Proceedings of the 4th International Conference on Global Politics and Socio-Humanities
DOI: 10.54254/2753-7048/2026.35994

# *Judicial Construction under the "Belt and Road Initiative": Analysis on Jurisdiction System of China International Commercial Court*

**Haiyin Gao**

*College of Economics and Management, Beijing University of Technology, Beijing, China*
*annieghy@sina.com*

***Abstract.*** Against the background of economic globalization and the promotion of "One Belt, One Road" initiative, international commercial disputes have become increasingly complex, and the China International Commercial Court (CICC) came into being. However, its jurisdiction system is still in the primary stage of development and faces many practical issues. This paper focuses on the jurisdiction system of CICC, focusing on the three core contradictions of judicial orientation, concept definition and jurisdiction. By comparing the relevant practices in Singapore, Dubai and other countries, this paper analyzes the basic content, development and existing disputes of the jurisdiction of China's international commercial courts, and finds that there are some problems in it, such as obvious tendency of nationalization, vague definition of core concepts, and limitation of the amount of litigation subject matter of 300 million yuan. The research puts forward that people should establish the "international standard" judicial orientation, clarify the definition of core concepts, optimize the design of jurisdiction rules, and strengthen international judicial cooperation as improvement paths. This study attempts to provide ideas for improving the jurisdiction system of CICC, help improve China's international judicial status, and better facilitate the resolution of cross-border commercial disputes in the context of the Belt and Road Initiative (BRI).

***Keywords:*** Judicial construction, BRI, CICC

## 1. Introduction

The trend of global economic integration is remarkable, and business and trade exchanges between countries are becoming more and more frequent. With the economic development of countries around the world, the frequency and complexity of international disputes have also increased. Since the implementation of the BRI in China, international cooperation has become more efficient, its international status and influence have been significantly enhanced, and the quantity of international economic and trade cases handled by the courts has increased significantly. The statistical analysis on the international investment arbitration data in the past 30 years by the United Nations Commission on International Trade Law (UNCITRAL) points out that it is difficult for the existing dispute settlement methods to solve a series of problems under the new situation efficiently, and one

© 2026 The Authors. This is an open access article distributed under the terms of the Creative Commons Attribution License 4.0 (https://creativecommons.org/licenses/by/4.0/).

DOI: 10.54254/2753-7048/2026.35994

of the targeted improvement ways is to build a special international commercial court [1]. At present, there is an upsurge in the set-up of international commercial courts in the world. To promote the implementation of China's BRI and create a fairer, more convenient and legal international business environment, in 2018, the Supreme People's Court (SPC) issued the Provisions of the Supreme People's Court on Several Issues Regarding the Establishment of International Commercial Courts (hereinafter referred to as the Provisions) and Procedure Rules for the China International Commercial Court of the Supreme People's Court (for Trial Implementation), and in June of the same year, the first and second CICC were formally established in Shenzhen and Xi 'an respectively to deepen the judicial construction of the BRI. Compared with Britain, America and other countries, the construction of CICC has been late, and now it is still in the primary stage, and there are many defects, among which jurisdiction is one. At present, there are the following main contradictions in the academic and practical circles about CICC: First, it is unclear whether CICC should be an "international commercial court" or a "domestic foreign-related court" [2]. The second is the contradiction of concept definition, that is, the terms such as "commercial" and "international" need to be further clearly defined [3]. Third, the scope of jurisdiction is unclear, that is, whether competition should be opened or restricted conservatively. Based on this, this paper will mainly focus on the above issues and analyze the construction mechanism of the jurisdiction of equivalent courts in other countries (such as Singapore and Dubai) and the development of CICC jurisdiction through comparative analysis and historical analysis, systematically explaining the academic views on the three core issues of judicial orientation, concept definition and jurisdiction.

## 2. Literature review

First of all, there is a great dispute between academic circles and practical circles on the judicial orientation of CICC. Most scholars believe that if people want to make full use of such courts, people should have an "international standard" perspective and highlight the characteristics of neutrality [2]. With the promulgation of the Provisions, the "One Belt, One Road" judicial service guarantee mechanism has been further upgraded from deepening the original foreign-related trials in the court system to setting up a special international commercial court. This upgrade means that CICC will be distinguished from domestic foreign-related trials [3]. However, the practical circle shows a tendency of nationalization. The meaning of "internationality" in Article 3 of the Provisions is similar to that in Article 1 of SPC's Interpretation on Several Issues Concerning the Application of the Law on the Application of Foreign-related Civil Laws (I), which lacks international characteristics.

Secondly, in terms of concept definition, there is ambiguity in China's practical circles, such as the lack of definition of "commercial" and the confusion between "international" and "foreign-related". Most scholars agree that key concepts should be defined as soon as possible to further improve the practice of CICC [3].

Finally, on the issue of jurisdiction, the more important contradiction is whether the amount of litigation subject matter of 300 million yuan should be cancelled. As an important controversy, the principle of actual connection was responded by the SPC in the Decision on Amending the Provisions of the SPC on Several Issues Concerning the Establishment of International Commercial Courts issued on December 5, 2023. The article 2, paragraph 1, of the original provisions was amended to separate the provisions of the people's court that "the choice of jurisdiction by agreement shall be based on the place actually connected with the dispute", which aligns with the worldwide evolving trend of jurisdiction rules for foreign-related matters [4]. This also shows that the institutional framework of CICC is moving towards a more open attitude. With regard to the

DOI: 10.54254/2753-7048/2026.35994

limitation of the minimum amount of litigation subject matter, the current Provisions require that the amount of the subject matter of the cases under the jurisdiction of the agreement should reach more than RMB 300 million, which is considered to be helpful to highlight the acceptance level of CICC and to efficiently and economically use judicial resources. However, some scholars believe that the limitation on the amount of litigation object should be abolished or reduced, and that this setting limits the autonomy of the parties and is unstable, which is not conducive to CICC's competition for international sources.

This study holds that CICC should take "international standard" as its judicial orientation, analyze and define the missing core concepts as soon as possible, and cancel or limit the amount of litigation subject matter.

## 3. Jurisdiction of CICC

### 3.1. Analysis on jurisdiction system of CICC

Economic globalization has promoted closer economic and trade exchanges among countries, and the BRI has greatly enhanced China's global status, however, the business disputes in countries along the route are diversified and the legal relationship is complex, so the existing foreign-related trials are difficult to meet the needs of efficient dispute resolution [5]. At present, the process of global economic and trade legalization has slowed down, the WTO appellate body has stopped, unilateralism and protectionism have risen, the uncertainty of the international economic and trade environment has increased significantly, and countries have successively established corresponding courts to meet the needs of new dispute settlement [5]. CICC aims to build a professional and international platform, but it needs to be improved urgently because of its vague jurisdiction, unclear concept, controversial rules and insufficient international credibility and case source attraction.

CICC should emphasize "internationality", but in practice, it shows an obvious domestic standard tendency. The reasons are as follows. First, CICC, guided by the "Belt and Road" service guarantee, focuses on handling disputes involving China elements, lacking the constructive goal of shaping the international economic and trade governance structure, which is obviously different from SICC's position of actively participating in international competition and building an international dispute settlement center [5,6]. Second, CICC was established according to judicial interpretation and belongs to the Supreme People's Court, which has a weak legal foundation and is strongly constrained by domestic legislation and existing trial mechanism, making it difficult to achieve institutional innovation, which makes it difficult to truly achieve international positioning [6]. The author believes that only by establishing the international standard judicial orientation can China International Commercial Court enhance its international credibility and attractiveness for global cases.

### 3.2. Basic content and scope of jurisdiction

The jurisdiction of CICC mainly focuses on commercial cases that are selected by CICC in the parties' agreement and major commercial cases related to countries along the Belt and Road. Its jurisdiction mainly includes the following three categories: First, the jurisdiction by agreement, that is, the parties independently select the jurisdiction court through a written agreement, but the case subject matter amount is required to exceed 300 million yuan; Second, the elevation of jurisdiction, which mainly includes two types: cases where the Higher People's Court applies and the Supreme People's Court approves for the jurisdiction of the CICC, and cases with significant nationwide

DOI: 10.54254/2753-7048/2026.35994

impact or other international commercial cases that the SPC deems should be tried by the CICC; Third, the jurisdiction for judicial review of arbitration, that is, CICC implements centralized jurisdiction of judicial support and review for international commercial arbitration cases accepted by arbitration institutions in the "one-stop" international commercial dispute settlement mechanism, with a bid amount of more than RMB 300 million or other significant influences [3]. It can be seen that the elevation of jurisdiction and the jurisdiction of judicial review of arbitration mainly serve the case allocation within the domestic judicial system, and the jurisdiction by agreement is the core way to attract international commercial parties. Therefore, the principle of actual connection and the subject matter amount of 300 million yuan are two key elements that constitute the jurisdiction of the agreement, and the issues related to their development and application are very important to CICC.

### 3.3. Development of actual connection content

At present, the application of the principle of actual connection has changed in the practice of CICC. The application of the principle of actual connection was established in Article 2, paragraph 1, of the original Provisions with Article 34 of the Civil Procedure Law, and then the SPC revised the original Article 2, paragraph 1, and changed Article 34 to Article 277 in a document issued on December 5, 2023, which meant that the application of the principle of actual connection in CICC was cancelled. This practice conforms to the international development trend and responds to the appeal of academic circles. Abolishing the principle of actual connection can bring many benefits. First of all, this move really pushes CICC towards internationalization, fully practices the principle of party autonomy, and provides assistance for CICC to compete for international case sources; Secondly, China's economic strength is different today, and its international economic status is gradually rising.As pointed out by scholars, the liberalization of actual contact may lead to legal evasion, the trade situation that is not conducive to protecting the interests of the parties in a weak position in China, has changed [3], and canceling the principle of actual contact is the best choice considering the current and future development trends of CICC.

### 3.4. Dispute over the minimum amount of litigation subject matter limit

There is also an important dispute over the jurisdiction by agreement: How to treat the setting of the minimum amount of 300 million yuan, because it is directly related to the source of cases under the jurisdiction by agreement. After revising the original regulation in 2023, the SPC still retained the litigation limit of 300 million yuan, which shows that the practical circles still insist on the application of this rule. However, adhering to the bottom line of 300 million yuan may bring the following problems: First, whether the amount is set too high. The threshold of 300-million-yuan litigation target is too high, which excludes small and medium-sized enterprises and individual investors along the "Belt and Road" and seriously limits the sources of worldwide cases. Does this impact the autonomy of the parties to some degree? Moreover, the author thinks that its high amount of litigation leads to the time when the number of cases accepted by CICC is still relatively small since its establishment, so the problem of its amount setting needs to be re-examined. Second, the amount of the subject matter of litigation itself may be unstable and manipulated artificially, and may change in the course of litigation, which may easily bring uncertainties to the choice of court jurisdiction by international commercial subjects and the discretionary jurisdiction of higher courts [7]. Therefore, the author thinks that people should continue to consider the issue of the minimum litigation amount of CICC. Compared with SICC, in practice, it pays more attention to its

DOI: 10.54254/2753-7048/2026.35994

"international" and "commercial" in the jurisdiction of cases, which improves its jurisdiction to some extent. The author thinks that in this respect, CICC can learn from it and improve the construction of a relatively open jurisdiction system.

## 4. Improvement path of the jurisdiction system of CICC

### 4.1. Clarifying judicial orientation and core concepts

The author thinks that CICC should establish the position of "international standard" in judicial construction as soon as possible, so as to enhance its international credibility and attractiveness of global case sources. The SPC has already defined the orientation and characteristics of CICC as "internationalization, specialization and neutrality" in the Provisions, so it is required to strengthen its system construction and practice system as an international court, form a functional distinction with domestic foreign-related courts, and accurately focus on the efficient settlement of cross-border commercial disputes; Secondly, the definition of CICC core concepts needs to be completed as soon as possible. The concept of "commercial" can refer to the UNCITRAL Model Law on International Commercial Arbitration, connect with international standards, and specify covering areas (such as cross-border trade, investment, finance, intellectual property rights, etc.), abandon the current exclusionary definition approach, adopt a positive enumeration approach to clarify the scope of commercial affairs, enhance the certainty and predictability of rules; "Internationality" can be clearly distinguished from "foreign-related" on the basis that "one party to the dispute is a foreign party, the subject matter involves cross-border transactions and the legal relationship has cross-border factors".

### 4.2. Optimizing the design of jurisdiction rules

At present, China has abolished the principle of actual connection. On this basis, in order to make efficient use of judicial resources, the principle of forum non conveniens can be introduced, and some cases that have no substantial connection with China and are inconvenient to hear can be refused jurisdiction [8]. At the same time, people can think about the related issues of the amount of litigation target of 300 million yuan. As a unique provision in China, the rationality of its setting should be examined here. In addition, as a judicial practice with the commercial theme and the "Belt and Road" as its main service scope, CICC can try to link up regional economic and trade agreements [9]. Combined with RCEP and other agreements, establish a jurisdiction coordination mechanism with commercial courts of countries along the route, and clarify the settlement rules of jurisdictional conflicts.

### 4.3. Strengthening judicial cooperation

At present, as China has not yet become a party to the relevant international conventions, it relies on two modes: bilateral civil and commercial judicial assistance treaties and reciprocal relations. Among them, the former plays a major role, and reciprocal arrangements play a supplementary role. However, among the 151 countries along the Belt and Road, only 25 have these mutual treaties with China. It can be seen that China's bilateral civil and commercial judicial assistance treaties only exist between China and several countries, and the framework system has not yet been formed, which is far from enough to satisfy the actual requirements for recognizing and enforcing commercial judgments, and cannot meet the needs of judicial assistance in the "Belt and Road" construction [10]. Thus, people should promote the establishment of mutual recognition and enforcement

DOI: 10.54254/2753-7048/2026.35994

mechanism of judgments, sign judicial assistance agreements with countries along the Belt and Road, and promote the recognition and enforcement of CICC judgments abroad; Judicial power belongs to the category of national sovereignty, and countries usually impose strict restrictions on the nationality of judges, and the parties generally have no right to choose foreign judges. In contrast, commercial arbitrators/mediators are usually appointed by the parties and may be professionals from different countries and regions in this controversial field. This is one of the three advantages of international commercial arbitration, which makes the parties more inclined to choose arbitration as the first choice for dispute solving. In light of this, some newly established international commercial courts have also relaxed the restrictions on the qualifications of judges and actively introduced foreign judges. By the end of 2024, 24 of SICC38's 38 judges were non-Singaporean; Eleven of the original 16 judges of Dubai International Financial Center are foreigners, and foreign judges have also been introduced into international commercial courts in Qatar, Abu Dhabi and Kazakhstan [11]. All these enlighten people to actively introduce international experts to participate in the construction of CICC, appropriately introduce foreign judges, provide professional advice for the trial of cases, and enhance the international recognition of judgments. In addition, take an active part in rule exchanges, participate in the International Union of Commercial Courts, share trial experience, and promote commercial legal rules and judicial practice in China.

## 5. Conclusion

Jurisdiction is the premise for courts to accept cases. Defining jurisdiction scientifically is very important for the healthy development of CICC, which is related to strengthen China's global judicial standing and serving the BRI construction. CICC core function is to provide professional judicial guarantees for international commercial disputes, and it should adhere to the international standard and highlight neutrality and internationalization. However, in current practice, its case acceptance mode is still similar to that of domestic foreign-related courts, which fails to fully reflect the unique positioning and functions of international commercial courts.

Therefore, it is urgent to clearly define the core concepts such as "commercial" and strictly distinguish between internationalization and traditional foreign-related nature, so as to avoid the parties' doubts about the jurisdiction due to vague concepts and thus reduce their willingness to choose the courts in China. At the same time, people should cancel the threshold of the amount of litigation object and actual connection principle, fully respect the parties' autonomy, enhance the appeal and competitiveness of China's international commercial courts, and expand the source of international cases.

In the long run, perfecting jurisdiction rules is the key to enhancing China's international judicial influence. With deep implementation of the BRI and Regional Comprehensive Economic Partnership (RCEP), CICC is expected to become an important commercial dispute settlement platform in Asia. Constructing an internationally recognized jurisdiction system with China characteristics can not only provide high-quality judicial services for countries along the route but also help China involve in the formulation of worldwide commercial rules.

## References

[1] Liao, N. (2019). On the orientation of China International Commercial Court under the Belt and Road Initiative. *Economic and Trade Law Review*(2), 81-97.

[2] Wu, Y. (2020). On the jurisdiction of international commercial court —— also on the jurisdiction allocation of China International Commercial Court. *Huaqiao University Law School*.

[3] Zhu, Y. (2021). Jurisdiction of China International Commercial Court. *Law Application*(7), 136-149.

DOI: 10.54254/2753-7048/2026.35994

[4] Li, J. (2024). The challenges facing China's international commercial court system under the "Belt and Road" vision and China's response. *Scientific Journal of Humanities and Social Sciences, 6*(7).
[5] Lin, F. (2024). China International Commercial Court from the perspective of global governance system reform: function bearing and development prospect. *Journal of Sichuan University (Philosophy and Social Sciences Edition)*(2), 194-205+219-220.
[6] Huo, Z., & Yip, M. (2019). Comparing the international commercial courts of China with the Singapore International Commercial Court. *The British Institute of International and Comparative Law. Cambridge University Press*.
[7] Wu, Y. (2023). On the arbitralization of international commercial litigation —— also on the revision of foreign-related edition of China's civil procedure law. *Modern Law, 45*(4), 156.
[8] Li, L., & Cai, Y. (2022). Practice and new development of jurisdiction system of foreign-related civil and commercial litigation agreement.
[9] Du, T., & Ye, S. (2018). International commercial court: A new international commercial dispute resolution institution. *China Law*(3), 13.
[10] Kong, Q., & Wang, C. (2023). A new probe into the judicial cooperation system of cross-border execution of commercial judgments in China. *Jiangxi Social Sciences, 43*(2), 183-190.
[11] Shan, W., & Feng, Y. (2025). Exploration and perfection of "financial settlement" system of international commercial disputes. *Journal of Xi'an Jiaotong University (Social Science Edition), 45*(2).