

An Article on Impact of Technology in Construction Dispute Resolution

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Abstract:

The construction field is proving to be one of the most dynamic sectors not only on a global scale, but also in India. With a sector subject to extreme technicalities and complexities, it is only rational to infer that disputes arising out of construction activities would also call for distinct expertise and in depth understanding of the issues surrounding construction activities. The construction sector has seen positive growth in the application of Technology. Technological applications have become more independent in the development of problem-solving processes. Despite its incredible contributions, for example the decision-making processes faster, cheaper, and more predictable. Among the biggest beneficiaries of the advancement in technology within the recent past has been the construction industry, which is also complicated by its procedures and disputes. Advancement in technology helps in resolution of the problems of construction through the identification of the digital tools that enhance efficiency, transparency, and fairness. Key technologies such as Building Information Modelling (BIM), blockchain technology, artificial intelligence (AI) and machine learning, drone, project management software, virtual and augmented reality (VR/AR) internet of things (IOT) real-time monitoring and simulation alter traditional approaches to the solution of problems not only does the technology support dispute resolution, but also helps in lowering the level of conflict by providing better management and communication. By using technology in a careful and responsible way, we can help to build trust in digital solutions and make sure that everyone benefits from the amazing potential of this technology. The construction field is riddled with disputes due to its size mainly involving the builders or maybe even between the employees and employer. However, all of this affect the owners, hence there is a need to ensure that the disputes are solved amicably. This abstract examines the Impact of Technology in Construction Dispute Resolution.

Keywords: construction, communication, application, dynamism.

INTRODUCTION

The construction industry has always been an indicator of the health of national and global economies. Today's construction industry is characterized by complex and large-scale construction projects; involvement of diverse, and potentially multicultural, associated stakeholders; poorly prepared and/or executed contract documents; tight financial constraints; unfair allocation of risks; and communication problems. Thus, changes after the work starts are not unusual and are sometimes the standard. This environment provides fertile ground for development of construction claims. If not amicably settled, construction claims escalate to conflicts and disputes. In all cases, construction claims, conflicts, and disputes negatively affect the construction industry, its people, and the world economy. Technology has the potential to both create and resolve conflicts in the construction industry. However, in this article,

we will specifically explore how technology can be used as a tool to solve construction disputes. In the past, resolving these disputes often meant going through a complex and time-consuming process that involved legal procedures, paperwork, expert opinions, and prolonged discussions. But now, thanks to technological advancements, there are alternative methods available for more efficient problem-solving in construction project disputes.

Time is the essence in every construction, yet the most frequent disputes arise out of delays in completion. Variations could result in added costs, expenses, losses, delays, cost overruns, contractual disputes, payment issues, scope changes for extension of time. Breach of contract, wrongful termination, wrongful invocation of bank guarantees, wrongful withholding of retention amount, non-rectification of defects during defects liability period are other types of disputes. In this article we discuss about the various construction disputes and The Impact Of Technological In Construction Dispute Resolutions.

MAJOR DISPUTES OF THE CONSTRUCTION INDUSTRY

Complexity of documents involved in construction contracts, coupled with the long lifecycle of a construction project, offers a breeding ground for disputes. Contractual interpretation of key provisions, and inconsistent provisions in the documents forming the entire contract could lead to another set of disputes. Disputes relating with bank guarantees, conditional and unconditional nature of these guarantees constitute a set of disputes seeking reliefs against wrongful invocation. Fraud in tenders could attract a set of penal laws. Some of the major common dispute that arise out of construction industry are: -

1. Delay controversies due to design delays. numerous construction agreements incorporate a specified time frame for the completion of systems. When the completion time isn't explicitly outlined, there's a general understanding that the design works should be performed within a reasonable period.
2. Cost Overruns Disagreements over unanticipated charges. Cost overrun is the increased cost compared to the factual cost of construction as per the cost estimation in the original design planning. It's also known as budget overrun or construction overrun. colourful factors, including compass changes and a major design error, can affect in cost overrun.
3. Design cost overrun is one of the most current problems in the construction assiduity moment. It significantly impacts the design compass. Time detention is constantly associated with exceeding budget, frequently leaving the construction design in great trouble. thus, the cost is considered one of the main criteria for mapping the success of large systems.
4. Contractual Issues Conflicts over contract terms and conditions. As there are multiple types of construction contracts like lump- sum contracts, time and material(T&M) contracts, cost- plus contracts, unit price contracts, amongst others, there arise several issues like complicated documentation in the construction contracts, long- duration of construction systems, inconsistent terms in the documents which may cause issues and farther lead to controversies.
5. Quality of Work controversies regarding the quality of workmanship. The quality of work can frequently be a point of contention, with controversies arising over whether the work completed meets the contractual norms or specifications. Resolving these controversies frequently requires expert

assessments and, occasionally, remedial work, which can further complicate and prolong the resolution process.

6. Payment Issues Remitment or late payment controversies. Payment controversies in construction contracts are common but can be eased through visionary contract operation and disagreement resolution mechanisms. Clear and detailed contracts, open communication, and a willingness to negotiate are the first way in avoiding controversies.

7. Scope Changes controversies due to changes in design compass without proper attestation or agreement. Construction systems frequently witness changes in compass due to colourful factors, similar as evolving customer conditions, unlooked-for point conditions, or nonsupervisory variations. When these changes aren't meetly managed, controversies can arise regarding fresh costs, detainments, and impacts on the design schedule.

TECHNOLOGY SOLUTIONS FOR CONSTRUCTION DISPUTES

1. Building Information Modelling (BIM):

Conflict Detection: BIM can help in identifying potential design conflicts early in the project lifecycle.

Transparency: Provides a single source of truth for all project stakeholders, reducing misunderstandings. BIM increases the coordinative visibility of project design to reduce misunderstandings and errors.

2. Drones:

Monitoring Progress: Drones can provide real-time monitoring and documentation of project progress, helping to verify that timelines are being met. **Site Inspections:** Can perform site inspections more efficiently and accurately than manual methods.

3. Blockchain Technology:

Smart Contracts: Automated contracts that execute when certain conditions are met, ensuring all parties adhere to the agreed terms. Blockchain technology assures the security, immutability, and thus trust amongst the stakeholders

4. Project Management Software:

Document Management: Centralized storage of all project documents, ensuring everyone has access to the latest information. **Communication Tools:** Facilitates better communication among stakeholders, reducing the chances of misunderstandings.

5. Artificial Intelligence (AI) and Machine Learning:

Predictive Analytics: AI can analyse past project data to predict potential risks and disputes. **Contract Analysis:** Machine learning algorithms can help review and analyse contract terms to identify potential areas of dispute. AI-powered systems provide predictive analytics and decision support, gaining speed in the problem-solving process. Not only does the technology support dispute resolution, but it also helps in lowering the level of conflict by providing better management and communication.

6. Virtual and Augmented Reality (VR/ AR)

Virtual Walkthroughs Allows stakeholders to virtually walk through the design, making it easier to identify issues beforehand. Training and Safety Provides immersive training gestures to immersive training gestures to ameliorate on point safety and reduce controversies related to safety compliance.

7. Internet of Things (IoT)

Real-time Monitoring IoT bias can cover colourful aspects of the construction point in real-time, similar as equipment operation and environmental conditions, furnishing data that can be used to resolve controversies.

8. Digital Twin Technology

Real-time Simulation Creating a digital replica of the physical point to simulate colourful scenarios and prognosticate issues. Data Integration Integrates data from various sources to give a comprehensive view of the design, helping to resolve issues quick. The construction disputes which could potentially be simplified and improved by a particularly prominent form of generative AI, 'large language models' (LLMs) which are capable of analysing and producing large quantities of text. LLMs are 'trained' using vast sets of data which allow them to understand and predict the next word (or series of words) in a sequence. As such on 2 February 2024, the House of Lords Communications and Digital Committee published its report into "Large language models and generative AI" which warned against the risk of failing to capitalise on the opportunities afforded by emerging AI and falling behind competitors through an overly narrow focus on AI safety. To offer a comparison on the scale of these opportunities, this report indicates that "Large language models (LLMs) will have impacts comparable to the invention of the internet". There have been significant developments in the capabilities of Artificial Intelligence recently; Artificial Intelligence can understand and predict outcomes better than humans.

THE ROLE OF TECHNOLOGY IN CONSTRUCTION DISPUTES

The varied and flexible nature of AI tools are well suited to controversies arising under construction contracts, as this is generally a terrain in which each case will stand heavily on its own data. Taking an elaborate set of agreed contract data, AI may indeed facilitate the early discovery of implicit threat areas and provide stakeholders with the occasion to address issues before they escalate to a formal dispute procedure. Construction disputes are diverse and varied in nature, scale and complexity. The complexity lies in organizing many interconnected components, including data, information, tools, and employees for independent engineers, employees, and vendors. Therefore, if construction disputes are not resolved in time, it will consume a lot of personnel and financial resources. The use of technology in construction and construction management dates back to the 1990s and includes construction planning, cost estimates and construction management; Since litigation is considered expensive and time-consuming, the construction industry is keen to find a viable alternative. With the development of Artificial Intelligence, experts believe that lawsuits can be avoided by using the thinking process, as an Artificial Intelligent tool to predict the outcome of the design problem. Given the complexity of creating a dispute, it would be beneficial for the parties involved to predict the consequences (if it goes to court). If the conflicting parties first knew the truth about what was happening, they would be influenced by the AI instead of facing the cost and weight of the trial by guessing the outcome, and that smart tools could work in the shadow of the law. To ensure that negotiations are conducted more

accurately it is necessary to encourage both parties to use alternative dispute resolution methods, such as adjudication and mediation, to resolve issues. With the development of the AI there has been rise in the use of AI tools like Digital twin which helps to virtually replicate physical assets and process so that their performance and condition can be monitored online rather than through physical verification. Drone and ariel image tools can help in construction dispute relating to surveying or inspection work¹.

DODGING OF DISPUTES

As ultramodern systems have become increasingly sophisticated, so too have construction contracts become increasingly complex. A clearer understanding of the critical scores and implicit areas of contention between the parties is one area in which the market will seek to capitalize AI. Similarly, AI can streamline the review process by carrying out automatic analysis of volumes of contract documents to identify potential inconsistencies.

BENEFITS OF USING TECHNOLOGY IN CONSTRUCTION DISPUTES

AI could increase the effectiveness of dispute resolution by studying third-party interventions and identifying successful ones, identifying the characteristics of common solutions to specific disputes, and identifying the origins of recurring conflicts. In addition, it has been suggested that AI's ability to analyse and use big data effectively and efficiently can have a strategic advantage in dispute resolution, as stakeholders can gain better insight into the facts in dispute and ultimately make more informed decisions². Law firms are increasingly using AI-powered algorithmic tools, including those that incorporate machine learning algorithms; to help them with tasks such as review legal documents and subsequently make it easier to predict the outcome of disputes (Coglianese & Ben Dor, 2020). Online Dispute Resolution (ODR) platforms leverage digital technologies to facilitate the resolution of disputes without the need for in-person meetings. These platforms offer tools for negotiation, mediation, and arbitration, making the dispute resolution process faster and more accessible. By combining AI-based decision-making or predictions with ODR, we can create a dispute resolution system that doesn't have the time and location limitations of courtrooms or traditional mediation/arbitration processes³. This improves cost-effectiveness, speed, and convenience for all parties involved. Construction projects operate within a complex legal and technical environment. Whether it's a groundbreaking architectural design, an addition to an impressive portfolio of developments, or a first step into the construction industry, effectively managing risk and promoting collaboration is crucial for success. Building Information Modelling (BIM) can be used to help make the resolution of construction related disputes more efficient. Building Information Modelling (BIM) is one of the most significant technological advancements in the construction industry. This technology facilitates collaboration among stakeholders by providing a shared digital space where information about a project is accessible and updatable in real-time.

¹ Lee, M., & Lee, M. (2024, March 8). AI in Construction Disputes - Philip Lee LLP. Philip Lee LLP - A clear perspective. <https://www.philiplee.ie/ai-in-construction-disputes/>.

² Harnessing Power AI construction Disputes | FTI Consulting. (n.d.). <https://www.fticonsulting.com/insights/articles/harnessing-power-ai-construction-disputes>

³ Coglianese, C. (2020). AI in Adjudication and Administration. Faculty Scholarship at Penn Law.2188

BLOCKCHAIN TECHNIQUES

Blockchain technology (BCT) has been implemented in different industries, including healthcare, manufacturing and construction⁴. Blockchain smart contracts, for example, can solve problems related to traditional contract forms. In construction projects, smart contracts based on BCT can enhance payment transparency, protect transaction histories, and provide secure access to information. Since BCT platforms are decentralized, reducing unnecessary bureaucracy will improve open communications, and BCT application can prevent disputes rooted in communication issues, inaccurate documentation, and payment problems.

AI ARE TRANSFORMING METHODS OF RESOLVING CONFLICTS

Construction disputes often arise due to ambiguities or misinterpretations in contracts. Reviewing and analysing volumes of legal documents can be time-consuming and prone to human error. AI-powered contract analysis tools can significantly speed up the process, efficiently scanning contracts to identify potential issues or discrepancies. Natural Language Processing (NLP) algorithms in AI systems can extract critical information, clauses and deadlines, aiding lawyers in building stronger cases based on clear contractual evidence; this expedites the dispute resolution process and enhances the accuracy and quality of legal arguments⁵.

THE VISION OF CONSTRUCTION DISPUTES IN ARTIFICIAL INTELLEGENGE SPHERE

Ultimately, the increase in construction disputes led to remarkable progress in the development of more effective dispute resolution methods in the construction industry, specifically in the field of Alternative Dispute Resolution (ADR) (Kolb, 2018)⁶. Accordingly, online dispute resolution (ODR) as one component of ADR has attracted considerable and growing attention in the academic literature. ODR basically means the use of information and telecommunication technologies via the Internet for alternative dispute resolution⁷. ODR is also more broadly described as a spectrum of non-judicial dispute resolution alternatives that is carried out by means of communication and technology, largely via the Internet (Ojiako et al., 2018)⁸. More specifically, online dispute resolution is often considered to be disputes that are fully or partially adjudicated or resolved using a technology-mediated interface or rather recognized as a "fourth party". The "fourth party", introduced earlier by Ethan Katsh, depicts technology as another party sitting at the table alongside the disputants and a third party (a neutral

⁴ Mahmudnia, D., Arashpour, M., & Yang, R. (2022). Blockchain in construction management: Applications, advantages and limitations. *Automation in Construction*, 140, 104379. <https://doi.org/10.1016/j.autcon.2022.104379>

⁵ Putera, N. S. F. M. S., Saripan, H., Hassan, R. A., & Abdullah, S. M. (2021). Artificial Intelligence for Construction Dispute Resolution: Justice of the Future. *International Journal of Academic Research in Business and Social Sciences*, 11(11), 139–151.

⁶ Kolb, R. W. (2018). Alternative Dispute Resolution (ADR). In *The SAGE Encyclopedia of Business Ethics and Society*. <https://doi.org/10.4135/9781483381503.n34>

⁷ Desai, V. (2024, April 9). Incorporation of Arbitral Clause by Reference: Position in India and Other Asian Jurisdictions. <https://natlawreview.com/article/incorporation-arbitral-clause-reference-position-india-and-other-asian>

⁸ Ojiako, U., Chipulu, M., Marshall, A., & Williams, T. (2018). An examination of the 'rule of law' And 'justice' implications in Online Dispute Resolution in construction projects. *International Journal of Project Management*. 36(2), 1-38.

person such as a mediator or arbitrator). The growth of ODR confirms the development of two generations of approaches to dispute resolution. The first generation presents human beings as the central focus of the planning and decision-making processes, and therefore uses computational tools as mere equipment, non-autonomous and with minimal role in the course of action. This ODR system relies on the use of technologies such as instant messaging, forums, video and telephone calls, video conferencing, mailing lists and, more recently, video presence (Mania, K. 2015)⁹. While the second generation of ODR goes beyond the first generation and is adopted for idea generation, planning, strategy definition and decision making. This new generation is supported by technologies that enable immutable connectivity between all parties involved and provide higher value-added services. This is where AI decision-making is found, empowering the predecessors of ODR and ushering in a new paradigm in which disputants use reactive communication tools. This new generation is supported by technologies that enable immutable connectivity between all parties involved and provide higher value-added services. This is where AI decision-making is found, empowering the predecessors of ODR and ushering in a new paradigm in which disputants use reactive communication tools. AI offers two hallmarks of codified justice: efficiency through resource maximization and uniformity, or elimination of bias and arbitrariness.

In terms of efficiency, using AI to handle disputes can be a real game-changer. Not only can it be deployed at a much larger scale and speed than human-led processes, but it also doesn't get tired or overwhelmed by the sheer number of cases like us humans do. Plus, it doesn't need time off or breaks, which can be a real plus for busy organizations. An AI system can process an unlimited number of cases, using advanced machine learning techniques to make decisions quickly and accurately. This means that a single device can handle an entire caseload without needing any rest or support. And since it's not a person, it doesn't need any of the extra stuff like training, performance monitoring, or staffing benefits that we humans do. This all adds up to significant cost savings for organizations using AI to resolve disputes. Instead of having to pay for multiple people to handle different cases, you can just use one super-powered computer that's only limited by its computing power and energy resources. But perhaps the biggest advantage of using AI in arbitration is the potential for eliminating human bias or arbitrariness. With the same AI tool handling all cases, you get a much greater level of uniformity in decision-making. And since these programs can process so many cases at once, it means that you're much less likely to end up with a situation where one party feels like they weren't treated fairly because of who their arbitrator was. Growing pains in the construction industry, with contract disputes and payment avoidance on the rise, have made it clear that there's a real need for change. The law and practice of arbitration and statutory decision-making are evolving to address these issues, and it's safe to say that these changes will have a big impact on everyone involved in the construction industry and beyond¹⁰.

The practice of constructive dispute resolution has been removed from traditional litigation and transformed into a faster, more efficient and effective legal process through continuous improvement

⁹ Mania, K. (2015). Online dispute resolution: The future of justice. *International Comparative Jurisprudence*. 1(1), 76-86

¹⁰ Zepth. (2024, November 28). AI in Construction Dispute Resolution: A New Era - Zepth. Zepth. https://www.zepth.com/ai-in-construction-dispute-resolution/?utm_source=chatgpt.com

and improved ADR. As ADR is often viewed as a faster and more efficient alternative to litigation, AI-driven ODR aims to leverage these benefits by creating a competitive advantage for informational justice by enabling online arbitration, mediation, and negotiation (Kate Beioley, 2019)¹¹. General rules for innovative solutions. The amount of training data will play a significant role in the accuracy of any prediction, and if the data is inaccurate or inaccurate the AI will likely point out something unfair rather than reduce it. Although the smart devices currently available on the market are still in their infancy, a particular area of interest for the future is the use of technology to measure and predict the likelihood of a paradoxical process occurring over time. Such predictions are based on historical data as well as factual evidence and predictions from current situations; so, it goes without saying that model access datasets will be important. However, if this process is well received, it can contribute to the effective evaluation of identifying good results that will limit the cost of full trial in many cases. It is also believed that concerns about the lack of logic in traditional thinking arise when high predictions are made using Artificial Intelligence profit forecasting tools. But there's also a downside: some people worry that traditional thinking doesn't always make sense when AI profit forecasting tools make big predictions. Even though AI experts understand the logic behind these decisions, it's hard for everyone else to follow along. And there's a growing body of research looking at how Artificial Intelligence could play a direct role in the courtroom as judges or magistrates, making decisions based on big data in electronic files. It's a pretty fascinating topic, and one that could change the way we think about justice forever.

DRAWBACKS OF USING TECHNOLOGY IN LEGAL DISPUTE

HALLUCINATIONS

For better or for worse, the risks associated with the use of AI in a legal context are well known. The New York case of *Mata v Avianca 22-cv-1461 (PKC) (2023)*¹² ought to have been of limited local interest, but gained global prominence when it transpired that legal authorities had been cited by the Respondent's legal counsel which were fictional and had been generated as a result of the submissions being drafted by AI. This revelation came to light by degree, as the suspicions were played out through exchanges between the parties and the judge which led to the attorney admitting that AI had generated the decisions and legal authorities relied upon; he was "operating under the false perception that this website could not possibly be fabricating cases on its own." In sanctioning the attorneys involved, Judge Castel assessed the fake 'decisions' which had been presented, and identified a number of attributes would give rise to a suspicion that they were illegitimate (including legal analysis classified as "gibberish" and internal flaws such as one decision citing itself as a precedent). The wide publicization of the infamous decision in *Mata v Avianca* did not put an end to the matter. The issue resurfaced in the recent case of *Harber v Commissioners for His Majesty's Revenue and Customs [2023] UKFTT 1007 (TC)* which was heard by the UK First-Tier Tribunal (FTT) Tax Chamber. In that case, a litigant in person presented a number of purported FTT decisions which appeared to support the appeal, but which could not be located on the FTT website or any other source. Despite the litigant's

¹¹ Kate Beioley. (2019). Robots and AI threaten to mediate disputes better than lawyers. <https://www.ft.com/content/187525d2-9e6e-11e9-9c06-a4640c9feebb>

¹² *Mata v. Avianca, Inc.*, No. 1:2022cv01461 - Document 54 (S.D.N.Y. 2023)

claims that the decisions had been obtained from “a friend in a solicitor’s office”, the FTT concluded that they were not genuine and had been generated by an AI system. Interestingly, in reaching this conclusion the FTT also relied on the principles outlined by Judge Castel in *Mata v Avianca* and endorsed his comments that the submission of fake authorities is particularly harmful as it leads to wasted time for the opposing side to expose the deception, consumes limited court resources and promotes cynicism about the legal the system. The anomalies which occurred in the above cases are known as ‘hallucinations’ which are occasionally produced by LLMs where false information is presented, often in a convincing manner. Such hallucinations can be tricky to detect; indeed, in *Mata v Avianca* the AI software at issue (when questioned as to the authenticity of the material) specifically reaffirmed the position that the cases were genuine and that they were available “in reputable legal databases”. These are cautionary tales.

Liability in construction disputes can often be on fine details, and so the fact that scraps of information within the text produced by LLMs may appear true, but in fact are a hallucination, will justifiably cause concern to any party seeking to implement these models. A critical drawback in the kin capabilities of AI, is that it will typically be ill-equipped to deal with the wider context of a potential dispute. For example, although a party to construction contract will be acutely aware of the factors which could prove relevant to a dispute (the relationship between the parties, cashflow and supply chain management for example) an LLM will not be aware of any of these factors as it relies on the dataset on which it has been trained. The more nuanced approach which is adopted in practice, could appear illogical from the perspective of AI¹³.

CONFIDENTIALITY

Particular concern to stakeholders will be that the openly available AI solutions could potentially carry significant consequences for confidential or commercially sensitive information. The extent to which data is used and retained will vary depending on the particular model and provider which is selected; however, it is essential to be keenly aware of the risk. The issue came to a head in April 2023 when employees of a company accidentally leaked confidential information to a popular platform which could be used to train the model and make it public.

This incident, which led to a decision on behalf of Samsung to temporarily ban the use of generative AI tools, should be seen as another cautionary tale given the significant level of commercially sensitive information involved in construction disputes. Recognising this, there are a number of ‘private’ AI tools available on the market which are aimed at creating a closed-off model within internal organisations. This is a rapidly developing area and organisations will need to ensure that any such offering is procured from a trustworthy source (and that the terms of the arrangement are clearly understood before it is deployed). Indeed, this is a key development which will be required before clients and their advisors can have confidence in the use of such tools.

¹³ Artificial Intelligence and law challenges de-mystified – Rodney D. Ryder/Nikhil Nanen.

STATUTORY ADJUDICATION AND AI

Practitioners and parties to construction contracts will be familiar with the Irish Construction Contracts Act of 2013, which states that a dispute over payment can be referred to statutory adjudication at any time. The potential benefits to be derived from the use of AI are readily apparent in relation to such adjudication, which is carried out within a short timeframe (28-days from referral to decision subject to limited exceptions). In spite of these tight deadlines, the volume of material which may be the subject of a dispute in adjudication can be extensive given the wide-ranging entitlement of the referring party to define its payment dispute, and the obligation of the adjudicator to consider any defence raised by the responding party. With this in mind, there are potential advantages to be obtained by employing AI especially LLM's, to assist with the more administrative work such as Document review and proof-reading. Although statutory adjudication does not require a discovery process in the same manner as a dispute heard before the courts or in arbitration, the volume of documentation which is exhibited to the pleadings delivered can often be challenging to navigate in the time periods available. Needless to say, any submission of a claim or defence in adjudication will require careful and comprehensive consideration by the parties to the dispute. However, the ability of technologies to distil voluminous pleadings and supporting material into the core points advanced could prove to be an invaluable starting point. In a process where the deadlines are measured in days as opposed to weeks and months, fine margins of this kind could prove significant to the outcome¹⁴.

CONCLUSION

Artificial Intelligence is regarded to be the catapult of the 21st century, its entry into the construction industry, bringing a profound impact. Technology might make things more efficient and easier, but it also means that humans have to share their spotlight with machines. And when it comes to decision-making, humans have always been the ones in charge, using our intuition, empathy, and common sense to navigate the tricky waters of law and order. In the framework of decision-making, the basis of judicial sensitivity is conscious legal rationality, intuition, empathy and compassion. How the judiciary's role is expected to expand is a question many have asked themselves, as many aspects of the human domain, including dispute resolution and court proceedings, are not only augmented, but even completely taken over by AI-powered systems. Equating adjudication within data processing restrictions is a bit of a misnomer, so the right legal construct in delineating the line between a human judge and a data-driven system will help ensure that technology plays a principled and proportionate role in dispute resolution. Insights from psychoanalytic thinking will aid in this understanding and in developing the code that powers future technological applications in dispute resolution. But even with all that said, we can't deny the fact that technology has the power to change the world for the better. It's not here to replace us, but to help us face our challenges head-on.

So instead of being afraid of technology, let's embrace it and use it to make the world a better place. Together, we can find ways to harness its power and use it to solve problems, rather than just creating more of them.

¹⁴ Paul Levin. (2016), Construction contract claims, changes, dispute resolution. 3rd Edition. Chapter V.

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