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FROM COURTROOMS TO ALGORITHMS: A SOCIO-LEGAL STUDY OF ARTIFICIAL INTELLIGENCE IN LEGAL DECISION-MAKING

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INTRODUCTION

In recent years, the understanding of Law as a deeply humanised pathway towards Justice has begun to shift. Artificial Intelligence (AI) has quietly entered legal systems across the world, not as a replacement of Judges or Lawyers, but as a subtle assistant in decision making processes. Legal decision-making traditionally relied on judgments, discretion, reasoning, and contextual harmony, that took place through human interpretations of the Law. But in the contemporary world, modern technology ranging from predictive tools used in policing and sentencing, to automated systems assisting in case management and legal research, algorithms are increasingly influencing the legal outcomes. Unlike traditional legal tools, AI operates through computational models and sets of algorithms. Decisions given by algorithms are often the product of complex processes that even their creators may not fully understand. This raises an important question - what happens when legal decision-making begins to rely on systems that are still very new and are adapting to the complexities of human interactions? As we are aware that law values transparency, accountability, and reasoned justification, the growing dependence on these modern technological systems poses challenges that extend beyond efficiency and convenience.

The connection between law and code therefore presents a unique tension. AI consists, like mostly everything, two sides of the same coin. On one hand, AI provides speed, consistency, and the ability to manage huge volumes of information. On the other hand, it risks reshaping legal decision-making in ways that would degrade the foundational legal principles such as fairness, responsibility, and reasonability. This article focuses on how Artificial Intelligence is influencing legal decision-making and explores the broader implications of this shift. By analysing the changing relationship between human judgment and machine logic, the article seeks to understand whether law can integrate AI without losing the values that give it legitimacy.

II. INTEGRATION OF AI INTO LEGAL PROCESSES

Artificial Intelligence is driving a strong transformative initiative towards the Indian Judiciary. By integrating AI into Judicial processes, legal research, law enforcement, sentencing, we are reducing the burden of pending cases, reducing time delay, and increasing the efficiency of Judiciary in providing Justice and making it easily accessible to all the citizens. AI has been introduced in our Legal system primarily through the *e-Courts Project Phase III*¹, spearheaded by the Hon'ble Supreme Court of India and the ministry of Law and Justice, with the aim of modernizing the Judiciary. The e-Courts Project Phase III sets the stage for a more digitally empowered judiciary by leveraging AI for intelligent case management, legal research, and administrative efficiency². The main objective of the Phase-III is to create a unified technology platform for the judiciary, thus providing a seamless and paperless interface between the courts, the litigants, and other stakeholders. AI has been consistently assisting our Judiciary in several key aspects³ :-

1. AI is being utilized for automated case management in the courts. AI driven tools are smartly scheduling the cases based on priority which aids in proactive backlog reduction. These systems can forecast and predict potential delays or adjournments beforehand, thus ensuring that there no wastage of time whatsoever resolutions of cases are announced timely.
2. Advanced AI-powered tools assist Judges and lawyers by streamlining legal research, identifying relevant case precedents, and summarizing judgments. This technology not only shortens the research process but also enhances the quality and consistency of legal documentation.
3. AI driven virtual legal assistants and chatbots are available to the public, especially to those are not well equipped with the legal knowledge. This digital support helps in making the judicial support more accessible and user friendly. For instance, a very new AI chatbot known as NyayGuru⁴ claims to be the India's first legal AI chatbot with the aim of explaining the complexities of Indian Law in simple and concise terms that a mere layman would also understand, that too for free of cost. One can ask for any legal advice from this chatbot and it would instantly deliver an

¹ Department of Justice 'e-Courts Phase III' <https://doj.gov.in/phase-iii/>

² PIB 'Integrating AI in India's Judiciary' <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2106239®=3&lang=2>

³ Thomson Reuters, 'Demystifying Artificial Intelligence (AI) & Law' <https://legal.thomsonreuters.com/en/insights/white-papers/demystifying-ai>

⁴ India's 1st Legal AI Chatbot <https://nyayguru.com/>

AI powered response with the relevant applicable procedure procured from abundant sources available online.

4. AI models also analyze historical judgements and precedents solicitously to offer predictive insights in present cases and predict their potential outcomes or false narratives associated with a particular case.⁵ This helps the litigants to incorporate more well-suited decisions and develop effective case strategies that would benefit the aggrieved party, contributing to the fairness of our Judiciary.

Thus, the introduction of Artificial Intelligence in our legal system has significantly assisted the judicial processes and made legal knowledge accessible to every person. The concept of AI is not bogus but rather well-executed assistance to the Judges and litigants. By utilizing the capabilities of AI-driven models and tools we can prominently minimize the time delay that is already flowing in the Judicial proceedings and reduce the number of pending cases by a fruitful amount.

III. WHAT CHANGES WHEN CODE ASSISTS DECISIONS

Now having understood as to how AI has entered our legal system, its time to learn how and what changes when these mathematical and computational codes assist in Legal decisions. Many of the more recent applications in AI and law have come from legal technology startup companies using machine learning to make the law more efficient or effective in various ways. As a result of these private companies and startups, AI enabled models has slowly begun to make its way into different areas of Judiciary. But the question is, whether this new technology can be trusted enough to jot down judicial decisions all by itself? Is Artificial Intelligence really that competent enough to assist a qualified person who presides over courts and administers Justice? The answer to all these questions is not someone liners but rather they require an in-depth knowledge behind the guiding principles of AI.

One useful way of thinking about the use of AI within law today is to conceptually divide it into three categories of AI users: the Administrators of law (i.e., those who create and apply the law, including government officials such as Judges, legislators, administrative, and police), the Practitioners of law (i.e., those who use AI in legal practice, primarily Advocates or litigants), and those who are Governed by law (i.e., the people, businesses, and organizations

⁵ PIB 'Integrating AI in India's Judiciary'
<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2106239®=3&lang=2>

that are governed by the law and use the law to achieve their ends).

- 1. AI used in the Administration of Law:** - In a democratic country like India, there are three wings or pillars of the Government namely the Executive, the Legislature, and the Judiciary. We believe that the Executive is responsible for making laws for the country, the Legislature implements the laws & manages the state and the Judiciary is known for interpreting those Laws with the motive to ensure Justice. The use of AI in the administration of law involves government officials using systems that employ AI technology to make substantive legal or policy decisions. For instance, Government often rolls out benefits for certain eligible people (*Ladli Behna Scheme, Atal Pension Yojana, Startup India initiative, etc.*) and these schemes often requires adherence to strict rules like cross-checking the applicant's documents, verifying the background and finally approving the applicant's request. Earlier these required heavy documentations coupled with huge bundles of paperwork and in case of any erred approval the government officials were required to do hefty manual labor in order to access the correct file. This led to an atrocious wastage of time but with the use of AI, this process is now completely automated and heavily dependent on programmed systems⁶. Typically, this is used as an efficiency measure to allow government employees to more quickly process applicants. However, it is important to emphasize that these systems often contain automated computer assessments that either entirely prescribe the outcome of the decision or, at the very least, influence it.
- 2. AI Used in the Practice of Law:** - Advocates, practitioners of Law, perform multiple legal tasks including counselling the clients, interpreting the law in client's interest, drafting various documents, performing litigation, and many other activities. All these tasks require some kind of assistance because performing them as a single entity is quite exhaustive and time taking, thus deteriorating the efficiency of judiciary. However, in recent times, lawyers are taking fruitful advantage of AI by utilizing its functions in many activities including, but not limited to, summarizing chunk loads of judgements, drafting contracts, making a case brief based upon the client's statements, quickly understanding a particular section of an Act and seamless concise precedents to cite

⁶ Harvard Library, 'Algorithms in the Criminal Justice System: Assessing the use of risk assessments in Sentencing' (2017) <https://dash.harvard.edu/server/api/core/bitstreams/7312037e-362a-6bd4-e053-0100007fdf3b/content>

during real time arguments.⁷ These predictive-coding technologies have employed AI techniques, such as machine learning and knowledge representation, to help automate this activity. Nevertheless, we can conclude that AI has been a great assist to individuals belonging from Legal field including the aspiring law students, because they are the ones that are well-equipped with this technology as compared to the practitioners of Law.

- 3. AI and Subjects of Law:** - This category of AI involves subjects of Law⁸. By subjects this researcher refers to ordinary people, companies and organizations that are governed by Law and are required to abide by a set of rules and regulations. Now there are some worthy uses of AI and Law under the purview of uses of AI, with the most important being Contracts. Contracts are essential to every organization whether it is a public or private sector-based company. Every transactional contract, monetary or non-monetary, legal contracts, sales/purchase, employment, service, partnership, and licensing contracts⁹ etc. alongside legal agreements like NDAs (non-disclosure agreements). AI assists in contract management by generating initial contract templates and applies standard contractual thesis using its reasoning ability, AI analyzes historical negotiation patterns to recommend optimal terms that are just, fair, and reasonable in the eyes of the parties associated with the contract. AI-powered contract management is very efficient, accurate, transparent, and most importantly less to no time consuming. A final example of the use of AI in law involves so-called legal self-help systems. These are simple expert systems often in the form of chatbots, that provide ordinary users with answers to basic legal questions. A good example of this comes from the trendy AI chatbots such as Perplexity, Gemini, BohriumAI and ChatGPT. These chatbots provides the necessary legal information ranging from Basic to Advanced response which depends on the user's specific need, helping in guiding through Indian legal system.

⁷ Bernard Marr, 'How AI and Machine Learning Are Transforming Law Firms and the Legal Sector' <https://www.forbes.com/sites/bernardmarr/2018/05/23/how-ai-and-machine-learning-are-transforming-law-firms-and-the-legal-sector/#6308a31c32c3>

⁸ Jyoti Dabass & Bhupender Singh Dabass, 'Scope of Artificial Intelligence in Law', PREPRINTS <https://www.preprints.org/manuscript/201806.0474/v1/download>

⁹ PandaDoc Blog, 'Business Contracts' <https://www.pandadoc.com/blog/types-of-business-contracts/>

IV. CONTEMPORARY CONCERNS IN AI AND LAW

At last, there are few issues and concerns with AI and law in the contemporary world that needs to be highlighted. First and foremost, potential bias in AI-driven decision making. The logic is simple, Artificial Intelligence largely depends upon algorithms and data sets and these core elements coins the importance to determine whether the underlying computer models are treating people fairly and equally. We know that the use of AI in making important decisions by the government officials that would affect people's lives or liberty (e.g., Criminal sentencing) is being practiced on a large scale since AI erases or lowers the thinking ability of a human being. Everything will be provided to the user based upon just a prompt. The biggest issue here is Fairness and Equality, since AI is trained on past data and past data reflects social inequalities¹⁰, there is a probability of mismatch between traditional anti-discrimination law and algorithmic outcomes. Multiple critics have raised the possibility that computer models that learn patterns from data may be subtly biased against certain groups based upon biases embedded in that data¹¹.

For instance, lets imagine that an AI-based software uses machine learning to predict the chances of an offender reoffending the offense based upon past police records. Here, the past records might be fabricated or further imagine that there could be a possibility that the offender belongs to a certain minority community in a remote area where the police personnels have been arresting more of the certain ethnic minority groups rather than non-minorities for the same offense. If this is the case then the biased police activity will be subtly embedded in the recorded police arrest data. Now the AI or the machine learning systems will not think of this scenario like a normal human brain, instead it will see the past arrest and reoffending records and would embed this subtle biasness within itself while announcing the decision.

Another contemporary issue with AI and the law has to do with the interpretability of AI systems and transparency around how AI systems are making their decisions. Often AI systems are designed in such a way that the underlying mechanism is not interpretable even by the programmers who created them. Various critics have raised concerns that AI systems that engage in decision-making should be explainable, interpretable, or at least transparent.¹² Others

¹⁰ University of Queensland, 'Legal, Ethical and Social Issues with AI' <https://uq.pressbooks.pub/digital-essentials-artificial-intelligence/chapter/legal-ethical-social-issues/>

¹¹ TimeSolv, 'AI Bias' <https://www.timesolv.com/resources/blog/legal-issues-with-ai/>

¹² Patrick Hall, Predictive Modeling: Striking a Balance Between Accuracy and Interpretability, O'REILLY <https://www.oreilly.com/ideas/predictive-modeling-striking-a-balance-between-accuracy-and-interpretability>

have advocated that the systems themselves be required to produce automated explanations as to why they came to the decision that they did. This would prove that the Artificial Intelligence is not rolling out anything but rational, reasoned and a logical response.

V. CONCLUSION

To conclude this article, we must understand that our relationship with Artificial Intelligence is neither of a friend nor of a foe but rather as an assistant to the already existing problems. AI alone cannot do much because it requires prompts to give results. More comprehensive and detailed prompts lead to a more well-crafted and personalized result. AI technology is able to produce intelligent results without intelligence by harnessing patterns and rules that allow it to make useful decisions in certain, narrow contexts. However, the current AI has its own limitations. It is not very good at dealing with human like reasoning, transferring knowledge from one activity to another, and citing correct sources when asked to do so. At the same time, the integration of AI into legal decision-making raises concerns that go beyond technical performance. Issues like fairness, equality, transparency, and accountability continue to challenge the legitimacy of algorithm-assisted decisions. Law was traditionally dependent on the society and its people for reasoning, interpretation, and contextual judgements but with the integration of AI, one simply cannot juxtapose the traditional methods with contemporary ones. That being said, the future of law making or decision making should not be left solely in either of the hands but rather there should exist a balanced coexistence where AI acts as a support tool. This will help us gain an insight of where AI is likely to impact and what is the real ambit of AI in the practice and administration of Law.

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