

AI IN CONTRACTS: UNVEILING LEGAL CHALLENGES AND CHARTING THE FUTURE AHEAD

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ABSTRACT

The rise of Artificial Intelligence (AI) has led to a transformation in the way we conduct business. Contract formation is one of the significant areas that experienced changes in the process of formation. Traditionally, contracts require human intervention as the parties involved negotiate and agree on specific terms. However, with AI, contracts now be formed without human interference, offering more efficient and faster contract formation processes. While the adoption of AI in formation is evident, it comes with its unique legal challenges. As such, businesses must critically analyze and address these challenges to ensure legal compliance and potential risks. Moreover, with the exponential growth of AI-driven in recent years, the paper highlights the need for practical and comprehensive approaches for addressing these challenges while safeguarding the interests of the parties involved in contract. It also discusses the future of AI in the legal industry and how regulatory bodies and society can work together to chart a path forward. The use of AI in contracts is gaining momentum as businesses recognize its potential to optimize their operations. An overview of AI in contracts, examining the benefits and of its usage while exploring some of the latest developments in field has also been discussed in the paper. As AI continues to evolve and become more sophisticated, its integration in the legal industry will likely become more common and widespread, revolutionizing way contracts are managed and analyzed. This research paper further review the implications of AI in contract formation, legal challenges that businesses face, and highlights the future that businesses should consider when adopting AI in the formation of legal contracts.

Keywords- Artificial Intelligence, Contract, Contractual Offer, Liability, General Data Protection Regulation, Algorithms, Natural Language Processing (NLP).

I. Introduction

AI technology is rapidly transforming aspects of the legal industry, including contract formation. As businesses rely on automated contract review and tools powered by AI, legal professionals are grappling with the question of how to address the legal issues that arise from the use of this emerging. From concerns about the enforceability and validity of contracts to the impact on traditional contract drafting processes, the implications of AI contract formation are complex and far-reaching.

AI, or Artificial Intelligence is a field of computer science that focuses on the development of algorithms and technologies that enable computers to perform tasks that were done by humans. In the context of contract formation, AI refers to the use of algorithms and machine techniques to assist in the negotiation, and execution of legal agreements. AI can be used to automate tasks such as contract review, due diligence, and assessment, thereby reducing the time and cost involved in contract formation, and

improving accuracy and compliance. However, the use of AI in formation poses unique legal challenges, such as issues of transparency, accountability, and liability, which must be carefully addressed to ensure that AI is used ethically and legally in this context. The incorporation of AI in formation is becoming increasingly essential due to its potential to simplify and enhance the process. Notably, AI can execute certain processes that attorneys previously undertook, such as document review, risk evaluation, and drafting agreements. Using AI technology in contracts not only streamlines the process but also enables companies to save time and resources, reduce human error, and improve the accuracy and efficiency of contract negotiations. Furthermore, AI's ability to extract data from contracts and analyze patterns can also contribute to the future success of negotiations and lead to better business outcomes.

The growing significance of AI management is due to the increasing complexity of contracts, particularly those large sums of money or high negotiations. Companies are turning to AI and machine learning technologies to help streamline the process of managing contracts, reducing the risk of and missed deadlines. AI-powered contract management systems can automatically analyze contract terms and conditions, identify areas of risk and suggest alternative options or changes. This not only saves time and resources, but also increases the accuracy and consistency of contract management across an organization. Additionally, AI can help with compliance issues by automatically monitoring contract and flagging any non-compliant behavior. As such AI-powered contract management is becoming a critical capability for businesses looking stay competitive in an increasingly complex contractual landscape. Therefore, technology can significantly improve contract formation and should be considered essential for businesses to stay competitive in the ever-changing corporate landscape.

II. Implications of AI in contract formation

With the increase of artificial intelligence (AI) in contracts, the implications of these contracts are becoming more complex and difficult to understand. AI has the to streamline the contract formation process and reduce the need for human input, but it also raises concerns about the reliability and accuracy of AI-generated contracts. Additionally, questions have arisen regarding the legal validity of being formed solely through AI systems and whether they meet traditional contract formation requirements. As AI technology continues to advance, the implications of AI contract formation will become more significant and require careful consideration and analysis to ensure fair and enforced contracts. AI algorithms have the potential to make contract formation more efficient and accurate, but they also raise important accountability and control.

Artificial Intelligence (AI) offers a wide range of benefits when it comes to contract formation. First off, AI can help to streamline the entire process. By automating tasks such as drafting, reviewing, and analyzing contracts, AI can save time and significantly reduce the risk of errors. Additionally, can help identify potential issues or inconsistencies within contracts that may have otherwise gone. This can help to prevent disputes and ensure that all parties involved in the contract comply with applicable laws and regulations. Furthermore, AI can enable more effective contract negotiation by providing valuable into trends, previous contracts, and other relevant data. Overall, AI has the potential to greatly enhance the efficiency of contract formation processes.

III. Future Challenges in this Sector

AI technology has revolutionized industries, including contract formation. However, utilizing AI in contracts is not without its challenges. One of the key challenges of contract formation is determining legal responsibility. In the event of an error or breach, it is to identify who is legally for the contract's outcome. Additionally, AI may lack the ability to understand nuanced legal

concepts, leading to difficulties in accurately drafting legally binding. Another challenge is the potential biases in AI algorithms to impact contract formation. Ensuring that AI is trained to be unbiased and impartial is essential in this regard. Finally, the regulatory landscape for AI is continually evolving making it difficult to stay-to-date with legal requirements and best practices for AI contracts.

- Ambiguities uncertainty in AI Contracts

With the increasing use of AI in contract formation, there is growing concern about the ambiguities and uncertainties that can arise in AI contracts. Because AI is not capable of understanding the nuances of human language and behavior, it may interpret certain terms and conditions differently from how would. Moreover, it is difficult to determine who is responsible for errors or omissions in an AI-contracted agreement, raising questions about liability and enforceability. In addition, there is a lack of clarity on how AI systems should be regulated and held accountable for decisions they make. As such, there is a need for frameworks that address these ambiguities and uncertainties, and ensure that AI contracts are clear, unambiguous, and legal.

Potential for biases in design and data inputs, as AI becomes more prevalent in contract formation, there is concern regarding the potential for biases in design and data inputs. AI systems are only as unbiased as the data they are trained on, and if there are underlying biases in the data, the system will perpetuate those biases. Additionally, designers of AI systems may have implicit that affect the way they design the system, leading to further biasedness. These biases can have legal implications, especially in areas such as discrimination and inequality. Designers and developers of AI need to be aware of these potentials and take steps to mitigate them to ensure that AI is used fairly and ethically in contract formation.

One of the significant challenges to AI contract formation lies in interpreting outcomes.

Although AI systems are designed to remove the need for human intervention in contract formation, the fact remains that these systems are only as good as the data they are trained on. Interpretability of systems is an issue and could lead to unintended outcomes, leaving businesses and individuals unable to predict the results of contracts accurately. Often, it is challenging to explain the reasoning underlying the AI contract outcomes, leaving the involved struggling to comprehend the basis upon which the decision was made. Additionally, AI contract outcomes may be influenced by bias in the used to train the AI system, which could lead to unfair inequitable results, furthering matters.

- Issues with Contractual Offer and Acceptance

The formation of AI contracts brings with it several legal challenges, including issues with contractual offers and acceptance. Identifying and understanding the moment when the contract is formed is crucial, as the validity of a contract depends on whether an offer has been made and accepted by the parties involved. With AI, the challenge is determining whether the offer and acceptance were made by the AI program or by the human user. One of the significant legal in AI contract formation is the uncertainty regarding AI's ability to accept or make offers. The increase of AI in contract negotiation and formation has raised important questions about its capacity to form legal agreements. The traditional legal framework revolves around the idea of mutual assent, where parties must communicate their agreement to be legally bound. However, with AI's ability to operate autonomously, the question of whether AI has the legal capacity to make or accept offers remains unanswered. Additionally, AI-generated contracts may have clauses that are unclear, or even contradictory, raising questions about the integrity and enforceability of such contracts. Thus, the legal system addresses uncertainties and develops a clear legal framework to ensure the enforceability of AI-generated.

There is often an imbalance of power when it comes to AI contract formation. One party may have more expertise or resources in developing and implementing AI systems, giving them an advantage over the other party. This power dynamic can lead to unfair contract terms and agreements that do not adequately protect weaker parties. Additionally, there may be legal challenges in determining who is responsible for any errors or damages caused by the AI system, furthering the power imbalance. It is crucial to address these issues and ensure that all parties are adequately protected by AI contract formation.

The validity and enforceability of contracts are central to any legal system that relies on them. Contracts in the context of AI raise several questions about their binding nature when AI systems autonomously generate and execute contracts without human intervention. Key issues include whether contracts through AI are legally binding, who bears responsibility for mistakes and malfunctions in AI-based contracts, and how to resolve legal disputes arising from them.

- Problems of AI as Decision Makers

One of the main challenges of using AI technology in contract formation is the fact that AI systems are not human decision-makers. They may be programmed to make decisions based on certain criteria, but they lack the intuition and discretion that human beings possess. Additionally, AI systems may struggle to understand nuances of language and context, leading to incorrect or inappropriate outcomes.

As advanced as AI technologies are, there are still significant limitations to their ability to operate autonomously without mistakes. At present, AI systems require careful hand-holding, intervention, and oversight by human experts to ensure that they are making ethical and practical decisions. There is an ongoing debate among legal experts on whether a contract formed purely by AI technologies can be enforced. The limitations of AI technologies present not only a legal challenge but also an

operational one, as developers must face building software that integrates the "human-in-the-loop" standard. Human intervention and oversight remain crucial in AI technologies reaching their full potential while providing an equitable outcome.

As AI technology continues to evolve, so do the legal implications of its use in contract formation. One major liability issue arises in the case of mistakes made by AI. While the use of AI can potentially reduce errors, it also raises questions about who is responsible when mistakes occur. Should the liability fall on the programmer, the user of the system, or the AI itself? Additionally, the complexity of AI systems can make it difficult to determine what caused the mistake and how it can be prevented in the future.

IV. Mitigating risks in AI-based contract formation

As AI technology continues to evolve, its potential applications in contract formation have become increasingly important to businesses. However, the benefits of using AI in contracts must be weighed against the potential risks. Without effective risk mitigation measures, issues such as data privacy breaches, incorrect interpretation of legal language, and biases in decision-making could arise, leading to legal disputes and financial losses. Therefore, the importance of mitigating risks in AI-based contract formation cannot be overstated. By implementing proper risk management strategies, companies can ensure they are utilizing this technology responsibly, while also protecting themselves and their stakeholders from potentially negative outcomes. Legal and contractual mitigating processes and protocols put in place to manage and reduce risks posed by AI-based contract formation. Strategies include drafting clauses that allow individuals to opt out of automated decision-making processes, a careful review of contracts to ensure they align with legal and ethical principles, and establishing clear lines of communication and responsibilities between

parties involved in the contractual process. Additionally, using standard contract templates and adhering to international legal frameworks, such as the General Data Protection Regulation (GD), can a solid foundation to mitigate risks associated with AI-based contract formation.

Standardization and interoperability are crucial for mitigating risks in AI-based contract formation. Standardization refers to the development of consistent and uniform procedures and rules for the use of AI in contract formation. ensures that AI algorithms used for contract drafting and negotiation follow a set of common standards and principles, reducing the likelihood of errors, biases, or inconsistencies in contract terms. Interoperability, on the other hand, refers to the of different AI systems to work together seamlessly.

V. Future directions

As AI continues to evolve, its integration into contract formation is becoming more prevalent. The future AI in contract formation will see increased automation, efficiency, and. With the ability to analyze large amounts of data and identify patterns, AI can help draft contracts that are tailored to specific industries and compliance with legal regulations. As AI algorithms, they will be able to potential risks and suggest changes in contract language in real-time. Additionally, AI-powered systems can streamline the negotiation process by identifying areas of agreement and using language processing to communicate with stakeholders. All of these developments will lead to faster contracts, fewer errors, and improvements for individual stakeholders and organizations as a whole

- Development of AI Algorithms for Contract

The development of AI algorithms contracts has been relatively recent in the field of law. With the increasing use of technology in the legal profession, there has a growing demand for solutions that can streamline the contract formation process. AI algorithms have the potential to transform the way contracts are

created and managed, offering benefits such as increased efficiency, improved accuracy, and reduced costs. Moreover, Natural Language Processing (N) and Machine Learning (ML) are two key components that are rapidly changing the landscape of contracts. NLP is the ability of computers to read and understand human language, while ML involves the ability of computers to learn from data without being explicitly programmed. Together, these technologies are making it possible to streamline the contract process by automating routine tasks like contract review and analysis. This has the potential significantly reduce errors and accelerate contract formation making it an exciting area to watch in the coming years. As continues to evolve, these technologies will likely play an increasingly important role in the formation of legal contracts.

The use of legal datasets analysis is becoming increasingly common in the field of contract formation with the advancement of AI technology. Legal datasets consist of large volumes of legal documents, such as court cases, statutes, and regulatory guidance, which enable AI systems to analyze and learn legal, however, the use of legal datasets also raises concerns about privacy, security, and bias, which must be addressed to ensure AI systems reliably process legal documents with fairness.

- Use of AI in Contract Negotiations

The use of AI in contract negotiations has revolutionized the way personalized contracts are created. With the ability to analyze vast amounts of data, AI enables the creation of that are tailored to the specific needs of each party. Through machine learning, AI can also draw upon previous negotiations and contract terms to develop contract language that is most likely to be accepted by all parties involved. Additionally, the use of AI in negotiations can reduce potential conflicts and misunderstandings between parties by ensuring that all terms and conditions are defined and agreed upon beforehand.

Furthermore, Predictive contract negotiation (N) is a type of artificial intelligence (AI) tool that analyzes historical contract data to provide insights into the negotiation process. The system uses machine learning algorithms to learn from past negotiations including the terms and conditions that were upon as well as those that were contested. The PCN then uses this data to create predictions about the outcomes of future negotiation scenarios. PCN can assist lawyers and negotiators identify areas of potential conflict and suggest ways to resolve them. It can also streamline the contract formation process by automating certain such as drafting or delivering counteroffers. The use of PCN is expected to become prevalent as legal professionals begin to recognize the benefits of AI information.

VI. Suggestive measures and solutions

To address legal challenges in AI contract formation, various solutions have been proposed. One approach is to ensure that the AI system is transparent and within the bounds of the law. This can be achieved by implementing strict guidelines for the programming and use of AI technology. Another solution is to on existing legal frameworks and precedents to establish liability and accountability for the actions of autonomous systems. Additionally, experts suggest that should be drafted in a way that clearly defines the roles and responsibilities of both parties, including the operator and the AI system. This would help to establish a clear legal framework for the performance of the contract and prevent consequences from arising.

- Human oversight

Human oversight is an essential aspect of AI contract formation. While AI is incredibly efficient and can rapidly process vast quantities of data, it cannot consider the context of a situation. Thus, when creating a contract using AI, human oversight is necessary to ensure that the contract aligns with the intent of the parties involved. Additionally, human oversight is crucial in identifying potential biases in the AI's

decision-making. Without human oversight, AI may unwittingly incorporate these biases into a contract, leading to unfair or discriminatory terms. As AI contract formation becomes more prevalent, the use of standardized has become an attractive option for companies looking for quick and efficient legal agreements. By using pre-templates, businesses can save time and resources while still ensuring legal compliance. However, using these templates also come with its own set of challenges. For instance, the language and clauses in a template might not always apply to the specific context of a new project, which could lead to legal issues down the line., relying too heavily on templates can lead to a lack of thinking and oversight in the contract formation process. As such, companies must strike a between efficiency and thoroughness in their approach to using standardized templates for AI contract formation

Compliance with data and security is a critical consideration in AI contract formation. As AI technology evolves and becomes more advanced, the amount of data processed by systems grows exponentially. Therefore, it is imperative to ensure that AI contract formation is compliant with data privacy and security. The use of data in AI systems can raise concerns about privacy, protection, and transparency. AI systems must design to ensure the confidentiality, and availability of personal data. Security protocols must be implemented to prevent unauthorized access to data and maintain data accuracy Companies must ensure that their AI systems comply with relevant data protection and security laws and regulations.

- Legal Standards for AI Formation

Legal Standards for AI Formation to the criteria and guidelines in establishing legally binding agreements between artificial intelligence systems and human users These standards are necessary because AI systems lack the legal personality capacity to enter into contracts, and

therefore, require humans in the contract formation process.

Artificial intelligence (AI) has been making significant strides in recent years, transforming various industries. However, its integration into the business world poses several legal challenges. A prominent issue is the lack of clear regulatory frameworks and legal standards to cover AI contract formation. As AI systems become more complex and autonomous, it is becoming increasingly difficult to determine who is responsible for errors and mistakes. Legal practitioners need to consider ethical issues of AI systems' liability and adequately address how the law should act to protect individuals or businesses from harm. The need for clearer regulatory frameworks and legal standards for AI contract formation is vital to ensure transparency, trust, and accountability for AI transactions. To address uncertainty in AI contract formation, it is important to establish clear and concise terms and definitions. This includes defining key terms such as "machine learning" and "artificial intelligence," and addressing potential issues such as liability and ownership. It is also important to use dispute resolution mechanisms, such as arbitration, to address issues that may arise during the contract execution process. Additionally, involving experts and technology specialists in the contract drafting process can help to ensure that all necessary considerations and risks are taken into account.

- Addressing liability issues

Addressing liability issues is a major concern in AI contract formation. With the increasing use of contract formation, it is important to consider who will be liable if something goes wrong. Unlike traditional contracts, AI-based contracts involve complex decision-making processes that are beyond human control.

Limiting liability for AI errors is a crucial issue in AI contract formation. With the use of AI in various industries, there is a growing concern about who should be held responsible when things go wrong. Companies often limit their liability by

inserting clauses in contracts that disclaim any responsibility for errors made by their AI systems. However, this raises many legal questions, such as whether these clauses are enforceable, and whether the company's AI should be held accountable for the actions of their creations. Ensuring that there is a clear allocation of liability is crucial in AI contract formation. As technology develops and becomes more integrated into our daily lives, it is to establish who will be held responsible if something goes wrong. Without clear guidelines, it can be difficult to determine who should bear the costs of damages, profits, and legal fees. In addition, issues can often arise in situations where AI acts outside of its purpose or fails to act as expected. By clearly assigning liability, both parties can be confident that they understand their responsibilities and rights in the event of a dispute. This helps to prevent lengthy legal battles and allows for more efficiency in any issues that may arise.

VII. Conclusion

AI in contracts presents both potential benefits and legal challenges for businesses and individuals. While AI can streamline the contracting process and improve efficiency, it is also concerned about accountability, privacy, and bias. As such, it is important for policymakers and legal to closely monitor the development and implementation of AI in contracts and to establish clear guidelines and regulations to ensure transparency and fairness. Nevertheless, if properly deployed and regulated, To fully harness the potential benefits of AI in contracts, it is essential to address the multitude of legal and practical challenges that arise. Additionally, without clear guidelines and standards, the implementation of AI in contracts could exacerbate existing biases and inequalities, marginalizing vulnerable groups. Legal experts have called for clear guidelines and regulations to AI's use in contract formation. However, it is clear that AI will continue to play a growing role in many aspects of the legal, and it is vital legal professionals remain informed and engaged these important issues.

Given the potential for AI to revolutionize the way we do business, legal and practical challenges must be addressed in a timely and comprehensive manner to ensure the benefits of this technology are realized while minimizing any risks or harm. Looking ahead, the future of AI in contract formation remains somewhat uncertain, with much depending on legal developments and technological advancements in the time to come, though at the same time it can be predicted that AI has the potential to revolutionize the field of contract law and pave the way for more accessible and efficient services.

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