



RESEARCH ARTICLE

Appointing Women as Arbitrators in Administrative and Commercial Disputes Resolution: Evidence from the Kingdom of Saudi Arabia

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Arbitration is an alternative method to resolve administrative and commercial disputes through an arbitral tribunal. This study aimed to explore the evolving role of women as arbitrators in Saudi Arabia's administrative and commercial disputes. The methodology adopted in this study is centered on a descriptive analysis and statistical testing approaches designed to comprehensively examine and interpret respondents' opinions regarding appointing women as arbitrators in commercial and administrative disputes in the Kingdom of Saudi Arabia. The analysis includes using tables and graphical representations to visually present the distribution of responses, making it easier to identify trends and patterns in the data. Furthermore, a statistical procedure was employed to assess the overall tendencies in respondents' opinions. Specifically, the study tests the mean response for each statement against a neutral benchmark of 3 on the Likert scale. Responses with a mean below 3 indicate a tendency towards disagreement, while those with a mean above 3 suggest a tendency towards agreement. This approach allows for a precise evaluation of whether the collective opinions lean more towards agreement or disagreement on the various aspects explored in the questionnaire. By combining descriptive statistics with these inferential tests, the methodology provides a robust framework for analyzing the data and drawing meaningful conclusions about the role and perceptions of women in arbitration within the Saudi context. The study revealed that the statement of Women's Participation in Arbitration highlights overall support for women's participation in arbitration. In contrast, the other statements reveal an awareness of social and institutional factors that influence this participation and a broad consensus on the need for greater gender equality in the field. Overall, the study concluded that involving women in arbitration promotes gender equality and economic progress in the state.

***Corresponding Author**E.SharafAddin@nbu.edu.sa,
eltayeibhussein@yahoo.co.uk**INTRODUCTION**

The landscape of arbitration, particularly in the realms of administrative and commercial dispute resolution, has long been dominated by male practitioners, a reflection of broader gender disparities in the legal profession globally until the arbitrators commonly described international arbitration as "pale, male and stale" (Alhussein et al., 2024). However, the past few decades have seen a concerted push towards greater inclusivity and gender diversity in arbitration, recognizing the need for a more balanced representation of perspectives in dispute resolution processes. This movement is part of a broader global trend towards gender equality, enshrined in international agreements such as the United Nations Sustainable Development Goals, particularly Goal 5, which advocates for gender equality and the empowerment of women and girls (UN, 2023).

In the Kingdom of Saudi Arabia (KSA), the issue of appointing women as arbitrators presents a complex interplay of legal, cultural, and socio-economic factors. Traditionally, the Saudi legal system has been deeply influenced by social factors, which have historically limited the roles available to women in the legal field, including their participation as judges and arbitrators. For many years, the exclusion of women from these roles was largely uncontested, reflecting broader societal norms that have traditionally restricted women's participation in public and professional life. This historical context underscores the significance of our study, which seeks to challenge these norms and promote gender equality in arbitration.

However, the socio-economic landscape in Saudi Arabia has been undergoing significant transformations, particularly since the announcement of Saudi Vision 2030. Vision 2030 is a comprehensive strategic plan aimed at diversifying the Saudi economy and reducing its dependence on oil revenues while modernizing various aspects of Saudi society. One of the key pillars of Vision 2030 is the empowerment of women, which includes increasing their participation in the workforce and enhancing their roles in leadership and decision-making positions across various sectors, including law and arbitration (Saudi Vision, 2030).

The legal reforms under Vision 2030 have paved the way for greater female participation in the arbitration, challenging long-standing norms and opening up new opportunities for women in these fields. Notably, the 2012 amendment to the Saudi Arbitration Law, which does not explicitly prohibit the appointment of women as arbitrators, has been seen as a significant step towards gender inclusivity in arbitration. Despite these legal reforms, the appointment of women as arbitrators in Saudi Arabia remains a relatively rare occurrence, raising essential questions about the barriers that continue to hinder gender diversity in this area.

This study aims to explore the evolving role of women as arbitrators in Saudi Arabia's administrative and commercial disputes. By examining recent legal reforms, perspectives of Jurisprudential Schools in Islamic Sharia Law, societal attitudes, international conventions, and case studies, this research will provide an in-depth analysis of the current state of female participation in arbitration in Saudi Arabia. The study will also explore the broader implications of these trends for the Saudi legal system and the state's efforts to align with international norms on gender equality.

A key focus of this study will be identifying the opportunities and challenges facing women who aspire to serve as arbitrators in Saudi Arabia. The research will delve into the legal and institutional frameworks that support or hinder the appointment of female arbitrators and the cultural and societal factors that influence perceptions of women in these roles. Additionally, this study will compare the situation in Saudi Arabia with global trends, providing a comparative analysis highlighting the unique challenges and opportunities in the Saudi context.

Moreover, the study will consider the potential impact of appointing more women as arbitrators on the outcomes of dispute resolution processes. The presence of women in arbitration tribunals may bring different perspectives and approaches to decision-making, potentially leading to more balanced and fair outcomes. This research will explore whether and how the inclusion of women as arbitrators might influence the dynamics of arbitration in administrative and commercial disputes, contributing to a more inclusive and effective dispute resolution process.

This study will contribute to the ongoing discourse on gender equality in the legal profession by providing empirical evidence and critical analysis of the appointment of women as arbitrators in Saudi Arabia. It will offer valuable insights into the progress made under Vision 2030 while identifying the challenges in achieving true gender diversity in arbitration. Ultimately, the findings of this study will have broader implications for understanding the role of gender in legal and economic reforms in Saudi Arabia and beyond.

LITERATURE REVIEW

Arbitrators' gender is one of the most debatable issues in international commercial arbitration, particularly in Islamic states with legal systems derived from the Quran and Sunnah (Aldhfeeri, 2020; A LLEN et al., 2021). In the same vein, Haddadi (2014) stated that in Islamic countries, there are limitations on women's judgment since, regarding Islamic rules, women have no right to judge and issue an award. Since an arbitrator issues an award, a woman cannot be nominated as an

arbitrator. Additionally, empirical studies showed that the arbitration remains occupied by men: 93% of all appointments made in proceedings under the International Centre for Settlement of Investment Disputes (ICSID) in Washington between 1972 and February 2014 were of male arbitrators, and of the women selected, two held 75% of all female appointments. The proportion of male-to-female arbitrators in the ICSID community is thus an “embarrassing” 95% to 5% (De Mena, 2023). Moreover, ArbitralWomen (AW) stated that after 25 years of promoting women and diversity in international dispute resolution, less than 1% of arbitrators were females. In the same line, according to a recent study, only two of the 25 most poignant arbitrators are females (Bjorklund et al., 2020). The researchers emphasize that users of international arbitration may not understand the significance of gender diversity in arbitral tribunal appointments. According to 68% of respondents to a 2016 Berwin Leighton Paisner survey, gender is either “not that important” or “not important at all” when choosing arbitrators. Researchers from the School of International Arbitration at Queen Mary University of London and White & Case LLP conducted another survey in 2018. They discovered that respondents who use international arbitration are “unsure” whether there is a causal relationship between the quality of the tribunal's decision-making and gender diversity in arbitral tribunals (ICCA, 2022). Some restrictions prevent increasing diversity in arbitration based on unconscious bias, namely the need for more availability of female arbitrators with sufficient experience and the impediments to the appointment of experienced female arbitrators (Acosta, 2021). However, there has been progress in recent years in female appointment as arbitrators. In 2012, the International Chamber of Commerce (ICC) in Paris reported an overall 10,3% female selections, with the (ICSID) equally 10%, while a somewhat more significant number of 20% was reported by the Hong Kong International Arbitration Centre (HKIAC) in Hong Kong. Nevertheless, the lack of representation of women remains a global issue (Alhussein et al., 2024).

1. The Saudi legislation

The Basic Law of Government stipulates that the Kingdom of Saudi Arabia is a sovereign Arab Islamic State. Its religion is Islam. Its constitution is the Almighty God's Book, the Holy Quran, and the Sunnah (tradition) of the Prophet (The Basic Law of Government, 1992). The context means that the Basic Law of Government, a constitution in the system of favorable laws, establishes Islamic Sharia as a source of rights and duties. Islamic Sharia decides equality between people in all aspects of life, including equality in adjudicating disputes ;according to the Holy Qur'an, “O mankind, indeed, We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted.” “And whoever does righteous deeds, whether male or female, while being a believer—those will enter Paradise and will not be wronged, [even as much as] the speck on a date seed.”⁽¹⁾. Therefore, women have the right to serve as arbitrators in administrative and commercial disputes, just like men, which aligns with the principle of equality outlined in Islamic Sharia according to the Basic Law of Government. Article 14 of the arbitration law sets out the conditions for membership in the arbitral tribunal that deals with such disputes. These conditions include having full legal capacity, good conduct and reputation, and a university degree in Sharia or law. If the arbitral tribunal comprises multiple arbitrators, meeting the degree requirement is enough for its president. The arbitration law does not specify the gender of the arbitrator as male or female, based on the conditions required for members of the arbitral tribunal. Conversely, if the parties to the arbitration agree that the statutory rules will not be applied to the matter in dispute, as stated in the arbitration award, or if the parties' agreement or this law is broken in the process of forming the arbitral tribunal or appointing the arbitrators, or if the arbitrator rules on issues not addressed in the arbitration agreement (The Arbitration Law, 2012). Additionally, if the arbitration award contains provisions contrary to Islamic Sharia and the public order in the Kingdom of Saudi Arabia, deviates from what the parties to the arbitration agreed upon, or determines that the dispute cannot be subject to arbitration under this law, the competent Court that hears the claim of invalidity will issue an award of its own, declaring the arbitration invalid (The Arbitration Law, 2012). Therefore, under

⁽¹⁾ Surah Nisa Aya 124, Tafsir Ibn Katheer in English.

the Arbitration Law, women may be appointed arbitrators in administrative and commercial disputes.

2. Jurisprudential schools in Islamic sharia law

There are differences in views among Islamic jurisprudential schools, even within one school, regarding the role of women as arbitrators in disputes. There are four viewpoints on the matter. The first view holds that women are not permissible to arbitrate disputes. The second view holds that it is acceptable for women to arbitrate, except for Hudud and Qisas. The third view holds that it is permissible for women to arbitrate in financial matters and the like, while the last view holds that it is permissible for women to arbitrate in all cases. Each view has its evidence.

2.1 The first perspective

Supporters of this view, who are the majority of jurists in the Maliki, Shafi'i, and Hanbali schools (Moawad, 2018 and Khudair, 2018), believe that women should not serve as arbitrators in disputes at all, even in cases where their testimony is acceptable, because masculinity is a requirement for arbitration. Women are not allowed to serve as judges. Therefore, they argue that it is inappropriate for women to arbitrate. They base their argument on evidence from the Holy Qur'an, Sunnah, Ijmā', Qiyas, and Sadd al-dhari'ah. For the Qur'an⁽²⁾, they cited as evidence the words of God Almighty, "Men are in charge of women by [right of] what Allah has given one over the other." The inference is that the verse restricted guardianship to men over women, and the opposite is untrue. Otherwise, women would have guardianship over men, contrary to the verse.

For the Sunnah⁽³⁾, Abu Bakrah said: "Allah restrained me with something that I heard from the Messenger of Allah. When Kisra was destroyed, he said: 'Who did they have to succeed him?' They said: 'His daughter.' Therefore, the Prophet said: 'A people will never succeed who give their leadership to a woman.'" The context means that the Messenger mentioned the inability of any person to prosper if they appoint a woman to take over their affairs. Like a judiciary, arbitration is not permissible for women to undertake because it involves deciding a dispute, similar to a judiciary.

For the Ijmā' (Consensus), no women assumed judgeship or arbitration throughout the Prophet's era, and the era of the Rightly Guided Caliphs, Companions, and Followers that followed. Women's non-assuming judgeship or arbitration indicates the Ijmā' of the Islamic nation on the impermissibility of her arbitration.

(2) The Quran is the first primary source of Islamic Sharia law. The Quran is both God's word and the sacred book of Muslims. In fragmented texts, it was revealed in Arabic that addressed the = =day's needs and answered various issues. The definition of the Quran: Retrieved 18 06, 2024, from: <https://islamiclabourcode.org/sources-of-islamic-law/>

(3) The "Sunnah" is a second primary source of Islamic Sharia law. It refers to any words, deeds, or tacit endorsements made by Prophet Muhammad during his lifetime recorded and explained in Hadith, which are stories and accounts from his Companions. The definition of the Sunnah. Retrieved 18 06, 2024, from: <https://islamiclabourcode.org/sources-of-islamic-law/>

For Qiyas (analogical deduction), arbitration, like the judiciary, requires firmness, complete understanding, and sound judgment, and this is only sometimes the case for women due to their tendency to be influenced by emotions. Additionally, God Almighty said, "And bring to witness two witnesses from among your men. In addition, if there are not two men [available], then a man and two women from whom you accept as witnesses." According to this verse, a woman's testimony in financial transactions is not permissible except in the presence of another man and a woman with her. If her testimony in these matters is invalid, then her leadership in them is not valid either.

Finally, according to the Sadd shari'ah rule (blocking the pretexts), women taking up arbitration is a pretext because they are exposed to mixing with men and being alone with some of their opponents. Therefore, preventing them from doing so is necessary to block the pretexts.

2.2 The second perspective

Those who advocate the second view, namely the Hanafi school, hold that it is permissible for women to assume arbitration, except for Hudud and Qisas⁽⁴⁾. Because women are fit to judge in everything, their testimony is permissible, and they hold that women's testimony is permissible in everything other than Hudud and Qisas. Therefore, if her testimony is valid, her guardianship over it is valid. Women's guardianship is valid except for Hudud and Qisas, and, of course, it is valid in arbitration.

2.3 The third perspective

According to this point of view, women's participation in the arbitration of disputes is possible in financial matters and the like. This view is based on the women's testimony on financial issues. Therefore, her arbitration in this respect is acceptable. They cited as evidence what was narrated: that Omar bin Al-Khattab, may God be pleased with him, appointed Al-Shifa' Al-Adawiya to the market of Medina. Since it is permissible for her to assume responsibility over the market and the resulting financial disputes and the like that may arise in which the woman takes the position of arbitrator, this indicates her authority over financial matters and the like.

2.4 The fourth perspective

Ibn Jarir al-Tabari, Ibn Hazm, some Maliki jurists, and some modern jurists are credited with this viewpoint. It is predicated on the idea that arbitration is an agency, not a guardianship, and that women can function as men's agents. She is, therefore, free to participate in arbitration. They also used the story of Omar ibn al-Khattab as proof, claiming that he assigned Shifa al-Adawiya to the Medina market. Some modern jurists have approved it because women's arbitration is based on the parties' consent and is not a mandatory practice. Its role is to resolve the current conflict without deciding anything else. Shifa al-Adawiya was appointed to the Medina market as a specific type of guardianship that women could have. The authors agree with this view based on the most likely evidence mentioned.

3. Females as arbitrators in practice

At a practical level, case No. (3022/Q) was filed before the First Commercial Circuit of the Administrative Court of Appeal related to appointing a female arbitrator in a commercial dispute.

(4) Hudud offenses are crimes against God's rights in the Islamic penal system. They are considered a violation of natural law and contain punishments clearly stated in the Quran and the Sunnah. (Okon, 2014). Qisas refers to the offender's punishment, commensurate with the seriousness of the crimes committed against the victim. (Hussni et al., 2014).

The competent authorities appointed a female lawyer as an arbitrator in Makkah and granted a license to another female advocate to practice commercial arbitration. In case No. (3022/Q) to resolve a commercial dispute between the two parties (Almulhim, 2016), the plaintiff filed the case in 2015, asking the Court to order the defendant to start the arbitration process. According to Article 15(2) of the arbitration law, the competent Court has the authority to take necessary action if one of the parties requests it, if the parties cannot agree on the procedure for appointing arbitrators, if either party violates the procedure, or if the parties cannot agree on an issue on which they must agree. Using its review authority under Article 15 of the arbitration law, the Administrative Court of Appeal in Dammam granted the suit. The Court scheduled a hearing for the parties to choose their arbitrators. The respondent named Ms. Shaima Aljubran as its arbitrator, and the claimant named its arbitrator on the designated day. The two parties ultimately decided on the chairperson of the arbitral tribunal after much negotiation between the appointed arbitrators, who could not agree on a chairperson. The Court concluded the case after confirming and approving the establishment of the arbitral tribunal. The decision made by the Court for the appointment of an arbitrator by Article 15(1) and (2) of the arbitration law is final and cannot be challenged, as stated in Article 15(4) of the law. Despite fears that this decision is final, it does not mean that there will not be challenges in the future in other cases. First, other courts are free of this decision, even though it is final. Second, it might be too much to expect that all subsequent cases will follow the same course of action, given that this one is the first to deal specifically with the issue of female arbitrators. The last issue is objecting to the enforcement phase (Aldhafeeri, 2020). Recently, the Court of Appeal in Makkah Province validated the appointment of the advocate, Rabab Ahmed Al-Ma'bi, as a licensed arbitrator by the Arbitration Commission to resolve business disputes between two Jeddah-based companies. The authority has already decided between the two parties involved in the dispute through multiple sessions. Additionally, the International Commercial Arbitration Court has granted the advocate, Marwa Hamza Moawad, a license to practice commercial arbitration. The competent authority also permitted her to work as a consultant for international commercial arbitration (Saudi Gazette, *Leading the Way*, 2016).

The need for more diversity among arbitrators is a global issue that impacts arbitration organizations across Europe, the United States, and other regions. It is not unique to the Kingdom of Saudi Arabia because legislative restrictions on the selection of arbitrators are absent in most parts of the world (Alhoussein, 2024). For instance, according to the respondents to the questionnaire conducted in Norway, only 16.9% of the arbitrations they had participated in over the previous two years had female arbitrators appointed. There were only two or fewer appointed female arbitrators in all the arbitrations. Simultaneously, 44.29% of the participants stated that they had participated in one or more arbitrations presided over by a female arbitrator (Diversity in Arbitration, *Market Survey on Diversity in Arbitrator Appointments: 2021*). Additionally, according to data released by the Stockholm Chamber of Commerce (SCC) Arbitration Institute in 2015, only 39 women were appointed arbitrators out of 279 appointments. The breakdown of this number is as follows: women made up 26.7% of the 168 arbitrators nominated by the parties, 6.5% of the 101 arbitrators appointed by the SCC, and 10% of the ten co-arbitrators (Almulhim, 2016). There is no doubt that, in contrast to these statistics, diversity in arbitration by appointing women as arbitrators can bring the best talent, improve the arbitral process and outcome, and enhance legitimacy. The lack of diversity in the arbitrator selection process can be unfair to some candidates. It can also potentially be inefficient and ineffective from a procedural perspective, which is unfair to the parties seeking recourse to arbitration (ICCA, 2022). However, the lack of diversity in arbitration can be addressed by promoting gender equality and diversity in the field and creating a more inclusive and fair environment for all professionals, regardless of gender.

4. International conventions

There are conventions addressing women's rights to arbitration. The United Nations Commission on International Trade Law (UNCITRAL) Model Rules stipulate the composition of the arbitral tribunal mechanism in Section II (UNCITRAL Model Rules, 2010). Still, they do not specify the gender of the arbitrator as being a man or a woman. Therefore, there is nothing in these rules that prevents the appointment of women as arbitrators in disputes at the international and internal levels. According to Article 15/2/3 of the Convention on the Elimination of All Forms of Discrimination Against

Women, states shall accord women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts, administer property, and treat them equally in all stages of court procedures and tribunals. The States Parties agree that all contracts and other private instruments of any kind with a legal effect that aims to restrict the legal capacity of women shall be deemed null and void (CEDAW, 2016). Article 7 of the Universal Declaration of Human Rights (UDHR, 1948). States that all are equal before the law and are entitled, without any discrimination, to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Therefore, women have the same right to membership in arbitration tribunals as men. In the same context, Article 3 of the International Covenant on Civil and Political Rights of 1966 (ICCPR, 1966) stipulates that the state parties to this Covenant undertake to ensure the equal rights of men and women to enjoy all civil and political rights outlined in the present Covenant. Article 26 of the Covenant states that all people are equal before the law and enjoy, without any discrimination, an equal right to its protection. The law guarantees equal protection against discrimination for any reason, such as sex, race, color, language, religion, or other reasons. Goal 5 of the United Nations Development Programmer's Sustainable Development Goals, which focuses on gender equality, states that, in addition to being a fundamental human right, eliminating discrimination against women and girls is also essential for advancing sustainable development. Empowering women and girls has been repeatedly shown to have a multiplier effect and promote economic growth and development (UN, 2023).

It is thus clear that women have the right to serve as arbitrators in administrative and commercial disputes according to international conventions.

MATERIALS AND METHODS

Data collection

The data for this study was collected using a structured questionnaire distributed to 50 respondents, all of whom provided valid responses. The questionnaire aimed to capture the participants' opinions on various aspects related to the role of women as arbitrators in commercial and administrative disputes in the Kingdom of Saudi Arabia.

The questionnaire designed for this study is crucial in exploring perceptions and attitudes toward appointing women as arbitrators in commercial and administrative disputes in the Kingdom of Saudi Arabia. It consists of nine carefully crafted statements, each addressing a specific aspect of the topic, from women's actual participation in arbitration to the social, psychological, and legal factors that may influence their role.

Respondents were asked to express their level of agreement with each statement using a five-point Likert scale, ranging from "Strongly Agree" to "Strongly Disagree." This scale allows for a detailed and nuanced understanding of the respondents' opinions, capturing not just their agreement or disagreement but the intensity of their feelings on each issue.

The questionnaire covers a broad spectrum of considerations, including whether social constraints hinder the selection of women as arbitrators, if psychological and physical factors play a role in their effectiveness, and how their role compares to other professions, such as the judiciary and law practice. Additionally, the questionnaire probes into the responsibility of men in prominent positions to support the development of women's roles in arbitration and examines the broader societal impact of women's participation in dispute resolution. The nine statements in the questionnaire are formulated as follows:

- Women's Participation in Arbitration.
- Social Constraints on Women Arbitrators.
- Psychological and Physical Limitations.
- Comparison with Judiciary Role.
- Comparison with Legal Profession.
- Male Responsibility in Promoting Women.

- Support for Women in Arbitration.
- Gender Equality through Arbitration.
- Need for Gender Equality Measures.

By addressing these diverse facets, the questionnaire provides a comprehensive framework for assessing the current state of female participation in arbitration in Saudi Arabia and identifying the key challenges and opportunities for promoting gender equality in this field. The data collected through this tool offers valuable insights into the respondents' perspectives, forming the basis for a deeper analysis of the role of women in arbitration within the context of Saudi Arabia's ongoing legal and social reforms.

Methodology

The methodology adopted in this study is centered on a descriptive analysis approach designed to comprehensively examine and interpret respondents' opinions regarding appointing women as arbitrators in commercial and administrative disputes in the Kingdom of Saudi Arabia. The analysis includes using tables and graphical representations to present the distribution of responses visually, making it easier to identify trends and patterns in the data.

Furthermore, a statistical procedure was employed to assess the overall tendencies in respondents' opinions. Specifically, the study tests the mean response for each statement against a neutral benchmark of 3 on the Likert scale. Responses with a mean below 3 indicate a tendency towards disagreement, while those with a mean above 3 suggest a tendency towards agreement. This approach allows for a precise evaluation of whether the collective opinions lean more towards agreement or disagreement on the various aspects explored in the questionnaire. By combining descriptive statistics with these inferential tests, the methodology provides a robust framework for analyzing the data and drawing meaningful conclusions about the role and perceptions of women in arbitration within the Saudi context.

The adopted testing procedure is twofold. Firstly, we apply the one-sample t-test against the mean value of 3, which tests the null hypothesis H_0 versus the hypothesis H_1 as follows:

$$\begin{cases} H_0: \mu = 3 \\ H_1: \mu \neq 3 \end{cases}, \text{ meaning that } \begin{cases} H_0: \text{Respondants are neutral in average} \\ H_1: \text{Respondants are not neutral in average} \end{cases}$$

Where μ is the average value of the different respondents by applying the values 1, 2, 3, 4, and 5 if the respondent strongly disagrees, degrees, neutral, agrees, and strongly disagrees, respectively. Secondly, if hypothesis H_0 is accepted, we retain that the respondents are globally neutral about the statement. However, When the null hypothesis is rejected, the respondents are not neutral. In this case, we see the measured average value of the responses. If this value is below (upper than) 3, we conclude that the respondents globally disagree (agree) about the statement. For a clearer picture of the adopted methodology, see Figure (1):

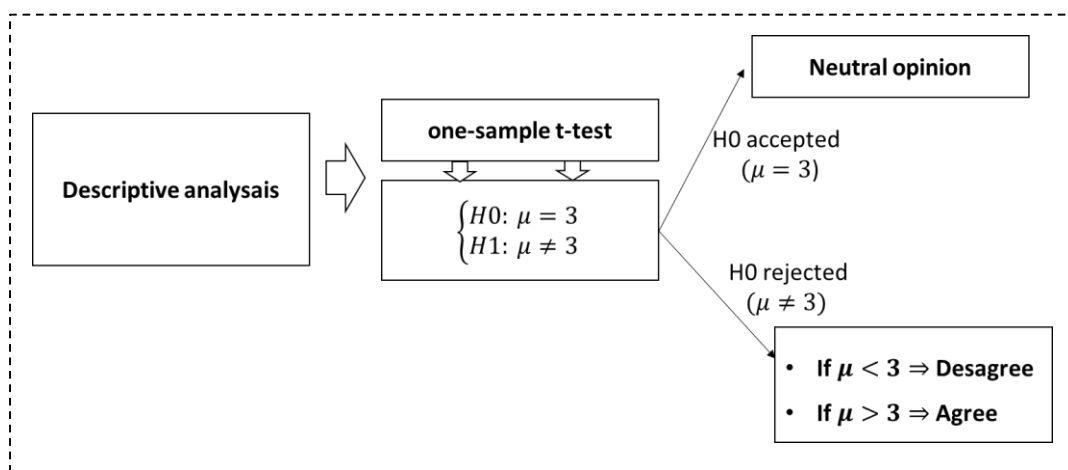


Figure 1: Employed methodology

The test decision is based on a calculated T-stat value and its related p-value. In this case, the null hypothesis H₀ is rejected at the 5% critical level if the T-stat is higher than the critical value of 1.96, corresponding to a p-value lower than 0.05.

RESULTS AND DISCUSSION

Table 1 presents the collected data results, summarizing the distribution of opinions across the different statements. These results provide a comprehensive overview of the respondents' views regarding women's actual participation in arbitration, the social and psychological factors influencing their role, and the broader implications for gender equality and societal advancement. The findings also highlight the perceived need for further measures to promote gender equality in arbitration in Saudi Arabia's evolving legal landscape.

Table 1: Distribution of the opinion of the respondents for different statements

Statement	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
1. Women's Participation in Arbitration	11	10	13	10	6
	22%	20%	26%	20%	12%
2. Social Constraints on Women Arbitrators	6	6	13	15	10
	12%	12%	26%	30%	20%
3. Psychological and Physical Limitations	11	9	10	10	10
	22%	18%	20%	20%	20%
4. Comparison with Judiciary Role	10	9	10	13	8
	20%	18%	20%	26%	16%
5. Comparison with the Legal Profession	9	6	9	16	10
	18%	12%	18%	32%	20%
6. Male Responsibility in Promoting Women	8	8	10	15	9
	16%	16%	20%	30%	18%
7. Support for Women in Arbitration	13	6	7	13	11
	26%	12%	14%	26%	22%
8. Gender Equality through Arbitration	14	2	13	11	10
	28%	4%	26%	22%	20%
9. Need for Gender Equality Measures	13	5	11	11	10
	26%	10%	22%	22%	20%

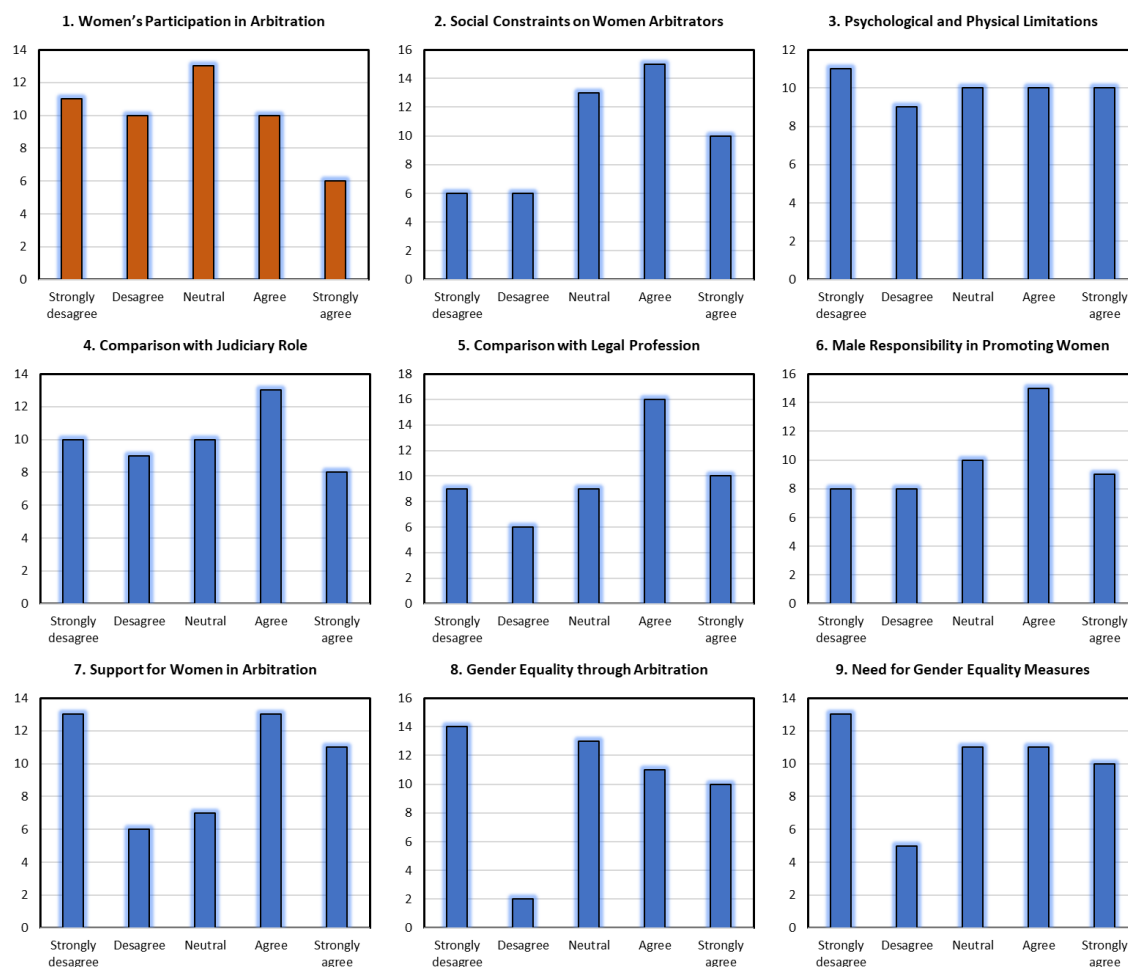


Figure 2: Distribution of the opinion of respondents on the different statement

The Table 1 and figure (2) present the distribution of respondents' opinions across nine statements regarding the role of women as arbitrators in commercial and administrative disputes in Saudi Arabia. Each graph corresponds to a specific statement from the questionnaire, providing a visual summary of the collective responses based on a five-point Likert scale (from "Strongly Disagree" to "Strongly Agree").

Focusing on the first statement, *Women's Participation in Arbitration*, which is the primary variable of the study, the data shows a significant proportion of respondents expressing neutrality, followed by agreement and strong agreement. This suggests that while a notable number of participants are open to the idea of women actively participating in arbitration, a sizable group remains neutral, possibly indicating uncertainty or lack of strong opinions. However, relatively fewer respondents strongly disagreed or disagreed with this statement, highlighting that opposition to women's participation in arbitration is not widely prevalent.

For the other statements:

- Many respondents appear to acknowledge social constraints (Statement 2), with a concentration of neutral and agreement responses indicating an awareness of social barriers.
- Psychological and physical limitations (Statement 3) show a more balanced distribution, though a considerable number of respondents lean towards neutrality or disagreement, suggesting skepticism about such limitations affecting women's arbitration roles.
- Comparisons with the judiciary and legal professions (Statements 4 and 5) also show a trend towards agreement, reflecting a general perception that women's arbitration roles can be evaluated similarly to their roles in other legal professions.

- Respondents strongly agree on male responsibility in promoting women (Statement 6) and support for women in arbitration (Statement 7), indicating a belief in the role of male allies and widespread support for women's involvement in arbitration.
- Lastly, gender equality and the need for additional measures (Statements 8 and 9) both receive strong positive responses, underlining the respondents' belief in the importance of equality and the necessity for further steps to enhance gender inclusion in arbitration.

In summary, the first statement highlights overall support for women's participation in arbitration, while the other statements reveal an awareness of social and institutional factors that influence this participation and a broad consensus on the need for greater gender equality in the field.

Table 2: Descriptive statistics and the one-sample t-test

Statement	Mean	Variance	T-stat	p-value	Result	Conclusion
1. Women's Participation in Arbitration	2.800	1.720	-1.068	0.291	Accept H0	Neutral opinion in average
2. Social Constraints on Women Arbitrators	3.340	1.584	1.891	0.065	Accept H0	Neutral opinion in average
3. Psychological and Physical Limitations	2.980	2.060	-0.098	0.923	Accept H0	Neutral opinion in average
4. Comparison with Judiciary Role	3.000	1.880	0.000	1.000	Accept H0	Neutral opinion in average
5. Comparison with Legal Profession	3.240	1.902	1.218	0.229	Accept H0	Neutral opinion in average
6. Male Responsibility in Promoting Women	3.180	1.788	0.942	0.351	Accept H0	Neutral opinion in average
7. Support for Women in Arbitration	3.060	2.296	0.277	0.783	Accept H0	Neutral opinion in average
8. Gender Equality through Arbitration	3.020	2.180	0.095	0.925	Accept H0	Neutral opinion in average
9. Need for Gender Equality Measures	3.000	2.160	0.000	1.000	Accept H0	Neutral opinion in average

Table 2 presents the results of a one-sample t-test conducted for each of the nine statements, testing whether the mean response is significantly different from 3, which represents a neutral opinion on the Likert scale. The null hypothesis (H0) of the mean being equal to 3 (Neutral opinion) has been accepted for all nine statements, indicating that, on average, respondents' opinions are neutral regarding each statement. Below is a detailed interpretation of the results for each statement:

For the first statement on women's Participation in Arbitration, the mean is equal to 2.8, slightly below 3, indicating that respondents may tend to lean slightly towards disagreement on this issue. The t-test shows no significant difference from neutrality (T-stat: -1.068; p-value: 0.291). Hence, the general opinion is neutral, suggesting no strong collective stance on women's participation in arbitration.

The second statement (Social constraints on Women Arbitrators) presents a mean of 3.34, a T-stat equal to 1.891, and a p-value of 0.065. The mean is slightly above 3, indicating a slight tendency towards agreement with the existence of social constraints on women arbitrators. However, this result is still not statistically significant (p-value > 0.05), implying that the overall response is neutral on average, suggesting respondents may be divided or uncertain on whether social constraints exist.

Regarding the psychological and physical limitations presented by statement 3, we find a mean value of 2.980, T-stat equal to -0.098, and p-value equal to 0.923. The mean is almost exactly 3, indicating that respondents, on average, do not strongly agree or disagree that psychological and physical factors limit women's ability to serve as arbitrators. The high p-value confirms the neutrality in respondents' views on this issue.

Similar results for statement 4 suggest a mean value of 3, null T-stat. The mean is exactly 3, and the t-test shows no deviation from neutrality. Respondents neither agree nor disagree that women's roles in arbitration can be compared to their roles in the judiciary, indicating a lack of strong collective opinion on this matter.

The fourth statement related to the comparison with the legal profession presents a mean value of 3.240, a T-stat equal to 1.218, and a p-value equal to 0.229. These findings indicate a small tendency towards agreement that women's roles as arbitrators can be compared to their roles in the legal profession. However, the p-value shows no significant deviation from neutrality, reflecting that the general opinion remains balanced.

Similar results are generally found for other statements, indicating that the null hypothesis that the mean equals 3 (neutral opinion) is accepted for all nine statements. This indicates that, on average, respondents neither strongly agree nor disagree with any of the statements presented in the questionnaire. These neutral results suggest that opinions regarding women's participation in arbitration and the related issues the questionnaire covers are generally balanced, without a clear consensus among the respondents. There may be ambivalence or uncertainty surrounding these topics, or the respondents could be divided in their views, resulting in overall neutrality.

CONCLUSION

This study provides important insights into public perceptions regarding the appointment of women as arbitrators in administrative and commercial dispute resolution in the Kingdom of Saudi Arabia. The analysis, based on a survey of 50 respondents, highlights a general neutrality in opinions across the nine key statements explored. This neutrality suggests that while there is some awareness and discussion around the role of women in arbitration, respondents overall do not hold strong opinions in either direction. The t-tests conducted across all statements show that the mean responses are not significantly different from 3, the neutral point on the Likert scale.

The findings reveal that respondents do not have a decisive stance on whether women's participation in arbitration is broadly accepted or rejected. For instance, in the first statement, which examines women's participation in arbitration, the average response was slightly below neutral but not significantly different. This indicates that, while some respondents may lean towards disagreement, there is no strong overall opposition or support for women's involvement in arbitration roles. Similarly, when asked about the social constraints that may impede women's roles in arbitration, respondents also expressed neutrality, suggesting a lack of consensus on the extent to which societal barriers affect women's opportunities in this field.

Moreover, comparing women's roles in arbitration with their roles in the judiciary and legal professions also yielded neutral responses. This neutrality reflects an ambivalence in public opinion about the appropriateness of women serving as arbitrators compared to other legal positions. This uncertainty could stem from ongoing societal shifts or legal reforms in the country that are gradually evolving perceptions of gender roles in professional and legal settings.

Despite some slight tendencies towards agreement in areas like male responsibility in promoting women and the impact of gender equality through arbitration, the overall conclusion remains that the respondents, on average, do not exhibit strong opinions on these matters. This could indicate that while gender equality is being discussed, there is still significant ambivalence regarding the extent to which women should participate in arbitration or whether further measures should be taken to promote their involvement.

RECOMMENDATIONS

Based on the findings of this study, several recommendations can be made to advance the role of women in arbitration and to address the perceived neutrality or ambivalence in public opinion:

- **Raising awareness and promoting education:**

The neutrality observed in the responses may be due to a lack of awareness or understanding of the benefits of having women serve as arbitrators. Educational campaigns, workshops, and public seminars can be organized to highlight the positive outcomes of gender diversity in arbitration, such as broader perspectives in dispute resolution and enhanced fairness in proceedings. Promoting success stories of women arbitrators locally and internationally could help break down barriers and shift neutral or indifferent attitudes toward positive support.

- **Encouraging legal reforms and institutional support**

The study highlights a potential need for more robust legal frameworks and institutional policies that explicitly support the appointment of women as arbitrators. Government agencies and professional bodies, such as law firms and arbitration centers, can play a pivotal role in developing policies that ensure gender equality in arbitration appointments. By formalizing gender-inclusive practices, the legal system can better align with global trends and ensure women have equal opportunities to serve arbitrators.

- **Addressing social and cultural barriers**

The responses to the statement regarding social constraints on women arbitrators indicate that these barriers may still be present, although public opinion on this issue remains neutral. Targeted initiatives should be implemented to address these societal constraints, including campaigns that challenge traditional gender roles and promote women's capabilities in leadership and decision-making positions. Engaging religious, cultural, and community leaders in these efforts could help change public perceptions and reduce any remaining resistance to women serving in arbitration roles.

- **Promoting male advocacy for gender equality**

The role of men in promoting women's participation in arbitration is also critical. The study revealed slight support for the idea that male leaders in law firms, consultancies, and corporations should take responsibility for promoting women in the field. Encouraging male advocates to champion gender diversity in arbitration and other legal areas actively could help normalize women's presence in these roles. Mentorship programs, where male professionals sponsor and guide female arbitrators, could also be an effective strategy to bridge the gender gap in the arbitration field.

- **Implementing policies for gender equality in arbitration**

The neutral stance on the need for additional measures to enhance gender equality suggests that there may be uncertainty regarding the best path forward. Concrete policies that incentivize gender equality in arbitration appointments could address this gap. For instance, arbitration institutions

could introduce gender quotas or target female representation in arbitration panels. Furthermore, offering specialized training and certification programs for women in arbitration would ensure that female professionals have the skills and qualifications to succeed in this competitive field.

In conclusion, while the findings indicate neutrality across most statements, they also provide a foundation for action. By raising awareness, promoting legal reforms, addressing social barriers, encouraging male advocacy, and implementing policies that foster gender equality, stakeholders in Saudi Arabia can work toward a future where women's participation in arbitration is not only accepted but actively supported and promoted. This will contribute not only to gender equality but also to the advancement of the legal profession and society as a whole.

Finally, as an avenue for future research, one can focus on investigating the various factors that influence the appointment of women as arbitrators in administrative and commercial disputes in Saudi Arabia. Future studies could explore determinants such as legal frameworks, cultural norms, educational background, professional experience, and institutional policies. Additionally, examining the role of government regulations, the impact of international arbitration standards, and the influence of male-dominated networks in decision-making processes could provide valuable insights. Furthermore, comparative analyses between Saudi Arabia and other countries where women play a more significant role in arbitration could highlight key barriers and potential solutions for increasing female participation in the Kingdom's arbitration landscape. This research could contribute to more targeted strategies for promoting gender equality in legal and dispute resolution fields.

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EHMS conceived the idea, participated in the study's design, helped write the manuscript, and read and approved the final manuscript.

AMA participated in the study's design, helped write the manuscript and read and approved the final manuscript.

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