

Artificial Intelligence, Digital Dispute Resolution, and Alternative Dispute Resolution

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Artificial Intelligence, Digital Dispute Resolution, and Alternative Dispute Resolution

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Abstract

This article examines the impact of Artificial Intelligence (AI) on Digital Dispute Resolution and Alternative Dispute Resolution (ADR). The article argues that AI is transforming the landscape of Digital Dispute Resolution and ADR thus improving access to justice. It discusses the positive impacts of AI on Digital Dispute Resolution and ADR. Despite its transformative power, the article observes that the integration of AI into Digital Dispute Resolution and ADR raises several concerns. The article examines some of the key challenges arising from the adoption of AI into Digital Dispute Resolution and ADR. In light of these concerns, the article posits that there is need to harness the benefits of AI and address its challenges in order to strengthen access to justice through Digital Dispute Resolution and ADR. It suggests reforms towards achieving this objective for enhanced access to justice towards Sustainable Development.

1.0 Introduction

Digital dispute resolution and Alternative Dispute Resolution (ADR) have emerged as appropriate solutions in enhancing access to justice. Digital dispute resolution is the process of managing disputes on the internet through the use of suitable technology or platforms¹. It involves the use of technology to facilitate the rapid, cost effective and specialised resolution of disputes involving digital technology including crypto assets,

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¹ Sadushi. M., 'The Theory And Practice Of Dispute Resolution In The Digital Age.' Available at <https://ejournals.org/gjplr/vol-5-issue-7-december-2017/theory-practice-dispute-resolution-digital-age/> (Accessed on 10/02/2026)

cryptocurrency, smart contracts, distributed ledger technology, and fintech applications². Digital Dispute Resolution is often compared to Online Dispute Resolution (ODR) which refers to a set of processes that allow for the resolution of disputes via online mechanisms such as the internet or some form of technology that allows for virtual communication³.

ADR on the other hand is an umbrella term that refers to a set of processes that are applied to manage disputes without resort to adversarial litigation⁴. ADR has also been defined as a term that encompasses a series of mechanisms for resolving disputes that are linked to but function outside formal court litigation processes⁵. The United Nations defines ADR as a set of approaches and techniques aimed at resolving disputes in a non-confrontational way⁶. These processes include negotiation, mediation, arbitration, conciliation, adjudication, expert determination, early neutral evaluation, and Traditional Dispute Resolution Mechanisms (TDRMs) among others⁷.

The growth of Digital Dispute Resolution and ADR provides numerous benefits towards access to justice. For instance, Digital Dispute Resolution is linked to improved accessibility, cost and time efficiency, transparency and scalability in managing disputes⁸. Further, ADR processes provide several benefits including informality, privacy,

² Ashurst., 'Digital Dispute Resolution Rules Published.' Available at

<https://service.betterregulation.com/sites/default/files/digital-dispute-resolution-rules-published.pdf>
(Accessed on 10/02/2026)

³ Mania. K., 'Online Dispute Resolution: The Future of Justice.' *International Comparative Jurisprudence*, No. 1 of 2015, (pg 76-86)

⁴ Muigua. K., 'Alternative Dispute Resolution and Access to Justice in Kenya.' Glenwood Publishers Limited, 2015

⁵ Uwazie. E., 'Alternative Dispute Resolution in Africa: Preventing Conflict and Enhancing Stability.' *Africa Security Brief*, No. 16 of 2011

⁶ United Nations., 'Alternative Dispute Resolution Approaches and their Application in Water Management: A Focus on Negotiation, Mediation and Consensus Building' Available at https://www.un.org/waterforlifedecade/water_cooperation_2013/pdf/adr_background_paper.pdf

⁷ Muigua. K., 'Alternative Dispute Resolution and Access to Justice in Kenya.' Op Cit

⁸ Gupta. T., 'Dispute Resolution in a Digital Age: Challenges and Opportunities' Available at [https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5339274#:~:text=Online%20Dispute%20Resolution%20\(ODR\)%20is,digitally%20interconnected%20and%20globalized%20world.](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5339274#:~:text=Online%20Dispute%20Resolution%20(ODR)%20is,digitally%20interconnected%20and%20globalized%20world.) (Accessed on 10/02/2026)

confidentiality, flexibility and the ability to promote expeditious and cost-effective management of disputes⁹. Most ADR processes, including negotiation, mediation and conciliation, also allow for more creative and collaborative solutions than those available in traditional litigation thus ensuring sustainable and long-term outcomes that address the root causes of conflicts¹⁰.

Embracing Digital Dispute Resolution and ADR therefore holds the promise of an improved dispute resolution landscape for enhanced access to justice. At the heart of this agenda is the growth of technology including Artificial Intelligence (AI). It has been observed that technology holds the promise for an improved Digital Dispute Resolution landscape that is based on fewer physical, conceptual, psychological and professional boundaries, while enjoying a higher degree of transparency, participation and change¹¹. Modern technologies and digital tools such as AI have led to the growth of Digital Dispute Resolution that is strengthening access to justice¹². Further, it has been observed that advances in technology and digital tools such as AI are reshaping the use of ADR in dispute resolution¹³. For instance, AI is revolutionizing ADR providing vital solutions from document review to predictive analytics among other tasks¹⁴. Harnessing the transformative power of AI is therefore key towards upscaling access to justice through Digital Dispute Resolution and ADR.

⁹ Muigua. K., 'Alternative Dispute Resolution and Access to Justice in Kenya.' Op Cit

¹⁰ JAMS ADR, 'What is ADR' Available at <https://www.jamsadr.com/adr-spectrum/> (Accessed on 10/02/2026)

¹¹ Rabinovich-Einy..O., & Katsh. E., 'Reshaping Boundaries in an Online Dispute Resolution Environment.' *International Journal of Online Dispute Resolution*, Volume 1, No. 1 (2014)

¹² Organisation for Economic Co-operation and Development., 'AI in Justice Administration and Access to Justice' Available at https://www.oecd.org/en/publications/2025/06/governing-with-artificial-intelligence_398fa287/full-report/ai-in-justice-administration-and-access-to-justice_f0cbe651.html (Accessed on 10/02/2026)

¹³ Integration of Technology in Dispute Resolution., Available at [https://www.schreiberadr.com/integration-of-technology-in-dispute-resolution#:~:text=Advances%20in%20artificial%20intelligence%20\(AI,essence%20of%20alternative%20dispute%20resolution.](https://www.schreiberadr.com/integration-of-technology-in-dispute-resolution#:~:text=Advances%20in%20artificial%20intelligence%20(AI,essence%20of%20alternative%20dispute%20resolution.) (Accessed on 10/02/2026)

¹⁴ Ibid

This article examines the impact of AI on Digital Dispute Resolution and ADR. The article argues that AI is transforming the landscape of Digital Dispute Resolution and ADR thus improving access to justice. It discusses the positive impacts of AI on Digital Dispute Resolution and ADR. Despite its transformative power, the article observes that the integration of AI into Digital Dispute Resolution and ADR raises several concerns. The article examines some of the key challenges arising from the adoption of AI into Digital Dispute Resolution and ADR. In light of these concerns, the article posits that there is need to harness the benefits of AI and address its challenges in order to strengthen access to justice through Digital Dispute Resolution and ADR. It suggests reforms towards achieving this objective for enhanced access to justice towards Sustainable Development.

2.0 Artificial Intelligence and Digital Dispute Resolution

The growth of technology has permeated into the sphere of dispute resolution leading to the emergence of new and novel ways of managing disputes. It has been observed that technology the ability to make dispute resolution more efficient¹⁵. Further, it has been pointed out that technology is transforming the landscape of dispute resolution by generating an ever- growing number of disputes and at the same time challenging the effectiveness and reach of traditional dispute resolution avenues such as courts¹⁶. Technology has led to the emergence of Digital Dispute Resolution processes including ODR which leverage of digital platforms and tools to manage disputes usually the without physical presence of parties¹⁷. It has been observed that this form of dispute resolution covers a wide range of tools and practices including video conferencing, e-filing systems, AI-based negotiation systems, and digital documentation¹⁸.

¹⁵ Mania. K., 'Online Dispute Resolution: The Future of Justice.' Op Cit

¹⁶ Rabinovich-Einy..O., & Katsh. E., 'Reshaping Boundaries in an Online Dispute Resolution Environment.' Op Cit

¹⁷ Gupta. T., 'Dispute Resolution in a Digital Age: Challenges and Opportunities' Op Cit

¹⁸ Ibid

AI is shaping the landscape of Digital Dispute Resolution providing an efficient and effective means of accessing justice. For instance, it has been observed that AI systems ensure effective management of cases in the digital space while also supporting parties by dealing with complex calculations and algorithms that may be beyond human capacity¹⁹. In addition, it has been pointed out that algorithmic decision-making can be used in Digital Dispute Resolution to create solutions to highly complex disputes in order to overcome problems such as emotive discussions and impassioned viewpoints which are associated with human decision-making²⁰. Due to the dynamic nature of the Digital Dispute Resolution which often involves multiple parties from different jurisdictions, it has been observed that the integration of AI is vital in facilitating language translation in order to help parties communicate effectively, without any potential language barriers for efficiency in dispute resolution²¹. AI is also enhancing efficiency in Digital Dispute Resolution through automated summarizing tools²². These tools are being utilised to create a summary of a given text automatically thus enhancing efficiency especially where large volumes of data are involved²³.

The integration of AI into Digital Dispute Resolution therefore creates a more efficient platform for accessing justice. AI tools can be used in text summarization, language translation, predictive analysis and case management thus ensuring efficiency in Digital Dispute Resolution. Despite its suitability in bolstering Online Dispute Resolution, one of the major concerns with AI is the substantial volume of high-quality data required to train AI systems effectively²⁴. Therefore, if AI systems are not trained adequately with

¹⁹ Alessa. H., 'The Role of Artificial Intelligence in Online Dispute Resolution: A brief and critical overview' Available at <https://www.tandfonline.com/doi/full/10.1080/13600834.2022.2088060#abstract> (Accessed on 11/02/2026)

²⁰ Ibid

²¹ Amin. N.H., 'A New Frontier in Online Dispute Resolution: Combining AI and Mindfulness' *Journal of Law, Technology & the Internet.*, Volume 15, Issue 2 (2024)

²² Ibid

²³ Ibid

²⁴ Nicuesa. A.E., & Saldana. M.G., 'AI-Driven Alternative and Online Dispute Resolution in the European Union: An analysis of the Legal Framework and a Proposed Categorization' *Computer Law & Security Review.*, Volume 57, July 2025

sufficient data, algorithmic decision-making processes in Digital Dispute Resolution may be flawed²⁵. There is also a risk of perpetuating biases and generating non-existent legal precedents or norms²⁶. In addition, it has been observed that in the context of Digital Dispute Resolution, AI-generated predictions and decisions can be opaque and difficult to interpret, making it challenging for parties to determine if such outcomes are fair and just²⁷. The digital divide is also a pertinent concern in integrating AI into Digital Dispute Resolution. It has been argued that just like other technologies, AI-assisted ODR will only be accessible by wealthier clients and firms, and will therefore fail to enhance access to justice for those who cannot afford them²⁸.

Addressing the foregoing concerns is vital towards effectively integrating AI into Digital Dispute Resolution for enhanced access to justice.

3.0 Artificial Intelligence and ADR

Technology is shaping the practice of ADR. It has been argued that ADR, with its diverse range of methods such as mediation, arbitration, and negotiation, presents a viable option that aligns with the dynamic nature of technological advancement while addressing the specific demands of disputes in the cyberspace²⁹. The use of technology has permeated into the field of ADR with practices such as online mediation, online arbitration, smart contracts and block chain arbitration being widely embraced³⁰. It has been observed that when combined with technology, ADR can reach broader populations by reducing reliance on physical processes, streamlining documentation and enabling participation

²⁵ Ibid

²⁶ Ibid

²⁷ Ibid

²⁸ Alessa. H., 'The Role of Artificial Intelligence in Online Dispute Resolution: A brief and critical overview' Op Cit

²⁹ Singh. B., 'Unleashing Alternative Dispute Resolution (ADR) in Resolving Complex Legal-Technical Issues arising in Cyberspace Lensing E-Commerce and Intellectual Property' Available at <https://rbadr.emnuvens.com.br/rbadr/article/view/183> (Accessed on 11/02/2026)

³⁰ Yeoh. D., 'Is Online Dispute Resolution the future of Alternative Dispute Resolution.' Available at <https://arbitrationblog.kluwerarbitration.com/2018/03/29/online-dispute-resolution-future-alternative-dispute-resolution/> (Accessed on 11/02/2026)

from any location³¹. Technology can therefore support the fundamental attributes of ADR including expeditiousness, flexible and cost-effective management of disputes³².

AI has emerged as a modern technological solution that is revamping ADR. It has been observed that AI is significantly impacting ADR by automating and enhancing various aspects of the dispute resolution process³³. For instance, AI algorithms have the ability to analyse vast amounts of legal data to predict outcomes and suggest resolutions based on historical trends and case law³⁴. It has been argued that this capacity is key in not only expediting dispute resolution but also aiding arbitrators and mediators in making more informed decisions³⁵. AI is being increasingly integrated into ADR through systems such as AI-powered tools that assist with document review and predictive analytics, automated negotiation platforms and smart contracts³⁶. It has been observed that document review and predictive analysis tools are very vital especially in the context of international arbitration and mediation where arbitrators, mediators, counsel, and parties have to deal with huge volumes of data, a situation that can result in delay in dispute resolution³⁷. Further, AI-assisted negotiation has the capacity to streamline negotiations, reduce costs, and address language barriers ensuring efficiency in the process³⁸.

³¹ Scaling justice: How AI and ADR are reshaping legal access., Available at <https://www.thomsonreuters.com/en-us/posts/ai-in-courts/scaling-justice-ai-adr-reshaping-legal-access/> (Accessed on 11/02/2026)

³² Ibid

³³ Shaheen. M. S., 'Technology in ADR: An Overview of Transformative Tools' Available at <https://www.linkedin.com/pulse/technology-adr-overview-transformative-tools-saleem-shaheen-j4j3e/> (Accessed on 11/02/2026)

³⁴ Ibid

³⁵ Ibid

³⁶ Chauhan. P.K., 'The Transformative Impact Of Technology on ADR' Available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5160393 (Accessed on 11/02/2026)

³⁷ Ibid

³⁸ Eidenmuller. H., 'Game Over: Facing the AI Negotiator' Available at <https://lawreview.uchicago.edu/online-archive/game-over-facing-ai-negotiator> (Accessed on 11/02/2026)

Further, smart contracts have emerged as a major development in dispute resolution and ADR³⁹. These contracts execute automatically when predetermined conditions are met, therefore minimizing disputes⁴⁰. Smart contracts can also automate a workflow, triggering the next action when conditions are met⁴¹. Smart contracts are versatile and can be embraced in Digital Dispute Resolution and ADR in order to enhance speed, efficiency, accuracy, transparency and cost effectiveness⁴².

AI therefore has the power to strengthen access to justice through ADR. It can bolster ADR mechanisms including arbitration, mediation and negotiation by streamlining tasks such as document review; aiding in language translation especially in international arbitration and mediation; sifting through vast amounts of case law, arbitration awards, and negotiation patterns to provide valuable insights into dispute resolution; enabling novel ADR practices such as block chain arbitration and the use of smart contracts; and strengthening ODR for enhanced access to justice⁴³. However, the use of AI in ADR raises the same challenges as those in Digital Dispute Resolution. These challenges relate to bias, due process and fairness and the digital divide⁴⁴. There is need to tackle these concerns in order to harness the power of AI for enhanced access to justice through ADR.

4.0 Integrating Artificial Intelligence into Digital Dispute Resolution and ADR for Enhanced Access to Justice

AI holds the promise of improving access to justice through Digital Dispute Resolution and ADR. By adopting AI, it is possible to enhance efficiency, accessibility, and effectiveness of dispute resolution processes including Digital Dispute Resolution and

³⁹ Ibid

⁴⁰ Shaheen. M. S., 'Technology in ADR: An Overview of Transformative Tools' Op Cit

⁴¹ Ibid

⁴² Smart Contracts Vs Blockchain., Available at <https://zebpay.com/blog/difference-between-smart-contract-vs-blockchain> (Accessed on 11/02/2026)

⁴³ Integration of Technology in Dispute Resolution., Available at [https://www.schreiberadr.com/integration-of-technology-in-dispute-resolution#:~:text=Advances%20in%20artificial%20intelligence%20\(AI,essence%20of%20alternative%20dispute%20resolution](https://www.schreiberadr.com/integration-of-technology-in-dispute-resolution#:~:text=Advances%20in%20artificial%20intelligence%20(AI,essence%20of%20alternative%20dispute%20resolution) (Accessed on 11/02/2026)

⁴⁴ Shaheen. M. S., 'Technology in ADR: An Overview of Transformative Tools' Op Cit

ADR⁴⁵. It is therefore imperative to effectively integrate AI into Digital Dispute Resolution and ADR while addressing its challenges. It has been observed that AI can support Digital Dispute Resolution and ADR, but it must be harnessed and used with care⁴⁶.

It has been argued that in order to effectively harness AI and other technologies into Digital Dispute Resolution and ADR, concerns around data privacy and the potential for algorithmic bias must be addressed to maintain the integrity of these processes⁴⁷. It is imperative to enhance data privacy and security in Digital Dispute Resolution and ADR in order to effectively harness the power of AI and tackle its challenges⁴⁸. Measures such as enforcing communication via secure channels, performing strong identity verification to ensure devices are not compromised, limiting the use of third-party software and browsing to unsafe websites and encrypting data on devices to protect against device compromise and theft is vital towards harnessing the transformative power of technologies such as AI for enhanced access to justice in digital age⁴⁹.

There is also need to ensure diverse and representative training data for digital tools including AI in order to avoid potential biases and discrimination⁵⁰. It has been observed that AI models are only as good as the data they are trained on and thus if the data is

⁴⁵ The Impact of Digital Technologies on Alternative Dispute Resolution., Available at <https://rbadr.emnuvens.com.br/rbadr/article/view/175#:~:text=Abstract,various%20aspects%20of%20ADR%20processes> (Accessed on 11/02/2026)

⁴⁶ AI Risks Legal Sector Must Consider in Dispute Resolution., Available at <https://www.whitecase.com/insight-our-thinking/ai-risks-legal-sector-must-consider-dispute-resolution> (Accessed on 11/02/2026)

⁴⁷ Shaheen. M. S., 'Technology in ADR: An Overview of Transformative Tools' Op Cit

⁴⁸ Muigua. K., 'Navigating the Digital Dispute Resolution Landscape: Challenges and Opportunities' Available at <https://kmco.co.ke/wp-content/uploads/2023/08/Navigating-the-Digital-DisputeResolution-Landscape-Challenges-and-Opportunities-.pdf> (Accessed on 27/08/2024)

⁴⁹ Ebner. N., & Zeleznikow. J., 'Fairness, Trust and Security in Online Dispute Resolution.' *Journal of Public Law and Policy*, Volume 36, Issue 2 (2015)

⁵⁰ Hoppin. B., 'Ethics in Online Dispute Resolution: Balancing Technology and Human Judgment' Available at <https://odr.com/ethics-in-online-dispute-resolution-balancing-technology-and-human-judgment/#:~:text=3.,refine%20AI%20models%20without%20consent> (Accessed on 11/02/2026)

biased, incomplete, or inaccurate, the AI model's predictions and decisions will also be biased, incomplete, or inaccurate⁵¹. Therefore, ensuring training on accurate, diverse and representative data is key towards tackling algorithmic bias and discrimination that can undermine the use of technology in fostering access to justice. In addition, it has been suggested that implementing regular audits of AI algorithms can aid in detecting and correcting biases⁵². Addressing algorithmic bias has been identified as a crucial process towards maintaining the integrity and fairness of dispute resolution processes in the age of technology⁵³.

Closing the digital divide is also crucial towards ensuring equity and accessibility of technologies and digital tools including AI for enhanced access to justice⁵⁴. It has been observed that the digital divide can prevent vulnerable groups including the poor, the elderly, women, indigenous peoples and local communities from accessing justice⁵⁵. It is therefore necessary to foster access to technology and enhance digital literacy in order to strengthen access to justice through Digital Dispute Resolution and ADR in the age of technology⁵⁶.

Through the following, it is possible to effectively integrate AI into Digital Dispute Resolution and ADR for enhanced access to justice.

⁵¹ Vinciullo. A., 'The Risk of Law Firms Relying on Chat GPT to Perform Contract analysis and Legal Research.' Available at <https://www.linkedin.com/pulse/risk-law-firms-relying-chat-gpt-perform-contract-legal-vinciullo/> (Accessed on 11/02/2026)

⁵² Ibid

⁵³ Shaheen. S., 'Technology in ADR: An Overview of Transformative Tools' Op Cit

⁵⁴ Ibid

⁵⁵ The Rise of Online Dispute Resolution: How Technology is Changing Conflict Resolution., Available at <https://vservesolution.com/blogs/the-rise-of-online-dispute-resolution-how-technology-is-changing-conflict-resolution/> (Accessed on 11/02/2026)

⁵⁶ Ibid

5.0 Conclusion

This article has critically examined the role of AI in Digital Dispute Resolution and ADR. The article notes that AI has the potential to enhance access to justice through Digital Dispute Resolution and ADR by improving efficiency, accessibility, and effectiveness of dispute resolution processes. However, concerns around data privacy, algorithmic bias and discrimination, and the digital divide can undermine the effective use of AI in Digital Dispute Resolution and ADR⁵⁷. In light of these concerns, the article suggests that there is need to enhance data privacy and security⁵⁸; ensure training on accurate, diverse and representative data in order to tackle algorithmic bias and discrimination⁵⁹; and close the digital divide by investing in technology and enhancing digital literacy⁶⁰.

Integrating AI into Digital Dispute Resolution and ADR is a crucial agenda that can be realised in an ethical, responsive, and appropriate manner towards improving access to justice in the age of technology.

⁵⁷ Shaheen. S., 'Technology in ADR: An Overview of Transformative Tools' Op Cit

⁵⁸ Ibid

⁵⁹ Hoppin. B., 'Ethics in Online Dispute Resolution: Balancing Technology and Human Judgment' Op Cit

⁶⁰ Shaheen. S., 'Technology in ADR: An Overview of Transformative Tools' Op Cit

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[resolution#:~:text=Advances%20in%20artificial%20intelligence%20\(AI,essence%20of%20alternative%20dispute%20resolution](#)

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