

The Implications of Technological Advancements on the Constitutional Principles of Contract Law

Authors : Laura Çami (Vorpsi), Xhon Skënderi

Abstract : In today's rapidly evolving technological landscape, the traditional principles of contract law are facing significant challenges. The emergence of new technologies, such as electronic signatures, smart contracts, and online dispute resolution mechanisms, is transforming the way contracts are formed, interpreted, and enforced. This paper examines the implications of these technological advancements on the constitutional principles of contract law. One of the fundamental principles of contract law is freedom of contract, which ensures that parties have the autonomy to negotiate and enter into contracts as they see fit. However, the use of technology in the contracting process has the potential to disrupt this principle. For example, online platforms and marketplaces often offer standard-form contracts, which may not reflect the specific needs or interests of individual parties. This raises questions about the equality of bargaining power between parties and the extent to which parties are truly free to negotiate the terms of their contracts. Another important principle of contract law is the requirement of consideration, which requires that each party receives something of value in exchange for their promise. The use of digital assets, such as cryptocurrencies, has created new challenges in determining what constitutes valuable consideration in a contract. Due to the ambiguity in this area, disagreements about the legality and enforceability of such contracts may arise. Furthermore, the use of technology in dispute resolution mechanisms, such as online arbitration and mediation, may raise concerns about due process and access to justice. The use of algorithms and artificial intelligence to determine the outcome of disputes may also raise questions about the impartiality and fairness of the process. Finally, it should be noted that there are many different and complex effects of technical improvements on the fundamental constitutional foundations of contract law. As technology continues to evolve, it will be important for policymakers and legal practitioners to consider the potential impacts on contract law and to ensure that the principles of fairness, equality, and access to justice are preserved in the contracting process.

Keywords : technological advancements, constitutional principles, contract law, smart contracts, online dispute resolution, freedom of contract

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