



INTERNATIONAL LAW  
JOURNAL

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**WHITE BLACK  
LEGAL LAW  
JOURNAL  
ISSN: 2581-  
8503**

*Peer - Reviewed & Refereed Journal*

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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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

# **AI AND LAW: AN INTEGRATION OF ARTIFICIAL INTELLIGENCE WITH THE LEGAL SYSTEM**

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## **ABSTRACT**

In the present year, the utilisation of artificial intelligence has been elevated across countries in various sectors. It has been indicated through the studies that the impact of artificial intelligence has proven to be challenging over the years. The legal examinations can be one of the many regions where it has been observed that AI could adversely affect the law. As of now, legal practitioners have observed and experienced the benefits of AI and have some high expectations. AI in the present era is advantageous (either in the field of law or elsewhere) in promoting a good society by spreading trust and being responsible, humane, and ethical, but sometimes it turns out to be lacking and harmful in some areas. AI and law consider the social, responsible, and explainable aspects of ethical values in extracting and determining the problem and providing solutions. The solutions could be in the form of arguments, decisions, rules, case laws, interpretations of statutes, etc. AI and law together could help in fastening the process of addressing the problem and finding out the best reasoning, knowledge, learning, and inspiration for new solutions. With AI, lawyers can easily access an abundant amount of recent data that has been creating and extending continuously in the Indian legal system. Hence, one of the important purposes in this publication paper is understanding and regulating the character of law in artificial intelligence.

## **INTRODUCTION**

The legal profession is among the many sectors that artificial intelligence is transforming. Legal professionals in India have come to feel that the AI is one of the recognised and useful factors in the legal system of India. Therefore, in the real life, there are a lot of chances for legal innovation, efficiency, and accuracy when artificial intelligence is incorporated into the practice of law.

The AI stimulates the interpretation of complex languages into simpler ones through natural language processing. The AI can enhance the accuracy of legal research on various case laws, judgements, statues, and regulations and provide the required results and precedents. <sup>1</sup>

Over time, it has been observed that the introduction of AI into the legal system can affect legal societies all over the globe. Artificial intelligence has recently led legal professionals to use AI-powered tools in an ethical manner. It has been observed that some professionals are already informed and acquired the knowledge and skill on working with AI in legal sector in India. They are also acquainted with the potential benefits and risks involved. But those who fail to understand the use of AI in law are lacking in legal representation.

The AI provides increased efficiency, optimises the workflow, and provides strategic planning to the lawyers, which in turn does have ascertainable risks. For Example: Ai provides lawyers with the summarised form of case, judgements, also helps in drafting the contracts, researches, etc. But AI in law raises issues of algorithm bias, hallucination, confidentiality and inaccuracy concerns, etc. <sup>2</sup>

Therefore, the main motive of this article is to cover AI, its usage in law, what tools are used, the benefits of using AI, and the challenges faced by law firms or legal practitioners.

## **THE ARTIFICIAL INTELLIGENCE**

A most famous person Mr. John McCarthy who is also known as father of artificial intelligence has given the term AI, i.e., artificial intelligence. According to the Oxford Dictionary, the AI is described as a theory and such a development in the computer systems which are specifically designed to perform such tasks according to the human intelligence, like as identifying patterns, recognising speech, and making decisions.” <sup>3</sup>

In simpler terms, AI can be defined as the impersonation of an human beings intelligences in the

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<sup>1</sup> AI Law: Learn Artificial Intelligence, Thomas Weber

<sup>2</sup> What is artificial intelligence? Definition, Uses, and Types, by Coursera staff

<sup>3</sup> Artificial Intelligence: Oxford Reference



computer systems, wherein the machines are coded in such a way that they mimic human abilities of learning and thinking. Artificial intelligence refers to a system's potential and capacity to solve issues that might also be resolved by human activity.

Artificial intelligence is defined as a type of computer that can mimic human intellect, thinking, understanding, and acting independently, much like humans but more quickly and easily. Examples of AI are ChatGPT, Google Translate, Apple's Face ID, etc.

### Classification of AI

It has been seen that there are numerous developments and discoveries going on in AI, these are categorised in types. All these categorisations of AI tell us about where AI in law has been to start, where it will reach and what are its future prospectus. These AI classifications are mentioned below:

1. **Confined Artificial Intelligence:** It is also defined as narrow AI or artificially narrow intelligence (ANI). Its main work is to execute only those orders or actions that are specific. For the completion of given tasks, these AIs use machine learning and neurological methods.<sup>4</sup>
2. **Strong AI:** It can also be defined as artificial general intelligence. These are such strong AIs that possess only human-like abilities to carry out a wide range of activities or tasks.
3. **Super AI:** It is also recognised as artificial superintelligence. Herein, once AI reaches the level of general intelligence where its knowledge and capabilities can be stronger than those of humans, it starts studying and understanding at a fast rate.
4. **Reactive Machine AI:** These AI are known for their response to any kind of task given or request submitted. But they are incapable of storing memories for a long period of time. Their functions are to learn from past experiences or improve their activities through those past experiences. Netflix, IBM Deep Blue, etc. could be a few examples of this kind of AI.
5. **Limited Memory AI:** These AI are used to store past data, which is later used for predictions to be made. These have short-term memory storage. They generally perform by acquiring knowledge and performing tasks. Self-driving cars are one example.<sup>5</sup>

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<sup>4</sup> Types of AI-built-in

<sup>5</sup> Classification of AI by Tech-Target

6. **Theory of AI:** The concept of AI is to perceive the emotions of humans and react according to what they perceive. It is one of the substantial milestones in AI but hasn't been recognised till now.
7. **Self-Aware AI:** The self-aware AI is defined as one of those AIs that holds self-awareness and self-understanding on its own. It has been presumed that they are able to sense feelings like humans do. This theory of AI is beyond any other theory, which means it is beyond the control of humans.

## **SPREAD AI IN LEGAL SECTORS IN INDIA**

As per a few specialists, AI's shows a major and a significant impact in shaping the Indian legal sector. There are regulations that have been used in a few regions for implementing AI in law. The common legal areas where AI is progressively growing are agreements, legal research, or the execution of electronic disclosure obligations.<sup>6</sup>

The lawyers and clients benefit from the evaluation of charges and electronic billing processes. Intellectual property resources such as band names, copyrights, likenesses, etc. can be easily enrolled and enquired about in case of dispute through the help of AI i.e. artificial intelligence.

Lawyers utilise artificial intelligence for the presentation in their cases. They search for relevant case laws, judgements, and judicial decisions with the help of AI to prove a strong point in their respective cases. Lawyers are expecting more from the AI technology in analysing the case, leading legal research, or executing revelation obligations as a part of a reasonable level of investment out to be progressively famous.<sup>7</sup>

AI programming enables legal counsellors to focus more on advising clients and taking challenging cases. The introduction of robotic succession, can lead to assist the practitioner in the legal system to perform legal research, case analysis, etc. activities efficiently and effectively within short period of time. It can also help in evaluating the expected result of upcoming case, they can be tremendously helpful in the private parties and courts for deciding on which type of

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<sup>6</sup>Critical Study on Artificial Intelligence(AI) in Legal Sector by RA Vijipriya

<sup>7</sup> <https://blog.iplayers.in/role-of-artificial-intelligence-in-law/>

the case to handle, give decisions upon or give up.

## **ROLE OF LAW GOVERNING AI TECHNOLOGIES**

In India, the stage of AI and its usage in legal sectors is still developing. Therefore, there are no such direct provisions available for dealing with AI. Ashwini Yadav, an IT minister, stated that since AI is still in a growing stage, there could be difficulty for the government in bringing regulations to deal with AI.

Although for guiding AI there are no direct provisions available but some provisions are given which can be helpful in dealing with the artificial intelligence:

### **The IT Act, 2000**

Information Technology Act, 2000 deals with the digital governance and electronic transactions. As such, there are not direct provisions available to govern the laws in AI under this Act, but it could help by providing some provisions that are AI-related.

Section 43A specifies the compensation to be awarded for the infringement of privacy in an individual's data due to negligently taking care of the delicate and important information. One of the landmark case i.e., in case of **Justice KS Puttaswamy versus Union Of India**: Herein, it was held by the Supreme Court of India that Fundamental rights does involve the element of right to privacy. Therefore, it is the urgent need of individual to safeguard their fundamental rights i.e. right to privacy from all AI-based mechanisms and systems.

### **The Indian Copyright Act of 1957**

It is the significance in this act for safeguarding the original artistic, literary, musical and dramatic works of artisans. It provides absolute right for the artisans while restricting unauthorised usage or recreation. There has been an increase in copyright and infringement liability due to the rise in AI-generated contents.<sup>8</sup>

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<sup>8</sup> The Artificial Intelligence Regulation: A Framework for Governance

In of the leading case of the **Gramophone Co. Of India Ltd. Versus SC Industries Ltd.:** the Delhi High Court has given the judgement as “the artificial intelligence are deprived of human creativity and therefore they are not eligible for protection under copyright.”

### **Personal Data Protection Bill, 2019**

It's main function or aim is for developing such plan or structure of AI which will be protecting the personal data of the individuals. The goal of the PDP Bill of 2019 is to create a framework for protecting personal data. The following laws provide for enterprises processing personal data: consent, responsibility, purpose, limitation, data localisation, etc. When any personal data is processed using AI-algorithms that have a significant impact on the rights and interests of individuals, this law mandates explicit consent from such individuals.

There are other governing agents, such as the the new education policy, national e-commerce plan, AIRWAT also known as AI research and analytics assimilation platform, etc., that have been used indirectly to govern AI-related activities and creations.

### **APPLICATION OF AI IN LEGAL WORLD**

With the sufficient investigation and accurate analysis of legal things, the internet of things development business may uncover various AI applications in legal field. The AI applications used in legal industry are:

**Due Diligence:** It refers to performing any actions with such reasonable precautions to avoid committing any offence. AI tools are used by the lawyers to perform such tasks for accuracy in their reports and evidences.<sup>9</sup>

**Prophecy Automation:** The AI programming helps the lawyers and their firms by aiding in outcomes for their legal investigations and evaluating their agreements.

**Legal System:** AI helps the lawyers to provide information's of the past practices and experiences to develop their arguments and evidences. AI also keeps a record of judgements and judicial instructions updated.

**Documenting Works:** There are numerous updated and recent documents and data which are

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<sup>9</sup> AI for Legal Professionals

required to be collected by the lawyers and legal firms which AI technology could easily provide. **Electronic Receipts:** Lawyers used to make their own receipts before the AI. But after, enactment of AI in law, their billing has been easier than before as their transactions takes place faster and accurate with help of AI.

## **CHALLENGES FACED ON IMPLEMENTATION OF AI IN LAW**

There are a lot of disadvantages when it comes on applying and using of artificial intelligence into the in the Indian legal system. Some of them are mentioned as:

### **Lack of a Complete AI-Specific Law**

In the current situation, India does not have any direct legislation to manage and control AI. There is certain legislation that has indirect provisions that touch upon AI-related aspects, like as in the IT Act 2000, PDP Bill 2019, etc.<sup>10</sup>

### **Bias and discrimination**

There is a heavy reliance on historical data, which reveals the social bias. AI systems can recklessly continue this bias and discrimination by relying on such data. Also, the current legal system has not tackled this issue in AI algorithms yet.

### **Accountable and liable**

In case of any harm or errors caused during the process, it would be difficult to hold AI liable for them because of their autonomy and complexity. It is challenging to determine accountability and liability under existing laws.<sup>11</sup>

### **Unclear Ethical Guidelines**

As there are not direct provisions available to guide AI in legal systems, there are chances of unethical conduct to be performed by the legal professionals during the course. Providing ethical boundaries for the implementation of AI in the legal system is challenging for the legislature.

### **Ambiguity in IPR Rights**

It is possible that India's current intellectual property rules are insufficient to protect the ideas, inventions, creations, etc. produced by AI. The questions regarding ownership of copyrights and the legality of works produced by AI can be uncertain and challenging.

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<sup>10</sup> Legal Innovation and AI: Risks and Opportunities

<sup>11</sup> OFLS Blog: **Challenges of Automating the Law: AI in the Legal Sector**

## **CONCLUSION**

Technological advancement has undeniably altered the legal system in India. It has been observed that AI in the legal system of India has numerous benefits, such as quick research, case analysis, briefing judgements, help in decision-making, draughting agreements, etc. Some of the work, like due diligence, collection of data, etc., could be helpful for firms in the use of AI.

Apart from various advantages, AI cannot be replaced by lawyer; it can hold lawyers accountable for their work. As AI are robots that are maintained and updated by humans, they do not have as much creativity, thinking, and analysing as humans do. Therefore, AI could be biased and discriminatory and could not be held liable for its harmful acts or errors as well.

There should be a regulatory framework provided to guide the ethical conduct of AI in the legal system of India, and accountability must be considered to govern its behaviour.

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