a regional "model sample" of transnational commercial arbitration.

The court fully adopts the Civil Procedure Rules and hears in English. There are 15 judges, 13 of whom are foreigners. Grout and Blair (2022) believe that this high proportion of foreign judges constitutes a trust model of "judicial denationalization". Koster and Obe (2018) pointed out that the foreign-dominated arbitration structure is rare in Arab jurisdictions, reflecting the strategic flexibility of sovereign governance.

In terms of enforcement coordination, DIFC has an independent court of appeal and a mutual recognition mechanism for judgments with federal and local courts. Al-Tawil, Gantasala, and Younies (2018) pointed out that the network strengthened the execution of judgments. Mahmood and Carmona (2019) reveal the jurisdictional coordination mechanism between DIFC and local courts by studying Decree No. 19; Dimitropoulos (2021) summarizes this as "functional coordination under institutional isolation", reflecting the independence The coordination of the judgment and the national judicial system.

The internationalization of DIFC is also an economic governance strategy: creating a "rule of law premium" for foreign investment through a predictable dispute settlement mechanism. Antonopoulou (2024) believes that the International Commercial Court transforms judicial autonomy into institutional attractiveness with "court marketing". Alotaibi (2024) shows that Saudi Arabia used DIFC and SICC as policy references for credible justice when preparing for the establishment of the International Commercial Court, which confirms its "trust spillover" effect. Gronic and Berman (2023) pointed out that DIFC's digital jurisdiction and cross-border execution layout strengthen the rule modernization and trust mechanism.

DIFC shows that sovereign justice and internationalization are not binary opposites. Through the "free zone model", the country can achieve controlled opening up while maintaining constitutional unity and form a structure of "internal autonomy". The research of Koster and Obe (2018) and Krishnan and Purohit (2014) shows that the key to internationalization is not in name, but in the structure - through the trinity of constitutional recognition, normalization of foreign judges and executive collaboration, Produce verifiable institutional trust.

**4.3 CICAP: The balance between cultural sovereignty and institutional openness**

CICAP was established in the Paris Court of Appeal and the Commercial Court in 2018 to respond to the outflow of Brexit and global commercial disputes. Its legal basis comes from Decree No. 2018-202 and the Judicial Modernization Plan. Biard (2019) pointed out that the core goal of the establishment of the International Commercial Tribunal in France is to enhance the international attractiveness of the judicial system through procedural and language innovation, while maintaining the cultural influence of the French system. Kocev (2018) believes that this reform achieves "internationalization within the system" by establishing a special panel within the traditional court. The court is composed of judges and commercial experts, and has a permanent bilingual secretariat, which is responsible for the review of English documents and the exchange of precedents. Bizeau (2021) pointed out that his judgment can be directly cited by the European Court of Justice system, reflecting the judicial liquidity within the European legal system.

CICAP implements a bilingual trial and judgment mechanism in French and English. According to the Procedural Agreement signed by the Paris Court of Appeal and the Paris Bar Association in 2018, the case materials can be submitted in English, and the judgment is made public in bilingual terms. Yates (2024) believes that this system embodies France's concept of "replacing language sovereignty with procedural justice". Pączek (2022) pointed out that the bilingual system effectively reduces language barriers and enhances the international recognition of judicial results. Chahine (2021) emphasized that this multilingual mechanism has improved flexibility and inclusiveness in cross-border cases. France also allows EU lawyers to register to appear in court, and non-EU lawyers can jointly defend with French lawyers to form a "limited joint defense mechanism" to maintain a balance between openness and sovereignty.

In 2020, CICAP issued the first batch of French-English bilingual judgments, involving corporate contract disputes between France and Singapore, which became a typical case of its bilingual system. Yates (2024) pointed out that this practice "transforms language from authority to trust", making language a medium of procedural trust in transnational justice. Kocev (2018) believes that CICAP realizes the "internationalization of cultural confidence" by compatible with French tradition and English communication.

The French model shows "inclusive modernization under cultural sovereignty". Antonopoulou (2024) pointed out that the International Commercial Tribunal "transforms diversity into trust through procedural openness and language inclusion"; Rühl (2021) further believes that the legitimacy of judicial internationalization lies in "structural openness" rather than authoritative concessions. French experience shows that internationalization and national legal traditions can be mutual sources of legitimacy.

**4.4 Comparative method: three-dimensional model of structural inclusion and functional equivalent**

The comparison of SICC, DIFC and CICAP shows that although the three systems have different paths, they together reflect a logic of "structure-inclusive functional equivalents". It can be summarized into three dimensions.

**Table 2. SICC, DIFC and CICAP Comparison Framework: Three Dimensions of Structural Inclusiveness**

Dimension	Institutional Pathway	Key Scholarly Perspectives
<b>Legitimacy Dimension</b>	<i>SICC: Constitutional authorization through Article 93B amendment; DIFC: Administrative zoning achieving "internal autonomy under sovereignty."</i>	<i>Yip (2016): Constitutionalized internationalization balancing unity and innovation; Koster &amp; Obe (2018): Spatial division achieving controlled autonomy.</i>
<b>Trust-Generation Dimension</b>	<i>SICC: Foreign-judge participation fostering cross-legal collegiality; CICAP: Bilingual judgments and open lawyer registration.</i>	<i>Godwin, Ramsay &amp; Webster (2017): Cross-legal collegiality enhances procedural neutrality and trust; Pączek (2022): Linguistic inclusiveness and procedural equality support credibility.</i>
<b>Cultural-Inclusiveness Dimension</b>	<i>DIFC: Common-law transplant promotes cross-cultural adaptation; CICAP: Bilingual adjudication reflects civil-law openness to globalization.</i>	<i>Krishnan &amp; Purohit (2014): Hybridization of legal cultures as a medium of trust; Rühl (2021): Non-exclusivist sovereignty as a new path of internationalization.</i>

Source: Author Yip (2016), Koster & Obe (2018), Godwin, Ramsay & Webster (2017), Pączek (2022), Krishnan & Purohit (2014), Rühl (2021) comprehensive arrangement.

Note. As shown in Table 1, although SICC, DIFC and CICAP have their own characteristics in the institutional path, they generally present a common logic of "structural inclusion and functional equivalence". SICC realizes the internationalization of justice within the framework of sovereignty through the constitutional

authorization mechanism, DIFC realizes autonomy within sovereignty in the form of administrative division, and CICAP reflects cultural inclusion and institutional transparency through bilingual trial and open procedures.

### 5. Legal Reflection and Institutional Reconstruction: From Symbolic Internationalization to Structural Inclusion

This chapter puts forward the theoretical model of "structural inclusion": with procedural autonomy as the intermediary, through the four dimensions of language openness, joint governance of lawyers, plurality of judges and theoretical innovation, it realizes the endogenous generation of institutional trust, and thus supports the reproduction of sovereignty and legitimacy.

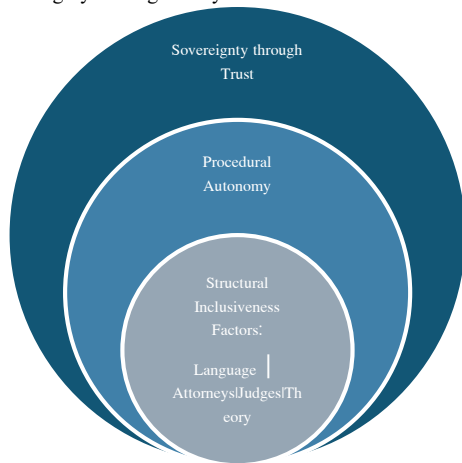


Figure 2: Simplified structure of trust generation mechanism

*Note.* This figure shows the internal trust generation mechanism of structural inclusion: the joint effect of open language, co-governance of lawyers, plurality of judges and theoretical innovation, through procedural autonomy to generate institutional trust, and finally realize "sovereign credibility". This model shows that the internationalization of CICC should not be understood as an extension of the system, but as a process of self-adaptation within the sovereign judicial system. Through the inclusiveness of the institutional structure and the rational self-cooperation of the procedure, trust can be generated within the system, so as to realize the reproduction of legitimacy.

#### 5.1 Institutional Interaction and Trust Generation: System Logic of Internationalization

The internationalization dilemma of CICC shows that the internationalization of justice is not the transfer of power, but the result of inter-institutional interaction. The contemporary international rule of law presents a multi-center pattern. The judicial systems of all countries need to achieve mutual recognition and trust in procedures while maintaining constitutional independence. The so-called "structural inclusion" is a kind of institutional coordination logic: national courts complement the international legal order through limited openness and transparency of rules, thus generating cross-border trust without weakening sovereignty (Cai & Godwin, 2019). This kind of trust is not externally granted, but gradually accumulated within the system through procedural transparency and judicial openness. As Shan & Feng (2021) pointed out, for CICC to be understood by international jurisdiction, the key is to establish "verifiable procedural legitimacy" within the framework of sovereign justice. Therefore, the generation of institutional trust depends on the understandability of structural design and the stability of institutional operation (Zhang, 2020; Qian, 2020).

#### 5.2 Reinterpretation of sovereignty: from exclusive control to legitimate production

Traditional sovereignty theory emphasizes control and independence, but in the reality of the interdependence of the global legal order, this logic is giving way to "procedural sovereignty". Rühl (2021) pointed out that the stability of the modern rule of law system depends on the understandability and mutual trust of the system. Biard (2019) believes that the legitimacy of the International Commercial Tribunal is not based on political authority, but on the universality of procedures brought about by institutional transparency. In the context of the rule of law in China, this trend is manifested in the transformation from "state-led authoritative justice" to "procedural rationality and social sovereignty". Ye and Tao (2024) pointed out that although the jurisdiction system of CICC reflects the will of the country, it still needs a verifiable neutral mechanism in procedures. Sun (2023) believes that CICC's international trust must be based on institutional rationality, not political symbols. Qiang and Min (2021) also pointed out that CICC is trying to replace power orientation with procedural rationality through a diversified dispute resolution mechanism. Liu, Xue, and Zhang (2025) emphasized that the key to CICC reform is to establish a parallel structure of institutional trust and procedural legitimacy. Li (2024) further believes that the modern significance of sovereign legitimacy lies in "replacing power defense with trust in production". When sovereignty is redefined as an "institutionalized form of legitimacy and trust", the internationalization of justice no longer means weakening, but a new mechanism for the state to realize the reproduction of trust through judicial restructuring.

#### 5.3 Structural inclusion: functional equivalent design of program autonomy

"Structural inclusion" can be understood as an institutional coordination mechanism: under the premise of maintaining constitutional unity, realizing the functional equivalence of procedural autonomy and international trust through limited openness and transparency of rules (Cai & Godwin, 2019; Shan & Feng, 2021). Zhang (2020) pointed out that the core challenge of CICC is how to seek a legal space for open procedures under a sovereign centralized system; Qian (2020) emphasized that true internationalization should maintain institutional autonomy in structural interaction rather than power transfer. Therefore, the international reform of CICC should focus on trust generation and institutional self-correction at the structural level.

**5.3.1 Language level: bilingual judgment and "reasonability":** Language is the key foundation of judicial access and cross-domain trust. Bizeau (2021) pointed out that the Paris International Commercial Tribunal has improved transparency and international communication through bilingual judgments. Pączek (2022) further put forward the principle of "translatability of reasoning", emphasizing that the comprehensibility of judicial arguments is the premise of procedural legitimacy. In the context of CICC, language openness embodies the combination of procedural rationality and international understanding, and is an important link in the generation of institutional trust.

**5.3.2 Lawyer level: the participation of foreign lawyers is equal in procedures:** The lawyer system is a procedural hub connecting the court and the parties. Yip (2016, 2019) pointed out that the Singapore International Commercial Tribunal (SICC) has achieved procedural equality and trust restructuring through the foreign lawyer registration mechanism. This limited openness constitutes a model of procedural co-governance within the sovereign judicial system, showing that the internationalization of justice can find a balance between control and openness. Alotaibi (2024) also pointed out that the diverse participation of the lawyer system helps to improve the transparency of procedures and international trust.

**5.3.3 Judge level: quasi-judicialization of expert committees:** Huo and Yip (2019) believe that the difference between the model of China and Singapore is mainly reflected in the trial participation structure. If the expert committee can participate in the institutionalization stage of fact determination and legal argumentation, the neutrality and transparency of the adjudication will be significantly enhanced. This mechanism is not to weaken sovereignty, but to form a structural path of "visible trust" under procedural rationality.

**5.3.4 Theoretical positioning: institutional self-creation and functional equivalence:** The legal basis of "structural inclusion" lies in institutional self-creation and functional coordination. Koster and Obe (2018) described DIFC as "an experiment of judicial autonomy within sovereignty", indicating that sovereignty and internationalization can form a controlled coexistence through institutional innovation. Chaisse and Qian (2021) emphasized that the credibility of CICC should be based on institutional coordination and structural trust. Rühl (2021) further pointed out that when sovereignty replaces power exclusivity with institutional interaction, the internationalization of justice and national legitimacy can achieve functional equality.

The above four dimensions together reveal the structural logic of CICC reform: Through the institutional opening up of the four levels of language, lawyers, judges and theory, we can realize the endogenous cycle of procedural autonomy and international trust.

To further show its functional goals and practical paths, please refer to Table 3.

**Table 3: Functional dimension and institutional path of "structural inclusion" in CICC reform**

Dimension	Functional Objective	Comparative Reference	Proposed CICC Reform Measure	Expected Outcome
<b>Linguistic Openness</b>	Enhance comprehensibility and international accessibility of judgments.	Paris ICC: Bilingual judgments and the principle of "translatability of reasoning" (Bizeau, 2021).	Pilot bilingual (Chinese-English) judgments; establish standardized translation and review procedures.	Improved transparency, cross-jurisdictional understanding, and international citation of judgments.
<b>Legal Representation Co-governance</b>	Ensure procedural equality and openness in legal representation.	SICC: Registered foreign lawyer participation (Yip, 2016; 2019).	Create a licensed register for foreign lawyers; allow joint representation with Chinese lawyers under judicial supervision.	Enhanced procedural fairness and external trust; shared representation under sovereign control.
<b>Judicial Plurality</b>	Strengthen adjudicative credibility and factual pluralism.	DIFC / SICC: Inclusion of foreign judges and mixed benches (Huo & Yip, 2019).	Institutionalize the Expert Committee as a "quasi-judicial" advisory body with written opinions attached to judgments.	Increased procedural neutrality and visible trust; diversified adjudication without undermining sovereignty.
<b>Theoretical Innovation</b>	Construct a functional equivalence model balancing sovereignty and trust.	DIFC / CICAP: Institutional coordination and trust generation (Koster & Obe, 2018; Chaisse & Qian, 2021).	Adopt the principle of "structural inclusiveness" as a reform paradigm; develop evaluation mechanisms for procedural rationality and openness.	Realization of "sovereignty through trust"; internally generated international legitimacy.

Note. This table systematically summarizes the main functional dimensions of "structural inclusion" in the reform of China's International Commercial Tribunal (CICC) and its practical path. Through the corresponding analysis of comparative legal experience and institutional measures, the effective connection between theoretical innovation and institutional implementation has been realized, and an inherently consistent institutional reform framework has been built. The path shown in Table 2 shows that "structural inclusion" is not only an openness at the conceptual level, but also an operable institutional design.

#### 5.4 Legal innovation and academic significance

"Structural inclusion" is not only the policy direction of CICC reform, but also a legal proposition. It transcends the binary opposition of "sovereignty-internationalization" and establishes an analytical framework of "legitimacy-trust-structure".

Kamal & Haq (2024) pointed out that national legitimacy is maintained in an open system, and the core lies in the continuous generation of trust. Juraeva & Soyipov (2022) and Fu (2024) believe that the depth of internationalization of a country's courts depends on whether the system is understandable and transparent. Sun (2020) called this "Chinese-style internationalization": while maintaining sovereign unity, trust generation is achieved through gradual reform. Holloway (2020) also pointed out that the construction of international tribunals under the framework of the Belt and Road Initiative is essentially a rebalancing of the modernization of the rule of law. At the institutional level, Kamal & Wang (2025) emphasizes the bridge role of the expert committee in structural trust; Moreira & Lin (2024) believes that if CICC stays at symbolic internationalization, its trust production will be difficult to verify. International experience also confirms this point: Al-Tawil, Gantasala, & Younies (2018) found that DIFC achieved intra-sovereign integration through institutional coordination; Gronic & Berman (2023) emphasized digital trial Promote cross-border trust; Mahmood & Carmona (2019) pointed out that judicial mutual recognition is becoming the key to legitimacy symbiosis. Kocev (2018) believes that the core of judicial internationalization is not institutional transplantation, but structural innovation to achieve self-legitimization. The future reform of CICC should take "structural inclusion" as the core principle, realize an understandable, reliable and portable judicial system within the constitutional framework, and transform the international narrative of China's rule of law into globally recognized institutional legitimacy.

#### 6. Conclusion

As an institutional experiment for the internationalization of China's judiciary, the experience of the International Commercial Tribunal of China (CICC) reveals the structural asymmetry between sovereign logic and procedural autonomy. The internationalization of CICC is limited not by administrative or technical problems, but by the structural constraints of the sovereign judicial system on procedural autonomy. This asymmetry makes internationalization show the characteristics of "open in form and closed in substance".

The dilemma of CICC reflects the tension between national law and the global legal order. The internationalization of justice is not the weakening of sovereignty, but a redefinition of the way the legitimacy of sovereignty is generated. Contemporary theory points out that the continued legitimacy of state power depends on institutionalized communication and procedural rationality. For CICC, sovereignty should be understood as a "legitimate production mechanism" rather than a defensive barrier, and the understandability and credibility of state power in the transnational judicial field should be improved through procedural rationalization (Peters, 2022). International experience shows that the key to the internationalization of justice is not external imitation, but the construction of internal trust mechanisms. The paths of SICC, DIFC and CICAP all show that international judicial trust comes from procedural transparency and pluralistic participation, not the transplantation of institutional forms. The reform of CICC should move from "symbolic openness" to "structural openness", and achieve the functional equivalence of procedural autonomy and international trust through the restructuring of language, agency and judicial mechanisms. From the legal level, this transformation needs to be supported by the "structural coupling" logic of the system theory. The global legal order is not the result of the transfer of authority, but the interaction of the multi-system in functional coordination. The internationalization of CICC should form a structural coupling between sovereign unity and institutional openness, so that the judicial system can generate external trust in internal logic. China's sovereign justice should have "openness and rationality" and realize the reproduction of legitimacy with procedural autonomy. This logic forms the core proposition of this article - "sovereignty through trust". Sovereign credibility is not to give up authority, but to reshape authority through trust generation. Its goal is to achieve a dynamic balance between sovereign legitimacy and international trust through the internalization of institutional trust. As Peters (2022) pointed out, the legitimacy of contemporary countries has changed from sovereign exclusion to institutional openness and trust. The key to the modernization of the rule of law is to make the system itself a production mechanism of trust. In this sense, the international transformation of CICC is the process of self-rationalization of the national legal order. Recursive relation between sovereign legitimacy, procedural autonomy and international trust: sovereignty generates trust through procedural autonomy, and trust in turn consolidates the legitimacy of sovereignty. This logic constitutes a new legality model under the global legal order. In terms of methodology, this article combines institutional functionalism and legal analysis. The former reveals the structural logic of institutional operation, and the latter constructs a normative framework. The combination of the two makes "structural inclusion" and "sovereign credibility" a verifiable legal model. This approach not only responds to the discussion of "judicial trust" and "sovereignty transformation" in international law, but also provides an autonomous path for the modernization of the rule of law in the non-Western legal domain. Therefore, the future of China's judicial internationalization is not authoritative display, but institutional understandability; not sovereign defense, but trust generation. The mission of CICC is not to imitate the existing International Court of Justice, but to prove with institutional innovation that sovereignty and internationalization are not zero sum, but a symbiotic structure of legitimacy and trust. The essence of judicial internationalization is to extend sovereignty in a rational way, so that it can be both understood and trusted in the global legal order. Only in this way can Chinese justice achieve a dynamic balance between sovereign legitimacy and international trust in the pluralistic network of international rule of law - this is not only an institutional goal, but also a historical proposition of contemporary Chinese jurisprudence.

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