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The Impact of Generative Artificial Intelligence on Legal Education and Coping Strategies

Lei Li

Department of International Law, China Foreign Affairs University, Beijing, 100037, China

Abstract: The rapid development of generative artificial intelligence brings both opportunities and challenges to higher education, with far - reaching implications especially in the field of legal education. This paper delves into its multi - faceted impacts on legal education, including positive effects such as expanding teaching resources and promoting personalized learning, as well as negative impacts like triggering academic ethical issues and infringing legal rights. Meanwhile, it analyzes the regulatory strategies of China, the European Union, and the United States, and proposes that China should construct a cautious and inclusive regulatory framework, implement an agile governance and full - chain governance system, and clarify the responsibilities of all parties. China has advantages in personal information protection and data legislation. In the future, it should combine the needs of the local AI industry, leverage its existing governance advantages, promote the sustainable development of the generative AI industry, and build a globally influential legal system for governance.

Keywords: Generative Artificial Intelligence; Legal Education; Impact; Coping Strategies; Regulatory Governance.

1. Introduction

The rapid rise of generative artificial intelligence (AI) tools represented by ChatGPT has brought great opportunities for the development of higher education, but it also has negative impacts. Against this backdrop, issues such as what the teaching content for legal educators should be, how to assign after - class assignments, how to conduct assessments, and how to ensure that law students in higher education receive a good education and training should draw people's attention. This also makes the cross - disciplinary, integrative, and collaborative development of higher education more urgent. Generative AI has three major impacts on the field of legal higher education: First, it impacts legal education activities themselves. For example, questions such as whether the traditional education method focused on knowledge accumulation needs to be reformed, which skills should be emphasized in legal education, and which skills can be replaced by AI will have a significant impact on future legal education. Second, it impacts the order of legal education. For example, issues like whether AI can be used in thesis writing and plagiarism checking, and whether the judgment boundaries of academic ethics such as academic plagiarism need to be reconstructed after the intervention of generative AI. Third, during the application of generative AI tools, there may also be risks of infringing on rights such as data security and privacy.

2. In - depth Impact of Generative Artificial Intelligence on Legal Education

2.1. Positive Promoting Effects of Generative Artificial Intelligence on Legal Education

The development of generative AI may expand and optimize teaching resources in legal education, thereby improving the efficiency of legal education. Generative AI can quickly generate a large amount of learning materials such as legal cases and interpretations of legal provisions, enriching the teaching content. For example, AI can be used to generate different types of contract dispute cases, covering various complex factual situations and legal application issues, providing students with a wider range of learning materials and deepening their understanding of legal rules.

In terms of personalized learning, it can also provide strong support for students. By analyzing data such as students' learning habits and knowledge mastery levels, AI can customize personalized learning paths and tutoring content for each student. For example, according to students' weak links in different legal departments, it can accurately push targeted exercises, case analyses, and explanatory videos, improving learning efficiency.

In the innovation of practical teaching, with the help of generative AI technology, highly simulated legal practice scenarios such as moot courts and legal consultations can be created. Students can conduct practical operations in such virtual environments, which can better train their legal application ability, communication ability, and adaptability, making up for the shortage of traditional practical teaching resources.

At the same time, generative AI can also promote interdisciplinary learning. The interdisciplinary integration of law and other disciplines is becoming increasingly important. Generative AI helps to integrate multi - disciplinary knowledge. For example, when analyzing cyber - crime cases, it combines computer science, law, and ethics knowledge to guide students to think from an interdisciplinary perspective and cultivate compound legal talents.

2.2. Impacts of Generative Artificial Intelligence on Legal Education

2.2.1. Academic Ethical Issues Caused by Technological Dependence

Subject to various factors such as technological accumulation and training models, although generative AI can quickly generate a large amount of content, its quality cannot be guaranteed, which has a significant impact on the development of teaching and scientific research. In teaching, if textbooks or learning resources contain incorrect or

misleading information generated by AI, it may mislead students' cognition and affect students' learning effects. In scientific research, if researchers rely on data or literature reviews generated by AI, and these contents are of low quality or have biases, it may lead to inaccurate research results and affect the effectiveness and depth of research. Therefore, strict quality control is needed for AI - generated content to ensure its accuracy and reliability and maintain high standards in teaching and scientific research. If legal education overly relies on generative AI technology, once there are technical failures, data errors, or algorithm biases, it may lead to the interruption of teaching activities or the dissemination of incorrect knowledge, affecting teaching quality.

In addition, excessive reliance on generative AI technology may lead to a decline in critical thinking and creativity. Students may rely too much on AI to complete assignments, papers, and even design projects, reducing their opportunities for information collection, analysis, and innovative thinking, which is not conducive to the cultivation of critical thinking and may thus trigger academic ethical issues. There are cases where students use generative AI to complete assignments and write papers, seriously affecting academic integrity. Traditional assessment methods are difficult to effectively identify the authenticity of students' assignments and papers, challenging the fairness of academic evaluation. Over - reliance on AI may make students lack the ability to think independently and analyze legal issues in depth. For example, in case analysis, students directly accept the conclusions given by AI without conducting independent legal reasoning and argumentation, which is not conducive to the cultivation of legal thinking. [1]

Plagiarism, falsification, or abuse of generated content may trigger academic misconduct and intellectual property issues. The development of AIGC (Artificial Intelligence - Generated Content) technology has provided unprecedented convenience and efficiency for academic research, but it has also triggered academic ethics and integrity issues. On the one hand, in academic creation, college teachers and students may use AI tools to quickly generate papers or reports, neglecting to conduct sufficient original thinking and independent research, resulting in plagiarism and improper content use. On the other hand, the content generated by AI is often based on a wide range of data sets and information sources. When citing such content, it may be difficult to accurately mark the source. During academic review, since it is sometimes difficult to distinguish the authenticity of AI - generated content, it increases the difficulty of review and publication. In the absence of effective supervision, when AI is used to assist in data processing and analysis, it may be used to modify or select data misleadingly to support specific research hypotheses or results, thus violating the principles of scientific research integrity. Therefore, higher education institutions and their competent departments need to formulate clear policies or norms to define appropriate uses of AI, ensure academic integrity when using AI, and adopt educational and technical means to reduce the improper use of AI in the academic community.

2.2.2. Potential Infringement of Legal Rights by Generative Artificial Intelligence

The extensive use of generative AI may trigger data security and privacy issues. In the process of using generative AI for legal education, a large amount of students' personal information and learning data are collected, stored, and used. If data security management is poor, it may lead to the leakage of students' data and violate students' privacy.

The use of AIGC - generated content also raises intellectual property issues, especially in the field of original creation. For example, issues such as the copyright ownership of works independently generated by AI, the legality of using existing materials to generate content, the patent rights of new technologies developed with the assistance of AI, and copyright disputes over teaching resources quickly generated and replicated by AI. These require the joint efforts of higher education institutions, superior competent departments, and legal experts to solve. While ensuring that AI technology continuously empowers educational innovation, it is also necessary to take into account respecting and protecting intellectual property rights. Solutions may involve amending relevant laws and regulations, re - defining the standards for fair use, strengthening copyright awareness education, providing legal consultation and support, and implementing new management and monitoring mechanisms in AI applications. [2]

When an AIGC system operates, it needs to process a large amount of personal data, including the learning habits, academic records, and biometric information of teachers and students. During the process of collecting and using this data, it may infringe on personal privacy. If these sensitive personal information is not properly protected, it may become the target of cyber - attacks, resulting in data leakage. Therefore, higher education institutions must strengthen investment in and supervision of the security and privacy protection measures of AI technology to ensure that all personal data is processed in a secure environment and complies with relevant legal and ethical standards. This can not only protect the privacy rights of teachers and students but also help build a safe and trustworthy academic environment.

3. Prospects for Reaction Measures

The rapid advancement of generative AI has presented new prospects for human civilization to make significant progress. However, it has also given rise to legal and societal challenges that require the establishment of a new regulatory framework in China.

3.1. Macro Level: The Importance of Caution and Inclusivity

When formulating regulatory countermeasures, it is important to consider China's local characteristics and the global development trend. It is necessary to leverage China's existing strengths in deep synthetic governance, update the regulatory logic to align with the characteristics of generative AI technology, and implement a comprehensive governance framework that covers the entire chain of generative AI technology. Additionally, it is important to build upon the existing hierarchical and classified governance structure and establish an organic system with specific rules that combine technology, industry, and application. This will contribute to the development of a legal system for deep synthetic governance that will have a significant impact worldwide.

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In general, a comprehensive and cautious approach to governance is upheld.

Given the intense global competition in the generative AI industry, excessive regulation of the industrial layout and development direction may hinder China's AI industry. However, it is important to implement a well-planned governance strategy to minimize the negative effects of generative AI on social order and public interest.

The European Union (EU) has implemented a strategy that focuses on preventing potential risks at the governance level and gradually promoting the healthy and orderly development of the AI industry. In December 2018, the High-Level Group of Experts of the European Commission released the Draft Code of Ethics for Trustworthy Artificial Intelligence, which emphasizes that the overall benefits of AI outweigh the risks. In 2020, the European Commission published the White Paper on Artificial Intelligence, aiming to establish a unified regulatory framework in Europe, build a "trust ecosystem" to enhance public confidence in the technology, and define the scope of regulation as "high risk." In May 2024, the European Union (EU) implements the Artificial Intelligence Act, a significant milestone in the global regulation of the AI industry. The Act's primary goal is to guarantee the safety, transparency, traceability, interpretability, and non-discrimination of AI systems used within the EU. This is done to reduce the adverse effects of AI systems on human rights and societal structure, while also promoting investment and innovation in the AI field.

The U.S. has not taken mandatory regulatory measures for generative AI, and emphasizes more on promoting the development of the whole industry under the principle of prudent regulation. In May 2021, the U.S. introduced the Algorithmic Fairness and Online Platform Transparency Act, which puts forward the obligation of algorithmic transparency from three dimensions, namely, the user, the regulator, and the public. In July 2021, the U.S. Government Accountability Office released the Artificial Intelligence Accountability Framework, which revolves around four themes, namely governance , data, performance and monitoring four themes, and explained the key practical practices, series of issues and accountability procedures involved, etc., to ensure that AI systems are fair, reliable, traceable and governable, etc. In the area of generative AI regulation, on April 11, 2023, the National Telecommunications and Information Administration (NTIA) of the U.S. Department of Commerce solicited public comments on potential accountability measures for AI systems, with the goal of establishing a system of scrutiny related to the trustworthiness, legitimacy, and ethics of AI models.

In 2023, China's regulatory authorities issued the Interim Measures for the Administration of Generative Artificial Intelligence Services, which is the first legislation on generative AI technology in China. Article 3 of the Measures emphasizes that "the state adheres to the principles of equal emphasis on development and safety, promotion of innovation and governance in accordance with the law, adopts effective measures to encourage the innovation and development of generative AI, and implements inclusive, prudent, and classified and hierarchical supervision of generative AI services." This provision makes it clear that China's governance model for generative AI services is "inclusive legal governance". Inclusive legal governance adheres to the combination of the development of AI technology innovation and governance in accordance with the law, and when designing, developing and applying generative AI technologies, it will consider and resolve issues that conflict with social values, ethical principles and legal norms, so as to ensure that the development and application of AI technologies are in line with the principles of the public interest, the rights and interests of individuals, and social justice. [3]

Second, specialized regulatory accountability mechanisms. For the benign development of generative artificial intelligence, the legislature needs to consider formulating a specialized law specifically for the governance of artificial intelligence, and constructing a complete set of accountability mechanisms for the relevant risk accountability, which can include specifying the risk accountability subject of artificial intelligence, the object to be held accountable, the accountability procedure, and the specific risk assessment matters. In terms of the regulatory system, the corresponding risk management system can be established according to the application scenarios of generative AI and the degree of risk involved in generating content, and the data risk capacity assessment can be carried out on a regular basis; it is also possible to further strengthen the transparency and interpretability of AI algorithms through legislation, i.e., to require that the main body of the development of AI use the language understood by the user to explain the algorithm's decision-making logic or decision-making system in the regular scenarios. The AI development body is required to explain the algorithm's decision logic or decision system in regular scenarios in a language that users can understand. [4] In short, a more precise regulatory scheme requires special legislation adhering to the principle of specialization at the early stage of regulatory system design.

3.2. Micro Level: Implementation of an Agile Governance Framework and a Comprehensive Full Chain Governance System.

3.2.1. Agile Governance and Regulatory Sandboxes

In specific regulatory practices, it is necessary to abandon the strategy of excessive intervention through rigid regulation and instead adopt a regulatory program based on agile governance. Agile governance, derived from agile development, encompasses flexible, fluid, nimble, and adaptive actions or approaches. It is a decision-making process that prioritizes people, inclusivity, and sustainability, aiming to transform the way policies are created, discussed, formulated, and implemented in the fourth industrial revolution. Agile governance not only entails a faster response from governance but also requires a reevaluation and restructuring of policy processes. (c) This highlights the importance of rethinking and redesigning the policy process.

Agile governance is significantly different from traditional regulatory measures. Its governance framework focuses on providing guidance rather than punishment through policy tools. Severe legal liability is used as a backup and safeguard in case agile governance tools fail. This allows enterprises to quickly understand the specific policy directions and scales and make strategic adjustments. Agile governance is crucial

for the downstream application of generative AI in rapid development. However, the specific implementation plan still requires further clarification. [5]

Agile governance offers a distinct advantage over traditional regulatory measures by avoiding the costly and burdensome aspects of using strict tools. It also prevents selective enforcement and regulatory arbitrage. Agile governance involves creating a flexible and responsive set of regulatory tools that do not need to be overly powerful or comprehensive. Instead, they must be able to address specific problems effectively without placing excessive burdens on those being regulated.

Agile governance can facilitate the use of a "lightweight toolbox" of algorithmic regulation. This involves granting the governors the authority to employ a range of general regulatory measures, such as interviews, flight inspections, low penalties, and information disclosure. Additionally, they can utilize algorithmic transparency, algorithmic certification, algorithmic standards, and other algorithmic tools that are locally viable. These tools enable swift identification and response to legal risks within the entire ecosystem of large language models in the future, including sectoral and local legislation.

The regulatory practice of agile governance needs to be operationally supported by a combination of experimentalist governance mechanisms such as regulatory sandboxes. Regulatory sandbox is a new idea opened up by the UK Financial Conduct Authority for fintech regulation in 2015, which specifically refers to a new regulatory methodology in which the financial regulator, in order to promote regional financial innovation and the development of fintech, lets some licensed financial institutions or start-up technology-based enterprises to test new financial products, new financial models, or new business processes within a certain period of time and within a limited scope, and in the process reduces the access thresholds and relaxes regulatory restrictions on the test items. A new type of regulatory approach to lower the entry threshold and relax regulatory restrictions on the test items in the process. The core of the implementation of regulatory sandbox is to provide a safe and fast testing environment for financial innovation, so that fintech enterprises can test innovative financial products and services in it, and then decide whether to carry out real marketing outside the sandbox. [6] As the regulatory sandbox can well realize the organic unity of innovation and regulation, it is possible to try to introduce this set of strategies to better observe and respond to the regulatory issues brought about by the development of generative AI.

Regulatory sandboxes are a good match for the agile governance required for the regulatory activities of generative AI. For regulators, the regulatory sandbox policy requires that the initial use of generative AI be limited to a specific scope, which is more conducive to assessing the full picture of the risks that may arise from the operation of the technology in advance and collecting relevant information, effectively solving the problem of information asymmetry, eliminating information barriers, easing the regulatory time lag, and enhancing regulatory efficiency so that effective risk governance can be implemented when the technology is fully implemented at a later time. For the generative AI service providers, the regulatory sandbox will not cause substantial obstacles to technological innovation, and can accordingly shorten the approval process of the technology landing, reduce the cost of enterprises, and help to establish a more effective communication mechanism between the enterprises and the regulatory agencies; for the generative AI users, the emergence of the regulatory sandbox is a good way to reconcile technological innovation with the risks of the user data, so that the user can use the technology in the future. For users of generative AI, the emergence of regulatory sandboxes has well reconciled the contradiction between technological innovation and user data risk, allowing users to enjoy the dividends of technology while maximizing privacy and data security, thus enhancing the overall welfare of consumers.

3.2.2. Strengthened Institutional/Platform Responsibilities within the Comprehensive Governance Program

Given that the technological chain of generative AI involves several participants, it is necessary to implement certain regulatory measures in order to establish a comprehensive supervisory governance solution that covers the entire chain. The generative AI technology chain involves three key participants: developers who create and pre-train large models, deployers who fine-tune parameters according to application needs, either independently or in collaboration with developers, and users who ultimately interact with generative AI and determine its specific applications. [7] Within the tripartite technology structure consisting of the developer, deployer, and user, the technology developer plays a crucial role. It is essential to carefully consider the allocation of responsibilities in the technology chain. This necessitates imposing stricter requirements on technology developers, such as ensuring proper labeling, documentation, and preservation of training data. These measures are necessary to guarantee the transparency of the technology. Generative AI deployers must establish obligations in conjunction with their application scenarios. The structural arrangement system for these obligations should allow deployers and users to have reasonable expectations, including necessary technical adjustments and compliance costs. In many cases, technology developers and deployers can be collectively referred to as the technology platform parties in the generative AI industry chain, given their larger scale and stronger capabilities.

Technology platforms should be subject to a more stringent duty of care and responsibility to ensure the protection of users under a comprehensive governance scheme. To address the diverse hazards and illicit activities arising from generative AI systems, it is necessary to impose matching legislative duties. Platforms have a legal obligation to prevent the spread of false information and content that could harm public order on the internet. They must also take measures to limit and punish users who frequently share such information, using methods like blacklists or other mechanisms.

A comprehensive data processing environment security protection system should be incorporated into the development platform for generative artificial intelligence. This system will ensure data security obligations are met, thereby guaranteeing that data resources are consistently stored in a secure environment. The security duties for protecting the data processing environment should encompass the following aspects: firstly, the obligations of data categorization and protection. Data classification and grading form the foundation of data security management in generative AI. In 2021, China implemented the Data Security Law, which explicitly classifies data into national core data, important data, and general data. Differentiated protection

measures are implemented based on the severity of each category. Additionally, generative AI development platforms operating in China are obligated to monitor and assess data risks. Immediate remedial actions must be taken when vulnerabilities in data security are identified. Furthermore, these platforms are required to establish a data security officer and management organization. The Data Security Law mandates that platforms handling important data clearly designate individuals responsible for data security and establish a management structure to ensure the protection of data.

Furthermore, it is necessary to categorize and impose specific obligations on users involved in the chain of generative AI technologies, rather than relying solely on platform obligations. Professional users who utilize AI-generated content to offer services to others, such as using ChatGPT to draft legal documents or employing generative AI for educational purposes and other business activities, should be mandated to clearly label AI-generated content. As for ordinary users, the enforcement of such obligations should be made more efficient and cost-effective through technical means. For instance, users who upload photos to create face-changing videos should be required to obtain consent from the individuals involved. However, in practice, there is a lack of effective mechanisms and constraints to ensure compliance with these requirements.

4. Conclusion

Generative artificial intelligence has emerged as a new area of competition within the field of artificial intelligence worldwide. Prominent applications such as ChatGPT offer limitless potential for humans to shape the future of digital existence. Consequently, various jurisdictions are vying to establish authority and regulations over AI governance, aiming to gain a competitive edge over other nations.

China has established itself as a leader in personal information protection and data legislation, surpassing the European Union and the United States. China's competitive advantage lies in its regulatory governance system, which is tailored to its local conditions and promotes the sustainable and lawful growth of the generative AI industry. On the other hand, the European Union is actively striving to become a global leader in AI governance and maintain its position as the main contributor to the global conversation on AI regulation standards.

In this context, China's future efforts should focus on avoiding the problems associated with emerging technology and refraining from hastily implementing overly strict AI programs to enhance system usability. Instead, the direction should be to establish a regulatory framework with a cautious and inclusive approach. The development logic of generative AI stems from algorithmic governance, which requires leveraging existing institutional resources and framework while also innovatively developing it as a regulatory tool in the specialized field of AI. Additionally, a system for distributing the chain of responsibility needs to be established. China's regulatory governance of generative AI should be tailored to the needs of its local AI industry, while capitalizing on its existing advantages in information content governance. This will contribute to the formation of a globally influential legal system for comprehensive synthetic governance.

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