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THE ROLE OF ARTIFICIAL INTELLIGENCE IN LEGAL DECISION-MAKING

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ABSTRACT:

The incorporation of Artificial Intelligence into legal decision-making marks a significant and transformative advancement in the field of law. By using AI, the complex legal processes are streamlined. It also enhances accuracy in decision-making and improves access to justice. AI technologies are widely employed to perform tasks such as legal research, document review, predictions in case outcomes, etc. Artificial intelligence-powered tools can analyze vast legal databases, identify relevant judicial precedents, and suggest arguments, which provides data-driven insights to lawyers and judges in a minimal time frame. However, the adoption of AI in the judiciary also raises critical concerns over bias, transparency, and accountability in legal decisions. Despite the criticisms, AI still has the power to revolutionize legal decision-making, but it must first implement fairness, accountability, and transparency.

INTRODUCTION:

Artificial Intelligence is no longer a concept or fiction but has rather become a reality, which has started to become an integral part of our day-to-day life. It has influenced every sector, ranging from healthcare to finance. One of the most fascinating and transformative applications of Artificial Intelligence is its role in legal decision-making,[1] where it has the potential to revolutionize the justice system. As legal systems all around the world are facing inefficiencies, delays, and backlogs, AI offers streamlined legal processes, enhances decision-making accuracy, and improves access to justice. Natural Language Processing (NLP) helps to extract relevant information, allowing legal professionals to find past precedents, legal doctrines, and key details that may impact the outcome of a legal case.[2] As stated by Justice DY Chandrachud, Former Chief Justice of the Supreme Court of India, "Technology is relevant insofar as it fosters efficiency, transparency and objectivity in public government. AI is present to provide

[1] Siddhesh Shukla, Make Way for AI: Top 10 Applications That are Reshaping Industries, Emeritus (Jan. 26, 2025, 8:00 P.M.), https://emeritus.org/blog/applications-of-artificial-intelligence/

[2] Woxen University, https://woxsen.edu.in/research/white-papers/exploring-the-use-of-ai-in-legal-decision-making-benefits-and-ethical-implications/ (last visited Jan 26, 2025)

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a facilitative tool to judges in order to recheck or evaluate the work, the process and the judgements."[3]

AI offers significant benefits in legal decision-making: it can quickly process large amounts of data, faster than humans, which leads to quicker and more accurate case resolution.[4] This is particularly important in countries with overloaded legal systems. The consistency in AI systems can also reduce faults in judicial decisions, ensuring similar justice to similar cases. AI-powered legal services are more affordable than traditional systems, which ensures more accessibility. Legal decision-making traditionally relies on a human process guided by principles of fairness, justice, and equity. The integration of AI in this human-held domain raises ethical concerns regarding the working and outcomes of such processes. While AI provides various advantages, it also exposes us to risks of algorithmic bias, lack of transparency, and the lack of human empathy in decision-making.

AI IN LEGAL DECISION-MAKING:

Artificial Intelligence is transforming legal decision-making by introducing automation, predictive analytics, and data-driven insights into judicial and administrative processes. AI in the legal field refers to the application of machine learning and the use of algorithms to assist lawyers, judges, and policymakers in analyzing legal information and predicting case outcomes. AI tools can process vast amounts of legal data, recognize patterns, and provide insights that help in decision-making. However, AI does not replace human judgment, rather, it serves as a tool to enhance efficiency and consistency.

Courts and law firms utilize AI-driven tools to sort valuable insights from the vast amount of legal precedents and case laws, thereby reducing the time in manual research. Additionally, AI-powered predictive analytics help judges and lawyers assess the probability of case success based on historical data.

The usage of Artificial Intelligence in Legal Decision making in various countries is discussed below:

- USA: In the United States, AI is widely used in legal research, contract review, and predictive analysis. AI-based tools like COMPAS (Correctional Management Profiling

[3] Khushi Sharma, Role of AI in Law, I Pleaders, (Jan. 26, 2025, 8:00 P.M.) https://blog.ipleaders.in/role-of-artificial-intelligence-in-law/.

[4] ABA, https://www.americanbar.org/groups/judicial/publications/judges_journal/2020/winter/artificial-intelligence-stepping-our-courts-scientific-reliability-gatekeeping-risk-assessments/ (last visited Jan. 26, 2025).

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for Alternative Solutions) help judges assess risk by analysing various factors such as the criminal record of a person, social and economic conditions, and mental health to estimate the likelihood of reoffending.[5] Various tools like ROSS Intelligence and Lex Machina help lawyers by examining legal precedents and providing insights into possible case outcomes. The Judicial System of the US also appoints AI for risk assessment in sentencing and bail decisions.

- China: China has also taken a progressive approach by incorporating AI in courtrooms. The country established internet courts where AI-powered virtual judges handle minor disputes. AI systems are also used in the analysis of evidence, drafting legal documents, and even providing recommendations on various issues. China promotes AI-driven decision-making to streamline judicial efficiency and reduce human error.
- United Kingdom: AI applications focus on improving access to justice and legal efficiency. The UK legal sector uses AI for contract review, due diligence, and case prediction. The government has explored AI for administrative decision-making to speed up the legal process. In 2020, the UK Ministry of Justice launched the Digital Case System for Crown Courts, enabling real-time case updates, remote participation in court proceedings, and digital submission of evidence to minimise paper use. The Bar Council's Ethics Committee has also established guidelines for criminal law barristers using the online platform.[6]
- India: AI in legal decision-making is in the early stages of adoption in India, but it is rapidly gaining momentum. The Chief Justice of India recently introduced an AI-powered portal called SUPACE within the judicial system to help judges conduct legal research more efficiently.[7] This portal is developed to help judges analyse case data and improve efficiency. AI is also being explored for legal research, case law analysis, and digitalisation of judicial records to reduce case backlogs. Since 2021, the Supreme Court has utilised an AI-based tool that processes information and provides it to judges to aid their decisions without being involved in the decision-making itself. Another tool employed by the Supreme Court of India is SUVAS (Supreme Court Vidhik Anuvaad

[5] Bar and Bench, https://www.barandbench.com/columns/artificial-intelligence-in-context-of-legal-profession-and-indian-judicial-system (Last visited Jan 27,2025)
[6] Bar and Bench, https://www.barandbench.com/columns/artificial-intelligence-in-context-of-legal-profession-and-indian-judicial-system (last visited Jan 27, 2025)
[7] Drishti IAS, https://www.drishtiias.com/daily-news-analysis/ai-portal-supace/print_manually (Last visited Jan 27, 2025)

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Software), which facilitates the translation of legal documents between English and various regional languages.[8] But still, the implementation of AI faces certain challenges in India due to the diversity and complexity of the laws.

ADVANTAGES OF ARTIFICIAL INTELLIGENCE IN LEGAL DECISION-MAKING

The use of Artificial Intelligence in legal decision-making has reshaped the legal field by enhancing efficiency, accessibility, and precision.[9] AI-driven tools assist legal professionals, courts, and government institutions in handling complex legal processes, reducing delays, and ensuring better justice delivery. The major advantages of AI in legal decision-making are:

- Enhanced Legal Research: AI tools can process vast amounts of legal data, case laws, and statutes in a short period, reducing the time lawyers and judges spend on manual research. Advanced AI algorithms can identify relevant judgements, summarise legal arguments, and provide insights on crucial aspects of cases, helping professionals to make sound decisions.
- Ensuring Quality in Legal Documentation: Utilising AI for quality assurance and legal reviews is increasingly essential as it carefully examines and summarizes key documents, highlighting any inconsistencies or errors. AI can quickly identify specific clauses, potential risks, and obligations related to a company, thereby saving time, effort, and resources.[10]
- Improved Efficiency and Speed: Traditional legal processes such as document review, case filing, and contract analysis often take a significant amount of time. After the introduction of AI, it automates repetitive tasks, enabling legal professionals to focus on complex legal reasoning and decision-making.
- Enhanced Access to Justice: AI-powered chatbots and virtual assistants provide basic legal guidance to individuals who cannot afford legal consultants. These tools are designed to simplify legal jargon, offer preliminary advice, and help users to understand legal procedures, thereby improving access to justice, especially for the underprivileged class of people.

[8] Bar and Bench, https://www.barandbench.com/columns/artificial-intelligence-in-context-of-legal-profession-and-indian-judicial-system (Last visited Jan 27, 2025)
[9] Maxi Scherer, Artificial Intelligence and Legal Decision-Making: The Wide Open? Study on the Example of International Arbitration, SSRN (Jan 27, 2025, 8: 10 P.M.), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3392669.
[10] Contract Pod Ai, https://contractpodai.com/news/ai-benefits-legal/ (Last visited Jan 28, 2025)

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- Enhancing Client Relationships with AI: AI technology enables lawyers to focus more on meaningful and complex aspects of legal practice by handling routine and repetitive tasks. This allows attorneys to spend more time communicating with clients, thoroughly developing and explaining legal strategies, and keeping clients well-informed throughout every stage of the legal process.[11]
- Streamlining Alternative Dispute Resolution Practices: AI facilitates mediation and arbitration by analyzing dispute patterns and recommending potential resolutions. AI-based platforms assist parties in negotiating settlements efficiently, reducing the burden on courts and promoting faster resolution.
- Minimisation of Bias in Decision Making: While human bias can sometimes influence judgements, AI operates on pre-determined algorithms that reduce partiality. If the algorithms are properly designed, AI can help to eliminate bias in providing sentences, parole decisions, and negotiations.

CHALLENGES AND ETHICAL CONCERNS:

While AI has the potential to revolutionise the legal system by improving efficiency, consistency, and cost-effectiveness,[12] it also brings several challenges and ethical concerns that must be addressed to ensure fairness and justice. The key challenges of AI in legal decision-making involve issues such as bias, lack of transparency, accountability, erosion of judicial discretion, data privacy, and the potential impact on the legal profession.[13]

It is of utmost priority to address these ethical concerns. Ethical frameworks like the IEEE Ethically Aligned Design and the Asilomar AI Principles offer essential guidance for developers, policymakers, and organizations to address the ethical challenges associated with the responsible use of AI.[14]

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[11] American Bar Association, https://www.americanbar.org/news/abanews/publications/youraba/2017/september-2017/7-ways-artificial-intelligence-can-benefit-your-law-firm/ (last visited Jan 30, 2025)

[12] Woxsen, https://woxsen.edu.in/research/white-papers/exploring-the-use-of-ai-in-legal-decision-making-benefits-and-ethical-implications/ (last visited Jan 30, 2025).

[13] Bing, https://www.bing.com/news/search?q=The+Key+Challenges+Of+AI+In+Legal+Decision+Making+Involves+Issues+Such+As+Bias%2c+Lack+Of+Transparency%2c+Accountability%2c+Erosion+Of+Judicial+Discretion%2c+Data+Privacy&qpvt=The+key+challenges+of+AI+in+legal+decision+making+involves+issues+such+as+bias%2c+lack+of+transparency%2c+accountability%2c+erosion+of+judicial+discretion%2c+data+privacy&FORM=EWRE (last visited Jan 30, 2025).

[14] Live Law, https://www.livelaw.in/lawschool/articles/law-and-ai-ai-powered-tools-general-data-protection-regulation-

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The key challenges of the implementation of Artificial Intelligence in legal decision-making are discussed briefly:

- Bias and Discrimination in AI decision-making: One of the most significant challenges in using AI for legal decision-making is the risk of bias and discrimination. AI systems are trained on past historical data provided to them, which may contain inherent biases. If the training data used to develop AI models are flawed or biased, the AI system may not produce fair decisions. Moreover, as of now, unlike human judges, AI lacks moral reasoning and social awareness, making it more difficult to address such biases effectively.

  To reduce biases, developers must carefully choose and access the data used in AI systems while also conducting fairness audits and continuously refining the data to ensure impartial and accurate outcomes.

- Lack of Transparency and Explainability: The next significant issue is the absence of transparency in AI-driven decision-making. Many AI models function as 'black boxes, ' meaning their internal decision-making processes are difficult to understand or interpret.[15] This lack of explainability poses a significant challenge in legal settings, where transparency and reasoning are crucial for ensuring justice. As highlighted by Yampolsky, explaining an AI decision that is influenced by billions of factors presents a challenge. AI must either simplify the explanation, reducing its accuracy and detail, or provide an exact account that becomes difficult to understand due to its complexity, vast size, and abstract data representation.[16]

To address this issue, legal professionals and AI developers must work together to create AI models that are interpretable and explainable. There is a growing demand for AI systems that provide insights into how decisions are reached. Ensuring transparency in AI decision-making will help to build public trust and safeguard public rights.

250673#:~:text=Despite%20its%20potential%20benefits%2C%20the,disparities%20in%20the%20legal%20system. (Last visited Jan 31, 2025)

[15] E&ICT Academy, https://eicta.iitk.ac.in/knowledge-hub/artificial-intelligence/addressing-ethical-concerns-in-ai-driven-decision-making-fairness-accountability-and-transparency/ (Last visited Jan 31, 2025).

[16] David Uriel Socol de la Osa and Nydia Remolina, Artificial intelligence at the bench: Legal and ethical challenges of informing—or misinforming—judicial decision-making through generative AI, 6, Cambridge University Press, 2024 (Jan. 31, 2025, 8:10 P.M.) https://www.cambridge.org/core/journals/data-and-policy/article/artificial-intelligence-at-the-bench-legal-and-ethical-challenges-of-informingor-misinformingjudicial-decisionmaking-through-generative-ai/D1989AC5C81FB67A5FABB552D3831E46.

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- Accountability and Legal Liability: Determining accountability and legal liability in AI-driven decision-making is a complex challenge. When a human judge makes an error in a legal ruling, there is a clear path for appeal or review. However, if an AI system makes a flawed or biased decision, it is unclear who shall be held liable- the AI developer, the organization that is using such AI systems, or the legal professional who is overseeing such AI recommendations. The absence of clear accountability raises ethical concerns about the reliability of AI in a legal environment.

  To ensure accountability, legal frameworks must be established to provide guidelines for AI liability. These frameworks must define the responsibility of AI developers, legal practitioners, and judicial bodies when AI is used in legal decision-making. Human oversight should always be maintained to prevent AI errors, which might create certain legal consequences.
- Data Privacy and Security Concerns: AI in legal decision-making relies on vast amounts of legal and personal data, raising significant privacy and security concerns. Legal proceedings often involve sensitive personal information, including financial records, medical history, and confidential communications. If these data are not adequately secured, there will be a risk of data breach, unauthorized access, and misuse of personal information.

  Lawyers specializing in AI law must address compliance with regulations like GDPR and CCPA while considering AI-specific risks.[17] For example, an AI tool might infer health risks from social media activity, bypassing traditional privacy safeguards. Lawyers assist organizations in maintaining a balance between innovation and consumer trust by creating policies that comply with legal regulations and upholding ethical standards.[18]
- Impact on the Legal Profession and Job Displacement: The rise of AI in legal decision-making has also raised concerns about job displacement in the legal profession. AI-powered tools can perform tasks such as legal research, contract analysis, and case prediction with high efficiency, reducing the need for junior lawyers and paralegals.

[17] Shari Davidson, The Growth of AI Law: Exploring Legal Challenges in Artificial Intelligence, NLR (Feb 1, 2025, 9:25 P.M.), https://natlawreview.com/article/growth-ai-law-exploring-legal-challenges-artificial-intelligence#google_vignette

[18] Shari Davidson, The Growth of AI Law: Exploring Legal Challenges in Artificial Intelligence, The National Law Review (Feb 1, 2025, 9:30 AM), https://natlawreview.com/article/growth-ai-law-exploring-legal-challenges-artificial-intelligence

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While AI can handle routine legal tasks, it cannot replace the critical thinking, negotiation abilities, and ethical judgment that human lawyers and judges bring to the legal profession.

A notable example occurred in the United States, where a federal court fined two lawyers and the law firm Levidow, Levidow & Oberman, PC for submitting fabricated legal research in an aviation injury case.[19] The judge criticized the lawyers and the firm for neglecting their professional duties by presenting non-existent legal rulings with false citations and quotes generated by the AI tool ChatGPT and for continuing to defend the fabricated information even after being questioned by the court.[20]

LEGAL AND REGULATORY FRAMEWORKS:

Artificial Intelligence is rapidly transforming the legal landscape, particularly in legal decision-making. The integration of AI in legal decision-making raises critical legal, ethical, and regulatory concerns, conveying a necessity for a well-defined legal framework to ensure accountability, transparency, and fairness.

The various regulatory frameworks on AI in legal decision-making developed by various countries are briefly discussed below:

- European Union Approach: The European Union has taken a leading role in regulating Artificial Intelligence, especially within the legal sector. The Artificial Intelligence Act proposed by the Union aims to regulate AI based on risk categories, ensuring that AI used in legal decision-making meets high standards of transparency, accountability, and fairness. The Artificial Intelligence Act was adopted by the European Parliament in March 2024, with the Council granting its approval in May 2024. The Act will be fully enforced 24 months after it comes into effect, although certain provisions will be implemented earlier.[21]

[19] Fortune, https://fortune.com/2023/06/23/lawyers-fined-filing-chatgpt-hallucinations-in-court/ (last visited Feb 1, 2025)

[20] Euro News, https://www.euronews.com/next/2023/06/23/lawyers-in-the-us-submitted-bogus-case-law-created-by-chatgpt-a-judge-fined-them-4600#:~:text=Next%20Work-,Lawyers%20in%20the%20US%20submitted%20bogus%20case%20law%20created%20by,judge%20fined%20them%20%E2%82%AC4%2C600&text=The%20popular%20AI%20chatbot%20was,of%20the%20tech%20so%20far. (last visited Feb 1, 2025)

[21] European Parliament, https://www.europarl.europa.eu/topics/en/article/20230601STO93804/eu-ai-act-first-regulation-on-artificial-intelligence (Last visited Feb 1, 2025)

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- United States Approach: In the United States, AI regulation is primarily sectoral and decentralized. The proposed AI regulations seek to enhance transparency in AI systems, requiring audits and impact assessments for AI used in critical areas, including law and order.

  Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) is a case management and decision support tool developed by Equivant, previously known as Northpointe. This software is utilised by the courts of the United States to assess a defendant's likelihood of reoffending. COMPAS is widely used in several jurisdictions, including federal courts in New York, Wisconsin, California, and Broward County in Florida.[22]

- India: India is in the early stages of developing AI regulations. The Artificial Intelligence Task Force, set up by the government, has recommended a regulatory framework to govern AI applications, including in the judiciary. The Supreme Court of India has integrated Artificial Intelligence (AI) language technology for translating judicial documents, conducting legal research, and automating various legal processes. Since February 2023, AI has also been used to transcribe oral arguments, especially in cases heard by the Constitution Bench.[23] The introduction of two projects, SUVAS (Supreme Court Vidhik Anuvaad Software) and SUPACE (Supreme Court Portal for Assistance in Court's Efficiency), marked the beginning of Artificial Intelligence in the Indian Judiciary. These initiatives have been well received by the Court for their potential to enhance efficiency, effectiveness, and overall productivity within the judicial system.[24] The Supreme Court of India has explored AI tools for legal research and case management but has emphasized that AI should remain a tool to assist lawyers and judges rather than becoming a decision-maker in proceedings.

- China: China has also taken a proactive approach in regulating AI. In December 2019, China announced that millions of legal cases are now being handled by "Internet

[22] Ekata Deb, COMPAS — an AI tool sending or keeping people in jail, MEDIUM, (Feb 2, 2025, 8:10 P.M.), https://fiatlexica.medium.com/compas-an-ai-tool-sending-or-keeping-people-in-jail-d9228df3a2c6

[23] Press Information Bureau, https://pib.gov.in/PressReleaseIframePage.aspx?PRID=2043476#:~:text=The%20Supreme%20Court%20of%20India,Bench%20matters%20since%20February%202023. (last visited Feb 2, 2025)

[24] Siddharth Peter De Souza, AI and the Indian Judiciary: The Need for a Rights-based Approach, THE HINDU CENTRE FOR POLITICS AND PUBLIC POLICY, (last visited Feb 2, 2025), https://www.thehinducentre.com/incoming/ai-and-the-indian-judiciary-the-need-for-a-rights-based-approach-html-version/article68917505.ece#_ftn3

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Courts", where citizens are not required to appear in person. These smart courts powered by Artificial Intelligence (AI) feature virtual judges and allow individuals to file cases online and resolve disputes through digital hearings.[25] However, these systems are operated under human oversight to maintain the legitimacy of the judiciary.

CONCLUSION:

The integration of Artificial Intelligence into legal decision-making represents a transformative shift with profound implications for justice systems worldwide. While AI offers numerous advantages, such as enhanced efficiency, consistency in case analysis, and the ability to process vast datasets, it also raises critical ethical, legal, and regulatory questions related to transparency, bias, accountability, and ethical considerations. In today's scenario, AI can assist legal professionals in research, case analysis, and predictive analysis of any matter, but it cannot replace human judgment, discretion, and moral reasoning.

To ensure responsible adoption of AI in legal decision-making, a balanced approach is necessary. A regulatory framework, ethical guidelines, and continuous human oversight must be in place to prevent potential biases and maintain fairness. Legal practitioners and policymakers must work in a collaborative manner to utilise the full potential of AI while safeguarding the principles of justice. Ultimately, the path forward in the implementation of AI in legal decision-making lies in a striking balance, embracing the dynamic environment of innovation while upholding the moral and procedural values of law.

[25] Tara Vasdani, Robot justice: China's use of Internet courts, THE LAWYER'S DAILY, (last visited Feb 2, 2025), https://www.lexisnexis.ca/en-ca/ihc/2020-02/robot-justice-chinas-use-of-internet-courts.page

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