



Recalibrating Justice and Efficiency: A Behavioral Law and Economics Approach to Legal Decision-Making in India in the Age of AI

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DOI : <https://doi.org/10.5281/zenodo.17922038>

ARTICLE DETAILS

Research Paper

Accepted: 21-11-2025

Published: 10-12-2025

Keywords:

Law and Economics, Artificial Intelligence and Law, Judicial Decision, Heterogeneity of Legal Cultures, Rational Choice Theory, Constitutional Values, Empirical Research in Law.

ABSTRACT

The old conflict of law and economics efficiency is still the matter of the development of the legal science, especially in the context of the Economic Analysis of Law (EAL). The Indian context is complicated by constitutional values, social-economic inequalities and heterogeneity of legal cultures, which make efficiency-based strategies based on the rational choice theory and wealth maximization highly problematic. New insights into behavioral Law and Economics (BLE) present a different analytical perspective that identifies the existence of cognitive biases, limited rationality, and situation-specific decision-making. At the same time, the accelerated incorporation of artificial intelligence (AI) into the legal profession, dispute resolution, and jury adjudication has some radical potentials of decreasing delays, increasing consistency, and better predictability of the law. This study is a critical analysis of how the BLE with the help of AI-assisted tools can re-establish the equilibrium between efficiency and justice in the process of making legal decisions in India. The research adopts an interdisciplinary approach that includes the elements of doctrinal analysis, behavioral insights, and empirical research of the chosen areas of law, such as insolvency resolution, labor regulation, the regulation of digital platforms, and administrative justice. It also assesses the emergent risk like algorithms partiality, diminished human oversight, epistemic invisibility, and unequal access to digital legal



systems. Instead of substituting the traditional court reasoning or constitutional values, this paper proposes harmonized approach, placing AI and behavioral insights as auxiliary to enhance fairness, accountability, and evidence-based thinking.

1. Introduction

The Economic Analysis of Law (EAL) is the process of using microeconomic concepts to understand legal rules, assess policy choices, and forecast behavioral reactions to legal change. It has its roots in the Chicago School of thought and focuses on efficiency, especially via utilitarian and cost-benefit approaches. The approach, though, has beclouded various methodological controversies, particularly its suitability with normative values for law.

Main Methodological Debates:

1. Efficiency vs. Justice:

EAL emphasizes allocative efficiency at the expense of fairness, equity, and rights-based approaches. The critics suggest that concentrating on maximizing wealth undermines law as an instrument of economics to the exclusion of moral and constitutional considerations.

2. Rational Actor Model:

Classical EAL draws on the rational choice theory and conceives of people acting to maximize utility. This has been questioned by behavioral economics, which brings out irrationality in behavior, heuristics, and cognitive bias in legal decision-making.

3. Positive vs. Normative Analysis:

EAL tends to confuse description of how legal institutions function (positive analysis) with prescription of economically desirable outcomes (normative analysis). This challenges the nature of law as a value-based institution.

4. Context-Specific Application:

EAL is better applicable to contract law and tort law, in which outcomes can be quantified. Its use for human rights, environmental law, or criminal justice is generally restricted or contentious.



Reconciliation Efforts

To resolve the tension between justice and efficiency, contemporary EAL has added to its scope:

- **Distributive Justice Considerations:** Certain frameworks now incorporate social equity and the effect of legislation on disadvantaged groups.
- **Capabilities Approach (Amartya Sen):** This approach assesses legal systems by their capacity to promote human freedoms and capabilities, not just efficiency.
- **Behavioral Law and Economics:** It makes use of psychological understanding for policy design that combines welfare maximization with dignity and safeguarding humans against exploitation.
- **Pluralist Frameworks:** They appreciate the fact that efficiency is just one of several values in legal argument, not the sole objective.

Overall, economic analysis of law has evolved from a strict efficiency framework to one that is more encompassing and interdisciplinary and aims to synthesize legal results both with economic sense and moral justice.

2. Hypothesis-Free Legal Research and Pitfalls of Statistics

Legal research does not necessarily need a hypothesis to be significant. Although hypotheses are crucial in empirical analysis, a great deal of legal study, particularly doctrinal, comparative, or philosophical analysis, starts with research questions instead of testable assumptions.

Hypothesis-Free Legal Research:

- In doctrinal research, authors study statutes, case law, and legal concepts to expound on legal stances or criticize judicial argumentation.
- Explanatory research on new emerging legal issues (e.g., digital privacy, AI ethics, fintech regulations) typically never has a hypothesis to begin with and instead seeks to comprehend trends, gaps, or conceptual contradictions.

2.1 Pitfall in Using Statistics:



One of the biggest statistical fallacies is to confuse correlation and causation. In legal research, a correlation (e.g., rising litigation and increasing GDP) does not imply the other causes it. Legal researchers will need to control for confounding variables and eschew simplistic conclusions.

2.2 Descriptive Statistics in Legal Research:

Descriptive statistics tabulate and classify data to expose patterns and trends. Examples are:

- Mean time taken to settle cases,
- Percentage of insolvency cases settled under IBC,
- Graphical depiction of backlogs in courts.

These instruments are useful in empirical legal research to guide legal reform and policy interventions, if appropriately interpreted.

3. Impact of AI-Driven Citation Tools on Legal-Economic Research and Risks of Over-Reliance

AI-based literature mapping and citation tools like Semantic Scholar, Scite, and Research Rabbit are revolutionizing legal-economic research. Machine learning-based tools browse gigantic datasets, find corresponding works, and recommend connections between scholarly works.

3.1 Positive Effects on Research:

- **Easier Literature Discovery:** AI enables researchers to locate high-quality, relevant sources more quickly, particularly in interdisciplinary fields.
- **Mapping of Ideas:** Tools present a mapping of ideas as visual relationships, enabling scholars to build more holistic research frameworks.
- **Gap Identification:** AI identifies under-explored areas, which allow researchers to ask new legal-economic questions.
- **Dynamic Citation Tracking:** Researchers can monitor emerging jurisprudence or shifts in economic policy in near real-time.

3.2 Risks of Over-Reliance:

- **Algorithmic Bias:** AI can perpetuate mainstream narratives and overlook less-well-known or non-Western scholarship, reducing diversity in legal research.



- **Narrowed Inquiry:** Dependence on AI-proposed suggestions can stifle novel thinking and increase academic echo chambers.
- **Lack of Critical Engagement:** Computer-assisted citation diminishes the richness of critical reading and analysis of sources.
- **Invisible Algorithms:** Transparent AI systems could potentially cause researchers to inadvertently depend on faulty or biased reasoning.

3.3 Balancing AI and Human Judgment:

Whereas AI technologies advance efficiency and reach, responsible use needs balancing. Legal researchers must critically appraise sources, cross-check data, and exercise intellectual freedom to maintain scholarly rigor and originality.

4. Phenomenal, Conceptual, and Measurement Frameworks

The workshop emphasized the role of the Phenomenal, Conceptual, and Measurement Frameworks as the cornerstone of excellence in legal research, particularly in interdisciplinary areas such as law and economics.

Reflection:

These frameworks guarantee:

- Relevance to actual problems (Phenomenal),
- Theoretical soundness and clarity (Conceptual),
- Empirical foundation (Measurement).

They lead the researcher from the identification of a legal issue to the building of a sustainable academic argument and, ultimately, the testing or demonstration of the argument with suitable data or analysis.

4.1 Access to Justice for India's Gig Workers

- **Phenomenal Framework:** Delves into how gig workers (like delivery drivers) find it hard to get legal protection because they are informally working.
- **Conceptual Framework:** Applies theories of precarious work, platform capitalism, and social security law.



- Measurement Framework: Studies contract terms data, number of filed labor disputes, or percentage of workers receiving legal aid.

Through the application of these structures, the research becomes structured, relevant, and academically valuable - setting the path from concept to publication.

Conclusion

This exercise synthesizes learnings from the national workshop on legal research and scholarly publishing. From comprehending the subtleties of economic legal analysis to harnessing AI and building strong research frameworks, every question mirrors the development of legal scholarship in the digital, data-based era.

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