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THE ROLE OF LITERATURE REVIEW IN LEGAL RESEARCH IN THE AGE OF AI DATABASES: ETHICAL IMPERATIVES

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Abstract

Legal research always depends a lot on a very careful reading of the literature which already exists. It is not just a bare reading, rather it involves tracing the arguments, noticing the gaps and in fact even questioning what the scholars had taken for granted in their earlier works. Hence, this is where **literature review** becomes highly important. It is not a mere formality; it shapes the direction of the research and gives a clear pathway to the researcher.¹

But if we see the recent times then we can identify that the process of literature review is looking very different. Researchers are no more interested in working with the sources in a slow manner as we have **AI-enabled databases** such as Westlaw, LexisNexis, and Manupatra on the boom. The information which is gathered from these sources are largely filtered and summarised. All this saves a lot of time but the problem is that something important gets lost as well along the way due to this AI research.²

This paper will aim to examine that very shift from traditional slow sources to these modern AI-enabled fast sources in literature reviews of legal research. The problem is technological, methodological as well as ethical. Problems look like bias in the algorithmic sorting of the cases, extreme reliance on machine-generated contents and also about the level of critical engagement with the texts.

It is correct that AI databases increase the **accessibility** and efficiency of the work but it cannot replace the intellectual aspects of traditional literature review. And AI usages also raise questions of accuracy, **transparency**, and **academic integrity**.³ Hence, the solution is not to

¹ S.K. Verma & Afzal Wani, *Legal Research and Methodology* 45 (2nd ed., Indian Law Institute, 2011).

² Richard Susskind, *Tomorrow's Lawyers: An Introduction to Your Future* 63 (Oxford University Press, 2017).

³ Harry Surden, "Artificial Intelligence and Law: An Overview," 35 *Georgia State University Law Review* 1305 (2019).

go ahead and reject AI completely, but to use it with caution and a balance. It is also suggested and advocated that the human judgment must be given utmost importance even if we have availability of automated tools around us in an easy and accessible way.

Introduction

Legal research is an attempt in order to understand that how law operates in theory and practice. Legal research is not just about finding a section or citing a case law, it has way more to it. It also involves the process of interpretation, comparison and doubts. In simple terms, legal research is a systematic process in which the researcher identifies legal principles, analyse them, and apply them to a particular problem or question.⁴

The process involves doctrinal work which focuses on statutes, case laws, and legal principles. The researcher in a doctrinal work is concerned with “what the law is”. The process of legal research also involves non-doctrinal or empirical research which ideally moves beyond texts and examines as to how law actually functions in the society. It is done through the method of data, interviews, and fieldwork. But the common meeting point in both types of research is that literature reviews play a very important role and without that the research will be almost directionless, be it doctrinal or non-doctrinal research in the legal field. Literature review shapes the entire research.

Literature review helps the researcher in identifying that what all has already been said on the matter, what things are still unclear and where this piece of research fits in exactly.⁵ The researcher will find that sometimes the literature will agree and sometimes it would contradict and this conflict is important as it gives content and problem to the researcher for which the researcher tries to find a solution.

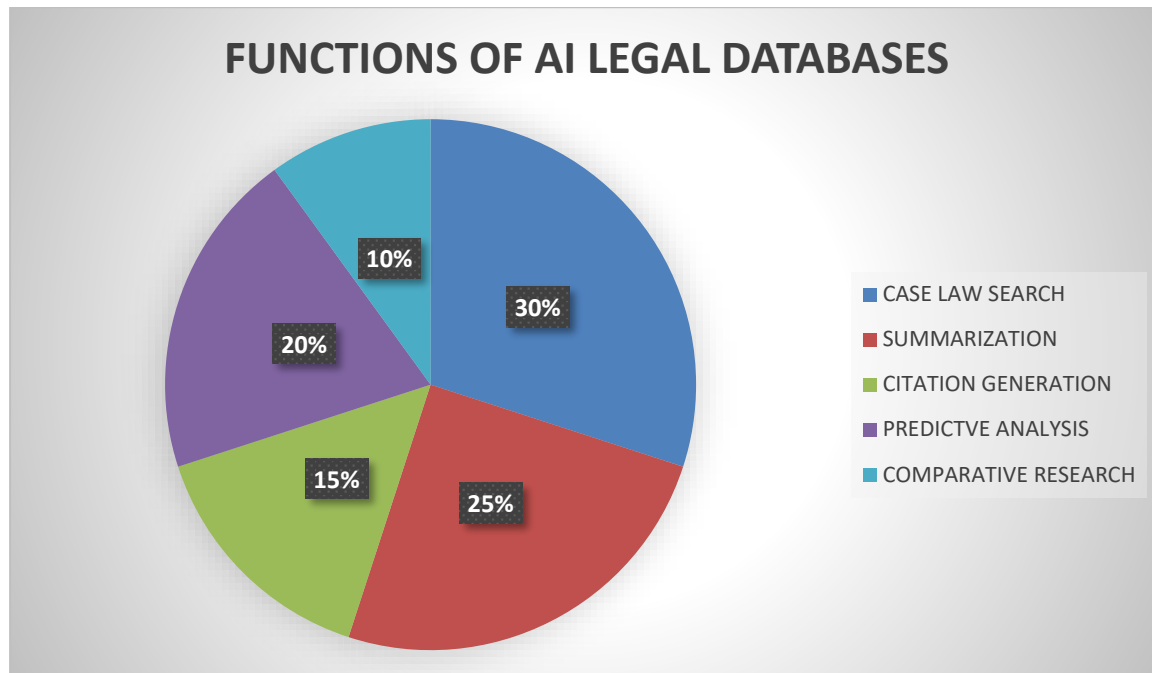
But the shift is that with the increase in the use and integration of AI in legal research, the researchers are getting direct answers in a super-fast method without putting in a lot of time and sweat in the grinding process of research.⁶ It is good for saving time but the problem is that now the researchers have stopped to read the long texts completely, they only rely on summaries of texts and want the readymade answers to their questions.

⁴ S.N. Jain, *Legal Research and Methodology* 12 (LexisNexis, 2016).

⁵ Upendra Baxi, “Legal Research and Methodology,” 50 *Journal of the Indian Law Institute* 1 (2008).

⁶ Supra 3.

Chart: Functions of AI Legal Databases



SOURCE: Thomson Reuters Institute, *Future of Professionals Report* (2023).

This research paper aims at addressing this central problem itself. The questions are whether AI helping and assisting the researchers in the process of research or completely changing the foundation and giving answers without researchers investing their time in the real research.⁷

Hence this paper has a few objectives. Firstly, it aims to examine the value and importance of literature review in legal research. Secondly, to understand that what is the role of AI-driven legal database in the process of legal research. Thirdly, to explore the ethical concerns which are there because of this increasing dependency on AI.

We cannot ignore the issue of bias, accountability, reliability and ethics in these AI-driven research processes. However, the discussion is not about making a choice between the old methods of literature review and modern way. It is about understanding that how they can co-exist and be used in a way to complement each other.⁸

AI Databases in Legal Research

Database in legal research have existed for quite a longer period of time now. Earlier they were repositories of information but now with the entry of Artificial Intelligence, they have started

⁷ Dana Remus & Frank Levy, “Can Robots Be Lawyers? Computers, Lawyers, and the Practice of Law,” 30 *Georgetown Journal of Legal Ethics* 501 (2017).

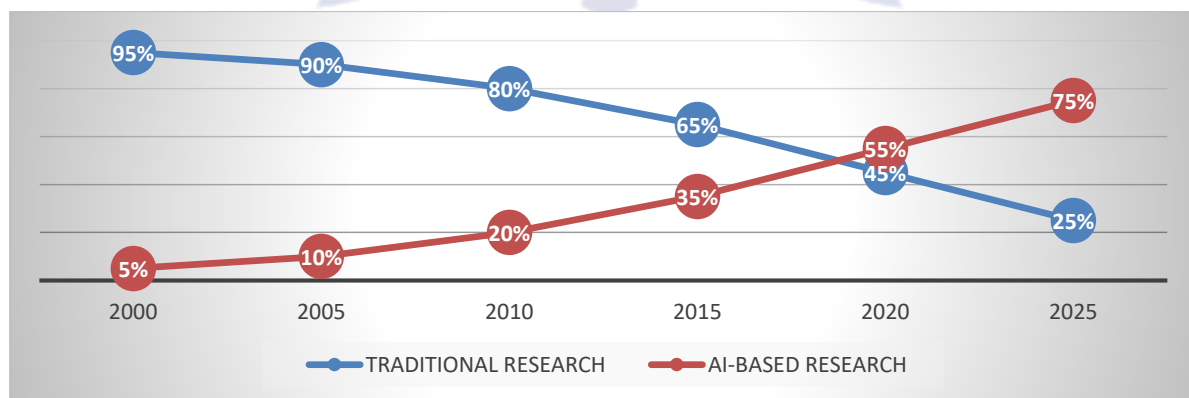
⁸ Pauline V. Young, *Scientific Social Surveys and Research* 159 (Prentice Hall, 1966).

to be treated as research assistants of the researchers and they provide readymade answers to the questions which, ideally, should be searched deeply by the researchers.

AI databases are those platforms which use machine learning and other technologies related to it in order to process legal information. This shift from traditional to AI database is very active and not just passive in nature.⁹ For example, the AI databases and tools like Westlaw Edge and Lexis + AI do not just go with simple keyword searches anymore, rather they understand the question and then give results along with summary and also provide citations for the same. All of this is a process integral to research but the AI sources are giving everything just by typing out a simple question. They also predict answers on the basis of pattern analysis and predictions can be misleading as well and hence this is also a big concern area.¹⁰

One another very important feature of these AI databases is that they summarise and provide key points on the long judgments and articles. Although it is good in saving time but the problem is that important nuances get lost in this process of summarising them. So, AI databases make an eco-system in which the researcher is no longer dealing directly with the raw information but with interference of an intermediary layer and this changes things completely in the process of legal research.

Graph: Shift from Traditional to AI-based Legal Research



SOURCE: Thomson Reuters Institute, Generative AI in Professional Services (2025).

⁹ Supra 3.

¹⁰ John O. McGinnis & Russell G. Pearce, "The Great Disruption: How Machine Intelligence Will Transform the Role of Lawyers," 82 Fordham Law Review 3041 (2014).

Importance of Literature Review in Legal Research

Literature review in legal research is highly important part in general as without it the researcher and research would lose the direction. It helps in building the theoretical foundation of the study as research never happens in isolation, it is somehow connected with one or the other field and there always some discussion available and hence literature review is a prominent part. Without it, the research will always stay superficial.¹¹

One very important function of literature review is that it prevents duplication of research. This might sound very simple thing but it is a big risk in research. Since there is enough material on majority of topics, it is difficult to find out that what is untouched area and hence a proper and deep literature review helps the researcher in knowing that what is already studied on the topic and hence he can avoid writing the same thing repeatedly and prevent duplicity. It makes sure that the researcher in not repeating the same argument in a different language as this won't contribute meaningfully to the research at all.¹²

Similarly, a lot of times the law on a certain topic is also unclear and unsettled plus the scholars also disagree with each other and gives their own different interpretations on the same issue. A good and deep literature review by the researchers provides great research opportunity to him in solving the inconsistency with a solution from his research and this helps in identification of the research gaps and working upon it.

A detailed and deep literature review also helps in strengthening the arguments in the conclusion and suggestion part of the researches work as having idea about multiple viewpoints of the scholars help in understanding different perspectives and then to respond to them in a very balanced way and hence the research quality improves exponentially. This kind of reasoning carries weight in legal research and writing.

Finally, the literature review if done well contributes to credibility of the work a lot. A paper without a very solid literature review will not be taken seriously even if it has great ideas because the depth of paper won't be visible to the reader of the research paper.

¹¹ S.N. Jain, *Legal Research and Methodology* 55 (LexisNexis, 2016).

¹² C.R. Kothari, *Research Methodology: Methods and Techniques* 120 (New Age International, 2004).

Role of AI Databases in enhancing Literature Review and Challenges associated with it

The AI databases have also done few good things in the research area. It saves a lot of time of researcher in providing basic information quickly which used to consume so much time of the researchers even if it was just a fact-finding exercise. There is a large volume of material and it is not practical to go through all of them in great detail and AI databases chips in there and helps in saving time and effort of the researcher.¹³

AI tools have also helped in one more area of comparative legal research. This type of research is now part of almost all forms of research work and having AI tools makes it super easy and time efficient in getting access to the foreign judgments, international journals, books, etc. This increases the scope, quality and depth of the research work and ensures that the research goes beyond the domestic framework.¹⁴

However, needless to say that there are problems also associated with AI tools and their usage in legal research as identified earlier in this research paper itself. Problems like over-reliance on AI tools impacts the overall quality and depth of the research. Researchers start focusing only on the collection of data with the help of AI tools than engaging with the material and understanding the real philosophy behind it. The result can be incomplete and biased as well because there are questions on accuracy of these AI tools as there have been instances where AI has provided wrong and incorrect information to the researchers.¹⁵

Finally, there is the problem of digital access inequality. It is not always possible for all the researchers to get equal access to these advanced AI-enabled legal databases. Researchers coming from big, reputed and well-funded institutions get the access easily but the other side is also there where researchers have to rely on limited resources and this impacts the quality of literature review of such researchers.

Hence, it is important to understand that AI is definitely very useful but it should not be treated as a complete substitute to the older and traditional methods of legal research. It definitely can assist but can never replace the traditional process.

¹³ Supra 2.

¹⁴ Harry Surden, "Machine Learning and Law," 89 *Washington Law Review* 87 (2014).

¹⁵ Kevin D. Ashley, *Artificial Intelligence and Legal Analytics* (Cambridge University Press, 2017).

Ethical considerations in using AI for Legal Research

At the surface level, it is difficult to locate the ethical issues in using AI for legal research because the tools seem to be purely functional in providing faster results, well organised content and clean summary but once the role of AI tools take central position in the research then these concerns become strong. There are certain ethical considerations in using AI tools for legal research:

- **BIAS AND FAIRNESS:**

Algorithmic bias is a very serious and important concern related to AI based legal research. Since AI tools depend on the available datasets, it is seen that if a certain judgement is cited a lot, then the AI based research will also be inclined towards the same and even though it is not intentional, it is a bias only. The problem with this is that the already dominant narratives in the legal field gets strength even more and then the other opinion is sidelined way more easily and hence the results might be highly misleading for the researcher as well as the readers. And the biggest issue is that these biases are not openly seen, they sit quietly and harms the quality of the research work.

- **ACCURACY AND RELIABILITY:**

There have been instances in which the AI tools have provided incorrect, and wrong results related to facts, figures, data and information related to any legal research. AI tools have given fake case names and wrong citations. Even the Hon'ble Supreme Court of India has criticised advocates using AI tools for making case arguments and citing fake cases given by the AI tools during their preparation of case arguments. This move is kind of suicidal in legal research because legal research requires precision and exactness. Hence the entire argument or interpretation gets wrongly understood and damages the entire research work and outcome of the research.

- **PLAGIARISM AND ACADEMIC INTEGRITY:**

AI tools and their extensive use also raise a question on the academic integrity. Plagiarism means copying someone else's content and portraying it as your own. This same problem is there in AI research as well because AI tools now are capable of living longer responses to the extent that they can give entire content of any research area. This means that the real author is not writing anything and AI is the author in real sense which technically means plagiarism only and hence questions academic integrity of the research and researcher both.

- **DATA PRIVACY AND CONFIDENTIALITY:**

A lot of legal research on sensitive topics involving criminal law, plea bargaining, POCSO cases, POSH cases, Sexual harassment cases, Dowry cases, Domestic Violence cases, etc. involves personal and sensitive data. In fact, research on Alternative Dispute Resolution including Online Dispute Resolution mechanisms involve so much of personal data of the parties and older cases of such dispute resolution. The problem with this is that when such data is uploaded on AI tool for research purposes the question which stands is that how the data is processed and stored. Is there any confidentiality? Who has access to the data? Is it secured? are few questions to which clear answers are not provided by any database provider.

Hence, these questions and concerns related to ethical standpoint of use of AI in legal research cannot be approached with casual attitude. It needs full and complete awareness, caution, care, and restraint as well. Technology has evolved a lot but the researcher has all the responsibility of using the technology with great care and caution as well as in an ethical manner.

Need for Ethical Framework and Regulation

Due to this increase in the use of AI in legal research, one thing is very clear that we need some structure around its use. It is not necessarily required to be a strict control in the beginning phase itself but at least guiding principles are required. Ethical framework is important as there is a severe lack of uniform standards and different researchers are using AI tools in different ways. Some researchers rely only for the basic, foundational and preliminary research, some researchers use it to get summary of the content and few cut, copy, paste everything which they get in search results on AI tools. Because of lack of guidelines and clear directives, there is misuse. The misuse is sometimes intentional and sometimes unintentional.

In this context, the role of the institutions and regulatory bodies becomes essential in our country as well. There are organisations like American Bar Association¹⁶ which have started the discussions on framing ethical guidelines for the use of technology in legal field. If we see in India also, bodies like the NITI Aayog¹⁷ have started the discussion on AI governance. This initiative can be very helpful in providing a starting point to these ethical guidelines.

¹⁶ American Bar Association, *Model Rules of Professional Conduct* (2020).

¹⁷ NITI Aayog, *National Strategy for Artificial Intelligence* (2018).

However, while framing the regulations, it must be seen that the regulations are not so rigid and strict that it starts discouraging the researchers from using the technology itself completely. The aim of these guidelines should never be to restrict the process of innovation, rather it should be to guide the process of research. We need to create a balance between both of these things. Very flexible regulation will result in misuse of the AI and very rigid regulation will result in people avoiding its use and that's why a common meeting point should be aimed to be reached and ensure a good framework for the same.

Apart from just having a formal regulation, it is equally important for the researchers to be aware as to how to use these AI tools without leading to its misuse damaging the academic integrity. Because at the end of the day, the ethical use of AI in the field of legal research cannot be ensured only by framing rules and regulations, it also requires the researchers realising and taking up responsibility individually to use the tools sensibly and carefully.

Recommendations

The stage at which we are currently in the field of use of AI in legal research and literature review, it is very important to move beyond just identifying the problems and actually think about what we can do to solve the identified problems. The solution should also be in a practical sense and not just in an idealistic sense to begin with. One thing needs to be accepted is that use of AI is going to increase only from hereon, it won't reduce. And hence, the question is never that whether it should be used? Rather the question is how it should be used?

One solution can be that we start trying to adopt a hybrid approach in which the researcher can use the AI tools in the initial stages of his research in order to locate the materials, identify relevant case laws, and get a broader idea on the issue at hand. But this should not be the end of the work. From here the researcher should start the real research and start returning to the primary sources of readings and read them in great detail, understand them, interpret them, and then form the independent conclusions. This means AI can help in starting the research but it should be used for the entire research work.

It is equally, in fact more important that there is an improvement in the AI literacy among the legal researchers. Many researchers from the field who are using the AI tools are using them without fully understanding the way in which these tools work and function. A lot of researchers do not know that the results to their questions are filtered, biased, influenced, and

summaries of long articles do not capture the full meaning behind it, the algorithms are also designed in a way to have biased results sometimes unintentionally. If a basic understanding and awareness is there among the researchers, then it would be helpful and beneficial in a responsible use of these AI tools.

Another suggestion can be that there should be a mandatory verification of all the contents given by the AI tools in the research process. For example, verifying the citations and sources can be of a great help in ascertaining the validity of the content. Every section, article, provision, case law given by the AI must be cross-checked and verified by the researcher before using it in his research work. This adds an extra step and also prevents bigger errors and blunders from being done by the researchers.

There is a role to be played by the institutions as well. Universities, Colleges, research bodies, organisations should develop their own framework for the ethical use of AI in academic endeavours. These frameworks or guidelines should be highly rigid to demotivate researchers from using the tools completely, and it should not be so flexible to make misuse an easy way out. For example, they may encourage disclosure of AI assistance in the research work itself, putting limits on the use of AI-generated text in the research work, similarly like plagiarism limit. In fact, training sessions can also be provided into research methodology courses.

Overall, the emphasis should remain on maintaining balance. Using AI where it adds value, but not allowing it to replace critical thinking. The tools are evolving, and so must the methods of using them. But the core of legal research such as analysis, interpretation, and reasoning, still depends on the researcher completely.

Conclusion

If we look at the discussion above, as a whole, one thing will become totally clear that literature review remains central to any legal research. It has not changed at all, the only thing which has changed is the way in which literature review is being carried out. The entry of AI tools and AI-enabled research has made the process of legal research very quick, more structured, and easier to handle as well. However, the problem is easy work doesn't mean that there is depth also in the work.

The traditional idea of literature review in legal research always involved a certain kind of

effort which including things like reading full texts, comparing interpretations, sometimes even getting stuck at a particular point and going back again to clear the confusion out. It was not always efficient, but it forced engagement with the available material of research in depth. With AI-based tools like Westlaw Edge and Lexis+ AI, that process has been streamlined, information is now filtered before it reaches the researcher, summaries are readily available, connections are suggested, etc. all of this works well, especially when time is limited.

At the same time, this shift also brings certain risks. There is a tendency to rely on what is presented rather than to explore beyond it. Some nuances may get lost, certain perspectives may not appear at all, and over time, engagement with primary material can get weak. This does not happen immediately rather it happens gradually and it is a big risk too.

The ethical concerns discussed earlier also become relevant here as the questions of bias, accuracy, and accountability are not separate from the research process and they are part of it now. Ignoring them would make the research less reliable, even if it appears well-structured on the surface.

What follows from this is not a rejection of AI tools since that would not be a practical solution. These tools have clear advantages, and they are already part of legal research practice. The need is to use them carefully, to treat them as aids rather than substitutes. The researcher still has to verify, interpret, and question what is being presented.

In a way, the role of the researcher becomes even more important in this setting. Tools can provide information, but cannot fully replace judgment because that part still requires human involvement.

So, the conclusion is not very dramatic. AI is not replacing literature review but it is definitely reshaping it. And whether that reshaping leads to better research or weaker engagement depends largely on how these tools are used. The balance, again, becomes important.