

# Comparative Analysis of the Role of Public Policy in the Nullity and Annulment of Arbitral Awards under Iranian and Turkish Law

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## 1. Round 1

### 1.1. Reviewer 1

Reviewer:

In the third paragraph of the Introduction, the article defines public policy as referring to “fundamental legal, ethical, social, economic, and procedural values.” This formulation is broad and potentially conflates public policy with mandatory law, good morals, procedural fairness, and public interest. Please provide a more disciplined conceptual definition and explain whether public policy is treated as a substantive standard, a procedural standard, or both. The article should also clarify whether the definition is intended to apply equally to domestic and international arbitration.

In the fourth paragraph of the Introduction, the sentence stating that Article 489 of the Iranian Civil Procedure Code concerns awards contrary to “laws creating rights” requires greater doctrinal precision. The article should explain that this phrase is not identical to public policy and should avoid implying that Article 489 contains an express public-policy ground. A more nuanced discussion is required regarding whether “laws creating rights” can encompass mandatory rules, whether it includes all substantive legal rules, and why a restrictive interpretation is doctrinally preferable.

In the sixth paragraph of the conceptual section, the distinction between domestic and international public policy is introduced but remains descriptive. Please explain whether Iranian law recognises an autonomous notion of international public policy and whether Turkish courts apply a narrower conception of public policy in international arbitration. The article would benefit from a comparative explanation of why international commercial arbitration requires restraint in applying domestic public policy, particularly where foreign parties, foreign law, or foreign performance are involved.

In the eighth paragraph of the conceptual section, the discussion of nullity and annulment should be more systematic. The article states that terminology is inconsistent in Iranian law, but it does not clarify the procedural consequences of that inconsistency. Please explain whether defects connected with public policy may be raised ex officio by the court, whether they

are subject to statutory limitation periods, and whether an award described as void must nevertheless be challenged through an action for annulment. This issue is central to the title and should receive more than a brief conceptual treatment.

Authors revised the manuscript and uploaded the document.

## 1.2. Reviewer 2

Reviewer:

In the fifth paragraph of the Introduction, the article states that Turkish law “more directly recognises public policy as a ground for annulment.” Please identify the relevant Turkish legal instruments and provisions in the text. The reader needs a precise reference to the Turkish International Arbitration Law No. 4686 and the Turkish Code of Civil Procedure No. 6100, together with an explanation of whether the article examines both domestic and international Turkish arbitration. Without this clarification, the comparative framework remains incomplete.

In the final paragraph of the Introduction, the research objective is stated clearly, but the article does not formulate a sufficiently explicit research question or comparative hypothesis. The sentence that public policy “should remain narrow, exceptional, and directed toward serious violations” appears to announce the conclusion before the legal analysis is fully developed. Please reformulate the objective around a more neutral research question, such as whether Iranian and Turkish law establish sufficiently predictable boundaries between legitimate public-policy review and prohibited merits review.

In the first paragraph of the conceptual section, the sentence that public policy “cannot be reduced to a fixed list of statutory provisions” requires further qualification. Although public policy is an open-ended concept, courts cannot apply it without legal constraints. Please explain the interpretive sources that should guide its application, including statutory text, constitutional principles, mandatory legislation, judicial practice, and international arbitration standards. This addition would make the analysis more legally rigorous and prevent public policy from appearing purely discretionary.

In the second paragraph of the conceptual section, the statement that “an arbitral tribunal may make an error” in contract interpretation, evidence, damages, or substantive law needs a more precise distinction between domestic annulment proceedings and enforcement proceedings. In some legal systems, the public-policy test may be more restrictive at the enforcement stage than at the seat of arbitration. Please explain whether the article considers this distinction and whether Iran and Turkey adopt different approaches when reviewing awards at the annulment stage as compared with the recognition and enforcement stage.

In the third paragraph of the conceptual section, the article separates substantive and procedural public policy, which is analytically useful, but the categories are not developed with sufficient comparative detail. The examples of substantive public policy should be connected to concrete legal questions relevant to Iran and Turkey, such as corruption, usury, sanctions-related obligations, registration law, competition rules, or transactions prohibited by law. Likewise, the discussion of procedural public policy should explain whether every due-process irregularity justifies annulment or only an irregularity that materially affected the party’s ability to present its case.

In the fourth paragraph of the conceptual section, the article correctly states that mandatory rules and public policy are not identical, but it does not provide an operational criterion for distinguishing them. The sentence that “not every breach of a mandatory rule necessarily rises to the level of public-policy violation” should be followed by a proposed legal test. For example, the article could assess whether the rule protects an individual interest or a collective interest, whether the violation is manifest, and whether enforcement of the award would undermine a fundamental value of the forum.

Authors revised the manuscript and uploaded the document.

## 2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.

