



Towards Smart Mediation: AI-Powered Mediation and Ethico-Legal Issues in Resolving Cross-Border Disputes

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Abstract. Integration of AI-empowered digital intelligence in the mediation process for dispute resolution mechanisms, particularly cross-border issues, though fragmentedly applied and insufficiently explored, has established its expedition to multiple domains, with innovative performance in providing advanced exploratory digital knowledge at unprecedented speed. This has fundamentally redefined (i) the man-machine collaborative interface and complex interdependence in the decision-making process, (ii) the novel and exploratory actionable insights are often beyond the extant structural and institutional frameworks. This synergistic ensemble of predictive functions, though perceived to be SMART (Scientific, Measurable, Achievable, Reasonable, and Time-bound) in performance however, the (a) data security, (b) algorithmic discrimination (e.g., abductive reasonings) and transparency, (c) trust upon ideals and values of justice in the extant mechanism of administration of justice (e.g., profiling of case management, dispute resolution, ethical values, proportional equalities and so on). The objective of the present study is to review, analyse, compare, and criticize the legal documents, including government agencies, inter-governmental agencies, etc., relating to the integration of AI in the dispute resolution system, particularly in the mediation process in cross-border commercial disputes. To explore, examine, and evaluate the comprehensive approach in adapting the AI-led commercial dispute resolution mechanism, the present study shall follow the qualitative methodologies in combination with meta-analysis to conclude the valuable insights suitable for the socio-demographic cultures (including legal) of the Asian regions. The expected outcome would be beneficial to the region-specific policy makers of the Asian countries in structuring and adapting the AI-led dispute resolution mechanism for SMART outcomes with transparency and fairness at a reduced cost of governance.

Keywords: Artificial Intelligence, Asian legal policy, Commercial Dispute, Mediation, Technology.

1 Introduction

In today's interconnected global economy, cross-border transactions and mergers have emerged as a common strategy for business expansion and enhanced market presence. However, such undertakings are often accompanied by multifaceted challenges, ranging from legal complexities and regulatory hurdles to cultural divergences. To navigate these obstacles effectively and to facilitate smoother integration between entities across jurisdictions, mediation has evolved as a highly effective mechanism. With increasing globalization, transnational disputes are on the rise, encompassing diverse domains such as commercial transactions, foreign investments, intellectual property rights, and environmental concerns. Traditional litigation, due to its protracted timelines and substantial costs, is not always the most suitable or efficient means of resolving such disputes. Mediation, by contrast, offers a client-friendly alternative that is more flexible, cost-effective, and conducive to amicable settlements, thereby serving as a vital tool for resolving complex cross-border conflicts [1].

The integration of Artificial Intelligence (AI) into cross-border dispute resolution, particularly in mediation processes, remains fragmented and insufficiently explored. While AI-empowered digital intelligence demonstrates immense potential in generating advanced insights, enhancing man-machine collaboration, and redefining decision-making processes, several challenges hinder its effective adoption. Issues of data security, algorithmic discrimination, transparency, and trust in the ideals of justice continue to limit the adaptability of AI within existing institutional frameworks. These complexities underscore the urgent need to evaluate the evolving role of AI in dispute resolution mechanisms.

Against this backdrop, the present study seeks to address several critical research questions:

- How is AI currently being integrated into mediation for cross-border dispute resolution?
- What legal, ethical, and institutional challenges arise, particularly in relation to transparency, data protection, and accountability?
- To what extent can AI-driven mediation mechanisms be tailored to the socio-demographic and legal cultures of Asian countries?
- Finally, what governance frameworks are required to ensure that AI-led mechanisms are transparent, fair, and efficient?

The purpose of this study is to:

- Study the role of Artificial Intelligence in the Mediation of cross-border disputes.
- Find the limitations of using artificial intelligence in the mediation process.

- Review, compare, analyze, and criticize the legal documents in the form of policies, regulations, guidelines, etc., adopted across the globe (specific to the Asia region), including international organizations, relating to the integration of AI in the dispute resolution system.

To achieve this, the research follows a qualitative methodology, combining meta-analysis of existing literature with comparative evaluation of jurisdictional practices. Legal and policy documents issued by governments and intergovernmental agencies are systematically reviewed to highlight best practices and challenges. A contextual assessment of initiatives taken by international organizations is further undertaken to examine the adaptability of AI-driven mechanisms within Asian legal and socio-demographic frameworks.

1.1 Mediation

Mediation is a consensual process wherein disputing parties engage in facilitated dialogue to resolve their differences. Unlike adversarial mechanisms that emphasize strict legal rights, mediation encourages parties to explore their underlying interests and seek mutually beneficial outcomes. A settlement becomes binding only when both parties voluntarily agree upon terms that are acceptable to them. According to the EC Directive, regardless of its name or terminology, mediation is an organized procedure in which two or more parties involved in a dispute voluntarily try to resolve their disagreement on their own with the help of a mediator. The parties may start this process, or a court may recommend it, require it, or mandate it under a Member State's legislation [2],[3]. Mediation provides a cost-effective and time-efficient alternative to conventional litigation in resolving civil and commercial disputes. Its flexible framework allows the process to be tailored to the specific needs of the parties, often resulting in mutually acceptable settlements. Such agreements are more likely to be implemented voluntarily and contribute to preserving amicable, long-term relationships between the parties. These advantages become particularly significant in the context of cross-border disputes, where complexity and sensitivity are heightened [3]. This method provides numerous benefits for handling insolvency disputes, such as: 1) party-centric and interest-driven outcomes, 2) sustenance and strengthening of business relationships, 3) balancing asymmetries among stakeholders in insolvency proceedings, 4) optimized and efficient utilization of time, 5) economically viable and cost-efficient process, and 6) assured preservation of confidentiality [4].

Three Types of Mediation

Facilitative Mediation. It emerged during the 1960s and 1970s as the primary model of mediation and continues to be recognized as one of the most widely practiced approaches. In this model, the mediator structures and guides the process to assist parties in reaching a mutually acceptable resolution, without imposing personal opinions, recommendations, or predictions of judicial outcomes. The mediator's role is limited to managing the process by posing clarifying questions, validating perspectives, uncovering underlying interests, and facilitating the exploration of settlement options, while the parties retain full control over the substantive outcome. A central tenet of facilitative mediation is the emphasis on informed and voluntary

decision-making by the parties themselves. Mediators often conduct joint sessions to enable open dialogue and mutual understanding, complemented by caucuses when necessary. The objective is to ensure that decision-making authority remains with the disputing parties, rather than shifting to their legal representatives. Historically, facilitative mediation developed within community-based volunteer dispute resolution centers, where mediators were not required to possess subject-matter expertise and legal professionals were often absent. While this remains true in many contexts, the contemporary practice also includes professional mediators, both with and without substantive expertise, who continue to employ the facilitative model as a means of fostering collaborative, interest-based resolutions [5].

Evaluative Mediation. Evaluative mediation developed alongside the professionalization of mediation, particularly within legal and commercial contexts. In this model, the mediator takes a more direct role, often assessing the strengths and weaknesses of each party's case, offering recommendations, and suggesting likely outcomes should the matter proceed to court. The mediator may also propose settlement ranges or solutions based on legal standards, industry norms, or precedent. Unlike facilitative mediation, where the mediator refrains from offering judgments, evaluative mediation is closely aligned with legal analysis and often attracts mediators with substantive expertise, especially retired judges or experienced attorneys. While the mediator still seeks to help parties achieve a negotiated resolution, the process is shaped by a pragmatic assessment of risks, costs, and potential outcomes. This model is particularly common in high-stakes commercial, corporate, or legal disputes, where efficiency and enforceability are prioritized [5].

Transformative Mediation. Transformative mediation is a more recent development, named by Folger and Bush in their book "THE PROMISE OF MEDIATION" in 1994. It is grounded in the philosophy that the primary goal of mediation is not simply settlement, but the empowerment of parties and the recognition of each other's perspectives. Rather than focusing narrowly on resolving the immediate dispute, this approach seeks to transform the quality of the parties' interaction by fostering greater self-determination, mutual understanding, and constructive communication. The mediator's role in transformative mediation is minimalist, creating an environment that supports dialogue rather than directing the process or suggesting solutions. Parties are encouraged to articulate their values, needs, and goals, thereby promoting deeper recognition of one another's viewpoints. This model is frequently applied where long-term interaction between the parties is significant, like cross-border transactions, cross-border mergers & acquisitions, etc. In transformative mediation, the parties structure both the process and the outcome of mediation, and the mediator follows their lead [5].

Ensuring cross-border resolution through mediation and providing access to justice, the Parties may approach the transformative mediation and choose to integrate the transformative mediation method with digital transformation. At the global level, the digital transition through the incorporation of cutting-edge technology such as

artificial intelligence (AI) in the realm of the justice system is aimed at providing access to justice for all.

1.2 Artificial Intelligence (AI)

It is a specialized branch of computer science concerned with creating systems capable of exhibiting machine intelligence. According to the National Artificial Intelligence Act of 2020, AI has been described as “a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments. Artificial Intelligence systems use machine and human-based inputs to: (1) perceive real and virtual environments, 2) abstract such perceptions into models through analysis in an automated manner, and 3) use model inference to formulate options for information or action.” [6].

At its core, an intelligent agent is defined as a system that perceives its environment and takes actions designed to maximize the likelihood of achieving its objectives. AI is fundamentally the study and application of concepts that enable computers to perform tasks traditionally associated with human intelligence. Its central principles encompass reasoning, knowledge representation, planning, learning, communication, perception, and the ability to interact with and manipulate the physical environment. Broadly, AI represents the science and engineering of developing intelligent machines, particularly computer programs that can replicate or augment human cognitive functions [7].

The integration of AI-empowered digital intelligence into mediation processes for dispute resolution—particularly in cross-border contexts remains fragmented and insufficiently explored, yet its growing application demonstrates transformative potential across multiple domains. The potential application of AI in mediation proceedings can be further explained by dividing the AI concept into three different types: assisted intelligence, augmented intelligence, and automated intelligence [8]. Assisted intelligence functions as a supportive tool that enhances human performance in carrying out tasks. This is in application in leading MNCs (Multi-National Companies) across the globe, mostly for the effective compliance requirements. Augmented intelligence takes it a step further by enabling humans to make strategic decisions and to achieve outcomes that would otherwise be unattainable without AI assistance. Automated intelligence, in contrast, refers to scenarios where the entire task is executed independently by AI systems, with minimal or no human involvement, for example, client satisfaction, price optimization, etc [9].

By delivering advanced, exploratory knowledge at unprecedented speed, Artificial Intelligence (AI) is fundamentally reshaping the landscape of dispute resolution. First, it redefines the human-machine collaborative interface by creating a complex interdependence in the decision-making process, wherein human judgment is supported, refined, and, at times, challenged by machine-generated insights. This integration not only enhances accuracy and efficiency but also expands the cognitive capacity of mediators and parties to address intricate, multi-layered disputes. Second, AI enables the generation of novel and actionable insights that often transcend the boundaries of established structural and institutional frameworks. Such insights may reveal patterns, correlations, or predictive trends that human actors alone would struggle to identify, thereby broadening the scope of potential solutions.

This synergistic ensemble of predictive and analytical functions is frequently characterized as *SMART* (Scientific, Measurable, Achievable, Reasonable, and Time-bound) in performance. Within mediation practice, this translates into a more robust, data-informed process that balances efficiency with fairness, while maintaining the adaptability required for complex, cross-border disputes. Importantly, AI does not seek to replace the human dimension of mediation; rather, it operates as both a catalyst for innovation and a complement to traditional practices, reinforcing the core values of party autonomy, informed consent, and consensual settlement.

Challenges of AI in Mediation. While the exploration of new tools and technological possibilities through AI in mediation is essential, equal attention must be given to their practical feasibility and long-term sustainability. In an era characterized by the global enthusiasm surrounding Artificial Intelligence (AI), there exists a pronounced tendency to overstate its capabilities and potential benefits. As highlighted by one mediator interviewed in the context of technology adoption, the focus should not merely be on adopting innovations for their novelty, but on carefully analyzing existing workflows and adapting technological tools to genuinely enhance them [10].

A pragmatic and measured approach is therefore imperative. Three broad areas demand particular caution. First, the issue of bias and neutrality, where algorithmic decision-making may inadvertently reproduce or amplify systemic biases, thereby undermining the impartiality that forms the cornerstone of mediation. Second, data security, privacy, and human rights raise concerns about the collection, processing, and storage of sensitive information in AI-driven mediation systems. Third, collaboration with the private sector, which, while often necessary for technological innovation, must be managed carefully to prevent conflicts of interest, commercialization of justice, or erosion of public trust in dispute resolution processes.

These areas are not transient concerns; rather, they are structural challenges that will continue to shape the discourse on AI integration in mediation for the foreseeable future. A balanced approach that encourages innovation while safeguarding ethical, legal, and procedural integrity remains critical for ensuring that technology complements, rather than compromises, the foundational values of mediation.

AI and The Tension Between Bias and Neutrality. The principles of neutrality and impartiality hold central importance in Mediation. It must be emphasized, however, that AI systems are ultimately designed, trained, and operated under human influence. The cornerstone of Mediation lies in the principle of party autonomy, which recognizes disputing parties as the primary decision-makers in the resolution process. The mediator is a neutral third party, merely facilitates dialogue and guides the process without exercising adjudicatory authority. Within this framework, AI should be understood as a supportive tool that assists parties and neutrals in navigating complex information and exploring solutions, rather than as a substitute for human judgment or critical reasoning. When employing AI applications, the quality of data becomes a critical concern [8]. It is therefore important that the mediators be aware of potential sources of bias and make necessary efforts to minimise the risk of potential bias during the process. Biases embedded in training datasets inevitably surface in the outputs, thereby creating a risk of algorithmic discrimination. Such discrimination may reinforce or even exacerbate existing disputes, raising profound ethical and legal challenges. This is particularly troublesome in cross-border disputes when far-reaching decisions such as settlement prediction, resource allocation, etc, are based on such biased results. Thus, algorithmic discrimination represents a significant challenge in integrating AI into mediation processes, where fairness, impartiality, and party autonomy are foundational values. Therefore, while the complete elimination of bias is unattainable, it is essential to critically examine whether the data adequately represent the key dimensions of the phenomenon under consideration, thereby minimizing distortions in analysis and decision-making [9].

AI and the concerns with Data Security and Privacy. Data security & privacy a legal issue related to the principle of confidentiality. In mediation, confidentiality ensures that information disclosed during proceedings cannot be shared without the consent of the party providing it. While exceptions may exist, confidentiality is generally regarded as a cornerstone of Mediation, as it fosters candor and transparency between parties. In the context of AI-enabled systems, however, confidentiality takes on heightened importance due to concerns over data privacy and security [10]. From a technological standpoint, data security may be conceptualized across three dimensions: (a) securing the physical and virtual location of data, (b) securing the integrity and format in which data is stored and transmitted, and (c) embedding security measures directly into system architecture through security-by-design approaches [11]. Parties must therefore exercise caution by minimizing the disclosure of sensitive or personal data, ensuring transparency in data processing, restricting access to authorized individuals, encrypting stored information, and securely destroying data once its purpose has been fulfilled. These challenges introduce additional complexity into ADR and underscore the need for mediators and arbitrators to be both technologically literate and transparent with parties regarding the risks associated with the use of AI.

AI and Its Ethical & Legal Challenges. To address both the current and potential challenges posed by Artificial Intelligence (AI), several jurisdictions have initiated legislative and regulatory responses aimed at mitigating associated risks[12]. Draft bills and regulatory frameworks have been introduced to address emerging legal

concerns surrounding the deployment of AI. For instance, in the United States, the Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence emphasizes key priorities such as ensuring safety and security, supporting workforce transitions, safeguarding privacy, and protecting the civil rights of individuals [13]. In contrast, the European Union's proposed AI Act seeks to establish a comprehensive regulatory framework by categorizing AI applications into prohibited systems (e.g., those producing illegal content or engaging in practices such as social scoring), high-risk systems (e.g., biometric surveillance technologies), and minimal-risk systems (e.g., AI-powered chatbots) [14]. This differentiated, risk-based approach reflects a growing recognition of the need for context-sensitive governance of AI to balance innovation with fundamental rights and societal values.

The Benefits of AI in Cross-Border Dispute Resolution

Speed and Efficiency. AI can swiftly analyze large datasets, enabling faster assessments, enhancing procedural efficiency, and reducing backlogs in dispute resolution.

Consistency. Unlike human judges or arbitrators, AI relies on structured data analysis, reducing biases and promoting greater uniformity and predictability in cross-border decision-making.

Language Translation and Interpretation. AI-powered translation tools help overcome linguistic barriers in cross-border disputes by minimizing inaccuracies and enabling clearer communication among parties from diverse jurisdictions.

The Challenges of AI in Cross-Border Dispute Resolution

Limitations of Data-Driven Analysis. While AI excels in pattern recognition and data analysis, it lacks the human capacity for intuition, empathy, and moral reasoning—qualities often indispensable in complex disputes involving nuanced legal and ethical considerations.

High Implementation Costs. AI deployment in dispute resolution demands significant investment in technology, infrastructure, and maintenance, which may limit accessibility for smaller firms and developing jurisdictions.

Cybersecurity Risks. Given the sensitivity of dispute-related data, AI's vulnerability to cyberattacks threatens confidentiality and trust, highlighting the need for strong cybersecurity measures.

Liability and Accountability Concerns. Assigning liability for AI-generated errors remains challenging, as unclear frameworks create ambiguity over whether responsibility lies with the system, its developers, or the deploying institution.

AI holds significant promise for enhancing cross-border dispute resolution; however, it cannot be regarded as a panacea. Its integration into legal systems is inherently complex and demands a carefully calibrated approach. Critical challenges—such as ensuring robust cybersecurity protections, addressing the

financial and infrastructural costs of implementation, and establishing clear liability and accountability frameworks—must be addressed before AI can be relied upon with confidence. A hybrid model that combines the efficiency of AI with the intuition, ethical reasoning, and contextual judgment of human decision-makers is likely to yield the most effective outcomes. Thus, while AI represents a powerful tool for transforming dispute resolution, its deployment must proceed with caution, ensuring that technological innovation complements rather than compromises the fundamental values of justice [15].

1.3 Comparative legal analysis

Global Perspective on the Adoption of AI

European Union. In the European Union, the Artificial Intelligence Act (AI Act) received approval from the European Parliament on March 13, 2024 [16]. The Act is anticipated to enter into force in the coming months and, following a two-year transitional period, is expected to become fully applicable by June 2026. This legislation represents the first comprehensive attempt by a major jurisdiction to establish a unified regulatory framework specifically addressing the governance, risk classification, and deployment of AI systems.

Since the functioning of AI systems inherently relies on the collection and processing of personal data, it necessitates the establishment of stringent safeguards to uphold and protect individual privacy. The regulatory framework envisioned by the European Union, particularly through the AI Act, is designed to curb the unchecked deployment of AI technologies. Complementing the General Data Protection Regulation (GDPR), the AI Act aspires to grant the EU substantial authority over the development, utilization, and governance of AI systems [17].

Crucially, the Act is underpinned by the principles of transparency, accountability, and ethical integrity, thereby ensuring that the rights, interests, and concerns of end-users remain central to its application. By embedding these values into its legislative architecture, the EU seeks not only to safeguard fundamental rights but also to establish itself as a global leader in setting ethical standards for AI governance, while simultaneously fostering competitiveness and innovation in the responsible deployment of AI. Complementing the AI Act, additional legislative initiatives are also underway. Of particular significance is the proposed AI Liability Directive, which seeks to clarify the rules of civil liability in cases involving harm caused by AI systems, thereby closing potential accountability gaps [18]. Oversight and compliance with these emerging frameworks will involve a multi-level regulatory structure, including: 1) the European Data Protection Board (EDPB) and the European Data Protection Supervisor (EDPS), ensuring alignment with data protection standards, 2) the EU AI Board, as envisaged under the AI Act, serving as a central body for coordination and guidance, 3) National AI regulatory authorities

established by Member States, such as the newly created Spanish AI Supervision Agency; and 4) the existing Data Protection Authorities (DPAs) within each member state [18],[19],[20],[21],[22].

Together, these bodies are expected to form an integrated supervisory mechanism aimed at safeguarding fundamental rights, promoting trustworthy AI, and ensuring uniform application of the law across the Union

United States of America. Unlike the European Union, the United States does not have a single, unified regulatory framework for Artificial Intelligence. Instead, it has developed a patchwork of federal guidelines, executive actions, and legislative initiatives aimed at shaping the governance of AI. Key instruments include Executive Orders, such as *Maintaining American Leadership in AI* and the *Promoting the Use of Trustworthy AI in the Federal Government Act* [23],[24]. In addition, a number of enacted and proposed legislative measures seek to address specific aspects of AI governance, including the *AI Training Act*, the *National AI Initiative Act*, the proposed *Algorithmic Accountability Act*, the proposed *Transparent Automated Governance Act*, and the proposed *Global Technology Leadership Act* [25],[26],[27],[28],[29].

Taken together, these measures illustrate the U.S. approach of addressing AI regulation on a case-by-case basis, favoring sector-specific oversight rather than adopting a precautionary, comprehensive framework. In the absence of a dedicated AI law, regulatory responsibility is distributed across existing federal agencies. Generally, regulatory practices and policies in the United States operate primarily at the sectoral level, and this approach is mirrored in the governance of artificial intelligence.

At present, there is no comprehensive federal regulatory framework dedicated exclusively to AI. Instead, the U.S. has adopted a decentralized model, whereby several sector-specific agencies and organizations address particular challenges emerging from the development and deployment of AI technologies [17]. Key institutions tasked with enforcing AI-related policies and safeguarding rights include the Federal Trade Commission (FTC), the Department of Justice (DOJ), the Consumer Financial Protection Bureau (CFPB), and the Equal Employment Opportunity Commission (EEOC) [19], [30], [31], [32], [33].

United Kingdom. The UK has not introduced a comprehensive AI regulation, nor does it intend to at present. Instead, it promotes a context-specific and balanced approach, relying on existing sectoral legislation to guide the governance of AI. AI oversight in the UK is coordinated under the Office for AI, which is responsible for implementing the national AI strategy [19]. In addition, several regulatory bodies play important roles in ensuring AI compliance within their respective domains, including the Information Commissioner's Office (ICO) and Digital Regulation Cooperation Forum (DRCF) [34]. ICOs are focusing on data protection and privacy in AI applications while DRCFs are facilitating collaboration across regulators to address cross-cutting challenges posed by AI and other emerging technologies [35],[36].

India. India presently does not have a dedicated legislative framework exclusively governing artificial intelligence. Nevertheless, the forthcoming Digital India Act is expected to introduce provisions addressing the regulation of high-risk AI applications [37].

In recognition of the multifaceted challenges posed by AI, the Government of India has also constituted a specialized task force to examine the ethical, legal, and societal implications of AI. This initiative aims to lay the foundation for a prospective AI regulatory body, thereby strengthening the country's evolving AI governance landscape.

Key authorities engaged in AI-related policymaking and oversight include:

- NITI Aayog (National Institution for Transforming India) spearheading strategic policy initiatives and the National AI Strategy [38].
- The Ministry of Electronics and Information Technology (MeitY) is responsible for the digital ecosystem, data governance, and regulatory frameworks for emerging technologies [39].
- Ministry of Commerce and Industry focusing on AI's role in innovation, competitiveness, and trade-related dimensions [40].

This multi-agency approach underscores India's gradual yet deliberate efforts to balance innovation with accountability in shaping its AI governance framework.

China. China has emerged as a dominant force in the global AI landscape, steadily advancing toward its stated ambition of becoming the world's leading center for AI innovation by 2030. This vision underscores a decade-long trajectory of technological expansion and strategic investment aimed at consolidating China's global leadership in AI. While the government emphasizes the transformative role of AI across all sectors of its economy and governance, it simultaneously recognizes the ethical and security challenges inherent in such rapid adoption. In response, the Chinese administration has established a comprehensive regulatory architecture to guide the growth, application, and governance of AI [17].

Central to this framework are the Chinese Cybersecurity Law and the New Generation AI Development Plan, which together emphasize data protection, cybersecurity, compliance, and proactive risk management. These measures reflect China's integrated strategy of advancing AI innovation while embedding ethical and security safeguards [41],[42]. By aligning its regulatory approach with emerging global standards, China seeks not only to mitigate the potential harms of AI but also to set new paradigms for AI governance and operational practices. In doing so, it positions itself to consolidate its role as a leading AI superpower, balancing technological ambition with the imperatives of responsibility and trustworthiness.

As China progresses toward drafting a comprehensive AI governance framework, several specific applications of AI are already regulated under existing instruments. These include:

- Provisions on the Administration of Algorithmic Recommendations,
- Ethical Norms for the New Generation of Artificial Intelligence, and
- Opinions on Strengthening the Ethical Governance of Science and Technology.

In parallel, new governance initiatives are under development, such as: 1) draft Provisions on the Administration of Deep Synthesis Technologies, and 2) measures for the Administration of Generative AI Services.

With respect to institutional oversight, China's AI governance structure relies on targeted and sector-specific enforcement mechanisms. Regulatory responsibilities are distributed across multiple authorities whose functions often intersect and overlap. Key regulatory entities include: 1) Cyberspace Administration of China (CAC), 2) Ministry of Industry and Information Technology (MIIT), and 3) State Administration for Market Regulation (SAMR) [19].

Japan. Japan has not yet introduced a comprehensive regulatory framework dedicated exclusively to artificial intelligence. Instead, its approach is characterized by a reliance on guidelines, while allowing the private sector significant autonomy in managing AI deployment. Key policy documents shaping Japan's AI governance landscape include: 1) Guidelines for Implementing AI Principles and 2) AI Governance in Japan, Version 1.1. Institutional responsibility for AI-related policy and oversight in Japan is distributed among several key authorities, including: 1) Ministry of Economy, Trade and Industry (METI), 2) Council for Science, Technology and Innovation (CSTI), and 3) Personal Information Protection Commission (PPC) [19].

Institutional Organisations on the Integration of AI in Cross-Border Mediation

Over the past few decades, the concept of global governance has increasingly occupied a central place in the study of international affairs. This reflects a broader shift away from a purely state-centric perspective toward a more inclusive framework that integrates both state and non-state actors operating across multiple levels. Global governance is understood as a form of collective action, encompassing informal and formal ideas, norms, values, procedures, and institutions, all aimed at addressing complex transboundary challenges.

Within this landscape, international organizations (IOs) play a pivotal role, serving as key platforms for dialogue, norm-setting, and cooperation. They provide forums in which states can exchange best practices, establish common standards, and work collaboratively to resolve shared problems. The influence of IOs often extends beyond the international domain, shaping and informing domestic policy-making processes [17].

International organizations such as the Organization for Economic Co-operation and Development (OECD) and the United Nations (UN) play a pivotal role in shaping global discourse on AI regulation. The OECD's AI Principles emphasize transparency, accountability, and inclusiveness in the development and deployment of AI technologies [43]. Likewise, the United Nations, through its Sustainable Development Goals (SDGs), highlights the potential of AI as an enabler for advancing global welfare and sustainability [44].

Given the diversity of regulatory landscapes across jurisdictions, international cooperation has become imperative. Harmonizing approaches through standardized frameworks and guidelines not only fosters responsible AI development but also enhances the capacity of nations to address shared challenges. Ultimately, sustained collaboration and dialogue among states and international organizations will be critical to overcoming regulatory hurdles and leveraging AI for the collective social good [40]. In recent years, several IOs have assumed a particularly active role, seeking to exercise normative leadership in the field of global governance. Prominent among them are the Organization for Economic Co-operation and Development (OECD), the European Union (EU), the Council of Europe (CoE), the United Nations (UN), and the United Nations Educational, Scientific, and Cultural Organization (UNESCO). The detailed action initiation by such an international organization [45].

Organization for Economic Co-operation and Development (OECD)

- Established a dedicated platform on Artificial Intelligence to centralize information and resources on AI policy [46].
- Adopted the OECD Principles on Artificial Intelligence (2019), calling for human-centered values, transparency, robustness, and accountability [47].
- Published *Artificial Intelligence in Society* (2019), a comprehensive report assessing the societal impacts of AI [48].
- Endorsed the Recommendation of the Council on Artificial Intelligence, the first intergovernmental standard on AI, adopted by over 40 countries [48].

United Nations Educational, Scientific and Cultural Organization (UNESCO)

- Hosts a dedicated AI platform to guide ethical and policy debates on AI [49].
- Organized the global conference *Principles for AI: Towards a Humanistic Approach?* to deliberate human rights-centered AI principles [50].
- Issued a Preliminary Study on the Technical and Legal Aspects of a Standard-Setting Instrument on the Ethics of Artificial Intelligence, laying the groundwork for international normative guidance [51].

United Nations (UN)

- Compiled United Nations Activities on Artificial Intelligence (AI), documenting system-wide initiatives and policy engagements [52].
- Published the Report of the Special Rapporteur to the General Assembly addressing AI's implications for freedom of opinion and expression [53].
- Issued *The Age of Digital Interdependence*, the report of the High-Level Panel on Digital Cooperation, emphasizing AI's role in global digital governance [54].

United Nations Interregional Crime and Justice Research Institute (UNICRI)

- Established the Centre for Artificial Intelligence and Robotics, focusing on AI applications for justice, crime prevention, and security [55].

Collectively, these organizations have sought to advance frameworks, principles, and regulatory approaches to navigate emerging global challenges, including those posed by artificial intelligence and other transformative technologies.

Practical Illustration: AI as a Psychological Lever in Mediation. A novel case demonstrates how artificial intelligence can be integrated into mediation as a facilitative tool rather than a decision-maker. In a lease termination dispute involving a \$550,000 claim and a counteroffer of \$120,000, negotiations reached an impasse. Mediator Myer Sankary turned to ChatGPT for assistance. The chatbot proposed a settlement of \$275,000. Rather than disclosing this figure, Sankary suggested that both parties agree to adopt ChatGPT's recommendation if further negotiations failed. This strategy re-energized the parties, who subsequently resumed direct discussions and reached a settlement at \$270,000, only marginally lower than the chatbot's figure. Once informed, both sides expressed satisfaction with the outcome. This instance underscores a key insight: AI need not supplant the mediator's role but can act as a psychological catalyst, encouraging parties to avoid surrendering control to a machine and instead find common ground themselves. It reflects how AI, when used strategically, can contribute to dispute resolution not by imposing decisions but by shaping the negotiation dynamic [56].

1.4 Findings

The above methodological approach study adopts a mixed-methods approach, combining qualitative comparative legal analysis with case study research. Primary legal sources such as legislation, regulatory guidelines, policies are systematically reviewed, supplemented by secondary materials, including academic literature and policy reports. Case studies, selected for their relevance and recency, focus on specific instances of AI adoption in the mediation process. The analysis seeks to identify common themes, challenges, and best practices in AI regulation and its implications for access to justice across diverse legal and cultural contexts.

The *EU AI Act* establishes a risk-based framework by categorizing AI systems in legal services into low, high, and unacceptable risk levels. High-risk systems demand stringent safeguards, including human oversight and transparency, while the *GDPR* reinforces ethical use through principles of purpose limitation and data minimization. Collectively, these frameworks set global benchmarks for responsible AI in legal services. In contrast, the *United States* lacks a unified federal regime, relying instead on fragmented state-level regulations. This patchwork approach creates inconsistencies in data protection, transparency, and fairness, complicating compliance and leaving liability for AI-driven decisions uncertain. China, by comparison, adopts a centralized and restrictive model, particularly in justice-related domains tied to national security. Strict requirements such as data localization and government access to algorithms restrict foreign participation, favor domestic firms aligned with state priorities, and constrain innovation. *Japan* takes a more flexible approach, relying on non-binding guidelines like the *AI Governance in Japan*, with oversight dispersed across agencies such as METI, CSTI, and PPC. While this encourages industry-driven innovation, it also creates regulatory uncertainty and weakens accountability. *India*, meanwhile, is moving toward a more state-driven model. Although it currently lacks a dedicated AI law, the forthcoming Digital India Act is expected to address high-risk applications. Agencies such as NITI Aayog, MeitY, and the Ministry of Commerce and Industry are actively engaged, supported by a national task force examining AI's ethical and legal implications. This multi-agency approach signals deliberate efforts to balance innovation with accountability, but risks overlap and slower policy execution.

Taken together, these diverse governance models highlight a fragmented global regulatory landscape. The EU sets rigorous standards that shape global discourse; the U.S. struggles with fragmentation; China enforces centralized control; Japan emphasizes industry autonomy; and India seeks a hybrid, state-led framework. Each approach reflects different priorities, ranging from ethical safeguards to innovation freedom and national security, yet none fully resolves the socio-legal challenges of integrating AI into cross-border dispute resolution and mediation.

Early indications can be drawn from diverse jurisdictional and international initiatives. For instance, the recent pledge by G7 leaders underscores a commitment to establishing common standards for AI [57]. Their emphasis on inclusive governance, interoperability, and fostering trustworthy AI reflects a shared aspiration to align technological innovation with democratic values.

At the regional level, it is foreseeable that closely integrated jurisdictions such as the European Union and the United States will pursue greater harmonization of their legislative frameworks. Such alignment will be essential in preventing regulatory fragmentation, reducing compliance burdens, and facilitating cross-border innovation and trade. Conversely, certain jurisdictions may strategically position themselves by adopting more flexible, business-friendly approaches to AI regulation, limiting prescriptive rules to attract investment and innovation. This trend is already visible in countries such as the United Kingdom, which appear inclined toward lighter regulatory regimes. Initiatives from the G7, OECD, UN, and other organizations point

toward a future of harmonized standards that emphasize transparency, accountability, and responsible AI development. Yet beyond the policy sphere, practical use cases already demonstrate AI's potential in dispute resolution. A recent mediation case mentioned above illustrates how a mediator leveraged ChatGPT as a neutral reference point when parties reached an impasse in a contractual dispute. Although the chatbot's recommendation was not directly adopted, the mere prospect of deferring to AI motivated the parties to re-engage in settlement negotiations, ultimately reaching a mutually acceptable agreement. This example underscores how AI, when used thoughtfully, can act not as a substitute for human judgment but as a catalyst for dialogue and consensus. Taken together, these developments suggest that the future of AI in Mediation for resolving cross-border disputes lies in strategic integration, where human expertise, institutional safeguards, and carefully applied AI tools work in tandem. While global governance structures will play a decisive role in ensuring responsible use, real-world cases such as chatbot-assisted mediation highlight how AI can meaningfully complement human-led processes, offering efficiency, consistency, and even innovative pathways to resolution.

1.5 Conclusion

The integration of Mediation and Artificial Intelligence is still at an early stage, yet its potential is transformative. Looking ahead, we can expect the emergence of more sophisticated AI tools capable of nuanced legal analysis, wider adoption of hybrid models where AI supports human mediators, the development of standardized and interoperable frameworks for seamless cross-border resolution, and greater trust as ethical safeguards strengthen. Together, these trends signal a future where AI-powered Mediation can deliver more efficient, consistent, and accessible justice in SMART (Scientific, Measurable, Achievable, Reasonable, and Time-bound) performance of Mediation AI-led dispute resolution.

The rapid advancement of artificial intelligence (AI) can reshape the mediation process by offering innovative tools to enhance cross-border mediation services and improve access to justice. Yet, AI-driven legal technologies face significant hurdles, particularly in cross-border contexts. This study finds that current regulatory approaches create barriers to effective service delivery, largely due to regulatory fragmentation. The absence of a coherent global framework has resulted in a patchwork of national and regional regimes, complicating compliance for providers operating across multiple jurisdictions.

Strict data protection and privacy laws, such as the GDPR, further restrict seamless data flows, while varying ethical and accountability standards create uncertainty in ensuring fairness, transparency, and responsibility in AI-assisted legal decision-making. Issues of licensing, certification, and intellectual property protection compound these challenges, discouraging global adoption. Moreover, divergent approaches to liability and insurance heighten risks for AI providers, adding another layer of complexity to cross-border operations.

These findings underscore the urgent need for a cohesive and coordinated global approach to AI regulation in legal services. Policy recommendations arising from this study include:

- Advancing international cooperation through treaties, conventions, or soft law frameworks;
- Establishing common compliance standards on data protection, ethics, and liability to reduce trade barriers;
- Encouraging capacity-building initiatives for legislators, practitioners, and judges to ensure informed governance;
- Embedding flexibility in legal systems to adapt to the evolving challenges and opportunities of AI integration.

Adopting these measures can foster a more enabling environment for AI-driven legal technologies, strengthening access to justice, promoting innovation, and enhancing the efficiency of legal systems worldwide.

Authors' Contributions

Conceptualization and Design of the Study: Author 1 contributed the initial research idea and theoretical framing, and Author 2 refined the conceptual framework and methodological approach.

Review & Supervision: Author 2 provided overall research oversight, academic direction, and oversaw the final revisions.

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