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# **ARTIFICIAL INTELLIGENCE AND ITS CORRESPONDING EFFECT IN LEGAL SYSTEMS**

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## **Abstract: -**

This research work will try to enlighten impact of Artificial Intelligence (AI) in the legal systems, its various prospects on the everyday legal practice and its over the years performances used by legal practitioners, lawyers, advocates or pleaders or mukhtars or barristers. This paper also finds out adverse effects of AI all over the world especially in India. Unlimited uses by billions of people over the years tells a wholesome story of AI and its impact in the legal systems. Previous backdrops were removed and some challenges are being faced by the developers and new developed technologies are used for betterment of legal practice. Some issues are solved and some are still grave for the years to come. The legal practice is being largely affected by the emerging platforms of AI month or month or day by day gradually and at a very high speed. AI is no-doubt becoming to be one of the most controlling organ in the path of legal practice and it will be definitely grasping the baton from the human in reality and legal system is no different from this influence of AI.

## **Background :- [1]**

It is of some significance to mention The TV mini-series *Class of 09* which tells an interesting story about the influence of AI on the criminal justice system in the USA. And in the last episode, the AI accuses an advocate for her anti-AI views in her unpublished book. During the trial, The advocate argues in trial for deciding her guilt or innocence before the judges because the judges panel decided AI to be perfect in terms of calculations. Though our present situation still lacks dependency on AI but it will no-doubt be the largest independent platform for the judicial systems in future years.

Recently, every practice, profession or trade whatever the industry be is somewhat fluctuated by one name that is for sure AI. Our Indian Government though have limited the scopes of AI in legal practices in its ambit still today due to regulations and predominant contracts, which are being the controlling measures for implementing AI in larger perspective. Now AI have limited uses in automated contract review, legal research, transcription services, etc.

## Usages and or Benefits of AI in the legal profession

- **In The Matters of Law Firms & Lawyers [1] [2]**

AI offers manifold benefits before the lawyers either senior or emerging new faces to help them in drafting and also increasing the efficiency, reducing the costs of different legal works and giving a platform for more compact and robust work environment for legal practice. AI can handle many kinds of routine tasks and mechanical works such as document and contract review, legal research and data analysis. Law firms are growing on this aspect of AI day by day at the instance of increasing productivity and profitability. However, AI is still not yet capable of handling more complex tasks such as deal structuring, negotiation, advocacy and representation in a courtroom. The regular use of AI may definitely decrease costs of law firms in respect of hiring legal inters or lawyers. Rich or big firms can easily implement costly AI systems while the small firms cannot do so.

- **Indian Judiciary Systems [2]**

In the year 2021, the Supreme Court used an AI-based tool which could process data/ information and make that information available to judges but it does not participate in the decision-making process. Another tool that is used by the Supreme Court of India i.e. SUVAS (Supreme Court Vidhik Anuvaad Software) which basically translate English legal papers/works into different vernacular languages and vice versa.

In the case of [Jaswinder Singh v. State of Punjab](#), the Punjab & Haryana High Court rejected a bail petition due to allegations from the prosecution that the petitioner was involved in a brutal fatal assault. The presiding judge requested input from ChatGPT to gain a wider perspective on the granting of bail when cruelty is involved. However, it is important to note that this reference to ChatGPT does not express an opinion on the case's merits, and the trial court will not consider these comments. The reference was solely intended to provide a broader understanding of bail

jurisprudence when cruelty is a factor.

## **Usage of AI in the judiciary: Background and Uses in Different Countries [1]**

### **○ USA**

In USA, AI-powered tools such as COMPAS (Correctional Offender Management Profiling for Alternative Solutions) is prominently used to help judges in analyzing factors such as criminal history, socio-economic background and mental health of the accused. The US Sentencing Commission also utilizes AI to create and enforce sentencing guidelines for fair and just punishment.

Chatbots are used vastly by the US court system for answering faqs (frequently asked questions) about court procedures, schedules and other related subjects effective for information to the citizens. USA Government try to reduce the work-pressure of the staffs related to courts and apt response to public grievance and easy access to basic information regarding to courts.

### **○ CHINA**

China's Smart Court System is totally based on AI technologies which can compare to retrospective studies or background check and also can give suggestion relating to which law or precedent will be applicable to the concerning case or not. This system can also recommend sentences based on same types of cases, and thus giving the judges to deliver justice rapidly.

Chinese courts give preference to AI systems for legal research. The 'China Judgements Online' platform, powered by AI, offers the citizens a quick response towards their queries.

### **○ UK**

The UK Ministry of Justice introduced the Digital Case System in 2020 for the crown courts which actually gives updates in real-time and remote court participation and also allows for the digital submission of evidence which in turn reduce usages of papers. The Bar Council's Ethics Committee provides their [guidelines](#) for criminal law barristers for accessing the online portal.

## Legal framework available Globally and in India [1]

Though AI can benefit the society in terms of health, education, transportation and entertainment etc, yet on the other hand there are negative sides as well such as security threats, violation of privacy and so many.

To cope up with the growing day new versions of AI in market, [a new voluntary framework](#) is released for the usage and development of AI securely. The World Ethical Data Foundation (WEDF) has 25,000 members, including staff at tech giants such as Meta, Google and Samsung. The framework contains 84 questions for developers to consider at the start of an AI project.

There are white papers, guidelines and policy in jurisdictions such as UK, USA and EU which target algorithmic impact assessment and elimination of algorithmic biases. The European Parliament recently adopted amendments to its proposed Artificial Intelligence Act. The new amendment of European Parliament is trying to ban the use of AI technology in biometric surveillance except for law enforcement, subject to judicial authorization, and for generative AI systems like ChatGPT to disclose AI-generated content.

### Uses in India [1]

Unfortunately, no specific guidelines or laws are there in India to regulate the use of AI. Ministry of Electronics and information Technology (MEITY) [8], is the executive agency for AI-related strategies and had constituted committees to bring in a policy framework for AI.

The Indian Government had built a new platform, Niti Ayog which has instructed for a set of seven responsible AI principles, which include safety & dependability, equality, inclusivity and non-discrimination, privacy and security, transparency, accountability and the protection and reinforcement of positive human values. According to Indian Constitution, The Supreme Court and High courts in India have a constitutional mandate to enforce fundamental rights one of them is the right to privacy. In India, the Information Technology Act was amended up to date and it is the only act which is related to data privacy and punishments for the breach of it. Besides, the Digital Personal Data Protection Bill has been introduced by MEITY [8], though its enforcement is still a far cry. This bill if become effective one, citizens will have the right to ask for the reasons why the data is being collected from them by either private or government authorities and many

more.

## **Risks and challenges of uses in legal practice [1]**

### **Data Privacy**

AI systems usually depends on sets of data to adapt themselves and act accordingly. So one can imagine the risks as those data may have some information relatively sensitive in nature, such as personal or data regarding one's financial information. Now there is a chance that those data could be gone in the wrong hands.

### **Bias**

Potential bias is one of the very common risk and challenge of in AI systems. The AI systems may not collect actual history or may mal-function in its programming and thus resulting in demerit of the systems it is attached with.

### **Licensing and Accountability**

AI systems, without proper license can be dreadful afterwards as there will not be subjected to any legal regulations, legal ethical standards and professional codes of conduct. Now one simple question – “Who will be responsible if AI mislead with some wrong or improper calculation or information? Or its developer will be under the hands of law?”

AI imposes a real threat to the actual judiciary in decision making in future years and relying on AI can confuse on the supremacy of Judiciary in One Country's all over scenario.

As per one recent New York Reporters, a New York lawyer used ChatGPT for legal research and included six case citations in a brief filed with the court and surprisingly opposing counsel could not find any of the cases, and afterwards the law firm associated with the concerned Lawyer had to pay the fine of \$5,000 in total as per fine imposed by the Judge. As a result, the lawyers have to be immensely cautious relying on the ChatGPT or other AI based platforms.

### **Competition**

As per framework established by the Competition Act, 2000, AI systems had undergone relevant huge competitive bases over the years all over the world. India is not also far behind.

Establishing error-less technologies or human like capability of cognition or brains developing is a real challenge for the developers and scientists in the matters of accountability in case of AI systems.

Needless to say that AI could not be a substitute for the lawyers by any means, may it be a mere complimentary but not real human-being. AI cannot take very realistic decisions upon studying papers or data very complex in nature.

At the end of the day, the advocates or lawyers will be liable for their cases/works and they have to protect their client's interests and documents at any cost. A lawyer's expertise and experience cannot be anyhow compared with that of AI's.

### **ChatGPT [3]**

According to OpenAI announcement 2022, ChatGPT is a sibling model to InstructGPT, which is trained to follow an instruction in a prompt and provide a detailed response.

Firstly, OpenAI tried ChatGPT to get users' feedback and learn about its strengths and weaknesses. During the research preview, usage of ChatGPT is free and then launch official website namely [chat.openai.com](https://chat.openai.com).

#### **Methods [3]**

ChatGPT basically uses Reinforcement Learning from Human Feedback (RLHF), using the same methods as InstructGPT, but with slight differences in the data collection setup. The initial model used supervised fine-tuning: human AI trainers were provided with conversations where they were playing for —the user and an AI assistant, both the sides. Composing responses, overall mixing new dialogue dataset with the InstructGPT dataset, and in the end transforming into a dialogue format – this is the main method used for ChatGPT.

For reinforcement learning, gathering comparison data is a must, which was made of two or more model responses ranked by quality. In the way of collecting comparison data, conversations were used for AI trainers have with the chatbot. Random selection of a model-written message, sampled several alternative completions, and afterwards them ranked by the AI trainers and then these reward models are used for fine-tuning the model using a method called as Proximal Policy

Optimization. Performing several iterations of this process is all about ChatGPT.

ChatGPT is fine-tuned from a model in the GPT-3.5 series, which finished training in early 2022.

ChatGPT and GPT-3.5 were trained on an Azure AI supercomputing infrastructure.

#### ▪ **Limitations of ChatGPT [3]**

- ChatGPT sometimes gives incorrect or nonsensical answers.
- ChatGPT is sensitive to tweaks to the input phrasing or attempting the same prompt multiple times.
- The model is often excessively verbose and overuses certain phrases, such as restating that it's a language model trained by OpenAI.
- Ideally, the model would ask clarifying questions when the user provided an ambiguous query. Instead, current models usually guess what the user intended.
- Though OpenAI tried using the [Moderation API](#) to warn or block certain types of unsafe content, but it is still giving some false negatives and positives for now.

#### **Iterative deployment [3]**

Latest research release of ChatGPT is a very unique step in OpenAI's iterative deployment of increasingly safe and useful AI systems. Many lessons from deployment of earlier models like GPT-3 and Codex informed the safety mitigations in place for this release, including substantial reductions in harmful and untruthful outputs achieved by the use of reinforcement learning from human feedback (RLHF).

#### **ChatGPT in India [3]**

OpenAI recently launched its AI-powered chatbot, ChatGPT, and those are readily available as app version for download on Android devices in India. Earlier, the app version was only accessible to iPhone users. Just like the web version available online, the app allows users to ask the chatbot questions on any topic and receive conversational answers.

### **Model Case Study:-**

Simply imagine a Courtroom or Chamber of an Advocate applying all sorts of latest techniques of AI. Let's take A, a person came to B's Chamber. B is a Lawyer of a District Court in India and he is using AI system for data collection. B is starting to give information about his legal damages related to property which actually is just a narration of how his brother, C is not giving his

permission to partition the ancestral property with all possible means. A is speaking in a vernacular language which is programmed in AI i.e. say ChatGPT generator D, used by B. But the problem arises when B tries to read the data stored in ChatGPT. Actually ChatGPT though took all the responses by A but could not decode some words properly and at last the case study by B was not so successful as he has to carry out routine procedure to use his own expertise and experience to take all the information given by A. Later A was out of town for some days and his Law Clerk, E uses the ChatGPT generator D for gathering some information and unintentionally sent some confidential data to another WhatsApp Number instead of his own WhatsApp Number. After few months B's personal account was hacked and his all property was transferred in the name of some unknown person, F.

Here are some points to be noted:- [4]

- i) The Lawyer, B must take more care towards his AI interface, ChatGPT generator, D and privacy and other related confidential details about his any client/clients.
- ii) The Lawyer, B must not rely blindly over the AI systems.
- iii) The AI authority should make more robust and safe interface so that nobody can easily break the security interface of AI.
- iv) Cyber Authority should come out with some new techniques to track this kind of data theft.
- v) No Person should be allowed in an Advocate's or Lawyer's chamber in his/her absence especially regarding any Confidential information of Clients.
- vi) Trainings and campaigns should be provided for the importance of AI Systems, ChatGPT techniques available.

### **Remedies:-**

There are some provisions of the Laws available in any Country i.e. Cyber [5] Laws must be enforced in every possible way for our help in our Systems.

AI uses and its certain security measures cannot be compromised at any cost and for that some proposed methods can be given as under:-[4]

1. Cyber Cells must be associated with the cases of AI related problems and queries in every Police Station at least two or three as per the area span of the district concerned.
2. Cyber Cell Authority is to be appointed on utmost expertise, skill and talent combined with experience and they all must follow the rules of law and procedures as per specified under the Sections of Cyber Law.[6]

3. Necessary Trainings should be provided to the persons associated with the Cyber Security [7] in any Department of Administration, Legal or others.
4. Bank Authorities or Internet Services Cafe centers or any legal authorities should take utmost responsibility in the cases of AI related Crimes.
5. AI should be used with proper care and nobody should rely fully on AI.
6. ChatGPT method should be provided with all sorts of security measures needed in its path.
7. Online awareness about ChatGPT, any AI interfaces and its all side-effects should be given more importance.
8. Ethical Hacking courses are increasing inside the Country but this effort should not be wasted at any cost and should be accordingly the sections of the Cyber Laws.
9. Courts should deal with the growing cases of Cyber Crimes more and more cautiously and thus it can be in some way helpful in cases of AI related crimes.
10. The Advocates should be provide adequate information and necessary trainings and documents, guidance in using AI interfaces, ChatGPT etc.
11. The Laws should be amended time-to-time as the AI is and will be changing everyday or may be every seconds afterwards.
12. The Government should pass bills or notifications necessary and websites should be provided with up-to-date notifications of each and every new provisions or alterations in Cyber Laws and as of AI.
13. Last but not the least, self-sufficiency is very important. If not fully possible to cope up with the modern trends then at least be aware of spam emails or ads, or jump to any sort of conclusions without prior thinking or not to indulge in sharing of any confidential information at any cost without proper guidance from the concerned authority.

### **Conclusion:-**

If there is internet on the run, there will be misuse of it by someone for sure. But one should not blindly or recklessly share any data to anyone unknown or known without valid reason or without any reason to be provided so. Cyber Laws must have to be enforced in every aspects to strengthen the measures of Cyber Cells and other Authorities regarding Cyber Activities. AI is very new horizon of Internet Activities and ChatGPT is one of the most spoken interfaces of OpenAI so far. So, handle with care is the most needed thing to do in case of using AI in our lives otherwise it can be detrimental to all of us.

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