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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

UNDERSTANDING THE EVOLUTION OF COMMERCIAL COURTS: A SYSTEMATIC LITERATURE REVIEW AND BIBLIOMETRIC ANALYSIS

AUTHORED BY - GAZAL
Research Scholar

INTRODUCTION

The legal profession has become more and more specialised over the last decades.¹ The large segment of the judicial system is moving towards the specialisation of the judiciary, in various forms. The working party of the *Consultative Council of European Judges* stated “The main reason for specialization of the judiciary is the increased specialization of the law itself and growth of complex legal relations.”² The number of commercial courts has rapidly increased, having gained popularity in the Gulf region, they swiftly expanded to the East and West, enjoying significant wins as well as some setbacks, and they are now establishing themselves as a new paradigm in the adjudication of international economic disputes.³ In India, the Commercial Courts Act 2015⁴ was enacted well in time to boost the confidence of prospective foreign investors by facilitating the timely disposal of commercial disputes. The Law Commission of India has conducted a detailed analysis of similar kinds of commercial courts in other parts of the globe.⁵ In essence, newly enacted legislation seems to be well reviewed and based on the experiences of other countries.

In recent years, emerging Eurasian nations with developed legal systems, including China, the United Arab Emirates, Qatar, Singapore, the Netherlands, and Paris have all established international commercial courts as domestic venues for resolving cross-border business disputes. The Government set up specialised commercial courts to draw in foreign direct investment, market their legal services overseas, and enhance the standing of the state in the

¹ R. Franklin Balotti and Roland E. Brandel, “Business Bench: Are Special Courts the Future?” 4(3) *Business Law Today* 24-29 (1995).

² Heike Gramckow and Barry Wash, “Developing Specialized Court Services – International Experiences and Lessons Learned” 5 (The World Bank, 2013).

³ Georgios Dimitropoulos, “International Commercial Courts in the ‘Modern Law of Nature’ : Adjudicatory Unilateralism in Special Economic Zones” 24 *Journal of International Economic Law* 364 (2021).

⁴ The Commercial Courts Act, 2015.

⁵ Law Commission of India, “253rd Report on Commercial Division and Commercial Appellate Division of High Courts and Commercial Courts Bill, 2015” (January 2015).

development of commercial laws.⁶ Often established as “jurisdictional carve-outs”, like special economic zones, these hybrid commercial courts function as “one-stop shops” for cross-border commercial dispute resolution.⁷ International commercial courts are state-instituted courts with unique jurisdictional and procedural requirements that seek to draw non-local parties to their forum and encourage international trade. Many are based on the London Commercial Court, which has long been a preferred venue for international disputes and is renowned for its skilled judges and effective processes. International Business Courts have been popping up all throughout Europe, especially in the wake of the Brexit vote when English court rulings were no longer as easily enforceable across the EU. There are currently specialized international business courts in Paris, Amsterdam, and other German cities, and there are initiatives to establish comparable courts in Brussels, Zurich and other Locations.⁸ International commercial courts incorporate the traditional elements of arbitration. They engage globally acclaimed judges in their courts from around the world who might serve as arbitrators as well. They assert that international arbitration is impartial, knowledgeable, and occasionally private and secret. But unlike arbitration, they create law, exercise state power, and bind third parties.⁹

Commercial courts have been a research domain attracting academicians, international organisations, and governments across the world. This paper aims to annotate existing literature on commercial courts, business courts, or international commercial courts using a systematic literature review and bibliometric analysis. Furthermore, it has a certain scope and direction within existing research by critically analysing the work published in the domain of commercial courts. There are no bibliometric analysis studies in the earlier research on commercial courts. This paper intend to offer an overview of research trends in the area of commercial courts. The most popular database, SCOPUS, which has very high rate of citation for its database, will be used to analyse the theoretical expansion of commercial courts in this paper.

RESEARCH QUESTIONS

The basic objective of this study is to understand the scope and trends of the studies conducted in the domain of research for commercial courts. It attempts to answer the research questions

⁶ Matthew S. Erie, “The New Legal Hubs: The Emergent Landscape of International Commercial Dispute Resolution” 60 *Virginia Journal of International Law* 225 (2020).

⁷ *Ibid.*

⁸ Giesela Rühl, “The Resolution of International Commercial Disputes- What Role (if any) for Continental Europe?” 115 *American Journal of International Law* 11 (2021).

⁹ Pamela K. Bookman, “Arbitral Courts” 61(2) *Virginia Journal of International Law* 163 (2021).

as follows:

RQ1. Who are the prominent authors in the field of research for commercial courts?

RQ2. Which are the prominent journals publishing papers on commercial courts?

RQ3. Where are the international collaborations taking place, and which countries are working together to advance research on commercial courts?

RQ4. What are the most frequently used keywords and subject areas for research on commercial courts?

RESEACH METHODOLOGY

To achieve the objectives of the study, the SCOPUS database has been selected due to its multi-operating functions, such as the document type, publication year, the names of the journal, citation numbers, affiliation of the authors, etc., which aid the bibliometric analysis for the topic in a very distinctive manner. A total of 226 documents published in Scopus during last 25 years, i.e. from the year 1997 till September, 2022 were downloaded using the keywords (“Commercial Courts OR “Business Courts” OR “International Commercial Courts”). Out of these 226 documents, a total of 153 documents were finally accepted for further processing for bibliometric and network analysis as per the criteria given in Table 1.

Part I: Systematic Literature Review

Table 1.Criteria for acceptance and rejection of documents (Number of documents given in brackets)

Criteria	Acceptance	Rejection
Subject Area	Social Sciences (172) Economics, Econometrics and Finance (57) Business, Management and Accounting (35) Arts and Humanities (18	Other subject areas (45)
Year	1997 to 2022 (199)	1987(1) 1975(1) 1921(1)
Publication Stage	Final (198)	Article in press(1)

Language	English (153)	French (27) Croatian (6) Russian (4) Spanish (4) Others (7)
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Figure 1 Prisma chart¹⁰

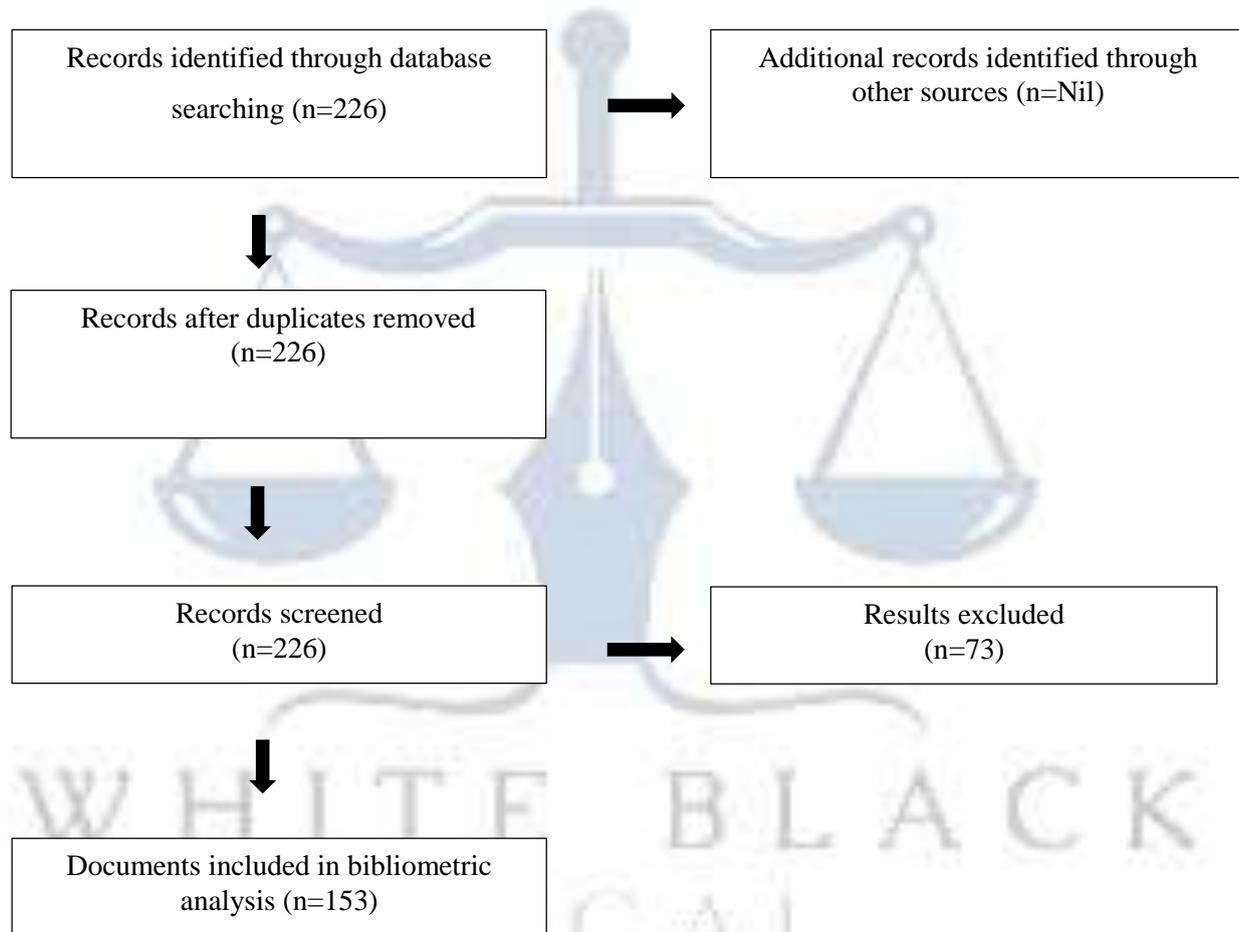


Table 2 and Figure 2, show the status of year-wise publications. Research interest in the domain of commercial courts basically gained momentum from the year 2009. 138 documents, i.e., 90% of studies, were conducted from 2009-2022. From the year 1997 till 2008 only 10% of studies were conducted. From the year 1997 till 2008, there were only one or two or no documents published. The year 2021 saw the most documents published, with 24 (15.69%) documents, followed by 21 (13.73%) in 2019.

¹⁰ David Moher and Alessandro Liberati, “Preferred Reporting Items for Systematic Reviews and Meta Analyses: The Prisma Statement” 6 (7) *PLOS Medicine* (2009).

Table 2. Show the year wise publication and percentage

Source: own study based on data retrieved from Scopus database as of 1 September 2022, Table 2 and Figure 2 formation with Microsoft Excel.

Year	No. of documents	%	Year	No. of documents	%	Year	No. of documents	%
2022	8	5.23	2011	7	4.58	2000	0	0.00
2021	24	15.69	2010	4	2.61	1999	2	1.31
2020	17	11.11	2009	6	3.92	1998	0	0.00
2019	21	13.73	2008	0	0.00	1997	1	0.65
2018	7	4.58	2007	5	3.27			
2017	9	5.88	2006	2	1.31			
2016	7	4.58	2005	1	0.65			
2015	11	7.19	2004	2	1.31			
2014	5	3.27	2003	1	0.65			
2013	8	5.23	2002	1	0.65			
2012	4	2.61	2001	0	0.00			

Figure 2

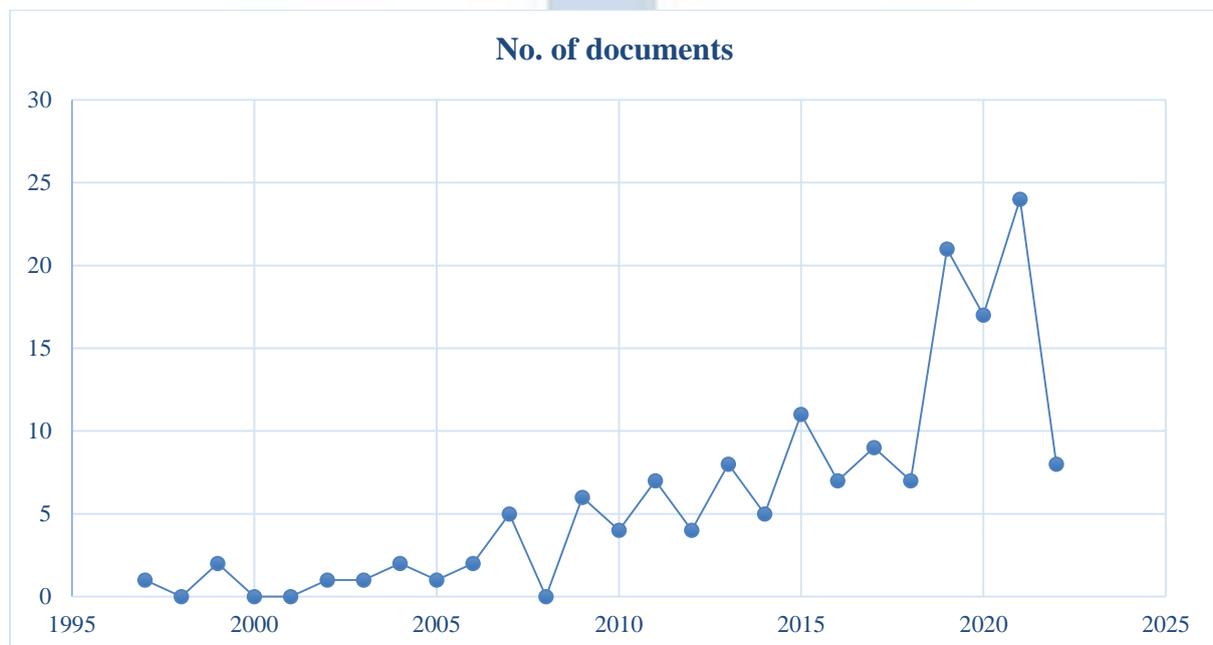


Table 3 and Figure 3, show the number of country-wise publication in the domain of Commercial courts. Top 10 publishing countries include United Kingdom (20), United States

(20), China (14), France (14), Australia (12), Russian Federation (12), Indonesia (10), Singapore (7), Belgium (5), and Netherlands (5). On analyzing papers published in the United Kingdom, most papers have focused on how business and transactions are becoming more international, and business lawsuits sometimes involve connections to several different nations. Commercial courts contribute to the judicial application of comparative law. The papers of United States origin have discussed how the Delaware Superior Courts' Complex Commercial Litigation Division has already earned a reputation as a premier business court.¹¹ Extensive research on the relationship between commercial courts and alternative dispute resolution methods to promote the rule of law in commercial dispute resolution. On other hand in China the publications are focused on belt and road initiative, China International Commercial courts, development of private international law and comparative studies between China International Commercial courts and Singapore international Commercial Courts. Recently, Singapore has been promoting itself as an attractive legal hub for commercial dispute resolution for foreign parties.¹²

Table 4 highlights the main authors who have published two or more documents in this research domain. There were four authors with more than two studies including Lazega Emmanuel, Lise Mounier, Man Yip and Paola Tubaro.

Table 3. country wise publication of documents.

Source: own study based on data retrieved from Scopus database as of 7 September 2022 and Table 3 and Figure 3 formation using Microsoft excel.

Country	Documents	Country	Documents	Country	Documents
United Kingdom	20	India	3	Hungary	
United States	20	Italy	3	Kazakhstan	1
China	14	Jordan	3	Norway	1
France	14	Spain	3	Pakistan	1
Australia	12	Japan	2	Poland	1
Russian	12	United Arab	2	Qatar	1

¹¹ R. Joseph and A. Elizabeth, "Delaware Courts Continue to Excel in Business Litigation with the success of the Complex Commercial Litigation Division of the Superior Court" 70(4) *Business Lawyer* 1039 (2015).

¹² Adeline Chong and Man Yip, "Singapore as a Centre for International Commercial Litigation: Party Autonomy to the Fore" 15(1) *Journal of Private International law* 97 (2019).

Federation		Emirates			
Indonesia	10	Saudi Arabia	2	Serbia	1
Singapore	7	South Africa	2	Sweden	1
Belgium	5	Malaysia	2	Switzerland	1
Netherlands	5	Afghanistan	1	Uganda	1
Croatia	4	Canada	1	Uzbekistan	1
Germany	4	Czech Republic	1	Undefined	11
Hong Kong	4	Denmark	1		
Ukraine	4	Egypt	1		

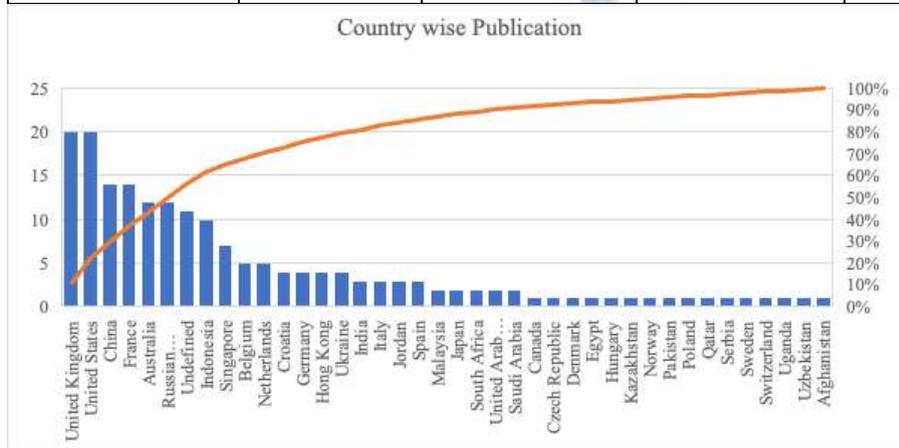


Figure 3

Table 4 List of related prominent authors

Author	Documents	Author	Documents
Lazega Emmanuel	5	David K. Linnan	2
Lise Mounier	5	Rao Qasim Idrees	2
Man Yip	4	Xu Qian	2
Paola Tubaro	3	Giesela Ruhl	2
Julien Chaisse	2	Joanna Gray	2

Table 5 List of journals with high number of publications in related research domain.

Source	Documents	Source	Documents
Asia Pacific Law Review	6	International and Comparative Law Quarterly	4
European Journal of Law and Economics	5	Business Lawyer	4
Russian Law journal	5	Chinese Journal of Comparative Law	3
Ajil unbound	4	Journal of Legal Ethical and Regulatory Issues	3
Arbitration International	4		

In Table 5 we have selected the journals which have published three documents or more in research domain from 1997 to 2022 according to the Scopus database. This data produces an overview of the most extensively published journals for research scholars in this field. The top three journals are Asia Pacific Law Review, European Journal of Law and Economics, Russian Law journal.

Part II : Bibliometric Analysis

This part of the paper presents the outcomes of bibliometric analysis using VOS-viewer. A software tool called VOS-viewer has been created to display bibliometric maps. The software is free to use for the research community, and it can be used to create maps of authors, journals, or keywords based on co-citation or co-occurrence data, respectively. The application contains a viewer that enable in-depth analysis of bibliometric maps. VOSviewer can display a map in various different ways, each emphasizing a different aspect of the map.¹³ The VOSviewer application was developed by the Centre for Science and Technology Studies of the University of Leiden, the Netherlands.¹⁴

¹³ Nees Jan Van Eck and Ludo Waltman, "Software Survey: VOSviewer, A Computer Program for Bibliometric Mapping" 84(2) *Scientometrics* 523 (2010).

¹⁴ *Ibid.*

To answer third research question where international collaboration is taking place and which countries are working together to advance research in domain of commercial courts. Analysis of co-authorship, by taking country as a unit has been done as shown in table 6 and Figure 4. Out of 49 countries, 18 meets the threshold of minimum no. of 3 publications by each country. Out of 18 countries only 14 were selected for network visualization mapping using VOSviewer as Croatia, Germany, India and Ukraine showed zero link strength as these countries are not collaborating with authors in other countries. Total link strength in the table indicates the strength of the co-authorship links of a given country with other countries.

Table 6. co-authorship network country-wise

Country	Documents	Citations	Total Link strength
United Kingdom	20	200	11
France	14	182	9
Netherlands	5	19	5
United States	20	68	5
Australia	12	43	4
China	14	30	4
Hong Kong	4	7	4
Singapore	7	21	4
Indonesia	9	45	3
Italy	3	5	3
Russian federation	12	55	3
Spain	3	4	3
Belgium	5	7	1
Jordan	3	0	1

Figure 4. co-authorship network country-wise

Source: own study based on data retrieved from Scopus database as of 7 September 2022 and analysed with use of VOSviewer.

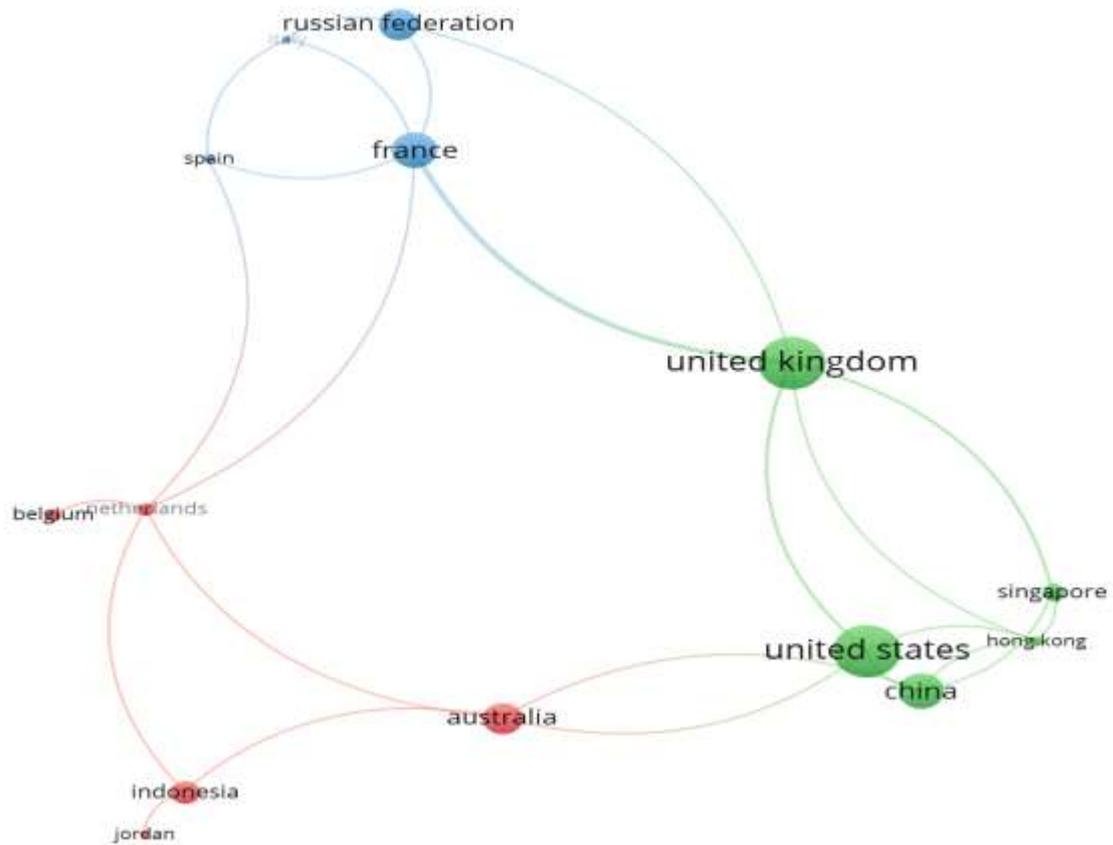


Figure 4 shows the co-authorship network country-wise. Co-authorship analysis shows that Australia, Belgium, Indonesia, Jordan, and the Netherlands are related to cluster 1. China, Hong Kong, Singapore, the United Kingdom, and the United States are clustered together as Cluster 2, whereas France, Italy, the Russian Federation, and Spain are in Cluster 3. The country with the highest total strength link of 11, the United Kingdom, is collaborating with authors from France, the Russian Federation, the United States, Hong Kong, and Singapore. France, with a total strength link of 9, is collaborating with the United Kingdom, the Netherlands, Spain, and the Russian Federation. The United States, with a total link strength of 5, is collaborating with authors from Australia, China, Hong Kong, and the United Kingdom. Another observation is that the Netherlands, with the same total strength link as the United States, is collaborating with authors from five countries, such as Australia, Indonesia, France, Spain, and Belgium, but with a lower number of citations to its credit when compared with the United States.

Analysis of the co-occurrence of keywords to map the research field of commercial courts has been divided into two parts, i.e., co-occurrence using authors' keywords and co-occurrence using the text of papers. Table 7 and Figure 5 show the results of keyword co-occurrence with the authors' keywords using the Vos-viewer application. Out of a total of 370 keywords, only

37 keywords meet the threshold of a minimum of two occurrences. Commercial court and commercial courts combined make up the most used keyword with a total strength link of 15. Next is the belt and road initiative and China with a total strength link of 15. After using the co-occurrence analysis, the large set of connected keywords are categorized into five clusters, corresponding with areas of research interest in the domain. In Figure 5, cluster 1 consists of eight items: belt and road initiative, China, comparative law, dispute resolution, international commercial court, international commercial courts, jurisdiction, and private international law. Cluster 2 contains five items: arbitrability, arbitration, commercial courts, dispute settlement, and public policy. Cluster 3 includes five items: access to justice, corruption, the judicial system, the rule of law, and Ukraine. Cluster 4 consists of four items: commercial court, commercial law, house of lords, and norms. Cluster 5 also consists of four items: bankruptcy, France, insolvency, and Russia.

Table 7 keyword co-occurrence with a total link strength.

Keyword	Occurrences	TLS	Keyword	Occurrences	TLS
Belt and road Initiative	5	15	Commercial law	3	4
China	5	15	Dispute settlement	2	4
Private international Law	4	12	Financial services	2	4
Commercial court	8	9	Legal decisions	2	4
Bankruptcy	6	8	Rule of law	2	4
International Commercial courts	2	8	Access to justice	2	3
Jurisdiction	5	8	France	2	3
Russia	5	8	House of Lords	2	3

International commercial court	3	7	Insolvency	2	3
Commercial courts	10	6	Judicial system	3	3
Arbitration	4	6	Norms	2	3
Comparative law	2	6	Public Policy	2	3
Corruption	3	6	Arbitrability	2	2
Dispute resolution	2	6	Advice networks	3	1
Ukraine	3	5	Civil Procedure	2	1
Banks	2	4	Corporate bankruptcy	2	1
Court	2	1	Forum Shopping	2	1
Court efficiency	2	1	Law	2	1
Saudi Arabia	2	1			

Cluster 1 is grouped around the nodes of China and the belt and road initiative in Figure 5. Within the cluster, two branches can be identified. The first focuses on the international commercial court, dispute resolution, and private international law; the second deals with the jurisdiction of “international commercial courts” and “commercial courts.” Cluster 2 draws attention to the use of arbitration and arbitrability for dispute settlement. The nodes in cluster 2 show the trend in research to study arbitration and its relationship with emerging international commercial courts and to reflect on the ongoing debate about the public policy of resolving disputes confidentially. Cluster 3 relates to the issues of corruption in Ukraine and Russia in one part and access to justice and the judicial system in Ukraine’s commercial courts in the second part. Keywords in cluster 3 seem to be disconnected from the core of the research field, and this scenario clearly depicts how research publications in the domain of commercial courts have evolved over the last decade. Cluster 4 consists of four items, and the commercial court

is a dominant node within it. However, keywords such as commercial law, house of lords, and norms show how, in private international law perception, the development of commercial law has been with arbitration and role of the Commercial Court of England and Wales. Other core links suggest that a new research theme revolves around the impact of the specialised commercial courts, reforms in bankruptcy laws, and the handling of insolvency proceedings by a specialised judiciary. Cluster 5 comprises of four keywords where bankruptcy and Russia occupy a frontier position on the map of research fields. On the other hand, the elements of cluster 5 show the links with cluster 2 and cluster 4 and, more specifically, with the keyword commercial court.

The map in Figure 6 shows a co-occurrence network of high-frequency keywords using text data. The text from the titles and abstracts of the selected documents provides 3771 total keywords, of which 56 keywords meet the threshold of the minimum number of occurrences of a term ten times. The map In Figure 6, we represent the 34 most relevant keywords and their co-occurrences. That is 60% of total keywords, i.e., based on relevance score, which meets the threshold of a minimum of 10 occurrences. The size of the nodes on the map indicates how frequently a keyword occurs, and the lines demonstrate links throughout the keywords. Figure 6 contains 34 items, 3 clusters, and 466 links, with a total link strength of 2106. In Figure 6, cluster 1, red in colour, consists of seventeen items: commercial court, case, decision, effect, evidence, fact, form, judge, justice, law, order, paper, problem, research, Russia, study, and supreme court. Cluster 2, green in colour, consists of 15 items: arbitration, article, belt and road initiative, China, China International Commercial Courts, dispute, establishment, international commercial courts, judicial system, litigation, Singapore International Commercial Courts, use, and world. Cluster 3, blue in colour, has only two items: area and number. The largest circle node in Figure 6 is of keyword 'commercial court', with 29 links, 99 occurrences, and 408 total strength links.

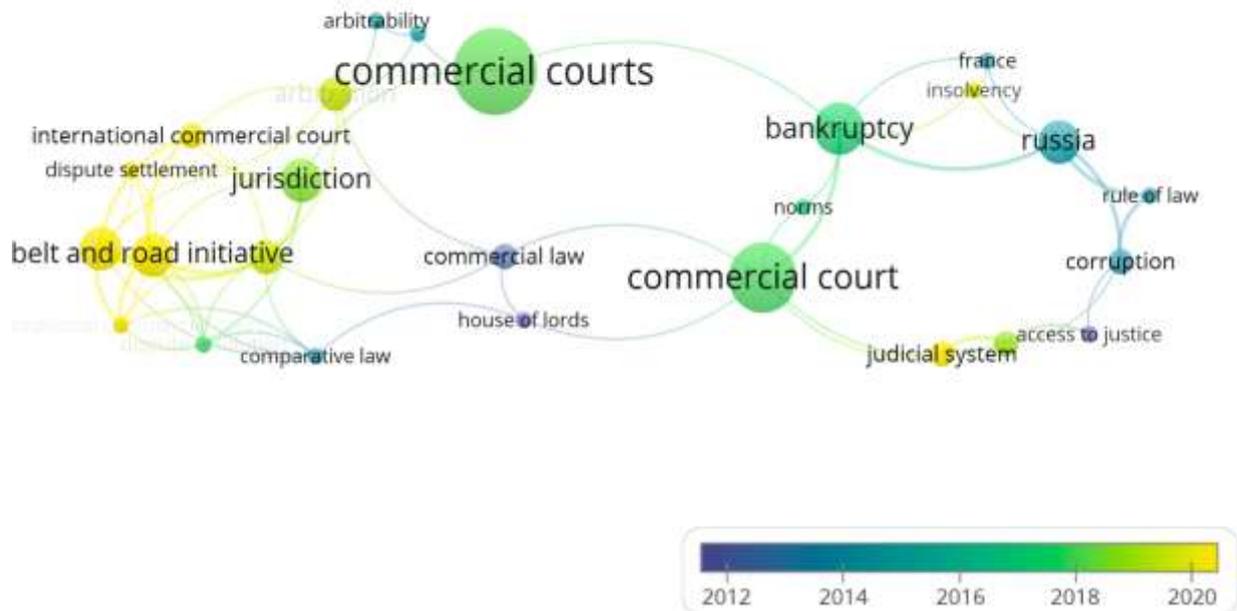


Figure 5. co-occurrence network of keywords

Source: own study based on data retrieved from Scopus database as of 7 September 2022 and analysed with use of VOSviewer.

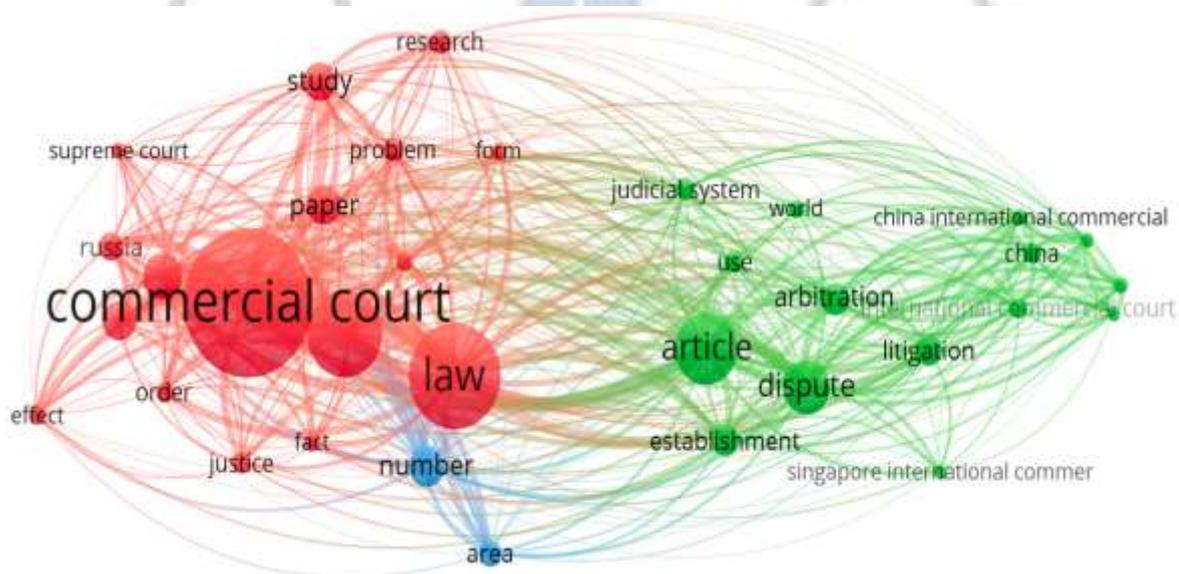


Figure 6. co-occurrence network of high frequency keywords using text data. Source: own study based on data retrieved from Scopus database as of 7 September 2022 and analysed with use of VOSviewer.

CONCLUSION AND INFRENCES DRAWN

This study analyses the development of research in the domain of commercial courts and international commercial courts using a systematic literature review and bibliometric analysis. Researchers can identify the scope for further research on a subject by analysing published work and studying the direction and sub-themes by employing bibliometric analysis to help the locate the academic research gaps and pertinent research articles. Based on the performance analysis of the 153 retrieved documents included in the study from Scopus, the study could claim that this research topic only started prospering in the year 2015 and that its major research themes are associated with dispute settlement, the development of commercial laws, and the development of the legal system to promote international trade. Although not included in the highly co-occurring keywords, corporate bankruptcy and interest among academicians and lawyers concerning the interpretation of the rules of evidence, suspension of debt payments, and whether the establishment of specialised commercial courts develops precedence, and such research is prominent in countries like Spain, Indonesia, France, and Russia. The year 2021 saw the highest number of publications. As of 2022, the United Kingdom has the most published articles, followed by the United States, China, France, and Australia. It is an observation that developed countries consistently dominated the ranks and were more likely to produce and publish more documents as they had sufficient funding and were equipped with resources to promote research.

The co-occurrence map of keywords in figure 5, cluster 1 shows that the most work has been on keywords such as the Belt and Road Initiative, international commercial courts, China International Commercial Court, Singapore International Commercial Courts, and comparative law. The research has frequently been on comparative studies between provisions determining jurisdiction and how commercial arbitration has been integrated into international commercial courts to make them more appealing to the “international business community”. This integration element is in four aspects: the determination of jurisdiction, the choice of judges, the recognition of party autonomy, and the enforcement mechanism.¹⁵ The focus of the top publications is on factors affecting the establishment of commercial courts, the procedures adopted to promote ease of doing business, arbitrability, and dispute settlement. Literature has established the positive impact of specialised commercial courts in the national judicial system on creating a favourable environment for investors, contract enforcement, and promoting the

¹⁵ Wenhua Shan and Yunya feng, “The China International Commercial Court: Towards an Integrated Dispute Resolution System” 29(1) *Asia Pacific Law Review* 3 (2021).

rule of law. On the other hand, further research is required into how traditional boundaries between courts and arbitration are getting blurred; the impact of excess party autonomy, travelling judges; and forum shopping.

The research community's publishing on commercial courts is spreading globally, and more international collaboration is coming shortly. This analysis shows that interest in this research has spread worldwide. Interestingly, unlike many other research areas, researchers from non-Western countries are beginning to play a significant role in developments in this field. The core research trend from this analysis shows that the research fields of "commercial courts" and "international commercial courts" are still developing. As a result, new themes and ideas in this area will develop in the next few years. In future research, if multiple countries come together to develop research on commercial courts by making a comparison of and contacts of already established commercial courts across the globe, involving practitioners from academia, judges, lawyers, and corporates, to develop an international perspective about best practices in civil procedure law.

Based on the findings, this paper concludes by providing an overview of the field of national and international commercial courts. This study offers knowledge of the development of this domain by tracking the essential past and present themes. The collaboration analysis helped to identify the academic authors and countries involved in research in this field. But there are certain limitations to this study as well. For identifying research documents in Scopus, the study exclusively uses keywords ("Commercial Courts" OR "Business Courts" OR "International Commercial Courts"). Also, despite Scopus being a comprehensive database, it does not include all kinds of research. Furthermore, only publications in English are included, and documents written in any other language are excluded from this study. In further research, researchers can do an all-inclusive evaluation after using more databases and sources.