

# Investigating The Jurisprudential Aspects Of ADR

Darshankumar.Hariprasad.Pandya\*, Dr. Rhishikesh Dave<sup>2</sup>

<sup>1</sup>\*The Author is Research Scholar and Pursuing Ph.D. in Law, Marwadi University, Rajkot.

<sup>2</sup>The Co-Author is the Dean/Director, Faculty of Law, Marwadi University, Rajkot

\*Corresponding Author: Darshankumar.Hariprasad.Pandya

\*The Author is Research Scholar and Pursuing Ph.D. in Law, Marwadi University, Rajkot.  
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## Abstract

A formal set of guidelines for human conduct is known as the law. Law can be used to govern society. The law has two parts: a descriptive aspect and a philosophical aspect. The philosophical side of the law is covered in jurisprudence. The practise of law is prevalent everywhere. All societies share some commonalities in their jurisprudence, Law (as an institution) is one of several social and political institutions created for conflict settlement. Private parties started looking for novel techniques to speed up the resolution of cases. ADR serves as an alternative to traditional court procedures for resolving disputes. There are two methods for resolving disputes. They are An alternative dispute resolution process and The conventional approach of litigation. Justice has been prioritized by many thinkers, including Plato, above all other moral principles. Overall, justice is a moral principle, but it can take many different forms. Examples include 1. Substantive Justice, 2. Formal Justice, and 3. Legal Justice. The Indian justice system is in a sad state despite being one of the oldest in the world. Indian courts are overburdened with protracted unresolved cases. ADR has developed to strengthen the sense of justice in society because these things are unachievable without it. The aforementioned school of thought has some drawbacks. The main one is that it defines law as a command, regardless of other social structures or institutions. One manifestation of society that was created to address social demands is the law and institutions relating to alternative dispute settlement processes. Artificial intelligence is progressing at an incredibly fast rate. The social, economic, cultural, and political spheres of existence will drastically shift as a result of these advancements. AI systems are starting to appear in ADR processes. Such systems have both advantages and problems. The law ought to be written to take future demands into account.

**Key Words:** Jurisprudence, ADR (Alternative Dispute Resolution), AI (Artificial Intelligence)

## INTRODUCTION

In this research, the jurisprudential component of ADR is attempted to be traced. Therefore, we must first comprehend what jurisprudence is.

A formal set of guidelines for human conduct is known as the law. Holland claimed that "Law is a general norm of outward human activity enforced by a sovereign political authority" while Salmond claimed that "Law means the rules recognised and applied by any court of justice." Law can be used to govern society. In a certain civilization, law consists of two parts. As follows:

1. Legal description: This is referred to as a legal order's operational component. It contains specific, specified declarations that take the shape of laws, standards, guidelines, or rules. It originates from the state's or societies political establishment. It may also be regarded as the formal component of the legal system. For instance, any law, statute, etc. It includes a uniform framework for the administration of justice in society.
2. Philosophical Aspect: The philosophical underpinnings of the descriptive features of legal structure are included. Because it gives the underlying philosophy, theory, logic, and rationale behind the enactment of a law, it is more significant than the aforementioned part. Because it is less dynamic than the descriptive aspect, it is largely unexplored. Although the descriptive aspects of law change with a constantly evolving society, theoretical changes are far less frequent since more stable underlying legal conceptions have been established.

The philosophical side of the law is covered in jurisprudence. Since the dawn of time, all people and all nations have held certain beliefs and ideals regarding the nature of justice and the law.<sup>1</sup> These concepts and ideas are examined by law. Jurisprudence is the "Alphabets of law," in Jhering's words. A legal philosophy is recognised as jurisprudence. The practise of law is a global activity. All societies share some commonalities in their jurisprudence. However, because it is not a language of the law, it varies in several aspects across different nations.

The function of the state has evolved as a result of a shift in political thought from a laissez-faire state to a welfare state. A new jurisprudence is necessary to support the objectives of the vast commercial, industrial, and agricultural expansion, the rise and growth of the mental and physical sciences and their applications to life, the recent rapid development of information technology, and the numerous plans for social and economic development.<sup>2</sup> Humans being social animals, we are aware of this. Social connection is therefore necessary for people. From these social contacts, disagreements develop. Law (as an institution) is one of several social and political institutions created for conflict settlement. The

function of the justice delivery system in any given society is to maintain a reasonable level of disputes. It is impossible to create a society where disputes do not exist. Maintaining societal order and coherence is the goal of establishing institutions, whether they be social, economic, or political. As a result, the delivery of justice is crucial to preserving a civil society. But it is apparent that disagreements also develop owing to an increase in the complexity of social ties and social interactions in modern governments. One of society's core characteristics is its dynamicism and division. As a result, conflicts also evolve as a result of social division and change. Additionally, civilization is not only changing, but it is changing exponentially. As a result, there are also more disagreements. The only available method of resolving disputes in the past was the frequently drawn-out procedure of a courtroom trial, with its rule-laden formality. Private parties started looking for new techniques to speed up the resolution of cases. To get over the issues mentioned above, alternative dispute resolution was developed. ADR serves as an alternative to traditional court procedures for resolving disputes. Although it appears to be a recent event, it is actually a long-standing one that will be covered in a later section of the paper. The history of alternative dispute resolution mechanisms will be discussed later in this essay. Researchers will examine Indian society's past to identify the ADR mechanism. Furthermore, online dispute resolution has been more popular recently. However, scientists predict that ODR will soon lose its relevance. Artificial intelligence is advancing so quickly that it will soon surpass other ADR systems. The final half of this essay will attempt to evaluate the potential risks and benefits of ADR mechanisms.

## ADR AND JURISPRUDENCE

It is a traditional research methodology that only traces the normative elements of law. But the multiple facets of ADR are the main emphasis of this research. The three dimensions are as follows: The first dimension represents the issues, expectations, and needs of society. The second consideration is how the law and legal institutions respond or respond with a remedy. The third factor relates to the effect of the law and legal systems. Furthermore, judging the ADR becomes particularly challenging because of the complexity and diversity of the conflicts, which are both increasing. Therefore, we must first break down the entire ADR mechanism into its component parts in order to identify the legal philosophy of ADR.

## CONFLICTS ARE THE ROOT OF DISPUTE RESOLUTION PROCEDURES:

In this section, we propose to analyze the ADR systems from the perspective of the causes which lead to their creation. The causes that lead to the creation of the ADR systems are represented by conflicts because, as Thomas Hobbes<sup>3</sup> was also indicating "the laws of nature are reduced to life preservation and contracts observance, the rest being *bellum omnium contra omnes* or the war of all against all"<sup>4</sup>

According to anthropological study, it is discovered that 2,00,000 years ago Homo Sapiens evolved in Africa.<sup>5</sup> Up to 70,000 years ago homo sapiens were not different than any other creature of the animal kingdom, in fact humans were marginalized species. But due to the cognitive revolution which took place 70,000 years ago, humans developed the cognitive capabilities to invent new language which ultimately lead to the construction of complex social networks. These capabilities to construct social networks are the basis of the evolution of human civilization. We can call it the tree of knowledge.<sup>6</sup> Human social interactions are what gave rise to the intricate social system. Our social life is fundamentally based on social interactions. People constantly participate in social contact in daily life. These interpersonal interactions are what lead to conflicts. Social interactions have the potential to cause conflicts. Interaction is crucial to the development of society. Conflicts in society consequently become unavoidable. Conflicts have persisted throughout mankind's evolution in general and in particular in each person's life, according to the study. Social frustration is a multifaceted phenomena that results from conflict.

Hegel presents the idea according to which the conflict is "part of a healthy relationship" between individuals, being, at the same time an integral component of reconciliation. "Human beings need different institutional spheres where to find their intimacy, to update their individuality and to enjoy political communion", and "the conflict is the price of this differentiation"<sup>7</sup> For analyzing Hegel's ideas related to conflict and to the fact it represents a source of change and development, Charles Taylor uses the phrase "ontological conflict".<sup>8</sup> Values pluralism, a topic that Isaiah Berlin extensively discussed, is another element that must be taken into account while assessing the conflict. This is so because Berlin wrote a lot about the conflicts that characterise pluralism and the clash of ideals. It should be noted that those who advocated for values pluralism referred to "the world of values, laws, and ethics that surround human beings" as the "moral cosmos." Conflict, according to Nicolae Triteoiu, is "a social phenomena that emerges when two or more participants in an interactive or interdependent relation pursue irreconcilable goals or, even when they share goals, contest each other's means of action and the game's rules."<sup>9</sup>

From the explanation above, it is clear that disputes play a significant role in our social lives. Additionally, the confrontations cause anger and resentment in the neighbourhood. Institutions for resolving disputes have so been established as a response to this issue. There are two methods for resolving disputes. They are 2. An alternative dispute resolution process and 1. The conventional approach of litigation. The ancient techniques of resolving disputes developed over time after society's evolution and were tied to the particulars of the historical frame in which the disputes took place. Contrary to these traditional techniques, alternative ways of dispute resolution emerged in response to the ineffectiveness or inefficiency of the first. Despite this, it has been observed that people are becoming more inclined to choose other techniques of dispute resolution due to factors such as effectiveness, affordability, and added benefits. The ancient

techniques of resolving disputes developed over time after society's evolution and were tied to the particulars of the historical frame in which the disputes took place. Contrary to these traditional techniques, alternative ways of dispute resolution emerged in response to the ineffectiveness or inefficiency of the first. Despite this, it has been observed that people are becoming more inclined to choose other techniques of dispute resolution due to factors such as effectiveness, affordability, and added benefits. The phrase "ADR" (Alternative Dispute Resolution) or "disputes alternative resolution" was developed as a reaction to the inefficiency of the traditional methods of conflict resolution and includes the procedures and techniques of amicable resolution of conflict. The conflict resolution alternative methods are numerous and can be corroborated for ensuring complete success.<sup>10</sup>

ADR, which covers all out-of-court amicable conflict resolution techniques, is an alternative to judicial dispute resolution but does not in any way restrict access to justice, especially when judicial dispute settlement techniques are ineffective<sup>11</sup>. As a result, the researchers would like to state that conflicts, the ineffectiveness of conventional conflict resolution mechanisms, and people's desire to get over their frustration with the ineffectiveness of conventional mechanisms are what led to the development and institutionalisation of alternative dispute mechanisms in a given legal framework.

## ADR FOR JUSTICE

Since fairness is the primary goal of ADR, understanding justice is necessary before we can assess ADR from a jurisprudential standpoint. Justice, in our opinion, is a moral ideal similar to other moral ideals. It is a goal or purpose that a person establishes for himself in order to live a fulfilling life. Justice is occasionally seen as a means to an end or as a goal in and of itself. Justice has been prioritised by many thinkers, including Plato, above all other moral principles. Overall, justice is a moral principle, but it can take many different forms. Examples include 1. Substantive Justice, 2. Formal Justice, and 3. Legal Justice. The concept of justice need not be restricted to the judicial system. It can be studied in terms of society. People who live in society understand justice as a set of values. As a result, different social structures have diverse ideas about what justice is. For instance, under an authoritarian system, governmental aggression may not be seen as unfair, but in a democratic society, citizens may attempt to find redress in order to obtain justice. The concepts of justice and law are interwoven. The basis for conflict settlement procedures is an ethereal idea called justice. If justice is seen to be the ultimate goal that the law should aim to achieve, we can arrive at the law's intended outcome directly rather than being bogged down in its ambiguities, complexities, and inconsistencies. Law must be assimilated to justice and that law without justice is a mockery, if not a contradiction.<sup>12</sup> The definition of justice has been attempted by numerous philosophers, jurists, sociologists, etc. It is very difficult to explain because justice encompasses all facets of social life and is not only limited to the law. Justice and a person's social life are intertwined. So, as society changes, so does our understanding of justice. From the classical to the contemporary concepts of justice, we can clearly discern the remarkable evolution of justice.

The goal of the transcendental institutionalist approach is to identify and create institutions that will enable the realisation of perfect justice. While using the comparative technique, various institutions are contrasted and their efficacy is assessed. Because of how quickly our society is evolving and how progressive it is, it is impossible to create the structures through which total justice is realised. As a result, social values and belief systems are likewise constantly changing. As a result, in this essay, we shall assess justice using the comparison technique. For the sake of achieving justice, we shall contrast both the conventional adversarial court system and alternative dispute resolution. We can infer from the reasoning above that the justice delivery system serves two purposes. 1. To keep crime and disagreements in society at a manageable level. 2. That justice should be perceived as being carried out in society and that this perception should prevail. The main objective of courts is to ensure that the illusion of justice prevails and that people believe that justice is being done in society, as we have mentioned that transcendental institutions cannot be defined. There should be a sense of fairness among the populace. The judicial system will be destroyed without this delusion or faith in institutions.

In the present day, ADR processes are more relevant than the conventional court system. It is brought on by the proliferation of disputes and the rise in their complexity. As a result, the ADR processes can restore society's faith and sense of fairness. Finally, it may result in greater social harmony and overall societal contentment. ADR processes are thus the most effective ways to pursue justice. Therefore, it is crucial to formalise ADR methods in a formal system by passing legislation. Therefore, the demand for justice serves as the conceptual foundation for the goals that such organisations seek to achieve through the provisions of the Arbitration and Conciliation Act, CPC (e.g. Sec. 89: Out of Court Settlement Through Mediation and Lok Adalat), Lokpal Act, etc.

## ADR AND SOCIOLOGICAL JURISPRUDENCE

Traditionally, a positivistic or analytical approach is used to assess law. The positivistic perspective views law as a sovereign's command that state citizens must abide by. This authority of the law is strengthened by external coercion in the form of state intervention in cases of lawbreaking. The founder of analytical or legal positivism was John Austin. In Hegel's publications, the philosophy of legal positivism was also present. He explained the intellectual underpinnings of the social structure as a metaphysical reality that is both distinct from and superior to the persons who make up it. For him, state law itself served as the moral benchmark since it represented the pinnacle of the evolution of the concept of reason.<sup>13</sup> On this basis, there could be no real disagreement between the state and the individual because the state always had the upper hand. Therefore, in accordance with the positivistic school, a law is a command that originates from a

sovereign power and is supported by a sanction. The aforementioned school of philosophy has several restrictions. Although the positivistic theory of law is built on the core idea of authority, one of its most significant criticisms is that it is unable to identify the source of authority. A law cannot be passed by lawmakers that is in violation of the constitution, for instance, and that legislature has been given the authority to modify the constitution. As a result, it is quite unclear which of the two (the constitution or the legislature) is the highest authority. Additionally, it disregards precedents and judge-made law, which is a fundamental tenet of the rule of law. The primary critique of this work is that it defines law as a command, regardless of other social factors or institutions. It disregards social norms, societal expectations, moral principles, public opinion, the real application of the law and how it affects society, among other things. In actuality, the sociological variables listed above are crucial to the creation and application of the law. Therefore, in order to analyse the ADR, scholars will assess it in terms of sociological jurisprudence, which is more applicable in the contemporary period of complex networks of social relationships. A pioneer in American sociological law was Roscoe Pound. He made a distinction between personal interests (claims, demands, or desires directly related to an individual's life and asserted in that life), public interests (claims, demands, or desires directly related to an organisation that is politically organised and asserted in that organization's name), and social interests (claims or demands or desires involved in social life in civilised society and asserted in title of that life).<sup>14</sup>

Gumplowicz, who erected sociological foundation of positivist law, had said that “natural law” and “inalienable rights” are preposterous of pure imagination.<sup>15</sup> However, the law was substantially codified during the 19th century as a record of the steadily growing acknowledgement of individual rights. These laws were created in the 20th century with a constantly expanding understanding of human desires, needs, and social interests. These individual and societal demands led to the institutionalisation of ADR processes. The outdated and overly prescriptive traditional court system was insufficient for achieving both individual and social goals. As a result, these pressures drove ADR procedures. Therefore, the ADR mechanism has its roots in social interests, and it may be correctly assessed based on its social utility. The legislation that institutionalise ADR, such as PESA, Lok Adalats, and the Arbitration and Conciliation Act, which are the results of societal and individual demands, can be conceptualised as a phenomenon of society. Individual and collective interests could not be realised through the outdated and rule-heavy traditional judicial system. These demands hence drove ADR procedures. As a result, the ADR mechanism's roots may be traced to social interests, and it is possible to appropriately assess such mechanisms using their social usefulness. The legislation that institutionalise ADR, such as PESA, Lok Adalats, Arbitration and Conciliation Act, which are results of society and individual demands, can be described as a social phenomenon. These mechanisms are based on the preservation of societal resources and a desire for advancement in the economy, culture, and politics. There is also a great influence of Scandinavian legal realism on many ADR mechanisms. The systems such as Lokpal and Lokayukta are gifts of Scandinavian legal realism. Axel Hagerstrom is considered the founder of the “Uppsala school” of the modern Scandinavian realism movements. He evaluates the concepts of laws as antimetaphysical ideas which have implications in the physical world. He pointed out, for example, that right of ownership had no empirical significance unless and until it had been infringed and subject-matter of a judicial proceeding. Even in that event, the litigant's claim to ownership was unreal and speculative until he had proved his title.<sup>16</sup> Hagerstrom believes that discussing rights separately from remedies and enforcement tactics is pointless as a result. According to the aforementioned ideology, both the outcome and the method of dispute settlement are the foundations of the law and its conceptions. This idea is unique in that it considers both available remedies and the legal process for resolving disputes.

The peculiarity of organisations like the Ombudsman (Lokpal or Lokayukta) is that it is primarily based on the remedies that can be given to those who have been wronged. It is more appealing than the conventional process of dispute settlement due to the straightforward enforcement measures and remedy-oriented attitude of such institutions. Such institutions are not only formed in business organisations but also against oppressive CEOs (for eg. Ombudsman in banks). Such institutions for obtaining relief are both desired and necessary by society. With the growth and development of society, this remedy jurisprudence is gradually taking shape. According to traditional legal doctrine, remedies are the only acceptable course of action. The customary laws were implemented in light of the consequences. The formulation of modern laws, however, takes into account the remedies available to society's citizens and the fulfilment of individual interests. It is a newly created and underdeveloped idea. Such institutions (such as the Ombudsman) are not founded on the idea of punishing the offender but rather on the idea of compensating the harmed and enforcing steps to obtain such compensation. Such organisations' fundamental goals and judicial system are influenced by victimology rather than the punitive nature of traditional courts. It looks at the problem and its solutions through the victim's viewpoint. It places a strong emphasis on compensating victims for their losses rather than punishing the accused. It emphasises that healing a victim's wounds is more crucial than punishing the accused.

The society thrives on the realization of the economic interests of society and capitalism. At last, researchers are of opinion that, the process like Arbitration, mediation, etc. are stemmed mainly for the realization of the economic interests of society. Researchers assert that economic interpretation has had its full-day, and perhaps having its day in the legislation of different kinds to maintain the social interests with accent on the economic motives.<sup>17</sup>

## HISTORY

In general, it is assumed that monarchies were the most common form of government in ancient India and that republics only sometimes occurred or were aberrations. The viewpoint is predicated on what appears to be the perception of a monarchy.<sup>18</sup> Although there was no civilised society or established way of life at the beginning of the Vedic era, agriculture had already begun to emerge in small communities. Around 2,600 BC, the Indus Valley Civilization emerged as the earliest in India. In 6,500 BC, the region, which today straddles modern India and Pakistan, saw the invention of pottery and the start of cultivation by its inhabitants. A thriving farming community had developed by 2,600 BC. In Harappa, democracy first took root. With the exception of a single white priest-king statue and a silver crown, very little proof that there was a king in the Indus Valley has been discovered; instead, the empire was divided into districts with half a dozen towns serving as capitals, and it was ruled by a group of people. Archeologist Jonathan Mark observed that "the Harappa rulers, were merchants, ritual specialists and individuals controlling important resources, instead of just one social group controlling the rest. From the construction of the cities however it does appear there were some social classes, as the citadel is usually 20 feet higher than middle and lower town."<sup>19</sup> Legal history indicates that down the ages man has been experimenting with a procedure for making it easy, cheap, unfailing and convenient to obtain justice.<sup>20</sup> The most important period of ancient age is the Dharma sutra period which is also called the golden period of Indian Legal. With the advancement of time and society, the people progressed towards Civilization. The law propounded by the Smriti writers was more systematic and comprehensive in nature and laid down certain sets of principles to be followed by the people and the King alike. The Dharma Sutra are the principal Sutras of Gautama and Baudhyana, Sutras of Apastamba, Harita, Vashista, and Visnu. The areas that were mainly dealt by the Sutras were rules of civil and criminal law, marriage, inheritance, succession interest and partition.<sup>21</sup> Ancient India was familiar with the idea of parties resolving their differences through the use of a person or persons of their choosing or a private tribunal. Before there was a ruler, disagreements were settled by native institutions. In these institutions, arbitration, mediation, and negotiation were used to settle disputes. These procedures resembled the ADR procedures used today. The only distinction between them is that the modern-day mechanisms are systematic, structured and regulated in scientific ways. In short modern-day techniques are more organized. As per the Hindu Law, one of the earliest known treatise that mentions about arbitration is "Bhahadaranayaka Upanishad".<sup>22</sup> Interventions from Kulas (family or clan assemblies), Srenis (guilds of men engaged in the same occupation), and Parishads resulted in a peaceful resolution of the disagreements (assemblies of learned men). The origins of arbitration can be traced back to the widely used village Panchayat system in ancient India. There was no centrally controlled organised government in the contemporary sense throughout the Vedic era. The entire region was divided up into separate Kingdoms that were each ruled by a King, who served as the head of the State rather than the Society. The State and Society both engaged in different types of activities. National life and activities in the earliest times as on record were expressed through popular assemblies and institutions.<sup>23</sup> The "Parishad" provided advice on all religious issues, but it also performed some judicial duties. The body for general deliberations known as "Samiti" was where all manner of policy issues were considered. Additionally, this organisation carried out judicial and legislative duties. The entire People were present for the assembly. A Visya is a political entity made up of numerous villages and led by a Visyapati. As a group, the Visyas were governed by a Jana, which in turn was headed by a Rajana or monarch. However, nowhere has the specific link between the grama, visya, and jana been specified.

## FUTURE OF ADR

The researchers will set off on a voyage to the future of ADR and the experts who work in this field in this section of the study. The most promising job path for lawyers and other people is ADR, according to recent trends. In addition to ADR procedures, online dispute resolution procedures have recently been available.

The ODR mechanisms' approaches are based on digital technologies. Automated negotiations, visual blind bidding, assisted negotiations, online arbitration, chargebacks, and other techniques are utilised in ODR procedures. Even though these mechanisms are products of new technology, experts are convinced that new technology will soon render these mechanisms obsolete. Artificial intelligence is what this new technology is. Artificial intelligence is progressing at an incredibly fast rate. One study found that a computer's capability doubles every 18 months. As a result, by 2045, AI will be intelligent on par with humans. The social, economic, cultural, and political spheres of existence will drastically shift as a result of these advancements. There will be social and economic transformation in many institutions. AI is currently widely used in a variety of industries, including healthcare, education, transportation, manufacturing, etc. Traditionally, it has been believed that only people should practise law. According to popular belief, occupations like law are exclusively human in nature and cannot be practised without human involvement. However, scholars are adamant that it is only a myth because AI is advancing in many spheres of society, and they do not see any reason why this technology won't have an impact on the rule of law and the legal profession. In several professions, only members of a certain class are allowed to practise those professions. Medical, legal, academic, etc., as examples. We credit these professions with having unique types of knowledge, intelligence, and skill. In the information era, it can be demonstrated that such an odd attribution is incorrect. It is because artificial intelligence is developing so quickly and because there are so many resources available for it. Before going any further, researchers would want to clarify that this portion just illustrates the likelihood and potential of the future rather than foretelling it. Due to the decision-making, prediction, and intuitive abilities of people, processes like negotiations, mediations, and arbitration are only reserved for humans. Such procedures necessitate human labour. However, artificial intelligence applications like IBM Watson disprove such notions. Yuval Noah Harari is correct when he claims that "all humans are algorithms." In this remark, he is making the claim that artificial intelligence, or AI, can be built into robots to mimic human intelligence. Therefore, he makes an attempt to imply that

artificial intelligence may one day rival human intelligence. Artificial intelligence can currently exhibit human-like behaviour and exhibit human-like intelligence and emotional responses. These programmes' underlying principles can be seen in AIs like IBM's Watson and STAR Labs' Neon, respectively. There are currently document and contract evaluation softwares that assess contracts and forecast their effectiveness. Such algorithm-based software has been demonstrated to be helpful in the ADR process, where the evaluation of agreement is a crucial step. Examples include Contract Express and Exari1, which can produce high-quality papers following simple interactive user consultations. Initially, these were only employed to assist attorneys. There are further document services as well, such as Docracy, which maintains a public database of legal agreements, and Shake, an application that facilitates the creation of legal contracts on portable devices.<sup>24</sup> Although such software may be helpful in ADR procedures, it may hurt the employment of paralegals and other ADR institute workers. Affective computing is a field that develops computers that can recognise and communicate emotions. Systems are already more reliable than people at telling the difference between a phoney and a real smile. When machines today can make predictions, identify relevant documents, answer questions, and handle emotions at a higher standard than human beings, it is not just reasonable, we must ask whether people or systems will be doing our legal work in decades to come.<sup>25</sup> Further ROSS is the current incarnation of an AI attorney with expertise in labour law, intellectual property law, and bankruptcy law. If you ask ROSS a question, it will respond with a legal memo within a day. ROSS (the system) conducts the research and drafts the memo, which is then reviewed and modified by humans.<sup>26</sup>

In addition to the methods stated above, there are additional inhumane lawyers and mediators. In February 2019, Canadian electronic negotiating experts iCan Systems reportedly became the first business to use a "robot mediator" to settle a dispute in a public court in England and Wales, marking a significant advancement in the use of robots in mediation. According to the Law Gazette, an AI programme called Smartsettle ONE took the role of a human mediator and, in less than an hour, resolved a three-month disagreement over a £2,000 unpaid bill for a personal counselling course using a form of blind-bid procedure. According to Guy Pendell, head of disputes at global law firm CMS, "it builds on the fundamental negotiation notions that have been for a while - how do you locate the area of settlement for both parties." "Really, all you're trying to do is identify the sweet spot, and this was promoted as a means to aid parties in reaching a settlement in mediation."<sup>27</sup>

Systems like Watson, Ross, etc. are very reassuring because their capability depends on both the amount of data that can be retrieved and learning from human behaviour. AI systems can access billions of bytes of data pertaining to law, psychology, science, society, economics, and other topics thanks to the global web and internet of things. As a result, an AI system can acquire data from centuries of human experience and social history in a single day. Such access is what gives AI systems the advantage over people. As a result, AI systems are better able to handle, influence, and predict human behaviour and emotions than actual humans. Like it might be with any other profession, such disruptive technology could prove to be harmful to the legal profession. Additionally, AI systems will have immediate access to legal information like precedents, revisions, etc., giving them a wider perspective. Therefore, technology can perform better than a human lawyer, mediator, or arbitrator.

Many individuals are optimistic that because mankind has survived so many other disastrous revolutions in the past, they will be able to survive this one as well. For instance, there was dread of worker unemployment at the start of the industrial revolution, but human society has withstood it without losing a sizable number of jobs. Researchers claim that there is a difference between the AI revolution and every other such transformation that has occurred throughout human history. It's a difference of irrelevance. The latest AI revolution could make people economically irrelevant. It's possible for humans to lose economic relevance in society. Because AI has other risks besides just increased unemployment. But because of these structures, innovation is constantly required in every industry to remain economically relevant. There will always be a need to pick up new skills. Since of this, even if a lawyer uses creative methods or interprets the law in court today, he will need to do so again in 10 to 15 years because he will need to do so to compete with ethical attorneys. Being irrelevant can cause us to experience an existential crisis because we are social animals. The earth was in danger during the Industrial Revolution, but in this age of information, humanity's very existence is in jeopardy.<sup>28</sup> Such anxieties will be allayed by regulating such systems and controlling it in advantageous ways. Therefore, regardless of political or economic interests, the entire global village will need to work together to cope with such systems. Unfortunately, there are no consultations about it, particularly in nations like India where it has to be more regulated because of the society's diversity and wide disparities. Therefore, legislation should be passed to regulate such systems across all industries, not just the legal one. Finally, the researchers claim that "humanity can rise to the occasion if we keep our concerns under control and be a little more modest about our ideas, even when the problems are unprecedented and the conflicts are severe."<sup>29</sup>

## FINDINGS

1. Social interaction is a natural feature of human society. As a result, there are conflicts in society, which ultimately make conflict resolution structures necessary. Hence, it is like a vicious cycle that conflict, which institutions strive to solve, is itself the genesis of such institutions.
2. Using Alternative Dispute Resolution procedures can restore society's sense of justice. Social order and social cohesion would follow as a result. It can be helpful to restore people's faith in the legal system.
3. It is impossible to assess the legislation governing ADR institutions and methods in a vacuum. Such institutions and

- mechanisms are crucial to the establishment and upkeep of society's social, economic, cultural, and political interests.
4. A common misunderstanding about ADR mechanisms is that they are a recent development. But scientists have discovered that it's a long-standing practise that predates even the legislation. Modern techniques are merely different in that they are sophisticated and organised. In the present day, ADR mechanisms are assessed using more scientific methods.
  5. AI systems are starting to appear in ADR processes. Such systems have both advantages and problems. As a result, such systems need to be governed, and the laws that govern them need to be prepared to handle potential disruptions. The law ought to be written to take future demands into account.

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