# Reforming Artificial Intelligence Governance for Fair and Legitimate Dispute Resolution

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ABSTRACT

The growing adoption of artificial intelligence in dispute resolution has reshaped legal procedures and introduced significant challenges concerning procedural justice, institutional legitimacy, and regulatory accountability. Although technological innovation has expanded the capabilities of online dispute resolution, existing legal frameworks have not adequately addressed the risks associated with algorithmic decision making, limited transparency, and unequal access to justice. This study critically examines artificial intelligence governance in dispute resolution by analysing regulatory approaches in Australia, the United States, and the European Union, together with relevant international legal instruments. Using a qualitative doctrinal legal approach, the study examines primary legal materials and scholarly publications indexed in Scopus. It also applies the CRAAP criteria to evaluate the credibility and relevance of the selected sources. The analysis identifies three principal findings. *First*, fragmented regulatory arrangements and the voluntary participation of commercial actors limit institutional accountability and restrict access to effective dispute resolution. *Second*, insufficient algorithmic transparency, independent supervision, and meaningful human oversight compromise procedural fairness and weaken confidence in automated decision making. *Third*, inadequate international cooperation and regulatory gaps concerning transactions involving personal data hinder effective enforcement across jurisdictions. These findings demonstrate the need for a coherent regulatory approach that strengthens institutional responsibility, safeguards procedural rights, and ensures effective legal protection in increasingly digital dispute resolution systems.

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## Introduction

The increasing integration of artificial intelligence into dispute resolution has transformed how individuals, businesses, and institutions pursue legal remedies.[1] Digital platforms now facilitate complaint registration, evidence submission, negotiation, settlement recommendations, and administrative decisions. Artificial intelligence further expands these functions through automated classification,

[1] Shumin Wang, Yincheng Li and Muhammad Bilawal Khaskheli, 'Innovation Helps with Sustainable Business, Law, and Digital Technologies: Economic Development and Dispute Resolution', *Sustainability*, 16.10 (2024), 3910 https://doi.org/10.3390/su16103910

predictive analysis, and decision support. Although technological innovation can reduce procedural costs and improve accessibility, it also creates legal concerns regarding impartiality, transparency, accountability, and effective remedies.[2] These concerns become particularly significant when private companies control both the technological infrastructure and the procedures governing disputes involving their commercial interests. The central legal challenge therefore concerns whether existing regulatory frameworks can preserve procedural justice and institutional legitimacy when automated systems increasingly influence decisions affecting individual rights.[3]

The development of online dispute resolution reflects the expansion of electronic commerce and digital services since the 1990s.[4] Early systems primarily facilitated communication and negotiation between geographically separated parties.[5] Subsequent innovations introduced electronic case management, automated settlement procedures, and digital evidence assessment. Artificial intelligence has further transformed these mechanisms by enabling systems to analyse claims, identify patterns, and recommend outcomes.[6] However, the increasing sophistication of dispute resolution technology has not necessarily produced corresponding improvements in legal protection. Regulatory effectiveness depends on whether individuals can understand the procedures affecting their claims, challenge unfavourable outcomes, and obtain independent review.[7] These requirements become especially important when technological systems influence substantive decisions rather than merely supporting administrative activities.[8]

Empirical evidence demonstrates the limitations of relying on technological accessibility without effective institutional participation. The European Union

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[2] Wang, Li and Khaskheli.

[3] Davide Carneiro and others, 'Online Dispute Resolution: An Artificial Intelligence Perspective', *Artificial Intelligence Review*, 41.2 (2014), 211–40 https://doi.org/10.1007/s10462-011-9305-z

[4] Amaresh Patel and others, 'Online Dispute Resolution Mechanism as an Effective Tool for Resolving Cross-Border Consumer Disputes in the Era of E-Commerce', *International Journal of Law and Management*, 68.5 (2026), 854–70 https://doi.org/10.1108/IJLMA-07-2024-0245

[5] Qiuxia Qin and others, 'Rural E-commerce and County Economic Development in China', *China & World Economy*, 31.5 (2023), 26–60 https://doi.org/10.1111/cwe.12501

[6] Georgios Kostopoulos, Gregory Davrazos and Sotiris Kotsiantis, 'Explainable Artificial Intelligence-Based Decision Support Systems: A Recent Review', *Electronics*, 13.14 (2024), 2842 https://doi.org/10.3390/electronics13142842

[7] Adib Habbal, Mohamed Khalif Ali and Mustafa Ali Abuzaraida, 'Artificial Intelligence Trust, Risk and Security Management (AI TRiSM): Frameworks, Applications, Challenges and Future Research Directions', *Expert Systems with Applications*, 240 (2024), 122442 https://doi.org/10.1016/j.eswa.2023.122442

[8] Martin Spring, James Faulconbridge and Atif Sarwar, 'How Information Technology Automates and Augments Processes: Insights from Artificial-Intelligence-based Systems in Professional Service Operations', *Journal of Operations Management*, 68.6–7 (2022), 592–618 https://doi.org/10.1002/joom.1215

established its Online Dispute Resolution Platform through Regulation 524/2013 to facilitate consumer disputes arising from online transactions.[9] Despite attracting approximately two to three million visitors annually, only two percent of submitted complaints received positive responses from traders, resulting in approximately 200 referrals to alternative dispute resolution entities each year.[10] These outcomes contributed to the adoption of Regulation 2024/3228, which discontinued the platform in July 2025. This experience demonstrates that providing a digital complaint mechanism does not automatically guarantee effective remedies. The willingness of commercial actors to participate, the availability of independent institutions, and the enforceability of procedural obligations remain essential conditions for meaningful dispute resolution.[11]

The European experience also illustrates the importance of adapting legal frameworks to changing commercial relationships. Directive 2013/11/EU established requirements concerning consumer alternative dispute resolution, including accessibility, institutional independence, and procedural fairness.[12] However, the expansion of digital markets created new disputes involving digital services, personal information, and transactions extending beyond conventional monetary exchanges. Directive 2025/2647 subsequently amended the European consumer dispute resolution framework to address emerging digital transactions and strengthen access to alternative dispute resolution. The revised scope expressly recognizes certain arrangements in which consumers provide personal data in exchange for digital content or services. This development demonstrates that regulatory protection must evolve alongside the economic structures through which digital platforms create and exchange value.[13]

Artificial intelligence introduces additional legal risks that conventional consumer dispute resolution rules cannot fully address. Automated systems may influence outcomes through algorithms whose internal reasoning remains difficult

[9] Pablo Cortés, 'Directive 2013/11/EU on Alternative Dispute Resolution for Consumers and Regulation (EC) 524/2013 on Online Dispute Resolution', in *Regulation (EU) No 910/2014 on Electronic Identification and Trust Services for Electronic Transactions in the Internal Market (EIDAS Regulation)* (Edward Elgar Publishing, 2022), pp. 222–46 https://doi.org/10.4337/9781800372092.00014

[10] Khalid Hussain and others, 'From Likes to Luggage: The Role of Social Media Content in Attracting Tourists', *Heliyon*, 10.19 (2024), e38914 https://doi.org/10.1016/j.heliyon.2024.e38914

[11] Craig A. Johnson, Susan Park and Teresa Kramarz, 'The Unbearable Lightness of Lithium Governance: Legitimizing Extraction for a Just and Sustainable Energy Transition', *Earth System Governance*, 23 (2025), 100235 https://doi.org/10.1016/j.esg.2025.100235

[12] Julio Jorge Aleman-Ramirez and Flora Maria Diaz-Perez, 'Regulation Harmonization, Alternative Dispute Resolution, Artificial Intelligence & Blockchain in the Airline Industry', *Transportation Research Interdisciplinary Perspectives*, 40 (2026), 102343 https://doi.org/10.1016/j.trip.2026.102343

[13] Aura Esther Vilalta Nicuesa and Marian Gili Saldaña, 'AI-Driven Alternative and Online Dispute Resolution in the European Union: An Analysis of the Legal Framework and a Proposed Categorization', *Computer Law & Security Review*, 57 (2025), 106145 https://doi.org/10.1016/j.clsr.2025.106145

for affected parties to understand.[14] Such opacity can prevent individuals from identifying inaccurate information, challenging discriminatory assessments, or determining whether decision makers have considered relevant circumstances. These concerns directly implicate procedural fairness, particularly the rights to receive adequate information, present arguments, and obtain meaningful review. The legal issue therefore extends beyond technological reliability to the allocation of responsibility among software developers, platform operators, dispute resolution institutions, and supervisory authorities.[15]

Regulation 2024/1689, commonly known as the European Union Artificial Intelligence Act, provides an important regulatory response. Article 6 and Annex III establish a framework for identifying certain high risk artificial intelligence systems, including systems used to assist judicial authorities in interpreting facts and law or applying legal rules to particular circumstances.[16] The framework also addresses artificial intelligence used in alternative dispute resolution where the relevant legal conditions are satisfied. Articles 9, 10, 13, and 14 establish requirements concerning risk management, data governance, transparency, and human oversight for systems falling within the relevant regulatory category. These provisions recognize that technological systems influencing legally significant decisions require safeguards beyond ordinary administrative efficiency. Nevertheless, their application depends on the specific function, classification, and legal status of each system.[17]

The relationship between artificial intelligence regulation and dispute resolution law raises a further question concerning regulatory coordination.[18] General artificial intelligence legislation primarily addresses technological risks, provider obligations, and system accountability. Dispute resolution law, by contrast, concerns procedural rights, institutional independence, access to remedies, and the legitimacy of decisions.[19] Although these regulatory objectives overlap, they are not interchangeable. A technically compliant artificial

[14] Wen Zhang and others, 'AI-Powered Decision-Making in Facilitating Insurance Claim Dispute Resolution', *Annals of Operations Research*, 2023 https://doi.org/10.1007/s10479-023-05631-9

[15] Patel and others.

[16] Habib Ahmed, 'Regulatory Framework for Artificial Intelligence (AI) in the Financial Sector: Lessons from the European Union AI Act', *Journal of Financial Regulation and Compliance*, 2026, 1–25 https://doi.org/10.1108/JFRC-11-2025-0358

[17] Segun Odion and Santosh Reddy Addula, 'AI Risk Governance for Advancing Digital Sovereignty in Data-Driven Systems: An Integrated Multi-Layer Framework', *Future Internet*, 18.4 (2026), 209 https://doi.org/10.3390/fi18040209

[18] Tariq K. Alhasan, 'Integrating <scp>AI</Scp> Into Arbitration: Balancing Efficiency With Fairness and Legal Compliance', *Conflict Resolution Quarterly*, 42.4 (2025), 523–34 https://doi.org/10.1002/crq.21470

[19] Kaigeng Li, Hong Wu and Yupeng Dong, 'Copyright Protection during the Training Stage of Generative AI: Industry-Oriented U.S. Law, Rights-Oriented EU Law, and Fair Remuneration Rights for Generative AI Training under the UN's International Governance Regime for AI', *Computer Law & Security Review*, 55 (2024), 106056 https://doi.org/10.1016/j.clsr.2024.106056

intelligence system may operate within a dispute resolution procedure that restricts party participation or independent review. Conversely, a procedurally accessible platform may employ automated tools without adequate safeguards against bias or inaccurate assessments. Effective governance therefore requires an integrated legal approach that connects technological accountability with procedural justice.[20]

Australia provides another relevant comparative perspective. The Australian Securities and Investments Commission requires regulated financial firms to maintain internal dispute resolution arrangements and participate in recognized external dispute resolution mechanisms.[21] Regulatory Guide 271 establishes expectations concerning complaint handling, procedural responses, and institutional responsibility.[22] The Australian Financial Complaints Authority provides independent external dispute resolution for eligible financial complaints. These arrangements demonstrate the importance of connecting commercial obligations with independent remedies. Australia has also strengthened its regulatory response to digital financial harm through the Scams Prevention Framework Act 2025, which establishes obligations affecting designated entities across banking, telecommunications, and digital platform sectors.[23] Although these measures do not constitute comprehensive artificial intelligence dispute resolution legislation, they illustrate an institutional approach that links regulatory supervision with accessible complaint mechanisms.[24]

The scale of digital financial harm reinforces the importance of effective dispute resolution. Australia's National Anti-Scam Centre reported 481,523 scam reports during 2025, with reported financial losses reaching approximately 2.18 billion Australian dollars. These figures do not measure disputes involving artificial intelligence directly. Nevertheless, they demonstrate the substantial consequences of digital transactions and the importance of accessible mechanisms for addressing consumer harm. The Australian experience suggests that effective regulatory governance requires clearly allocated institutional responsibilities, transparent

[20] Melanie Fink and Simona Demková, 'The Constitutional Foundation of Explanation Rights in EU Digital Regulation: An Integrated Approach', *Computer Law & Security Review*, 62 (2026), 106391 https://doi.org/10.1016/j.clsr.2026.106391

[21] Katia Fach Gómez and Catharine Titi, 'Facilitating Access to Investor-State Dispute Settlement for Small and Medium-Sized Enterprises: Tracing the Path Forward', *European Business Law Review*, 34.Issue 7 (2023), 1039–68 https://doi.org/10.54648/EULR2023049

[22] Nicole De Silva, 'Managing Complaint Mechanisms for Regulatory Enforcement: Evidence From Human Rights Institutions During the <scp>COVID</Scp> -19 Pandemic', *Regulation & Governance*, 20.4 (2026), 1853–67 https://doi.org/10.1111/rego.70084

[23] Hilary J. Allen, 'Regulating Fintech: A Harm Focused Approach', *Computer Law & Security Review*, 52 (2024), 105910 https://doi.org/10.1016/j.clsr.2023.105910

[24] Charline Depoorter and Axel Marx, 'Fostering Compliance with Voluntary Sustainability Standards through Institutional Design: An Analytic Framework and Empirical Application', *Regulation & Governance*, 18.4 (2024), 1132–52 https://doi.org/10.1111/rego.12573

complaint procedures, and enforceable obligations for regulated businesses. These elements provide useful comparative considerations when evaluating artificial intelligence assisted dispute resolution.[25]

The United States presents a different regulatory environment shaped by contractual arbitration and decentralized institutional oversight. Section 2 of the Federal Arbitration Act generally recognizes the enforceability of written arbitration agreements, subject to applicable contractual defenses.[26] In *Epic Systems Corp v Lewis*, the Supreme Court upheld employment arbitration agreements requiring individualized proceedings, illustrating the legal significance of contractual arrangements that limit collective dispute resolution. Such developments raise important questions about the relationship between contractual freedom and meaningful access to remedies. Although arbitration may provide an efficient alternative to litigation, its legitimacy depends on whether contractual conditions preserve adequate procedural protection. These concerns become more complex when private digital platforms combine arbitration provisions with automated complaint management or algorithmic decision support.[27]

Judicial experience also demonstrates that procedural barriers may undermine the practical availability of remedies. In *Uber Technologies Inc v Heller*, the Supreme Court of Canada considered an arbitration agreement that imposed substantial financial obstacles on a worker seeking to pursue contractual claims.[28] The decision illustrates how dispute resolution arrangements may become inaccessible when procedural requirements impose disproportionate burdens. Although the case did not involve artificial intelligence, its reasoning provides a relevant comparative perspective on the relationship between contractual design and access to justice. It reinforces the importance of examining the practical consequences of procedural arrangements rather than evaluating their legitimacy solely through formal contractual validity.[29]

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[25] Michael McGuinness and others, 'Regulatory Dark Matter: How Unofficial Rules Shape Policy Outcomes in the Australian Regulatory Environment', *Australian Journal of Public Administration*, 85.3 (2026), 546–67 https://doi.org/10.1111/1467-8500.70030

[26] Ilia Murtazashvili, Ali Palida and Michael J. Madison, 'The Past, Present, and Future of Polycentric Legal Order: A Comparative Institutional Analysis of Lex Mercatoria and Blockchain', *Journal of Institutional Economics*, 22 (2026), e2 https://doi.org/10.1017/S1744137425100386

[27] Mitch Zamoff, 'Safeguarding Confidential Arbitration Awards in Uncontested Confirmation Actions', *American Business Law Journal*, 59.3 (2022), 505–57 https://doi.org/10.1111/ablj.12211

[28] Lisa Marie Borrelli and Anna Wyss, 'Informing for the Sake of It: Legal Intricacies, Acceleration and Suspicion in the German and Swiss Migration Regimes', *Citizenship Studies*, 26.7 (2022), 944–60 https://doi.org/10.1080/13621025.2022.2137941

[29] Rawnak Miraj Ul Azam, 'The Integrated Environmental Justice ADR Paradigm: Institutionalizing Equity and Reciprocity in Transboundary Conflict Resolution', *Conflict Resolution Quarterly*, 43.3 (2026), 441–55 https://doi.org/10.1002/crq.70010

International regulatory initiatives provide additional guidance. The United Nations Commission on International Trade Law adopted its Technical Notes on Online Dispute Resolution in 2016 to support the development of accessible mechanisms for resolving disputes arising from international electronic transactions.[30] These principles emphasize fairness, transparency, due process, and accountability. However, the Technical Notes are descriptive and do not create binding international obligations.[31] Their legal character illustrates a broader limitation of international digital dispute resolution governance: shared procedural principles may promote institutional convergence without guaranteeing enforceable protections. Differences in national legislation, supervisory authority, and recognition of dispute outcomes continue to complicate international cooperation.[32]

Existing scholarship has examined these developments through several complementary approaches. Foundational research established the concept of technology as a fourth participant in dispute resolution, emphasizing its influence on communication and procedural relationships.[33] Subsequent studies investigated consumer protection, contractual arbitration, institutional independence, and jurisdictional challenges. More recent scholarship examines algorithmic bias, automated decision making, explainability, and human oversight.[34] These contributions provide valuable foundations for understanding the relationship between technological innovation and procedural justice. However, identifying technological risks does not independently establish which legal obligations should govern system developers, commercial platforms, or dispute resolution institutions.[35]

Several limitations therefore remain in the existing research. *First*, comparative studies have not consistently integrated institutional accountability, technological

[30] Kadek Agus Sudiarawan and others, 'Formulation of Online Dispute Resolution in Realizing Fair Industrial Relations Dispute Settlement: A Comparative Study', *Jurnal IUS Kajian Hukum Dan Keadilan*, 12.2 (2024), 227–48 https://doi.org/10.29303/ius.v12i2.1308

[31] Felix Ekardt and others, 'Legally Binding and Ambitious Biodiversity Protection under the CBD, the Global Biodiversity Framework, and Human Rights Law', *Environmental Sciences Europe*, 35.1 (2023), 80 https://doi.org/10.1186/s12302-023-00786-5

[32] Laila Berning and Metodi Sotirov, 'The Coalitional Politics of the European Union Regulation on Deforestation-Free Products', *Forest Policy and Economics*, 158 (2024), 103102 https://doi.org/10.1016/j.forpol.2023.103102

[33] Daniel Brantes Ferreira and others, 'Arbitration Chambers and Trust in Technology Provider: Impacts of Trust in Technology Intermediated Dispute Resolution Proceedings', *Technology in Society*, 68 (2022), 101872 https://doi.org/10.1016/j.techsoc.2022.101872

[34] Rina Arum Prastyanti and Prattana Srisuk, 'Consumer Dispute Resolution Decision Policies and Business Implications', *Contrarius*, 2.1 (2026), 54–69 https://doi.org/10.53955/contrarius.v2i1.263

[35] Erion Murati, 'Decoding Public and Private AI Legal Tech: Autonomy, Liability, Legal and Ethical Risks', in *Jacob, K., Schindler, D., Strathausen, R., Waltl, B. (Eds) Liquid Legal – Sustaining the Rule of Law. Law for Professionals* (Springer Cham, 2025), pp. 155–88 https://doi.org/10.1007/978-3-031-78596-2_8

oversight, and procedural rights within a single analytical framework.[36] *Second*, research concerning artificial intelligence frequently emphasizes ethical principles without sufficiently examining how legal systems can translate those principles into enforceable obligations.[37] *Third*, the relationship between general artificial intelligence regulation and specialized dispute resolution requirements remains insufficiently clarified.[38] *Fourth*, the expansion of transactions involving personal data requires further examination of regulatory coverage and effective remedies. These limitations demonstrate the need for a comparative approach that evaluates regulatory structures alongside the procedural consequences of automated decision making.[39]

The scientific contribution of this study lies in developing an integrated framework for artificial intelligence governance in dispute resolution.[40] The proposed framework connects three dimensions. The first concerns institutional accountability, including regulatory fragmentation, commercial participation, and independent supervision. The second concerns procedural justice, particularly algorithmic transparency, meaningful human oversight, and the ability to challenge automated assessments. The third concerns effective legal protection through international cooperation, enforceable remedies, and regulatory recognition of disputes involving digital data transactions. Integrating these dimensions provides a legal foundation for evaluating the legitimacy of artificial intelligence assisted dispute resolution beyond technological efficiency.[41]

The urgency of this research arises from the growing influence of automated systems over disputes affecting consumers, workers, and businesses. Without appropriate legal safeguards, technological innovation may improve administrative efficiency while weakening procedural participation, transparency, and access to independent remedies. This study therefore addresses three research problems: how existing regulatory frameworks protect procedural rights in artificial intelligence assisted dispute resolution, which institutional and

[36] Carlos García-Llorente and Ignacio Olmeda, 'Algorithmic Governance in Banking: A Comparative Analysis of Risk-Based and Accountability-Oriented Oversight', *Journal of Banking Regulation*, 27.2 (2026), 19 https://doi.org/10.1057/s41261-026-00320-6

[37] Ammar Zafar, 'Balancing the Scale: Navigating Ethical and Practical Challenges of Artificial Intelligence (AI) Integration in Legal Practices', *Discover Artificial Intelligence*, 4.1 (2024), 27 https://doi.org/10.1007/s44163-024-00121-8

[38] Jing Ma and others, 'Can AI Participate in Dispute Resolution? Five Fundamental Questions That Remain Open for Discussion', *Laws*, 15.4 (2026), 74 https://doi.org/10.3390/laws15040074

[39] Sabri Barbaria and others, 'Advancing Compliance with HIPAA and GDPR in Healthcare: A Blockchain-Based Strategy for Secure Data Exchange in Clinical Research Involving Private Health Information', *Healthcare*, 13.20 (2025), 2594 https://doi.org/10.3390/healthcare13202594

[40] Mathusha Francis and others, 'Dispute Management in the Digital Era: The Role of Artificial Intelligence and Emerging Technologies', *Buildings*, 16.4 (2026), 706 https://doi.org/10.3390/buildings16040706

[41] Hongkang Xu, 'Regulatory Fragmentation and Internal Control Weaknesses', *Journal of Accounting and Public Policy*, 44 (2024), 107191 https://doi.org/10.1016/j.jaccpubpol.2024.107191

technological deficiencies undermine fairness and legitimacy, and what regulatory reforms can strengthen accountability and effective legal protection. Accordingly, the study aims to critically evaluate regulatory approaches in Australia, the United States, and the European Union, examine relevant international instruments, and formulate an integrated governance framework that reconciles technological innovation with procedural fairness, institutional legitimacy, and access to justice.[42]

## Research Method

This research used doctrinal methodology, which is proceeds through the systematic identification, description, and critical evaluation of legal norms, regulatory instruments, and academic commentary.[43] The primary method of data collection is systematic document analysis, encompassing legislation, international guidelines, institutional policy documents, regulatory reports, and peer-reviewed academic literature. The doctrinal method also permits the integration of theoretical frameworks, which are essential for situating the regulatory analysis. The methodology thus reflects the dual purpose of the article: to provide an accurate account of the current regulatory landscape and to contribute to its normative development. All sources have been selected and evaluated in accordance with the CRAAP test, ensuring that only credible and relevant materials inform the analysis. The primary documentary sources analyzed include binding legal instruments, such as Directive 2013/11/EU on consumer ADR, the EU ODR Regulation (EU) No 524/2013, the United States Alternative Dispute Resolution Act 1998, and the UK Alternative Dispute Resolution for Consumer Disputes Regulations 2015, as well as non-binding regulatory guidelines issued by the OECD, ASEAN, UNCTAD, the Council of Europe, and the International Organization for Standardization (ISO 10003:2018). Academic literature was sourced exclusively from peer-reviewed journals indexed in the Scopus database, with publication dates restricted to last 5 year, in order to ensure both scholarly rigour and temporal relevance to the contemporary ODR landscape. The comparative dimension of the research involved the systematic examination of regulatory approaches across Australia, the United States, the European Union, and selected international organisations, including ASEAN and the United Nations. This comparative framing enables the identification of both common regulatory principles and divergent national approaches, furnishing a richer

[42] Nurumov Dilshodbek Djumabaevich and others, 'Rethinking State Sovereignty for Sustainable Digital Asset Governance', *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, 4.3 (2026), 983–1011 https://doi.org/10.68247/jsderi.v4i3.250

[43] Anis Mashdurohatun and others, 'Combating Digital Defamation: Regulations, Challenges and Protecting Reputation', *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, 3.3 (2025), 486–514 https://doi.org/10.53955/jsderi.v3i3.147

evidential base for reform proposals than a single-jurisdiction study could provide.[44]

## Results and Discussion

### *Regulatory Fragmentation and Institutional Accountability in Artificial Intelligence Dispute Resolution*

Digital platforms increasingly determine how individuals submit complaints, present evidence, negotiate settlements, and challenge unfavourable decisions. These developments have expanded private influence over procedures traditionally governed by courts, arbitrators, and independent dispute resolution institutions. Although technological innovation can improve efficiency and accessibility, it also creates significant accountability concerns when commercial platforms control procedural rules and the systems that influence dispute outcomes.[45] The analysis identifies a fundamental regulatory tension between the private administration of digital disputes and the public legal principles governing fairness, impartiality, and effective remedies. Existing legal frameworks address aspects of this tension, but they differ considerably in their regulatory scope, participation requirements, institutional independence, and supervisory capacity.[46]

The emergence of private digital dispute resolution does not necessarily eliminate public judicial authority.[47] Commercial arbitration has long enabled parties to resolve disputes outside ordinary courts, subject to applicable contractual and procedural safeguards.[48] However, artificial intelligence introduces additional challenges because technological systems may influence the substance of decisions through processes that parties cannot independently

[44] Jundiani and others, 'Urban Green Space Regulation: Challenges to Water Resources Conservation in Indonesia and Australia', *Journal of Human Rights, Culture and Legal System*, 4.1 (2024), 169–93 https://doi.org/10.53955/jhcls.v4i1.128

[45] Greetje F. Corporaal and Vili Lehdonvirta, 'Resolving Disputes in Mediated "Gig" Work: How Marketplace Structure Influences the Impartiality of Dispute Handling by Labor Market Intermediaries', *New Technology, Work and Employment*, 40.2 (2025), 285–308 https://doi.org/10.1111/ntwe.12309

[46] Hariyanto Hariyanto and others, 'Legal Ambiguities Surrounding the Role of Regional House of Representatives in Indonesia's Regional Autonomy Framework', *Legality : Jurnal Ilmiah Hukum*, 33.2 (2025), 334–60 https://doi.org/10.22219/ljih.v33i2.38409

[47] Stephanie Law, 'Effective Enforcement of the Online Safety Act and Digital Services Act: Unpacking the Compliance and Enforcement Regimes of the UK and EU's Online Safety Legislation', *Journal of Media Law*, 16.2 (2024), 263–300 https://doi.org/10.1080/17577632.2025.2459441

[48] Mohammed El Hadi El Maknouzi and others, 'Islamic Commercial Arbitration and Private International Law: Mapping Controversies and Exploring Pathways towards Greater Coordination', *Humanities and Social Sciences Communications*, 10.1 (2023), 523 https://doi.org/10.1057/s41599-023-02031-z

examine.[49] Large digital platforms, including electronic marketplaces and digital service providers, commonly establish internal complaint procedures and determine the available forms of redress.[50] These arrangements may offer rapid responses to routine disputes, but their institutional legitimacy becomes questionable when the platform simultaneously establishes procedural rules, possesses a commercial interest in the outcome, and controls relevant evidence. The central concern therefore involves the concentration of procedural authority without corresponding mechanisms of independent accountability.[51]

The legal implications become clearer when distinguishing between artificial intelligence that supports human decision makers and systems that generate outcomes with limited human involvement.[52] Supportive applications assist mediators, arbitrators, or complaint handlers through document classification, case management, information retrieval, and settlement recommendations.[53] In these circumstances, identifiable human actors retain responsibility for evaluating evidence and determining outcomes. Substitutive applications perform more extensive functions, potentially generating decisions or settlement outcomes without individualized human assessment.[54] These applications raise more demanding questions about procedural legitimacy because affected parties may struggle to identify who exercised decision making authority or how the system evaluated their claims. The distinction matters because regulatory obligations should correspond to the actual influence of technology over procedural and substantive outcomes rather than the mere presence of artificial intelligence.[55]

The European Union provides a particularly important example of both regulatory development and institutional limitations. Directive 2013/11/EU

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[49] Tomasz Braun, 'Liability for Artificial Intelligence Reasoning Technologies – a Cognitive Autonomy That Does Not Help', *Corporate Governance: The International Journal of Business in Society*, 26.6 (2026), 1390–1410 https://doi.org/10.1108/CG-09-2024-0471

[50] Ariawan Ariawan, 'Regulatory Barriers to Consumer Protection in Digital Marketplaces', *Journal of Human Rights, Culture and Legal System*, 5.3 (2025), 806–32 https://doi.org/10.53955/jhcls.v5i3.782

[51] Haris Alibašić, 'Systemically Mediated Leadership in AI-Enabled Organizations: A Socio-Technical Systems Theory of Distributed Judgment, Feedback, and Accountability', *Systems*, 14.8 (2026), 984 https://doi.org/10.3390/systems14080984

[52] Desmond Lartey and Kris M.Y. Law, 'Artificial Intelligence Adoption in Urban Planning Governance: A Systematic Review of Advancements in Decision-Making, and Policy Making', *Landscape and Urban Planning*, 258 (2025), 105337 https://doi.org/10.1016/j.landurbplan.2025.105337

[53] Ozlem Ozmen Garibay and others, 'Six Human-Centered Artificial Intelligence Grand Challenges', *International Journal of Human–Computer Interaction*, 39.3 (2023), 391–437 https://doi.org/10.1080/10447318.2022.2153320

[54] Wanje Gil and Chungwhan Sung, 'From Instrument to Religious Authority: Mapping AI Applications, Roles, and Risks in Contemporary Buddhism', *Religions*, 17.9 (2026), 1069 https://doi.org/10.3390/rel17091069

[55] Stanley Greenstein and Mauro Zamboni, 'Navigating the Legislative Dilemma: Evaluating the EU AI Act's Approach to Regulating Emerging Technologies', *The Theory and Practice of Legislation*, 13.3 (2025), 312–52 https://doi.org/10.1080/20508840.2025.2513177

established requirements for consumer alternative dispute resolution, including institutional independence, impartiality, transparency, effectiveness, fairness, and accessibility.[56] The Directive requires Member States to support access to competent dispute resolution entities and establishes standards governing their operation. This framework represents an important departure from purely voluntary industry arrangements because it places institutional quality within a legally recognized regulatory structure. Nevertheless, the Directive did not universally require traders to participate in every consumer dispute resolution procedure.[57] Participation obligations remained dependent on applicable national legislation, contractual commitments, and sector specific arrangements. Consequently, the existence of an approved dispute resolution entity did not necessarily guarantee that a consumer could obtain meaningful engagement from the business concerned.[58]

The experience of the European Online Dispute Resolution Platform demonstrates the practical consequences of this institutional limitation. Regulation 524/2013 established a centralized digital platform intended to facilitate access to alternative dispute resolution for disputes arising from online sales and service contracts.[59] The platform provided an institutional connection between consumers, traders, and recognized dispute resolution entities. However, the European legislature subsequently acknowledged substantial weaknesses in its practical operation.[60] Regulation 2024/3228 reported that the platform attracted approximately two to three million visitors annually, yet only two percent of submitted complaints received a positive trader response enabling referral to a recognized dispute resolution entity. This translated into approximately 200 referrals annually across the European Union. These figures reveal a substantial

[56] Pablo Cortés, 'Embedding Alternative Dispute Resolution in the Civil Justice System: A Taxonomy for ADR Referrals and a Digital Pathway to Increase the Uptake of ADR', *Legal Studies*, 43.2 (2023), 312–30 https://doi.org/10.1017/lst.2022.42

[57] Frederick Rieländer, 'Policing Consumer Contract Terms under US and EU Law: A Comparative Analysis of the Directive 93/13/EEC on Unfair Terms in Consumer Contracts and the Restatement of Consumer Contracts', *German Law Journal*, 26.5 (2025), 766–89 https://doi.org/10.1017/glj.2025.10138

[58] Andhyka Muchtar and M. Misbahul Mujib, 'Model Regulations for Collecting State Revenue in Registration of Sale and Purchase Land', *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, 2.1 (2024), 67–85 https://doi.org/10.53955/jsderi.v2i1.24

[59] Hakeem Adeniyi Ajonbadi and others, 'Exploring the Voice and Representation Mechanisms of Platform Workers and Implications for Decent Work in the Nigerian Gig Economy', *Journal of Industrial Relations*, 68.4 (2026), 514–42 https://doi.org/10.1177/00221856251337191

[60] Sony Kulshrestha, 'Efficiency and Effectiveness of Consumer Dispute Mediation: An Empirical Study of Government, Private, and Online Dispute Resolution Forums', *Conflict Resolution Quarterly*, 44.1 (2026), 77–88 https://doi.org/10.1002/crq.70034

difference between formal technological accessibility and actual institutional participation.[61]

The European Union discontinued the platform on 20 July 2025 through Regulation 2024/3228. This decision provides an important empirical finding concerning regulatory effectiveness.[62] A centralized digital interface can increase visibility and simplify complaint submission, but it cannot independently overcome weak participation incentives or inadequate institutional engagement. The platform's discontinuation should not be interpreted as evidence that online dispute resolution itself lacks value.[63] Rather, it demonstrates that technological infrastructure must operate within an institutional framework capable of encouraging or requiring meaningful responses to complaints. The principal deficiency concerned the relationship between digital access and effective procedural participation. This distinction is essential when evaluating artificial intelligence systems because increasingly sophisticated automation cannot compensate for the absence of enforceable institutional obligations.[64]

The European Union subsequently adopted Directive 2025/2647 to modernize the consumer alternative dispute resolution framework. The revised provisions expand relevant coverage to certain disputes involving digital content and services supplied in exchange for personal data.[65] They also introduce requirements concerning trader responses to invitations from competent dispute resolution entities, subject to specified conditions and exceptions.[66] Under the revised framework, relevant traders must generally communicate whether they agree to participate within twenty working days, with a possible extension to thirty working days in appropriate circumstances. However, these requirements should not be confused with a universal obligation to participate in substantive dispute resolution. The Directive also requires national implementation according

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[61] Yuru Liu and Yan Wan, 'Consumer Satisfaction with the Online Dispute Resolution on a Second-Hand Goods-Trading Platform', *Sustainability*, 15.4 (2023), 3182 https://doi.org/10.3390/su15043182

[62] Juan M. Lozano-Gil and others, 'Ninjurins Regulate Hematopoietic Stem Cell Amplification through Canonical WNT Signaling Independent of Plasma Membrane Rupture', *Nature Communications*, 17.1 (2026), 8904 https://doi.org/10.1038/s41467-026-75917-6

[63] Sultan Alyahya and Atheer Alsaif, 'Empower: A Unified Platform for Reporting Quality Assurance Issues in Digital Government', *Sage Open*, 16.1 (2026) https://doi.org/10.1177/21582440261423762

[64] Yoshija Walter, 'Managing the Race to the Moon: Global Policy and Governance in Artificial Intelligence Regulation—A Contemporary Overview and an Analysis of Socioeconomic Consequences', *Discover Artificial Intelligence*, 4.1 (2024), 14 https://doi.org/10.1007/s44163-024-00109-4

[65] João Pedro Quintais, Naomi Appelman and Ronan Ó Fathaigh, 'Using Terms and Conditions to Apply Fundamental Rights to Content Moderation', *German Law Journal*, 24.5 (2023), 881–911 https://doi.org/10.1017/glj.2023.53

[66] Elizaveta A. Gromova and Daniel Brantes Ferreira, 'Regulatory Sandbox: Bridging the Gaps by Designing a Dispute Resolution System', *Conflict Resolution Quarterly*, 43.1 (2025), 91–98 https://doi.org/10.1002/crq.21482

to its prescribed timetable. Its significance therefore lies in strengthening procedural engagement and modernizing regulatory coverage rather than establishing an immediately uniform system of compulsory trader participation.[67]

The European Union Artificial Intelligence Act introduces a further dimension of regulatory accountability. Regulation 2024/1689 identifies certain artificial intelligence systems used in the administration of justice and alternative dispute resolution as potentially presenting significant risks to fundamental rights.[68] Article 6 and Annex III establish the relevant classification framework, while provisions concerning risk management, data governance, transparency, and human oversight create obligations for systems falling within the applicable regulatory categories.[69] These requirements recognize that artificial intelligence may influence legally significant decisions and therefore requires safeguards extending beyond ordinary software reliability. Nevertheless, the classification depends on the system's intended purpose and the conditions established by the Regulation. Not every digital complaint management tool automatically constitutes a high risk artificial intelligence system.[70]

The interaction between artificial intelligence regulation and consumer dispute resolution law illustrates the continuing fragmentation of legal responsibility.[71] The Artificial Intelligence Act primarily establishes obligations concerning the development, deployment, and supervision of relevant technological systems. Consumer dispute resolution legislation addresses institutional independence, procedural accessibility, and the rights of disputing parties.[72] These frameworks pursue complementary objectives but do not necessarily establish a unified accountability structure. A platform may satisfy applicable technical requirements while maintaining contractual procedures that restrict independent review. Conversely, an approved dispute resolution entity may comply with institutional standards while lacking sufficient technical expertise to evaluate an automated

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[67] Yang Zhou and Mengmin Sun, 'Rural Decline and Revitalization in China: A Systems Framework for Relational and Functional Reconfiguration', *Journal of Rural Studies*, 128 (2026), 104441 https://doi.org/10.1016/j.jrurstud.2026.104441

[68] Johann Laux, Sandra Wachter and Brent Mittelstadt, 'Trustworthy Artificial Intelligence and the European Union <scp>AI</Scp> Act: On the Conflation of Trustworthiness and Acceptability of Risk', *Regulation & Governance*, 18.1 (2024), 3–32 https://doi.org/10.1111/rego.12512

[69] Ronit Justo-Hanani, 'The Politics of Artificial Intelligence Regulation and Governance Reform in the European Union', *Policy Sciences*, 55.1 (2022), 137–59 https://doi.org/10.1007/s11077-022-09452-8

[70] Marco Esperança and others, 'Proactive Complaint Management in Public Sector Informatics Using AI: A Semantic Pattern Recognition Framework', *Applied Sciences*, 15.12 (2025), 6673 https://doi.org/10.3390/app15126673

[71] Jinghui He and Zhenyang Zhang, 'Algorithm Power and Legal Boundaries: Rights Conflicts and Governance Responses in the Era of Artificial Intelligence', *Laws*, 14.4 (2025), 54 https://doi.org/10.3390/laws14040054

[72] Olfa Mansouri, Nadia Yusuf and Chokri Kooli, 'Ethical Frontiers and Legal Boundaries: Proposing a Unified Framework for AI Regulation and Accountability', *Next Research*, 2.4 (2025), 101087 https://doi.org/10.1016/j.nexres.2025.101087

decision support system. Effective governance therefore requires coordination between technological supervision and procedural oversight. The existence of separate regulatory instruments does not, by itself, establish that this coordination occurs consistently in practice.[73]

Australia offers a contrasting institutional approach through its regulation of financial dispute resolution. The Australian Securities and Investments Commission requires relevant financial firms to maintain internal dispute resolution arrangements and participate in the Australian Financial Complaints Authority where applicable.[74] Regulatory Guide 271 establishes enforceable requirements concerning complaint handling, recording, responses, and procedural timeframes. Regulatory Guide 267 addresses oversight of the external dispute resolution framework.[75] These arrangements connect commercial complaint handling obligations with access to an independent institution. Unlike a purely voluntary referral platform, the Australian financial dispute resolution structure establishes participation requirements for regulated firms. This institutional design provides an important example of how public regulation can strengthen the relationship between internal complaint procedures and independent external remedies.[76]

Empirical evidence demonstrates the scale of this institutional framework. The Australian Financial Complaints Authority received 100,745 complaints during the 2024 to 2025 financial year, following 104,861 complaints in the preceding year. Its subsequent annual review recorded 119,949 complaints during 2025 to 2026, representing a nineteen percent increase. Banking and finance accounted for 66,971 complaints during the latter period. These figures demonstrate substantial public reliance on an established external dispute resolution institution. They do not establish the prevalence of artificial intelligence in complaint determination or demonstrate that automated systems caused the recorded disputes. Their relevance instead concerns institutional capacity, complaint volumes, and the importance of enforceable participation arrangements. The Australian experience

[73] Andi Tenri Famauri and others, 'Artificial Intelligence in Indonesia's Alternative Dispute Resolution: From Digital Facilitator to Adjudicator Partner', *Jurnal Media Hukum*, 33.1 (2026), 21–39 https://doi.org/10.18196/jmh.v33i1.30554

[74] Andrew West, 'Meaningful Work and Unethical Work: The Crisis in Australian Financial Advice', *Business Ethics, the Environment & Responsibility*, 32.3 (2023), 882–95 https://doi.org/10.1111/beer.12531

[75] Michelle Brooks and others, 'A Rapidly Moving Beast: Australian Regulatory Reforms to Tackle "Greenwashing" and the Lessons We Are Learning', *Journal of Energy & Natural Resources Law*, 44.1 (2026), 95–117 https://doi.org/10.1080/02646811.2024.2436773

[76] Axel Marx, 'The European Union's Directive on Corporate Sustainability Development Due Diligence: An Institutional Design Effectiveness Analysis', *Journal of Environmental Policy & Planning*, 27.6 (2025), 706–19 https://doi.org/10.1080/1523908X.2025.2451698

suggests that regulatory effectiveness depends on whether individuals can obtain independent review when internal procedures fail to resolve their concerns.[77]

Nevertheless, Australia's institutional arrangements do not constitute a comprehensive legal framework governing artificial intelligence across all dispute resolution sectors. Financial complaints operate within a specialized regulatory structure, while disputes involving employment, consumer marketplaces, digital services, and other commercial relationships may follow different procedures. Professional accreditation and mediator standards can strengthen the quality of human dispute resolution, but they do not automatically establish technical requirements for algorithmic transparency or independent auditing. The Australian model therefore demonstrates the value of enforceable institutional participation while revealing the limitations of sector specific regulation. Its principal contribution to comparative analysis lies in showing that effective complaint handling requires clear supervisory responsibility and independent escalation mechanisms, even where technological governance remains separately regulated.[78]

The United States presents a different configuration of institutional responsibility. Its dispute resolution environment reflects the interaction of federal legislation, state contract law, sector specific consumer protection rules, and private arbitration agreements. Section 2 of the Federal Arbitration Act generally requires courts to enforce written arbitration agreements according to their terms, subject to applicable contractual defenses. In *Epic Systems Corp v Lewis*, the Supreme Court upheld employment arbitration agreements requiring individualized proceedings despite challenges concerning collective employment rights. The decision demonstrates the legal significance of contractual arrangements in determining the forum and procedural structure available to disputing parties. However, it does not establish that all arbitration agreements are enforceable regardless of circumstances or that private arbitration operates entirely beyond judicial supervision.[79]

The widespread use of arbitration provisions raises important institutional questions when combined with digital platform governance. Businesses may establish standard contractual terms requiring individual dispute resolution while maintaining substantial influence over the complaint procedures that precede

[77] Ben Hutchinson, Sidney Dekker and Andrew Rae, 'Audit Masquerade: How Audits Provide Comfort Rather than Treatment for Serious Safety Problems', *Safety Science*, 169 (2024), 106348 https://doi.org/10.1016/j.ssci.2023.106348

[78] Adi Syohreni Abdul Hadi, Ahmad Masum and Yusuf Ibrahim Arowosaiye, 'Artificial Intelligence and Dispute Resolution in Brunei: Assessing Readiness, Legal Reform, and the Way Forward', *Indonesia Law Reform Journal*, 5.2 (2025), 189–208 https://doi.org/10.22219/ilrej.v5i2.40541

[79] Hannah L. Buxbaum, 'Adhesive Forum Selection Agreements and Access to Justice: The Function and Limits of Anti-Waiver Protections', *German Law Journal*, 26.5 (2025), 876–88 https://doi.org/10.1017/glj.2025.10140

arbitration. The Consumer Financial Protection Bureau's 2015 arbitration study examined the use of arbitration agreements across consumer financial markets affecting large numbers of individuals. This research provides an empirical foundation for understanding the relationship between standardized contractual arrangements and access to collective remedies. Nevertheless, the study does not establish that artificial intelligence determines arbitration outcomes. Its relevance concerns the legal environment within which private dispute resolution operates and the potential procedural consequences of contractual restrictions. Artificial intelligence may intensify these concerns where automated assessments further reduce transparency or meaningful opportunities for challenge.[80]

The American framework also demonstrates that institutional fragmentation cannot be reduced to an absence of legal protection. Courts retain authority to assess arbitration agreements under applicable legal principles, while federal and state authorities regulate particular aspects of consumer and employment relationships.[81] However, these protections operate through multiple legal mechanisms rather than a single comprehensive regulatory structure for artificial intelligence assisted dispute resolution. This arrangement may complicate accountability when a dispute involves contractual restrictions, automated decision support, personal data processing, and potentially discriminatory outcomes. Different legal questions may fall within the responsibilities of different institutions. The resulting challenge concerns whether existing supervisory arrangements can coordinate their responses effectively and provide accessible remedies without imposing disproportionate procedural burdens on individual claimants.[82]

International instruments offer additional principles but generally provide more limited enforcement mechanisms. The United Nations Commission on International Trade Law adopted its Technical Notes on Online Dispute Resolution in 2016 to assist governments, dispute resolution providers, and parties in developing digital procedures for international commercial disputes. The Technical Notes emphasize fairness, transparency, due process, and accountability. However, they are descriptive and do not create binding obligations. Their significance lies in establishing shared procedural expectations rather than directly regulating artificial intelligence systems. Consequently, they

[80] Abdul Kadir Jaelani and Resti Dian Luthviati, 'The Crime Of Damage After the Constitutional Court's Decision Number 76/PUU-XV/2017', *Journal of Human Rights, Culture and Legal System*, 1.1 (2021) https://doi.org/10.53955/jhcls.v1i1.5

[81] S. Matthew Liao and others, 'Navigating the Complexities of AI and Digital Governance: The 5W1H Framework', *Journal of Responsible Technology*, 23 (2025), 100127 https://doi.org/10.1016/j.jrt.2025.100127

[82] Cen-Ying Lee and others, 'Towards Sustainable Payment: Main Contractor Views on Project Trust Accounts', *Construction Management and Economics*, 44.10 (2026), 765–86 https://doi.org/10.1080/01446193.2026.2689649

cannot independently resolve questions concerning mandatory platform participation, technical auditing, liability for automated errors, or recognition and enforcement of outcomes across jurisdictions. These matters continue to depend on applicable domestic legislation, contractual arrangements, and other international legal instruments.[83]

Regulatory fragmentation continues to undermine institutional accountability because existing legal frameworks do not adequately integrate technological governance with the procedural requirements of dispute resolution. Artificial intelligence regulations establish obligations for system providers and deployers, yet these obligations do not necessarily address the legal relationships between commercial platforms and disputing parties. Differences in participation requirements further complicate effective legal protection. The European experience demonstrates how voluntary trader participation can restrict access to meaningful remedies, whereas Australia's financial complaints framework illustrates the importance of mandatory participation within regulated sectors. Institutional accountability also remains constrained by overlapping supervisory responsibilities among authorities responsible for consumer protection, financial services, arbitration, data protection, and artificial intelligence. Without effective coordination, these institutions may apply separate regulatory standards without adequately examining the fairness, transparency, and legitimacy of automated dispute resolution procedures. Strengthening regulatory coherence therefore requires clearly defined institutional responsibilities, coordinated supervisory mechanisms, and enforceable procedural safeguards that connect technological accountability with effective access to justice.[84]

Independent dispute resolution entities may employ automated systems that reproduce biases or generate inaccurate recommendations. Conversely, technically reliable systems may operate within institutions that lack sufficient independence from commercial interests. Neither technological compliance nor institutional accreditation independently guarantees legitimate outcomes. Effective accountability requires both dimensions to operate together. Regulators must identify the legal actors responsible for technological deployment, while dispute resolution institutions must preserve meaningful opportunities for parties to understand and challenge relevant decisions. The responsibility for automated outcomes should remain attributable to identifiable legal persons rather than

[83] Neha Mishra and Ana Maria Palacio Valencia, 'Digital Services and Digital Trade in the Asia Pacific: An Alternative Model for Digital Integration?', *Asia Pacific Law Review*, 31.2 (2023), 489–513 https://doi.org/10.1080/10192557.2023.2216058

[84] Wendy L Currie and others, 'Rethinking Technology Regulation in the Age of AI Risks', *Journal of Information Technology*, 40.3 (2025), 236–45 https://doi.org/10.1177/02683962251378815

being displaced onto artificial intelligence systems that do not possess independent legal personality.[85]

Public authorities should establish clear responsibilities for platform operators, artificial intelligence providers, and dispute resolution entities according to their respective functions. Regulated businesses should maintain accessible complaint procedures and provide meaningful access to independent review where legally required. Supervisory institutions should develop the technical capacity to examine relevant automated processes and coordinate with authorities responsible for artificial intelligence and data protection. At the same time, regulatory obligations should remain proportionate to the influence of technology over substantive decisions. Systems providing administrative assistance do not necessarily require the same safeguards as systems generating outcomes without meaningful human intervention.[86]

The regulatory fragmentation undermines institutional accountability when legal obligations fail to connect technological control with responsibility for procedural outcomes. The European Union demonstrates both the importance of minimum institutional standards and the limitations of digital infrastructure without effective participation. Australia illustrates the value of enforceable complaint handling obligations and independent external review within regulated sectors. The United States highlights the continuing influence of contractual arbitration and decentralized legal supervision. International instruments provide common procedural principles but cannot independently guarantee implementation. Together, these findings establish that legitimate artificial intelligence dispute resolution requires coordinated regulatory responsibilities, effective institutional supervision, and accessible mechanisms for challenging decisions. Such coordination provides the necessary foundation for the subsequent examination of algorithmic transparency and procedural justice.[87]

### *Algorithmic Transparency and Procedural Justice in Artificial Intelligence Dispute Resolution*

The development of a regulatory design suitable for technology-driven dispute resolution requires engagement with nine interrelated regulatory domains.[88] Each

[85] Alesia Zhuk, 'Enhancing Online Dispute Resolution through Natural Language Processing: A Case Study of Kleros', *International Cybersecurity Law Review*, 6.4 (2025), 599–625 https://doi.org/10.1365/s43439-025-00161-5

[86] Ahmed Oudah Mohammed Al-Dulaimi and Mohammed Abd-Al Wahab Mohammed, 'Legal Responsibility for Errors Caused by Artificial Intelligence (AI) in the Public Sector', *International Journal of Law and Management*, 68.4 (2026), 695–722 https://doi.org/10.1108/IJLMA-08-2024-0295

[87] Jessica Ochmann and others, 'Perceived Algorithmic Fairness: An Empirical Study of Transparency and Anthropomorphism in Algorithmic Recruiting', *Information Systems Journal*, 34.2 (2024), 384–414 https://doi.org/10.1111/isj.12482

[88] Zoltán Gyurász and Ema Krkošková, 'Artificial Intelligence Driven Alternative Dispute Resolution', *European Studies*, 11.2 (2024), 33–49 https://doi.org/10.2478/eustu-2024-0015

domain addresses a distinct aspect of the governance challenges identified above. The first domain concerns binding minimum standards for the design and operation of ODR platforms. Regulatory frameworks must move beyond general principles and establish enforceable technical requirements. These should govern the design, testing, deployment, and continuous monitoring of ODR systems. They must also include clear standards on system reliability, uptime, data integrity, and the documentation and disclosure of algorithmic processes. The second domain concerns mandatory trader participation. The persistent voluntariness of participation in existing consumer ADR frameworks undermines their effectiveness. This deficiency can only be addressed by introducing mandatory participation requirements across a wider range of commercial sectors. The objective is to ensure that the practical accessibility of ODR mechanisms corresponds to their formal availability. [89]

The third domain concerns AI-specific governance. Regulations should require that AI systems used in ODR comply with enforceable standards of transparency, explainability, and absence of bias. All automated or semi-automated decisions in individual disputes must be subject to meaningful human review upon request. The criteria and training data of such systems should be disclosed to regulatory authorities and, where appropriate, to the parties. Independent audit mechanisms must also be established to ensure periodic review of these systems.[90] The fourth domain concerns the extension of scope within the data economy. The EU ADR Directive, the UK regulations, and similar national instruments should be amended to cover disputes arising from contracts in which consumers provide personal data instead of monetary payment. They should also include disputes relating to pre-contractual matters and disputes involving traders established outside the regulating jurisdiction but operating within it. The fifth domain concerns cross-border enforcement. The development of a binding multilateral instrument on ODR should be treated as a priority in international law-making. This instrument should build on existing frameworks, including the ASEAN Guidelines and the UNGCP. It should provide a legal basis for the mutual recognition of ODR outcomes, cooperation between national ODR bodies, and the cross-border enforcement of decisions.[91]

The sixth domain concerns cybersecurity and data protection. ODR operators must implement security measures consistent with the GDPR and applicable national data protection laws. They must ensure secure communication channels,

[89] Miriam Guillen-Aguinaga and others, 'Data Quality in the Age of AI: A Review of Governance, Ethics, and the FAIR Principles', *Data*, 10.12 (2025), 201 https://doi.org/10.3390/data10120201
[90] Guillermo Lazcoz and Paul de Hert, 'Humans in the GDPR and AIA Governance of Automated and Algorithmic Systems. Essential Pre-Requisites against Abdicating Responsibilities', *Computer Law & Security Review*, 50 (2023), 105833 https://doi.org/10.1016/j.clsr.2023.105833
[91] Martyna Kulińska, 'Cross-Border Commercial Disputes: Jurisdiction, Recognition and Enforcement of Judgments After Brexit', *Croatian Yearbook of European Law and Policy*, 16 (2020) https://doi.org/10.3935/cyelp.16.2020.370

maintain encrypted data storage, and establish clear breach notification procedures.[92] The seventh domain is accessibility. ODR operators must comply with mandatory accessibility standards aligned with the W3C Web Content Accessibility Guidelines.[93] These standards must ensure that dispute resolution systems are accessible to all users, regardless of disability, digital literacy, or technological access. The eighth domain addresses electronic evidence and enforceability. Clear rules must govern the submission, authentication, and admissibility of digital evidence in ODR proceedings. Legal frameworks must also confirm the validity and enforceability of ODR outcomes under national laws and relevant international instruments, including the New York Convention.[94] The ninth domain is practitioner competence. Regulatory frameworks must require mediators, arbitrators, and other ODR professionals to demonstrate technological competence as a condition of accreditation. Professional bodies should establish training standards that evolve in response to technological developments in dispute resolution.[95]

All regulatory domains are not discrete prescriptions. They operate as interdependent elements of a single governance framework. Each domain relies on the others for effective operation. Algorithmic transparency is ineffective without institutional capacity to assess disclosed information. Mandatory participation lacks value without enforceable quality standards that ensure fairness in ADR processes. Cross-border mechanisms cannot function without common technical standards and mutual recognition frameworks. This governance design must therefore be considered and implemented as an integrated system. It cannot be treated as a series of isolated regulatory measures. An approach that requires a high degree of coordination among national legislatures, regional bodies such as the European Union, and international organizations including UNCITRAL, UNCTAD, and ISO. This level of coordination has not yet been achieved in the field of online dispute resolution. Effective implementation further requires substantial institutional capacity.[96]

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[92] Renato Solimar Alves and others, 'Enhancing Cybersecurity in the Judiciary: Integrating Additional Controls into the CIS Framework', *Computers & Security*, 157 (2025), 104584 https://doi.org/10.1016/j.cose.2025.104584

[93] Sara Hamideh Kerdar, Liane Bächler and Britta Marleen Kirchhoff, 'The Accessibility of Digital Technologies for People with Visual Impairment and Blindness: A Scoping Review', *Discover Computing*, 27.1 (2024), 24 https://doi.org/10.1007/s10791-024-09460-7

[94] Fadhel Arjuna Adinda and others, 'The Challenge of Admitting Electronic Evidence in Civil Procedure Law', *Jurnal IUS Kajian Hukum Dan Keadilan*, 13.3 (2025), 656–80 https://doi.org/10.29303/ius.v13i3.1873

[95] Sara Migliorini and João Ilhão Moreira, 'Clashing Frameworks: The EU AI Act and Arbitration', *European Journal of Risk Regulation*, 17.1 (2026), 140–60 https://doi.org/10.1017/err.2025.10043

[96] Catherine M. Tucker and others, 'Governance of Interdependent Ecosystem Services and Common-Pool Resources', *Land Use Policy*, 127 (2023), 106575 https://doi.org/10.1016/j.landusepol.2023.106575

The challenge of building institutional and technical capacity does not justify postponing reform. On the contrary, it requires that reform begin without delay. The development of expertise is inherently time-consuming. Any further delay will widen the governance gap as the use of AI in ODR continues to expand. The regulatory framework proposed here is designed to operate within existing constitutional and administrative structures across the jurisdictions examined. It relies on established regulatory techniques, adapted to the specific requirements of online dispute resolution. It does not require the creation of new legal institutions or constitutional arrangements. The central objective of this framework is to preserve and give effect to fundamental principles of procedural justice.[97] These include the right to be heard, the right to a reasoned decision, the right to an impartial tribunal, and the right to an effective remedy. These principles have developed over centuries of legal practice. They must not be weakened by the digital transformation of dispute resolution. This objective is not opposed to technological innovation. Rather, it is a necessary condition for it. An ODR system can only be legitimate if it is trustworthy, sustainable, and capable of securing the confidence of its users.[98]

The analysis of this research has implications for five categories of actors that shape the evolution of the ODR regulatory framework. The principal implication is the need to amend consumer ADR instruments in a targeted manner. Regulatory coverage should extend to data-economy transactions and pre-contractual disputes. Legislators should also introduce mandatory participation requirements in a wider range of commercial contexts. In addition, statutory frameworks should incorporate specific provisions governing artificial intelligence. These should require algorithmic transparency, independent auditability, and the preservation of rights to human review. The second implication is the urgent need to develop technical capacity for the oversight of AI systems used in ODR. This may be achieved either through the recruitment of specialized technical expertise or through the establishment of independent advisory bodies. Such bodies should be empowered to conduct algorithmic audits on behalf of competent authorities.[99]

The third implication is the need to priorities the development of a binding multilateral instrument on ODR.[100] Such an instrument should establish a clear

[97] Daniel S. Nagin and Cody W. Telep, 'Procedural Justice and Legal Compliance', in *The Cambridge Handbook of Compliance* (Cambridge University Press, 2021), pp. 385–403 https://doi.org/10.1017/9781108759458.027

[98] J.J. Prescott, 'Using ODR Platforms to Level the Playing Field', in *Legal Tech and the Future of Civil Justice* (Cambridge University Press, 2023), pp. 286–304 https://doi.org/10.1017/9781009255301.016

[99] Migle Laukyte, 'Averting Enfeeblement and Fostering Empowerment: Algorithmic Rights and the Right to Good Administration', *Computer Law & Security Review*, 46 (2022), 105718 https://doi.org/10.1016/j.clsr.2022.105718

[100] Hanna Hämäläinen and Janne Salminen, 'Inclusive Participation in Law-Making: Good Governance or a Constitutional Obligation?', *The Theory and Practice of Legislation*, 13.2 (2025), 213–35 https://doi.org/10.1080/20508840.2025.2513176

legal framework for the cross-border enforcement of ODR outcomes, ensure mutual recognition of approved ADR entities, and set minimum technical standards for the use of artificial intelligence in dispute resolution processes. The fourth implication is the professional duty to acquire adequate technological competence.[101] This competence is necessary to advice clients effectively on digital dispute resolution mechanisms and to engage meaningfully in the governance and oversight of the platforms that deliver these services. The fifth implication is the ethical and increasingly legal responsibility to design ODR systems that incorporate procedural justice principles within their architecture. These principles should not be treated as external constraints to be minimized in favor of efficiency, but as essential design requirements.[102]

These implications lead to a single central recommendation. The establishment of a comprehensive, technically detailed, and cross-jurisdictionally coordinated regulatory framework for technology-assisted dispute resolution.[103] The purpose of this framework is to ensure that digital innovation enhances access to justice while remaining firmly grounded in the core principles of procedural fairness, institutional legitimacy, and equal protection of parties.[104] The framework should be dynamic rather than static. It must include structured review mechanisms that require regular reassessment of regulatory standards in response to technological change. It should also be administered by institutions that possess both the technical competence and the legal authority necessary for effective enforcement. Its development presents both an intellectual and a political challenge. It requires sustained collaboration among scholars, policymakers, practitioners, and civil society actors across jurisdictions where digital dispute resolution systems operate. It also demands the allocation of adequate institutional resources and political commitment to convert normative recommendations into binding legal rules.[105]

The most urgent recommendations arising from the research are as follows. The European Union should revise Directive 2013/11/EU to broaden its scope. It should explicitly include data-economy transactions, pre-contractual disputes, and traders established outside the EU. It should also introduce mandatory trader participation

[101] Ewa Skantz-Åberg and others, 'Teachers' Professional Digital Competence: An Overview of Conceptualisations in the Literature', *Cogent Education*, 9.1 (2022) https://doi.org/10.1080/2331186X.2022.2063224

[102] Leah Wing and others, 'Designing Ethical Online Dispute Resolution Systems: The Rise of the Fourth Party', *Negotiation Journal*, 37.1 (2021), 49–64 https://doi.org/10.1111/nejo.12350

[103] Magdalena Łągiewska, *Digitalization and the Use of New Technologies in International Arbitration* (Brill | Nijhoff, 2024) https://doi.org/10.1163/9789004700710

[104] Huaxing Wang and Chuanxi Zhang, 'The Impact of Digital Justice on Firm Digital Innovation: Evidence from China's Internet Courts', *Computer Law & Security Review*, 60 (2026), 106274 https://doi.org/10.1016/j.clsr.2026.106274

[105] Annisa Triyanti and others, 'Clarifying and Strengthening the Role of Law and Governance in Climate Scenario Frameworks', *Earth System Governance*, 18 (2023), 100199 https://doi.org/10.1016/j.esg.2023.100199

in consumer ADR beyond sectors already covered by specific legislation. The European Union and the Council of Europe should jointly develop a dedicated regulatory instrument on the use of AI in ODR. This instrument should build on existing Council of Europe guidelines and the EU AI Act. It should set clear technical standards on algorithmic transparency, explainability, bias auditing, and the right to human review in ODR processes. UNCITRAL should be mandated to prepare a binding multilateral convention on ODR. This convention should establish a framework for the recognition and enforcement of ODR outcomes across borders. It should also set minimum procedural standards for the resolution of cross-border disputes in digital commerce.[106]

National regulatory authorities in all jurisdictions should be granted a clear technical mandate and adequate institutional resources to conduct algorithmic audits of artificial intelligence systems used in dispute resolution. In addition, professional bodies governing mediators, arbitrators, and other alternative dispute resolution practitioners should introduce mandatory technological competence requirements within their accreditation frameworks. These requirements should expressly include the capacity to identify and address algorithmic bias and technical malfunction in ODR platforms. These proposals are based on the comparative and doctrinal analysis presented in this article. They are designed to be practicable within existing legal and institutional structures while offering a meaningful improvement to current regulatory frameworks. They are advanced as a constructive response to an urgent regulatory challenge that is capable of being addressed through sustained scholarly and institutional effort. The governance of technology in dispute resolution constitutes a central legal challenge of the digital era. The adequacy of regulatory responses will significantly influence the quality and legitimacy of justice in contemporary societies.[107]

## Conclusion

This study concludes that effective artificial intelligence governance in dispute resolution requires a coherent legal framework that safeguards procedural justice, institutional legitimacy, and accountability. The comparative analysis of Australia, the United States, the European Union, and relevant international instruments reveals three principal findings. *First*, regulatory fragmentation, inconsistent participation obligations, and overlapping supervisory responsibilities weaken institutional accountability and limit access to effective remedies. *Second*, inadequate algorithmic transparency, independent oversight, and meaningful human intervention undermine procedural fairness and the legitimacy of automated decisions. *Third*, insufficient international cooperation and limited

[106] Anna Thomaidou and Konstantinos Limniotis, 'Navigating Through Human Rights in AI: Exploring the Interplay Between GDPR and Fundamental Rights Impact Assessment', *Journal of Cybersecurity and Privacy*, 5.1 (2025), 7 https://doi.org/10.3390/jcp5010007

[107] Hannah Overbye-Thompson and Ronald E. Rice, 'Understanding How Users May Work around Algorithmic Bias', *AI & SOCIETY*, 41.3 (2026), 2385–99 https://doi.org/10.1007/s00146-025-02498-1

regulatory protection for transactions involving personal data create significant gaps in digital dispute resolution. To address these challenges, this study proposes an integrated governance framework that establishes clear institutional responsibilities, enforceable transparency requirements, independent algorithmic oversight, effective human review, and stronger international regulatory coordination. The principal contribution of this research lies in connecting technological accountability with procedural rights and institutional responsibility within a unified legal framework. Ultimately, artificial intelligence should strengthen rather than replace the fundamental principles of fairness, impartiality, accountability, and access to justice that underpin legitimate dispute resolution.

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