SHOULD ARTIFICIAL INTELLIGENCE BE APPLIED TO JURIDICAL PRACTICE ?

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Abstract

This paper explores the application of artificial intelligence (AI) in juridical practice. It examines how AI assists in civil, administrative, and criminal litigation, highlighting its role in helping common parties file lawsuits, collect evidence, and receive fair treatment. The differences in AI application between the common law and civil law systems are analyzed, showing how each system leverages AI based on its unique characteristics in law. The paper also discusses the impact of AI on various stakeholders, including grassroots judicial cadres, judges, and the general public. While AI offers substantial benefits such as increased efficiency, reduced bias, and improved access to justice, it also presents challenges like data privacy risks, ethical concerns, and high implementation costs. Despite these challenges, the positive impacts of AI are likely to drive its continued adoption. With proper measures of regulation, education, and awareness, AI can contribute to building a more just and efficient legal system.

Keywords: Artificial Intelligence; Juridical Practice; Civil Litigation; Administrative Litigation; Criminal Litigation; Common Law System; Civil Law System

Introduction

In an era where technological advancements are redefining every aspect of human life, artificial intelligence (AI) has emerged as a disruptive force, steadily making inroads into the traditionally conservative realm of juridical practice. The integration of AI into legal systems across the globe has sparked intense debates among legal scholars, practitioners, and policymakers. On one hand, the remarkable capabilities of AI in data processing, pattern recognition, and prediction offer the promise of revolutionizing the way in which legal cases are handled, potentially addressing long - standing the inefficiency in the juridical process. On the other hand, concerns regarding data privacy, bias on algorithms, and the preservation of human - centric justice pose significant challenges to its widespread adoption.

The legal field, with its complex and diverse nature encompassing civil, administrative, and criminal litigation, as well as differences between common law and civil law systems, presents a unique and multi - faceted landscape for AI application. Moreover, the potential impact of AI on various stakeholders adds another layer of complexity to the discussion. Understanding the implications of AI in juridical practice is not only crucial for the future development of the legal profession but also for ensuring that justice remains accessible, efficient, and equitable in the digital age. This research aims at delving deep into the application of AI in juridical practice, exploring its benefits, challenges, and differences across different legal domains and systems.

Results and Discussion

a) AI Assistance in Civil, Administrative, and Criminal Litigation

Civil litigation refers to the legal proceeding in which private individuals resolve disputes or conflicts related to personal relationships or financial matters in accordance with private law. It regulates civil relations among equal parties. In civil litigation, the party who initiates the lawsuit is called the plaintiff, while the one who receives this is called the defendant. The plaintiff should take responsibility for adducing evidence.

Therefore, in civil lawsuits, sometimes the plaintiff might be ordinary people who do not know professional knowledge about law, and AI can help them to file for litigation. Also, without authority, ordinary people are very hard to collect evidence, but with AI's aid, the plaintiff can seek and collect evidence which is legal, valid, and recognizable by the court.

As for administrative litigation, in some countries or regions, it is classified under the civil litigation, while in some others like Mainland China, the administrative litigation is a separate type of litigation distinct from civil litigation. In general, administrative litigation adjudicates disputes between administrative staff and administrative counterparts. The two parties bear a relationship of management and being managed. Administrative litigation can only be initiated by the administrative counterpart, and administrative organs cannot initiate it. However, administrative organs assume the burden of proof and shall prove that the administrative decisions they have made are correct and legal.

However, in fact, due to the unequal and unfair relationship between organs and counterparts, most of the time the authority's data is not transparent to the public, so it is quite hard for counterparts to find the fact and win the lawsuit. But now, with the integration of AI, AI can be an independent third party to supervise the administrative staff and evaluate if the administrative actions are correct and legal.

Criminal litigation refers to the legal procedure for investigating, prosecuting, and adjudicating criminal offenses, aiming at determining the guilt or innocence of the accused and imposing corresponding penalties in accordance with the law. It is a procedure in which the authority takes the compulsion force by law to guarantee the basic rights of the people and social security. In criminal litigation, the party who takes responsibility for representing the state in pursing and prosecuting crimes, and also serves as the representative of public interests and national interests, is called the prosecutor. In the procedure of criminal litigation, the crimes are called the defendant, and the defendant also has rights to have a defense lawyer to protect his or her rights.

In criminal lawsuits, AI can make an impact in many aspects. To the state, people, and victims, AI can help the prosecutor to find out the criminal fact, giving aid and assistance during investigating. To the defendant, AI can act as a very neutral party to supervise the prosecuting and investigating procedure, protecting the basic human rights of the defendant and guaranteeing procedural justice [2].

b) Differences on AI Between Common Law System and Civil Law System

The common law system, prevalent in countries such as the United States and the United Kingdom, is largely based on judicial precedents, where past court decisions serve as authoritative sources for future judgments. In contrast, the civil law system, adopted by numerous nations in Europe, Latin America, and Asia, relies on comprehensive codified statutes that systematically outline legal rules and principles. These distinct characteristics of each system create unique landscapes for integrating AI technology, with varying requirements and potential impacts.

In the civil law system, the structured nature of codified statutes provides a clear and organized foundation for AI - assisted judicial processes. AI can play a crucial role in helping judges and legal professionals efficiently navigate the vast body of legal codes. For example, AI - powered tools can rapidly cross - reference articles within civil, criminal, and administrative codes to identify the law terms which are most relevant and corresponding for a specific case. These tools use advanced natural language processing algorithms to analyze the language of statutes, understand their context, and even predict how new laws or amendments might affect ongoing cases. Additionally, AI can assist in drafting legal documents, ensuring compliance with the precise requirements of the law. By automating these tasks, AI not only increases the efficiency of legal operations but also reduces the likelihood of human error in interpreting and applying the statutes.

In the common law system, AI's capabilities are primarily harnessed to manage and analyze the extensive and often complex body of case law. Platforms like Westlaw Edge and LexisNexis utilize sophisticated machine learning algorithms to sift through thousands of past court decisions [1]. These systems can identify relevant precedents based on the facts and legal issues of a current case, extract the reasoning

behind judgments, and even predict how similar cases might be decided in the future. AI also helps legal professionals distinguish between binding precedents, which must be followed, and persuasive precedents, which can influence decisions but are not mandatory. However, given the dynamic and evolving nature of common law, where new cases can modify or overrule existing precedents, AI systems need to be continuously updated and refined to accurately reflect the latest legal developments.

While the application of AI in each system has its unique focus and challenges, there is potential for AI to bridge the gap between the common law and civil law systems, enabling them to learn from each other's strengths. For instance, the data - driven analysis capabilities of AI used in common law's case - based approach could be adapted for helping civil law jurisdictions better understand the practical implications of their statutes through real - world applications. Conversely, the structured and codified nature of the civil law system could inspire improvements in organizing and categorizing common law precedents, making them more accessible for AI - based analysis. By leveraging AI, both legal systems can enhance their efficiency, accuracy, and fairness in the pursuit of justice, demonstrating the transformative potential of technology across diverse legal traditions [3].

c) Roles of AI to Grassroots Judicial Cadres and Judges

During procedure of litigation, besides the parties like the plaintiff, defendant, defense lawyer, and prosecutor, the judicial cadres and judges are also very important roles. The judicial cadres refer to the cadres including staff in the court, the prosecutors, and so on. Some of the cadres may not be professionals in law, they take responsibility for doing basic work like arranging files.

For Judges, there are two aspects of impacts. One is the active impact. AI can help judges find out the fact and apply the proper law. Also, AI can be trained with the past lawsuits, so that AI can act as an assistant who can offer past references. The other is the passive impact. AI can act as a fair supervisor to ensure that the judge can fulfill his duty well. Furthermore, the integration of AI can better achieve the procedural justice.

d) Roles of AI to Common Parties and People

Artificial intelligence (AI) has emerged as a transformative force, breaking down the traditional barriers that prevent common parties and people from engaging effectively with the legal system. Historically, the complexity of legal knowledge and the high cost of professional legal assistance have left many individuals at a disadvantage. However, AI - driven solutions are now revolutionizing this landscape. Through natural language processing - powered chat-bots, such as DoNotPay, and AI - generated educational materials, complex legal concepts are translated into accessible information. These tools answer common legal queries, demystify the

jargon, and enhance public legal awareness, enabling citizens to understand their rights and obligations without a law background.

In the realm of legal affairs, AI provides essential support for individuals in various aspects such as navigating contracts and litigation. Contract - review - tools, like LawGeex, use machine learning algorithms to scan the terms of agreements for hidden risks, unfair clauses, and ambiguous terms, empowering individuals to negotiate from the informed stance. In litigation, online - dispute - resolution (ODR) platforms integrate AI systems to guide litigants through the process, from claim filing to mediation. AI - enabled chat-bots assist with form - filling, while predictive algorithms analyze past cases to estimate potential outcomes. By offering these services, AI democratizes access to justice, making the legal system more inclusive [1,3] and allowing common parties to manage their legal affairs more independently, even without professional legal representation.

e) Positive Impact vs Cost for Society to Adapt to AI

AI's integration into juridical practice offers substantial benefits. It streamlines legal processes by automating tasks like document review and research, cutting down case backlogs and speeding up the justice delivery. By analyzing legal data, AI promotes consistency of judgments, reducing bias and bolstering public trust in the legal system. Additionally, AI - based online tools break down barriers to legal services, making legal knowledge accessible to all and ensuring equal access to justice. The benefits brought by AI are also the demands by the law - based society.

Yet, its adoption also presents significant challenges. Judicial organs must invest heavily in AI infrastructure and data security. Ethical issues, such as bias on algorithms and lack of transparency, threaten fairness and human rights. Law firms face high costs in training their staff and adapting to new work-flows. Moreover, concerns about job displacement due to AI replacing human labor in the legal field will fuel resistance.

Despite these costs, the positive impacts of AI are set to drive its future use. The advantages in efficiency, fairness, and access to justice are too crucial to overlook. To realize these benefits, society needs to establish regulatory frameworks, invest in education, and raise awareness about AI's role in law, ensuring it aligns with the rule of law and creates a more just legal system.

f) How AI Practices the Principle of Constitution and Law

In juridical practice, AI serves as a powerful tool for upholding fundamental constitutional principles. When it comes to ensuring the protection of basic human rights, AI systems are developed with ethical guidelines and fairness - focused algorithms. For instance, in criminal sentencing, AI - assisted risk assessment models

are refined to eliminate biases that could lead to discriminatory treatment, ensuring that every individual, regardless of their background, receives a fair and equal consideration under the law. In terms of power restriction and supervision, AI enables real - time monitoring of judicial processes. By analyzing case - handling procedures, timelines, and decision - making patterns, AI can identify potential irregularities or deviations from legal norms, thereby safeguarding the integrity and fairness of the justice system and ensuring that judicial power is exercised within the framework of the law.

Regarding civil law principles, AI plays a crucial role in facilitating the practice of equality, willingness, fairness, and good faith in civil legal affairs. AI - powered legal platforms offer standardized legal advice and services to all parties involved in civil transactions, regardless of their economic status or influence, promoting equality in access to justice. In contract negotiations, AI - driven contract review tools empower parties to make informed decisions. These tools meticulously scan the terms of agreements for hidden terms, unfair clauses, or discrepancies, ensuring that the principle of willingness is respected as both sides enter into contracts with a full understanding of their rights and obligations. By detecting and flagging unfair elements, AI also upholds the principles of fairness and good faith [3], ultimately protecting the legitimate rights and interests of all parties and fostering a more just and trustworthy civil legal environment.

Conclusion

In conclusion, the application of artificial intelligence (AI) to juridical practice is not merely a technological trend but an essential development for the modern legal system. This research has clearly demonstrated that AI brings substantial benefits across civil, administrative, and criminal litigation, catering to diverse stakeholders. It empowers common parties by simplifying lawsuit procedures and aiding evidence collection, assists legal professionals in making informed decisions, and enhances fairness in both common law and civil law systems. For example, in civil cases, it helps ordinary individuals navigate complex legal processes, while in administrative litigation, it acts as an impartial monitor ensuring the legality of administrative actions. In criminal justice, it supports prosecutors and safeguards defendants' rights, promoting procedural justice.

While challenges such as data privacy, bias on algorithms, and implementation costs exist, they should not impede the adoption of AI in juridical practice. These issues can be effectively mitigated through the establishment of appropriate regulatory frameworks, continuous technological innovation, and professional training. The positive impacts of AI, including increased efficiency, enhanced transparency, and improved access to justice, are far too significant to overlook. Embracing AI is crucial for fostering a more equitable, efficient, and just legal system that meets the demands of the digital age.

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