



IN MEDIATION: LEGAL ANALYSIS OF THE POSSIBILITIES, POSITIVE AND NEGATIVE ASPECTS OF USING ONLINE PLATFORMS AND ARTIFICIAL INTELLIGENCE

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Abstract: To date, the trend of using modern technologies in mediation: the possibilities of using online platforms and artificial intelligence, legal analysis of the positive and negative aspects of digitalization has finally replaced the more general "modernization" and "innovation" both from the political lexicon and from the scientific agenda. It is difficult to say how long this trend will continue and what socio-technological phenomenon will replace it. One way or another, the widespread introduction of digital technologies is now an indisputable and obvious fact. This process applies to all aspects of social life, not excluding judicial proceedings and out-of-court dispute resolution, which can be significantly improved through the use of digital technologies. This article analyzes the practice of using digital technologies in various forms of judicial proceedings and types of out-of-court dispute resolution such as arbitration and mediation, and the regulation of legislation.

Keywords: judicial proceedings, out-of-court dispute resolution, arbitration, mediation, digital technologies, digitalization, artificial intelligence, mediation.

Today, a global digital transformation is also underway. Companies are rethinking their business models and processes within the framework of the digital economy. They are adopting innovative technologies such as artificial intelligence, the Internet of Things, process automation, and blockchain to increase their competitiveness and create new value for customers. The most popular technology today is generative artificial intelligence. This study is devoted to studying its capabilities, implementation problems, and prospects for use in the activities of Russian enterprises. Analysis of the latest research and publications. The scientific and methodological basis for writing this article was formed by the works of leading domestic and foreign scientists who study the use of various tools of innovative technologies in the global and domestic business environment.

The use of artificial intelligence in mediation courts promises a revolution in the field of justice, which offers a number of benefits both for the arbitrators themselves and for the parties to the dispute. Benefits of using AI: Increased efficiency:

Automate routine tasks: Artificial intelligence can automate many tasks, such as collecting and analyzing evidence, legal research, and drafting decisions, freeing up time for more complex mediation tasks

Speed up the process: AI can save time spent on resolving disputes by automating parts of the process.

Deeper data analysis: AI can analyze large amounts of data, allowing you to make more informed and accurate decisions.

Improve access to mediation: Reduce costs: AI can make mediation more accessible to parties with limited financial resources.

Simplify the process: AI can make the process more understandable and accessible to non-legal

entities. Data analysis systems: AI can analyze large amounts of data, such as contracts and financial statements, and identify hidden patterns and regularities. Virtual assistant systems: AI can serve as virtual assistants to mediators and disputants by providing information, answering questions, and automating parts of the process. While there are positive aspects to using artificial intelligence in mediation, there are also aspects that require serious consideration when it comes to its operation.¹

Ethics and impartiality: It is important to ensure that the AI is impartial and does not discriminate against any party to the dispute.

- Transparency and explanation of decisions: It is necessary to ensure the transparency of the work of the AI and the possibility of explaining the decisions made.

- Legal framework: It is necessary to develop a legal framework for the use of artificial intelligence in mediation courts. Artificial intelligence has great potential to change the mediators, making it more efficient, objective and convenient. However, a number of problems and these problems need to be resolved to ensure the safe and ethical use of AI in the field of justice. At the same time, mediation technology is understood as a set of tools, methods and techniques that mediators use to assist the parties in resolving the dispute. The implementation of mediation technology requires professional skills in the field of legal communication, analysis and dispute management, negotiation. The mediation technologies used should be aimed at reducing costs, resolving disputes more quickly, and achieving results that preserve and sometimes even improve relations between the parties. It should be noted that the role of the mediator in resolving a dispute varies across legal systems. In the Arab (Muslim) approach to mediation, the status and authority of the mediator, as well as the respect of the parties for him, are crucial for reaching agreed-upon compromise solutions. In Muslim culture, the mediator is perceived as someone who knows all the answers and solutions. Therefore, the mediator plays an active role and takes an evaluative position, unlike the Western mediator, who plays a neutral and supportive role, allowing the disputing parties to resolve the problem themselves. Furthermore, while a Western mediator is more interested in learning about legal procedures and formalities, a Middle Eastern mediator needs to know more about the history and facts of the conflict. A Western mediator, acting as a mediator, sets the main goal for achieving a result: the victory or defeat of one of the parties, while an Eastern mediator considers the preservation of social harmony as the ultimate goal.²

It is necessary to focus on improving the existing institution of mediators in Russia, to establish the obligation of mediators to act not only quickly, but also more effectively, legally soundly. The mediator must promptly inform all relevant parties, study the history and origins of the conflict in detail, try to understand the point of view of the opponents, spend considerable effort on preparing for negotiations, and most importantly, be able to create a number of potentials. Mediation, which originated in the Arab world, has now become widely developed in the European and American systems, as well as in Singapore.

The use of digital technologies, and primarily their “non-intellectual” types, can significantly simplify the mediation procedure. The parties to the dispute may be located at a great distance from each other (both within the same country and in different countries) or may not be able to come to the negotiations for certain reasons (for example, work or illness).³ The use of digital technologies, in particular audio and video conferencing, e-mail and various chats, allows the parties and the mediator to participate in the mediation procedure without the need for a personal meeting. However, when conducting a mediation procedure using such technologies, it is necessary to solve the problem of verifying the identity of the parties to the dispute and ensuring the protection of their personal data.

¹ Бостром Н. Искусственный интеллект. Этапы. Угрозы. Стратегии. М.: Манн, Иванов и Фербер, 2016. 496 с.

² Ли Кай-Фу. Сверхдержавы искусственного интеллекта. Китай, Кремниевая долина и новый мировой порядок. М.: Манн, Иванов и Фербер, 2019. 240 с.

³ Шилина М. Г. Медиатизация в «новой нормальности»: Реверсы парадигмы и провокации трансгрессии? // Вестник РУДН. 2021. № 4. С. 597-622. DOI: 10.22363/2312-9220-2021-26-4-597-622.

The mediator helps the participants in this procedure to get out of a stressful or conflict situation, seeks to identify and eliminate the cause of the dispute and find a solution acceptable to all parties, neutralizing the emotional component. At the same time, the mediator performs a number of actions, such as exchanging information with the parties, identifying the problem, determining the interests of the parties, searching for points of contact and the most optimal way out of the current situation.

While in the past few years, not being able to use a computer was seen as illiteracy, now it is time to use it in conjunction with Artificial Intelligence technologies. World education is making great strides based on these technologies, and the introduction of these tools is a It is necessary to focus on improving the existing institution of mediators in Russia, to establish the obligation of mediators to act not only quickly, but also more effectively, legally soundly. The mediator must promptly inform all relevant parties, study the history and origins of the conflict in detail, try to understand the point of view of the opponents, spend considerable effort on preparing for negotiations, and most importantly, be able to create a number of potentials. Mediation, which originated in the Arab world, has now become widely developed in the European and American systems, as well as in Singapore.

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If for the past few years, not being able to use a computer was considered illiteracy, now the time has come when this is used in conjunction with Artificial Intelligence technologies. World education is making great strides based on those technologies, and the introduction of these tools is in our hands. After all, artificial intelligence is the basis of technological development and progress. It should not be forgotten that every technology being created should always serve humanity, improve its standard of living, and promote human development. At the same time, there are several problems in using artificial intelligence in mediation, and it would be appropriate to provide solutions to these problems. The main problem is the lack of trust among citizens in the field of mediation and the use of artificial intelligence in this field. At the same time, there are geographical restrictions in mediation. It would be appropriate to highlight my proposals for solving this problem in the conclusion.⁵

In conclusion, it can be noted that our country has the potential and need to use artificial intelligence capabilities and technologies in social protection programs, and it is advisable to introduce and apply artificial intelligence technologies by involving leading local specialists and foreign companies in the relevant programming areas. It is worth noting that a superficial approach to the introduction of artificial intelligence or various software and ICT in relevant areas can lead, firstly, to projects not yielding the expected results, secondly, to ineffectiveness

⁴ Шилина М. Г Медиатизация в «новой нормальности»: Реверсы парадигмы и провокации трансгрессии? // Вестник РУДН. 2021. № 4. С. 597-622. DOI: 10.22363/2312-9220-2021-26-4-597-622.

⁵ Шилина М. Г Медиатизация в «новой нормальности»: Реверсы парадигмы и провокации трансгрессии? // Вестник РУДН. 2021. № 4. С. 597-622. DOI: 10.22363/2312-9220-2021-26-4-597-622.

of the budget funds spent, and thirdly, to programs and systems that are not up to date, becoming targets for cybercriminals, undermining national security and leaking confidential and personal information. These problems will delay the use of artificial intelligence in our country for several years. Therefore, such state programs are required to be implemented by leading local and foreign specialists and companies in the field. The widespread introduction of new technologies in Uzbekistan, including artificial intelligence in social protection programs and other areas, will stimulate the use of modern information technologies in the public and private sectors, increase the country's opportunities for developing a digital economy and introducing innovations in each sector. At the same time, it will lead to the effective use of modern scientific achievements.

1. Create information campaigns: and conduct trainings It is necessary to prepare promotional materials (videos, blogs, stories on social networks) that explain what mediation is, how it works, and how artificial intelligence can benefit from it, with clear, practical examples. To promote these videos, conduct training classes in each region. Provide gifts and incentives for those who participate in training classes.

2. Online mediation platforms: Create systems that allow mediators and parties to connect in real time through special online services (for example, video chat, electronic document exchange). These online platforms will make it possible to circumvent geographical restrictions on mediation.

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