Rethinking Academic Integrity with the rise of Generative Artificial Intelligence (AI) In Legal Research

Manasa Pradhan[*]

Abstract

Generative Artificial Intelligence (AI) has been crowned a savior for legal scholars and professionals alike because of its ability to use simple prompts for instruction and generate content within seconds, owing to its efficiency in the processes of legal research. With the rampant use of AI across the research community, information has been flowing out at rates never before. However, the increase in AI tools leads to the misuse of such tools. A huge ethical question looms on whether content created by generative AIs is "original" content acceptable in research or a conduction of plagiarism, the extreme conditions leading to potential copyright violations. This paper aims to recognize generative AI models and its massive impact in legal research, attempting to uncover the extent of ethical use of generative AI in the processes of initial research and content writing, and focusing on ways for maintaining integrity based on doctrinal methodology using national and international laws as primary sources of information and books, journal articles and news articles as secondary sources of information. The paper recognizes the importance of integrating legal research with technological innovation. It aims to emphasize that, despite being a significant aid in academic research, generative AI should be viewed as a learning guide rather than an outright content creator to maintain the highest academic integrity. Therefore, the obligation in maintaining academic integrity starts with the legal researcher by limiting the use of generative AI for initial investigation on subject matters or content editing processes for language or grammatical revisions rather than reliance for complete articulation.

Keywords: *Artificial, Intelligence, plagiarism, Citation, Legal research*

I. Introduction

The term Artificial Intelligence (AI) was first coined by Stanford Professor John McHarthy in 1955, as "the science and engineering of making intelligent machines".[1] A more recent definition states that AI is technology that allows computers and machines to mimic human learning, comprehension,

---

[*] Manasa Pradhan is a Section Office, Government of Nepal. The author can be reached at manasa1723pradhan@gmail.com.

[1] Christopher Manning, 'Artificial Intelligence Definitions', *Human Centred-Artificial Intelligence Stanford University*, 2020, p. 1, available at https://hai-production.s3.amazonaws.com/files/2020-09/AI-Definitions-HAI.pdf, accessed on 18 June 2025.

problem solving, decision-making, creativity, and autonomy.[2] Thus, AI refers to a new form of technology inspired to reduce human errors and loads in any given task.

Generative AI is a branch of AI technology, defined as the "technology that (i) leverages deep learning models to (ii) generate human-like content (e.g., images, words) in response to (iii) complex and varied prompts (e.g., languages, instructions, questions)".[3] In short, it refers to predicting the next word based on all the preceding words or "context".[4] AI has been used in all forms of research, stemming from the idea of making the process faster, efficient and more extensive. Tools of AI are rampant with companies such as ChatGPT by OpenAI, LexisNexis, Bloomberg, Quillbot paraphrasing modules, all directed at making the research process more streamlined. For example, ChatGPT is a Large Language Model (LLM) that "generates human-like text based on a given prompt or context.",[5] generating conversations, answers and translations. Of all generative AI modules, ChatGPT (Chat Generative Pre-Trained Transformer) has showcased outstanding usage with its easy interface and accessibility for scholars and researchers.

The GPT-3 model is the most recent extension, based on a language model with 175 billion parameters and trained on a varied dataset of naturally occurring text acquired from many online sources such as web pages, books, research publications, and social chatter.[6] However, the cost of using AI falls on both the user and the unintended consequences attached to inaccuracy, lack of credibility, and acknowledgement. According to OpenAI, ChatGPT may provide "plausible sounding but incorrect or nonsensical answers" and "guess what the user intended" instead of answering inquiries, raising credibility concerns.[7] Hence, while AI can make the research faster, it will also cost the research's integrity.

Despite being first introduced in 2022, the use of generative AI models, particularly ChatGPT, in research is still considered a new arena, and is still under speculation for the maintenance of academic integrity. In this light, this paper is based on doctrinal methodology with usage of primary sources of information, including national and international laws, and secondary sources of information such as books, journal articles, and news articles.

The paper attempts to elaborate on the use of generative AI in legal research, limiting its use during initial research and content writing, followed by regulations already in place by academic institutions. The drawbacks of solely relying on generative AI have been attested by legal scholars, professionals, as well as by studies that using content generative AI could lead to plagiarism, copyright infringement, and inaccurate research. Thus, this paper concludes by uncovering ethical measures to avoid plagiarism

---

[2]   Cole Stryker, 'What is Artificial Intelligence?', *IBM Website*, 2024, available at https://www.ibm.com/think/topics/artificial-intelligence, accessed on 28 October 2024.

[3]   Yogesh K. Dwivedi et. al, 'So what if ChatGPT wrote it? Multidisciplinary perspectives on opportunities, challenges and implications of generative conversational AI for research, practice and policy', *International Journal of Information Management* p. 1, volume 71, 2023, pp. 24-27, available at https://www.sciencedirect.com/science/article/pii/S0268401223000233?via%3Dihub#sec0005, accessed on 26 January 2025; Rosario MichelVillarreal et. al, 'Challenges and Opportunities of Generative AI for Higher Education as Explained by ChatGPT', *Education Sciences*, volume 13:9, 2023, available at https://www.mdpi.com/2227-7102/13/9/856, accessed on 26 January 2025, p. 1.

[4]   Yoshua Bengio et. al., 'A Nueral Probalistic Language Model', *Journal of Machine Learning Research* p.1, volume 3, 2003, p. 2.

[5]   Ibid

[6]   Yogesh K. Dwivedi et. al. (n 3), p. 4.

[7]   Open AI, 'ChatGPT: Optimizing Language Models for Dialogue', *Website of OpenAI*, available at https://openai.com/blog/chatgpt/, accessed on 27 January 2025.

and copyright infringement while using AI tools in legal research, while also recommending that academic institutions recognize best practices in regulating its use.

II. The Practice of Using AI in Legal Research

AI has been attributed to being used extensively in every step of the research process. From finding information to assistance in writing and checking errors, AI tools have simplified the research processes in their own way. Newer generative AI models go beyond keyword searches and are even able to understand the context behind the prompts that are fed to it. The most recent innovation being DeepSeek, an open-source reasoning model[8] developed by the Chinese AI company of the same name, rivaling the current model of ChatGPT. DeepSeek is capable of showing the steps of its thinking rather than just generating a prompt answer.

The rapid advancement of AI technology has enhanced productivity in a variety of industries and serves as a resource for completing jobs that are tiring to humans or can be eliminated in the process.[9] These AI technologies can provide results that are undetectable by human judgment or automated plagiarism, using fabrication methods.[10] While AI was developed to assist in removing laborious human processes, the technology has been misused time and again to eliminate human interaction, at the expense of other researchers and authors.

The increase in AI usage, especially in academic research writing, has been alarming. Turnitin revealed an AI-detection software only months after OpenAI was announced by ChatGPT. Since then, Turnitin has reviewed over 200 million papers submitted for AI detection, out of which 22 million students used more than 20% AI content in their work.[11] According to the Center for Democracy & Technology, a civil rights NGO, the number of instructors who use AI detection technologies has increased by 30 percentage points year on year, reaching 68% in the 2023-24 school year.[12]

Yet not everything about generative AI should be a concern. There is an agreement on its advantages in improving education, especially for assisting in various academic tasks. ChatGPT and Grammarly are particularly regarded for enhancing sentence structure and clarity of expression, hence making written communication more scholarly, especially for students whose first language is not English.[13]

---

[8]   Alex Olteanu, 'DeepSeek R1: Features, o1 Comparison, Distilled Models & More', *Datacamp*, 2025, available at https://www.datacamp.com/blog/deepseek-r1, accessed on 24 February 2025.

[9]   Erik Brynjolfsson, Daniel Rock and Chad Syverson, 'Artificial Intelligence and the Modern Productivity Paradox: A Clash of Expectations and Statistics', *NBER Working Paper Series*, Working Paper No. 24001, National Bureau of Economic Research, 2017, p.2, available at https://www.nber.org/system/files/working_papers/w24001/w24001.pdf, accessed on 28 October 2024.

[10]   Catherine A. Gao et. al, 'Comparing Scientific Abstracts Generated by ChatGPT to Original Abstracts Using an Artificial Intelligence Output Detector, Plagiarism Detector, and Blinded Human Reviewers', *Northwestern University Feinberg School of Medicine Press*, 2023, available at https://www.biorxiv.org/content/10.1101/2022.12.23.521610v1.article-info, accessed on 28 October 2024.

[11]   Anna Merod, 'How much are students using AI in their writing?', *Website of K-12 Drive*, 15 April 2024, available at https://www.k12dive.com/news/students-ai-plagiarism-turnitin/713177/, accessed on December 3, 2024.

[12]   Ibid

[13]   Hayder Albayati, 'Investigating undergraduate students' perceptions and awareness of using ChatGPT as a regular assistance tool: A user acceptance perspective study', *Computers and Education, Artificial Intelligence*, 2024, available at https://www.researchgate.net/publication/381066282_Investigating_undergraduate_students%27_perceptions_and_awareness_of_using_ChatGPT_as_a_regular_assistance_tool_A_user_acceptance_perspective_study, accessed on 24 February 2025.

Moreover, as intended originally, these tools are gateways to efficient working for students. Thus, students typically have a flexible stance when embracing AI tools, which are becoming just as indispensable as calculators and search engines were in the past due to their ability to aggregate data in previously unattainable ways.[14]

A newer discourse has been emerging on what counts as plagiarism or "cheating" when using AI tools in legal research and academic writing. For example, the University of Cambridge has specified that students are permitted to employ AI technologies to help with their personal study, research, and formative work. However, they have mentioned a more stringent rule on plagiarism through AI. Their official website states, "a student using any unacknowledged content generated by artificial intelligence within a summative assessment as though it is their own work constitutes academic misconduct, unless explicitly stated otherwise in the assessment brief."[15]

Other academic institutions have developed a more understanding outlook on the use of AI in academic writing. For example, the University of South Florida has extensively allowed use of generative AI or ChatGPT in academic writing, if a proper disclaimer has been posted for the readers, teachers, and publishers. They focus on restricting use of AI through authorization of the professors for any coursework, or the entire thesis committee for its use in any dissertation.[16]

The Arkansas State University has embraced a middle path, encouraging students to use AI as "a tool and not reusing AI-generated work for assignments,"[17] all the while informing them of the concerns associated with it, including plagiarism and copyright infringement. Thus, reusing the works of AI without crediting or noting constitutes plagiarism in the University's dictionary, the consequences of which ranging over lower or failing grades and disciplinary actions such as expulsion.[18]

The use of AI in research and academic writing is increasing, with rules and regulations adapting to the ever-growing realm of technology. While some retain the former stringent rules on academic writing through technological assistance, others lean into adapting to the inevitable use. As the proliferation of generative AI is growing in academic research, it "necessitates a reevaluation of originality in writing, the purpose of learning research and writing, and the frameworks governing intellectual property (IP) and plagiarism."[19]

III. Use of AI in Legal Research

Legal research differs slightly from the general framework in research as it includes components of analyzing and processing legal texts rather than other materials, making it particularly more prone to natural language than scientific numbers. However, branches of legal research, such as jurimetrics, have embraced AI technology in data storage and retrieval systems, even furthering it to the end

---

[14] James Hutson, 'Rethinking Plagiarism in the Era of Generative AI', *Journal of Intelligent Communication* p. 20, volume 3:2, 2024, p. 26, available at https://ojs.ukscip.com/journals/jic/article/view/220/202, accessed on 25 January 2025.

[15] Plagiarism and Academic Misconduct, *Official Website of the University of Cambridge*, available at https://www.plagiarism.admin.cam.ac.uk, accessed on 28 October 2024.

[16] AI Tools and Resources, *Official Website of the University of South Florida*, available at https://guides.lib.usf.edu/c.php?g=1315087&p=9678778, accessed on 28 October 2024.

[17] Plagiarism and AI, *Official Website of the Arkansas State University*, available at https://libguides.astate.edu/plagiarism/ai, accessed on 25 January 2025.

[18] Ibid

[19] James Hutson (n. 14).

of AI-powered analytics with tools such as LexMachina. Lex Machina has even incorporated and leveraged the latest generative AI technology to provide text summarization, streamline its analytics on judges, courts, opposing counsels, and the parties.[20]

The problem with traditional legal research stems from its alignment with natural language and the vastness of documents, making it difficult for legal and non-legal professionals to analyze documents quickly and efficiently. AI-powered legal research tools are ushering in a new era of efficiency, accuracy, and insight, profoundly altering the way lawyers approach their work. For example, in 2020, LexisNexis introduced Lexis+, an AI-powered legal research tool, and users began to realize how AI can help them find relevant information faster and more cost-effectively.

LexisNexis, now considered a powerhouse in legal AI tools has summarized AI's capabilities employed in a variety of angles including "...natural language processing (NLP) for legal documents, predictive analytics for case outcomes, legal research search engines, contract analysis and management, e-discovery identification and classification, compliance monitoring, intellectual property process automation and search, litigation analysis, risk assessment, sentiment analysis, conversational search, summarization of search results, document drafting powered by generative AI."[21]

The ABA Legal Technology Survey in 2019 found that 8% of legal professionals used AI in their legal research.[22] A similar survey conducted in 2022 found that 65.9% respondents thought training in use of AI in legal research was very important.[23]AI technologies use NLP to better grasp the context and nuances of legal writings, allowing them to search for and retrieve important information more efficiently. More specifically, legal professionals see the most potential of AI in research assistance, document drafting, legal analysis and email writing.[24] In sum, AI in legal research provides efficiency, reducing time-consuming processes that come with it.

ABA's AI Department Head, who authored a content with AI, stated that AI technologies might also "produce new lines of argument, brainstorm counterarguments, or test hypothetical scenarios" far faster than human researchers.[25] However, the author has also warned about not relinquishing legal duty to AI without checking every word the technology produces. Legal professionals agree that AI still requires intense development to actually search legal context consistently, let alone understand and analyze it.[26]

---

[20]   Legal Analytics, *Official Website of Lex Machina*, available at https://lexmachina.com/legal-analytics, accessed on 26 January 2025.

[21]   Legal Insights, 'The Power of Artificial Intelligence in Legal Research', *Official Website of LexisNexis*, 2023, available at https://www.lexisnexis.com/community/insights/legal, accessed on 28 October 2024.

[22]   Darla Wynon Kite-Jackson, '2023 Artificial Intelligence (AI) TechReport', 2023, *Official Website of the American Bar Association*, available at https://www.americanbar.org/groups/law_practice/resources/tech-report/2023/2023-artificial-intelligence-ai-techreport/, accessed on 28 October 2024.

[23]   Ibid

[24]   Lexis Press Room, 'LexisNexis International Legal Generative AI Survey Shows Nearly Half of the Legal Profession Believe Generative AI Will Transform the Practice of Law', *Official Website of LexisNexis*, 2023, available at https://www.lexisnexis.com/community/pressroom, accessed on 28 October 2024.

[25]   Paul D. Callister, 'Law, Artificial Intelligence, and Natural Language Processing: A Funny Thing Happened on the Way to My Search Results', *Law Library Journal* p. 161, volume 112:2, 2020, pp. 169-171, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3712306, accessed on 28 October 2024.

[26]   Ibid

IV. Using Generative AI in Legal Research: Reinforcing Academic Integrity

The bigger question in using AI for research (specifically writing) is whether AI modules can plagiarize and cause copyright infringements. Numerous studies have shown that AI can do more damage than just plagiarize. The problems caused by the use of AI go beyond the legal research community, even targeting scientific research. The non-legal researchers have faced falsification or manipulation of data, fabrication of non-existent results, and plagiarism of another author's work from using AI in their research.[27] However, due to both the legal and non-legal community using general generative AI models such as Chat-GPT, the findings of their usage are applicable in both arenas.

Three crucial technical points have to be considered to understand why generative AIs are prone to plagiarizing and copyright infringement-

    a. "The models are trained on massive datasets derived from the larger internet, newspapers, and journals (including works protected by copyright),

    b. Despite companies taking measures to prevent reproduction of these datasets, the models can be prompted to do so,

    c. Even when users do not intentionally prompt to reproduce the works, the model may do so."[28]

To that end, AI content could have three major negative impacts on the ethics of legal research: plagiarism, copyright infringement, and getting inaccurate or false information, misleading the audience.[29]

A. Plagiarism

In regard to the first issue, plagiarism occurs when AI-generated text copies words verbatim from another source, paraphrases too closely, or presents another creator's original thoughts or ideas without proper citation.[30] In extensive research as to whether AI conducts plagiarism, found that it does, in more ways than one. By comparing 210,000 generated texts to the 8 million GPT-2 pre-training documents, the scientists found evidence of all three types of plagiarism in the language models they evaluated.[31] The research also revealed that GPT-2 can exploit and reuse words, sentences, and even key ideas in the created documents.[32] Furthermore, newer technology such as paraphrasing tools further hides the AI-generative content, making it nearly impossible for detection.

---

[27]   Faisal R Elali & Leena N Rachid, 'AI-generated research paper fabrication and plagiarism in the scientific community", *National Library of Medicine*, volume 4:3, 2023, available at https://pmc.ncbi.nlm.nih.gov/articles/PMC10028415/, accessed on 29 October 2024.

[28]   Amy B. Cyphert, 'Generative AI, Plagiarism, and Copyright Infringement in Legal Documents', *Minnesota Journal of Law, Science and Technology* p. 49, volume 25:2, 2024, p. 51, available at https://scholarship.law.umn.edu/mjlst/vol25/iss2/9?utm_source=scholarship.law.umn.edu%2Fmjlst%2Fvol25%2Fiss2%2F9&utm_medium=PDF&utm_campaign=PDFCoverPages, accessed on 24 January 2025,.

[29]   Jonathan Bailey, 'One Way AI has Changed Plagiarism', *Plagiarism Today*, 11 April 2023, available at https://www.plagiarismtoday.com/2023/04/11/one-way-ai-has-changed-plagiarism/, accessed on 29 October 2024.

[30]   Maddy Osman, 'Is it Plagiarism to Use AI-Generated Content?', *The Blog Smith*, 17 July 2024, available at https://www.theblogsmith.com/blog/is-using-ai-plagiarism/#Using-AI-Plagiarism, accessed on 29 October 2024.

[31]   Thai Le et.al, 'Do Language Models Plagiarize?', *ACM Web Conference 2023*, 5 May 2023, USA, available at https://pike.psu.edu/publications/www23.pdf, accessed on 29 October 2024.

[32]   Ibid, p. 34.

Then there is the phenomenon of "memorization" where despite developers' attempts to prevent reproduction of copyrighted materials, the generative AI models reproduce them. Examples of reproduction contained the first few paragraphs of *Harry Potter and the Sorcerer's Stone* without much prompting.[33] A point to note is that generative AI models do not provide citations for this reproduced content and only provide references upon prompting for it. Thus, copyrighted materials are not only easy to reproduce intentionally or unintentionally but also readily available to plagiarize for researchers.

For students, the opportunity to use tailored and well-written content from generative AIs is tempting. However, as stated above, many universities do not encourage reliance on these tools, while universities such as the University of Cambridge outrightly prohibit them with strict consequences. On the part of professors, due to a lack of concrete applications and software to detect AI, the learning process for students seems stunted. Their reliance on software instead of their own knowledge for research work can hamper their ability to perform in circumstances where AI is generally prohibited, i.e., examinations.

A recent example of consequences for AI-content usage was faced by an Indian student, Kaustubh Anil Shakkarwar, where OP Jindal Global University's Unfair Means Commission informed him that he failed his exam as his answers constituted 88% AI-generated content according to Turnitin. The situation resulted in Shakkarwar suing Jindal Global Law School for failing him when there was no explicit provision that stated use of AI would constitute plagiarism.[34] Furthermore, he stated that copyright laws do not extend to AI-generated materials. On the other hand, the University referenced the UGC Anti-Plagiarism Regulations, 2018, to support that the petitioner had violated academic integrity. In the end, as the petitioner had already given a re-examination and passed, the court dismissed the writ for remedy.

It might seem paradoxical to legal professionals, however, that a profession much reliant on boilerplate clauses requires regulations on integrity. Yet, it is not unusual for lawyers to be disciplined for plagiarism,[35] outside of Nepal. Understandably, lawyers should also remain vigilant. For example, the generative AI might provide a fully copied paragraph from any Supreme Court decision, which the lawyers may use without proper citation. Despite not being copyrighted material, it might pose a question of the lawyer's ability to honestly disclose or even authentic research skills that go beyond prompting generative AIs.

AIs are fed already available information to generate responses to the prompts. To that end, it does not contribute anything new and only repackages available knowledge without notifying the source or author. It merely recycles already established knowledge, without actually contributing to new findings or validating established ones. Thus, AI-generated content is not new at all but a recycling of openly available information without proper acknowledgement, credit, and citation. As such, the lack of citation and noting constitutes plagiarism, which, while it might seem minor, affects the researcher's credibility in the long run.

---

[33] Lexis Press Room (n 24), p. 52.

[34] *Kaustubh Anil Shakkarwar vs Jindal Global Law School et. al.*, Punjab-Haryana High Court, India, CWP-29690-2024, 2024, available at https://indiankanoon.org/doc/149565231/, accessed on 25 February 2025.

[35] Ibid

B. Copyright Infringement

More dire is the situation of copyright infringement, wherein, despite efforts to not infringe, full reliance on generative AI tools may invoke trouble, as training datasets often include copyright-protected materials. For example, The New York Times filed complaints against ChatGPT and Microsoft for producing identical content as the copyrighted material (as nearly as 97% of the content) with over a hundred exhibits supporting similar instances.[36] A rather alarming concern is that OpenAI admitted that today's AI models required copyrighted materials for training.[37]

The persistence of copyright issues concerning generative AIs takes two modes: whether content generated by AI is subject to copyright and whether using such content would constitute copyright infringement. The answers to both these issues vary and are not yet clear due to the uncertain nature of AI itself. For example, ChatGPT was sued by an unnamed petitioner for copyright infringement for reproducing their copyrighted content without proper acknowledgement.[38] The case embarked upon complexities posed by AIs, which are not considered legal entities but conduits, and whether liability is accounted for by them.

On whether content produced by AI is eligible for copyright protection, the U.S. Copyright Office remains clear due to the human authorship requirement.[39] The content produced by the generative AI is much akin to a commissioned work by a machine, and thus, the work produced is not a product of human authorship and is not eligible for copyright protection. Furthermore, the Office also accepts that some AI-produced content may contain sufficient human authorship and thus is copyrightable to the extent of the human-generated content. This means that most of the time, if the legal researcher is simply feeding prompts and using the output by the generative AI, it will not be the original work of that researcher. Hence, to that extent, a legal researcher requires the application of the same ethical guidelines that they use offline while using generative AI, i.e., asking for the full reference via prompts and providing citations for avoiding infringement.

The European Union has delved into the ownership and commercial exploitation of the content produced by the generative AI. As explained, generative AI cannot produce "original" content as it relies on already existing materials, which might also be protected under copyright. This process is referred as data mining. While the Directive on copyright in the Digital Single Market (often known as the DSM Directive) has allowed data mining, it imposes certain limitations, first that the data must be obtained legally and secondly that the copyright owner has not expressly prohibited the use of the text/work for the purpose of data mining.[40] Furthermore, in regard to ownership of the content produced depending upon the extent of user's role, national laws and terms and conditions of the service provider, the content may belong to: the creators of the

[36] Plagiarism and Academic Misconduct (n 15).

[37] Paul D. Callister (n 25), p.52.

[38] World Lawyers Forum, 'ChatGPT Faces Legal Battle in US Court over AI Copyright, Accused of Plagiarism', *World Lawyers Forum*, 2023, available at https://worldlawyersforum.org/news/chatgpt-faces-legal-battle-in-us-court-over-ai-copyright-accused-of-plagiarism/, accessed on 26 January 2025.

[39] U.S. Copyright Office, 'Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence', *Official Website of the U.S. Copyright Office*, available at https://www.federalregister.gov/documents/2023/03/16/2023-05321/copyright-registration-guidance-works-containing-material-generated-by-artificial-intelligence?trk=article-ssr-frontend-pulse_little-text-block#footnote-31-p16192, accessed on 28 January 2025.

[40] DSM Directive, Directive of the European Parliament and of the Council on copyright and related rights in the Digital Single Market, OJ L130/92, 17 April 2019, art. 4.

generative AI, the user or no one.[41] However, there can be copyright infringement if the results obtained reproduce (totally or partially) pre-existing copyrighted works that were used to feed and train the algorithm or, if the terms and conditions prohibit the commercial exploitation.

On the other hand, legal uncertainties are seen across oceans. In New Zealand, the interpretation section of the Copyright Act 1994 states that "computer-generated" work meant that it was produced by the machine and still retains eligibility for copyright registration.[42] The Act also does not specifically exclude machines as authors, the meaning of author being "the person who creates it".[43]

Nepal's take on copyrighted materials and who owns these copyright stems from the Copyright Act, 2056. It defines "Copyright owner" as the author of a work in cases where the economic right of that work is vested in that author, a person or organization in cases where the economic right of the work is primarily vested in the person or organization other than the author, or, where the economic right of the work is transferred.[44] Even with the definition of the author in Section 2 (b) as a person who "creates" the work defined in Section 2 (a) (eg. articles, thesis), there are no specifics on whether technological products such as generative AI can become copyright bearers. Inversely, since articles, thesis and books are protected under copyrights, if such materials are used in AI training without the consent of the copyright owners, any legal researcher using content generated by AI could infringe on copyright.

The question of copyright infringement adds to another layer of complexity on whether the users of generative AIs can conduct copyright infringement, alongside plagiarism while using content produced by AI. Thus, depending upon national laws and terms and conditions of the service provider and the extent of the user's contribution, there is little evidence to suggest that content produced by generative AI qualifies as the user's own work. Thus, in legal research, if there is a lack of authorized access or acknowledgement of copyrighted materials, it may encompass copyright infringement.

C. **Inaccurate Information**

The third issue with the use of AI is the generation of false information. For example, two lawyers were given fake case laws by ChatGPT regarding aviation injury suits, which they cited to the court.[45] The court, upon finding five non-existent case laws, fined the lawyers and their law firm as a penalty. The lawyers, despite accepting the use of AI, failed to properly check the case laws fed by ChatGPT. Newer but hastily approved modules like the Google AI-generative answers have also caused similar problems.

---

[41]   European Innovation Council and SMEs Executive Agency, 'Artificial intelligence and copyright: use of generative AI tools to develop new content', *Official Website of European Union*, 16 July 2024, available at https://intellectual-property-helpdesk.ec.europa.eu/news-events/news/artificial-intelligence-and-copyright-use-generative-ai-tools-develop-new-content-2024-07-16-0_en, accessed on 24 January 2025.

[42]   Interpretations, Copyright Act, 1994, New Zealand, art.5; Natalia I. Shumakova, 'Towards Legal Regulations of Generative AI in the Creative Industry', *Journal of Digital Technologies and Law* p.880, volume 1:4, 2023, p. 883.

[43]   Ibid

[44]   *Pratilipi Adhikar Ain 2059* (Copyright Act 2002), s. 2 (h).

[45]   Dam Milmo, 'Two US lawyers fined for submitting fake court citations from ChatGPT', *The Guardian*, 23 June 2023, available at https://www.theguardian.com/technology/2023/jun/23/two-us-lawyers-fined-submitting-fake-court-citations-chatgpt, accessed on 29 October 2024.

In regard to false information, AIs do not remain consistent with their answers. If you ask ChatGPT if 9.11 is bigger than 9.9, it may respond that it is. But, equally concerning, if you ask ChatGPT again, it may respond differently, claiming that 9.11 is smaller than 9.9.[46]

Thus, despite providing efficiency in legal research, the use of AI transcends ethical boundaries, capable of plagiarizing and infringing copyright, providing false information, and depriving an original creative process, crucial in any research and profession.

V. Avoiding Plagiarism While Using Generative AI in Legal Research

There is a consensual understanding in the legal research community that the use of AI is inevitable, but there is a degree of necessity in enforcing ethical regulations. It is necessary to label what emerged from generative AI tools and put it off to the side as unsourced thoughts in awareness of the need of finding solutions to these ethical difficulties, whether that be on the user side or on the side of scientific advancement.[47]

A. Individual Responsibility

Despite being an inevitable process, researchers can maintain integrity by adhering to certain preventive measures:

Citation: In any case, plagiarism is avoided through the use of citations and referencing. Generative AIs do not cite their sources when replying to the prompts. Thus, it is important for the researcher to ask the AI for its sources and cite them properly after reviewing the source material. The user must also cite paraphrased content from the output to avoid plagiarism.

Cross-Checking Information: AI writing tools have limited capabilities and should be used to augment, rather than replace the writing process.[48] To avoid plagiarism, it is imperative to perform extensive research and cross-check any AI-generated content and sources. It is only after a thorough cross-check that one can produce accurate and original content.

Using AI only as a Learning Aid: Instead of using AI to generate content, AI could be used to supplement any work,[49] asking for clarifications, other source materials, and even allowing edits in writing style. It is recommended for legal researchers to avoid simply "copy-pasting" the content and instead utilize it for language enhancement for clearer speech.

Staying up to date on AI Guidelines: As posed by institutions such as the University of Cambridge, a stricter reinforcement of the regulations is always available. Researchers must ensure they take the required authorization and permissions before turning to the use of AI.

---

46   Benjamin Lu, 'How is generative artificial intelligence changing the legal profession?', *Economics Observatory*, 21 August 2024, available at https://www.economicsobservatory.com/how-is-generative-artificial-intelligence-changing-the-legal-profession, accessed on 30 October 2024.

47   AI Tools and Resources (n 16), p. 40.

48   Charla Viera, '2023 Guide to Avoiding Plagiarism: How to Avoid Plagiarism in the World of AI', *American Journal Experts*, 2023, available at https://www.aje.com/arc/guide-to-avoiding-plagiarism-ai/, accessed on 29 October 2024.

49   Sanjay Sharma, 'Using AI in Higher Education: When does it become Plagiarism?', *The Times of India*, 30 October 2024, available at https://timesofindia.indiatimes.com/education/news, accessed on 30 October 2024.

B. Responsibility of Institutions in Regulating Use of Generative AI

In India, the University Grant Commission (UGC) formulated the "Promotion of Academic Integrity and Prevention of Plagiarism in Higher Educational Institutions" Regulations,[50] which mandated universities to adopt AI-Plagiarism checking software, students to submit an undertaking stating their works are original, and creating repositories for storing all such submitted content. Examples of the Cambridge University[51] in the UK and the University of Florida[52] as well as Arkansas State University[53] in the US, also constitute institutional attempts to regulate use of generative AI in academic works.

In contrast, Nepal does not have specific regulations in regard to plagiarism. However, Tribuvan University (TU) has claimed it has begun to detect plagiarism in academic publications, and plagiarism tests are required for all campuses, research units, and academic writings submitted to TU.[54] TU has also claimed to assign central-level authority to TUCL to oversee anti-plagiarism software and services.[55] However, Nepali universities do not have consistent models of citation, unless done through institutional initiatives (for example, the KSL Style Guideline). Furthermore, regulations on academic integrity remain antiquated, limited to plagiarism of traditional means, and unable to cover the scope of generative AI-produced content.

For legal professionals, the Rules of Professional Code of Conduct of Legal Practitioners have posed vague limitations. The Code states that one of the duties of legal practitioners is "...not to authorize any draft documents prepared by other people except oneself or under one's direction and surveillance by legal practitioners employed at one's firm or chambers or such paralegal professionals employed with oneself with the intent to approve such documentations."[56] In other words, legal practitioners are prohibited from authorizing other people's drafts. However, the question remains if "other people" would constitute draft documents by AI.

While the Nepali research community acknowledges the "copy-paste" form of plagiarism in non-legal research,[57] there has not been an extensive study on the use of generative AI as a form of plagiarism. Academic works such as books and articles are generally protected under the Copyright Act. Particular restrictions include creating a new work by altering another's with the intent for economic gain.[58] However, there is no exploration on whether it still constitutes the content if it was produced by AI and used by a human instead of direct human involvement. Even more complicated is the procedure to register for copyright protection for works consisting of both human and AI-generated content, which is one of the offered safeguards under the act.

---

[50]   Ibid

[51]   Plagiarism and Academic Misconduct (n 15).

[52]   AI Tools and Resources (n 16).

[53]   Plagiarism and AI (n 17).

[54]   Plagiarism, *Official Website of the Tribhuvan University*, available at https://tucl.tu.edu.np/pages/plagiarism-1460, accessed on 30 October 2024.

[55]   Ibid

[56]   *Kanun Byabasayiko Peshagat Acharan Sambandhi Niyamawali, 2079* (Rules of Professional Code of Conduct of Legal Practitioners 2023), Rule 9(b).

[57]   Yam Raka, 'The Recent Trend of Plagiarism in Nepal', *Nepal Journal of Neuroscience* p. 1, volume 14:1, 2017, p.1, available at https://www.researchgate.net/publication/326259734_The_recent_trend_of_plagiarism_in_Nepal, accessed on 30 October 2024.

[58]   *Pratilipi Adhikar Ain 2059* (Copyright Act 2002), s. 26.

While it is the individual researcher's responsibility to ethically use generative AI in their works and disclose such use or take prior authorization to maintain transparency and credibility, these measures will only be taken if institutes are clear in underlining what generative content constitutes a violation of academic integrity. In the age of technological advancements, the advantages of using AI should also be considered. Therefore, it is time for institutions to not only regulate the inevitable use of generative AI in legal research but also use AI tools to enhance conventional teaching strategies, emphasizing the writing process rather than just the final output and promoting critical engagement with information produced by AI.[59]

VI. Conclusion

The idea of research revolves around creating knowledge or verifying or testing it. With AI tools, research content will only be recycled from the plethora of knowledge already established on the web. Use of AI is a double-edged sword, which, if not wielded properly, will push human evolution of knowledge to a disastrous hell of unethical practices. Dialogues should be conducted on the legal personality of AIs and where liabilities fall upon the misuse of these technological advancements. More importantly, an understanding of the inevitable use of generative AI must be fostered among the legal research community, focusing on awareness and regulation.

Thus, it is recommended for Nepali institutions to buckle down on creating specific regulations on the use of AI, following the best practices around the world. Similarly, applications for checking plagiarism must be upgraded to include the scope of AI-generated content. Consequently, Nepali scholars should adhere to higher levels of integrity, refusing to use non-credited works from AI generative content and use their own creative processes to make unique presentations. By fostering an environment of credibility and accountability, the use of AI can be a boon rather than a curse upon the legal research community.

●

---

[59] James Hutson (n 14).