

## Legal Mechanisms for the Modernization of the Justice Sector in Algeria

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Received: 14.04.2025 ; Accepted: 12.11.2025 ; Published: 20.12.2025

### Abstract:

The modernization of the justice sector in Algeria refers to the introduction of technology and digitization as modern means to improve judicial services, through simplifying procedures, reducing bureaucracy, and accelerating the adjudication of cases, thereby facilitating citizens' access to justice. This fundamental transformation of the justice sector constitutes a key pillar for modernizing public administration. The paper reviews the modernization project, including the

generalization of e-administration, comprehensive digitization of files, electronic management, and remote litigation. This development reflects Algeria's response to global technological requirements and its pursuit of more effective and transparent justice, within a supportive legislative framework, notably Law No. 15-03 on the modernization of justice.

**Keywords:** digitization, justice sector, electronic litigation, public service

### Introduction

The world today is witnessing rapid transformations across all sectors, driven by the digital revolution and technological progress, and the justice sector is no longer isolated from these changes. In light of the continuous increase in cases and their complexity, and societies' aspirations for effective and transparent justice, it has become imperative for states to adopt modern strategies to develop their judicial systems. In this context, the "modernization of the justice sector" has emerged as an inevitable necessity, particularly in Algeria, which is striving to modernize its public administration and enhance citizens' trust in its institutions. The justice sector in Algeria, like other vital sectors, has experienced substantial transformations within the framework of reforms aimed at improving its performance and making it more effective and efficient. The modernization of the justice sector constitutes one of the fundamental pillars of

these reforms, as it involves developing and organizing the judicial system according to modern foundations based on technology and digitization, with the aim of facilitating judicial procedures and achieving swift and transparent justice.

The mechanisms of modernization include updating the organizational structure of judicial institutions, enhancing the efficiency of human resources, and introducing modern technologies into various aspects of judicial work, such as digitizing files, adopting electronic systems for case management, and facilitating access to legal information.

The importance of this study lies in its attempt to provide a comprehensive analysis of the reality of justice modernization in Algeria by identifying achievements and challenges, and determining available opportunities to enhance the effectiveness and efficiency of the judicial system through optimal utilization of the possibilities offered by

modern technology. It also seeks to contribute to the formulation of practical recommendations that may benefit decision-makers in improving the modernization process and overcoming potential obstacles, in addition to highlighting the role of technology in building the rule of law and strengthening the principles of justice and equity in society.

In light of the profound transformations witnessed by the justice sector, a central issue emerges, embodied in the question: *To what extent have modern reforms aimed at modernizing the justice sector contributed to the implementation of justice in Algeria?*

## **Chapter One: The Conceptual Framework of the Modernization of the Justice Sector**

The modernization of the justice sector is one of the essential pillars of updating public administration in Algeria. It aims to improve judicial services by adopting technology and digitization as modern means for managing judicial procedures. In this regard, these reforms have been framed by a set of legal texts supporting digital transformation, such as Law No. 15-02 of 23 July 2015 on judicial mediation procedures, Law No. 18-05 of 10 May 2018 on the protection of personal data, and Law No. 09-04 of 5 August 2009 regulating the prevention of crimes related to information and communication technologies.

This development has been reflected in several digital projects, most notably the national electronic register of the justice sector, the adoption of electronic litigation allowing the filing of petitions and remote case tracking, as well as the digital platform for extracting judicial documents. These measures enhance transparency and speed in file processing and represent a necessary step to ensure a modern judiciary that aligns with global transformations, provides more efficient judicial services, strengthens citizens' trust in the judicial system, and consolidates the principle of prompt justice.

### **First: Modernization of the Justice Sector – Concept and Requirements**

One of the most important strategies adopted to improve and develop public services is electronic administration, which works to bring administration closer to the citizen, especially as it represents a qualitative shift in the management of administration and public institutions in Algeria. It has created many opportunities for success, clarity, and accuracy in service delivery to citizens.

Electronic administration is considered one of the greatest challenges undertaken by Algeria in developing administrative work and state institutions and keeping pace with global technological development. By examining the Algerian public service, it is evident that it has adopted a project to modernize administration and make it electronic in most ministerial sectors, local authorities, and public institutions. The justice sector is among the most prominent sectors that have experienced the use of digitization and modern technology in management, with numerous changes introduced to activate and enhance the performance of this public service and improve the services provided to citizens.

#### **1. Definition of the Modernization of the Public Service**

The modernization of the public service and administration involves adapting to developments and transformations in line with modern management methods and tools that incorporate technology, automated information systems, and communication means to improve service quality, ensure speed and ease of service delivery, and keep pace with global openness and contemporary developments. Scholars and researchers have differed in defining the modernization of the public service, each focusing on a particular aspect of reform. Among the most important definitions is:

“It is a plan or program comprising a set of procedures and measures aimed at addressing all aspects of deficiency and imbalance in the methods, tools, techniques, and skills of the administrative system formed over the years, which are manifested

in its inability to efficiently perform various administrative activities in order to prepare and implement economic and social development plans in a comprehensive manner.”<sup>1</sup>

It is also defined as the introduction and adoption of information technology and advanced modern communication and media tools, through the use of the Internet to embody information within administration and transform it from traditional to electronic, under security guarantees that protect both the public service and the user or service recipient, with the aim of facilitating procedures within the public service.<sup>2</sup>

Accordingly, the modernization of the public service aims to:

- Align public administration with the functions of the state in meeting citizens’ needs.
- Modernize and develop public administration at all levels and across all functional dimensions, and eliminate the problems it faces.
- Overcome obstacles suffered by public administration.
- Enable the public service to keep pace with modernization developments.
- Address deviations and eliminate administrative complexities.

It is also characterized by speed, clarity, and flexibility through building work-completion systems within the organization based on electronic communication networks. Its advantages include cost

reduction, simplification of procedures, achievement of transparency and information security, and freedom from time constraints.

## **2. Definition of the Modernization of the Justice Sector**

The modernization of the justice sector is the process of transforming judicial services from a traditional model to a modern electronic system based on digitization and information and communication technologies, with the aim of improving judicial effectiveness, facilitating procedures, and ensuring transparency in accordance with applicable laws, such as Law No. 09-04 on crimes related to information and communication technologies.<sup>3</sup>

The modernization of the justice sector refers to the efforts made by the Algerian government to transform judicial administration from a traditional paper-based model to a modern electronic one. This transformation aims to improve the performance of judicial facilities, facilitate the provision of public services, and enhance communication with citizens in a more transparent and rapid manner through the adoption of modern technology and the use of information and communication systems in sector management.<sup>4</sup>

On the technical level, the modernization process relies on establishing an advanced internal fiber-optic network connecting various judicial institutions to ensure secure and rapid data exchange, in addition to supporting audio-visual communication,

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<sup>1</sup> **Bouchari, Amina; Barkahoum, Salem.** *Administrative Reform in Algeria: Presentation of the Experience of the Justice Public Service (1999–2017).* **Scientific Journal of the University of Algiers** **3**, Vol. 6, No. 11, 2018, p.

<sup>2</sup> **Maqoura, Mofida.** *Modernization of the Justice Sector in Algeria: A Study of Achievements and a Diagnosis of Obstacles.* **Milaf Journal for Research and Studies**, Vol. 7, 2021, p. 71.

<sup>3</sup> **Abdel-Aali, Yasser Mohamed.** *Electronic Administration and the Challenges of the Digital Society.* Arab Organization, Egypt, 2016, p. 72

<sup>4</sup> **El-Aid Ibn Mohamed; Youcef Zerrouk.** *Digitization of the Justice Public Service in Algeria in Light of Law No. 15-03 Relating to the Modernization of Justice.* **Al-Baheth Journal for Academic Studies**, 2020, Algeria, p. 505.

which has been effectively implemented. This information system has contributed to the digitization of judicial and administrative files, including court case files, files of judges and employees, and data on inmates of correctional institutions, as well as the digitization of official judicial documents such as nationality certificates and judicial rulings, which have become available to citizens online. Accordingly, electronic administration in the justice sector may be considered a qualitative leap toward modern and effective management based on improving the quality of judicial performance and reducing bureaucratic procedures through reliance on information and communication technologies in providing judicial services.<sup>5</sup>

The modernization of the justice sector in Algeria has gone through several stages, beginning with general reform of the sector and subsequently resorting to what is termed the modernization of this sector. The justice sector in Algeria has witnessed notable development through a series of reforms aimed at updating it and improving the quality of judicial services. The modernization process required multiple steps, including performance improvement, expansion of services, and coordination of efforts to ensure the sustainability of progress in this field.

- **Establishment of the National Committee for Justice Reform:** The National Committee for Justice Reform was established pursuant to Presidential Decree No. 234/99 of 19 October 1999 and was entrusted with several tasks, including:<sup>6</sup>
  - Supervising the management of the public justice service in all its aspects.
  - Identifying areas of overlap

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<sup>5</sup> *Ibid.*, p. 505.

<sup>6</sup> **Presidential Decree No. 99-235** of 19 October 1999, establishing the National Commission for Justice Reform, **Official Gazette**, No. 74, issued on 20 October 1999.

between justice and other institutions to ensure integration and effective oversight.

- Submitting recommendations and measures aimed at bringing justice closer to citizens and improving the services provided.<sup>7</sup>

The committee organized several conferences, including the international conference on justice modernization in 2003, where the main outlines of the modernization program were presented, as well as a study day at the Supreme Court in 2008 to assess progress in this area. Major reforms included:

- Improving the quality of judicial services through the introduction of information and communication technologies.
- Strengthening the infrastructure of the justice sector and modernizing its facilities.
- Reforming the penal system by adopting a policy that ensures the protection of human rights and the reintegration of detainees.
- Enhancing international cooperation to support reforms and strengthen Algeria's position in the judicial field.
- **Creation of the Central Directorate for the Modernization of Justice:** The Directorate of Modernization was established at the Ministry of Justice in 2004 with the aim of developing digital systems for managing the justice sector. Its tasks included:
  - Developing an electronic system for managing human resources of judges and sector employees.

<sup>7</sup> **Belavez, Tayeb.** *Justice Reform in Algeria: Meeting the Challenge.* Casbah Publishing House, Algeria, 2008, p. 16.

- Transitioning from paper-based administration to automated management of files and judicial procedures.<sup>8</sup>

- Launching the biometric professional card containing judges' and employees' data, contributing to facilitating administrative management.<sup>9</sup>

- Adopting electronic signatures in accordance with Law No. 15-03<sup>10</sup> to ensure the validity and security of judicial documents.<sup>11</sup>

These reforms strengthened the use of information and communication technologies to facilitate procedures and improve the efficiency of judicial work.

- **Law No. 15-03 and Its Impact on the Digitization of Justice:**

Law No. 15-03 on the modernization of justice was issued to establish the legal foundations for the use of digital technology in the judicial field. It provided for:

- The establishment of a central information system for the Ministry of Justice to ensure effective data management.

- The adoption of electronic certification to authenticate the validity of judicial documents and instruments.

- The use of electronic correspondence for the exchange of judicial documents to accelerate procedures.

- The use of videoconferencing in certain court sessions to facilitate

remote litigation.<sup>12</sup>

- The imposition of penalties on those who violate laws related to the use of technology in the judiciary.

## **Second: Manifestations of the Modernization of the Justice Sector in Algeria**

Among the most important practical manifestations of electronic administration in this sector, which reflect the digital transformation in managing the judicial public service.

### **1. Management Methods in the Modernization of Justice**

The first signs of modernization in management methods appeared in November 2003 with the establishment of an Internet platform and the creation of an electronic website and a legal portal. The Internet platform was implemented with high quality, and the electronic website was launched to bring legal information closer to citizens. It provides information on the organization of the sector, its scheduled programs, activities, and functions. The legal portal was made available to legal specialists and contains all the documents they need, including regulations, jurisprudence, international conventions and treaties, and all matters related to legislation. The manifestations of modernizing justice management methods include the following:

- **Establishment of an Internet Services Platform (ISP):**

Since November 2003, the justice sector has been equipped with a dedicated platform enabling high-quality Internet connectivity, contributing to improved management of

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<sup>8</sup> Belayez, Tayeb. *Ibid.*, p. 185.

<sup>9</sup> Akka, Abdelhakim. *Personalization Center for the Electronic Signature Card (Establishing the Technical System for Chip Personalization)*. General Directorate for the Modernization of Justice, Ministry of Justice, Algeria, 2016, p. 9.

<sup>10</sup> Article 14 of Law No. 15-03 relating to the modernization of justice, Official Gazette No. 6, issued on 10/02/2015.

<sup>11</sup> Bouachri, Amina; Barkahoum, Salem. *Previously cited work*, p.

<sup>12</sup> Law 15/03 dated February 1, 2015, concerning the modernization of justice, Official Gazette, No. 06, issued on February 10, 2015.

electronic communications within the Ministry of Justice, judicial bodies, and affiliated institutions. An official website of the Ministry of Justice ([www.mjustice.dz](http://www.mjustice.dz)) was also developed to enable citizens to access the ministry's activities and available legal services.

- **Integration of Electronic Certification and Signature Technology**

With the aim of facilitating the remote provision of legal services, the Electronic Signature Card Personalization Center was activated on 13 September 2014, ensuring the reliability of digital transactions within the judicial sector.<sup>13</sup>

- **Establishment of the Automated System for Managing Judicial Files (SGDJ)**

This system enables lawyers and litigants to follow judicial files from the registration of the case until the issuance of the final judgment. It also allows access to the electronic counter of the Supreme Court and the Council of State through the judicial councils, thereby enhancing transparency and the speed of procedures.

- **Development of the Automated System for Managing Arrest Warrants**

This system aims to manage a national database related to wanted persons, facilitating the rapid dissemination and distribution of legal warrants, while ensuring accurate procedures that preserve personal rights and freedoms during the execution of arrests.<sup>14</sup>

- **Activation of Remote Videoconferencing Technology**

This technology has been adopted in judicial procedures in accordance with Article 14 of the Law on the Modernization of Justice, allowing trials and interrogations to be conducted remotely, thus contributing to faster adjudication of cases and reducing unnecessary travel.<sup>15</sup>

- **Establishment of the National Center for Information Systems of the Ministry of Justice**

This center is responsible for managing and developing digital systems within the judicial sector, ensuring the integration of the electronic system and its continuous updating.

In addition to these reforms, many other electronic systems have been implemented within the framework of the digital administration policy in the justice sector, confirming Algeria's orientation toward strengthening the concept of e-government and developing judicial services in line with modern technological transformations.<sup>16</sup>

## **2. Digitization and Development of Judicial Services**

Justice has become a necessary requirement for the development of judicial services in order to reach a system that provides high-quality judicial services to all segments of society. Among the electronic services launched by the Ministry of Justice are the following:

- **The National Electronic Counter**

It is the first interface of judicial bodies and represents the technical mechanism that receives various requests and documents and registers them in a dedicated database instantaneously and in connection with different judicial bodies. It aims to bring administration closer to citizens, improve the link between administration and citizens, make administration electronic and

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<sup>13</sup> Kilani Zerouala, "Services Available in the Modernization of the Justice Sector for Lawyers and Litigants," presentation delivered on the occasion of the National Lawyers' Day, March 24, 2018, Algeria, under the auspices of the Ministry of Justice, p. 6.

<sup>14</sup> Ibid., p. 12.

<sup>15</sup> Kilani Zerouala, previous reference, p. 16.

<sup>16</sup> Ibid., p. 48.

digitized, accelerate data monitoring, study and processing of files, reduce the quantitative volume of paper documents, and facilitate judicial operations for citizens.

An electronic counter exists at the level of all judicial bodies. It was established to bring justice closer to citizens in the form of an electronic portal that enables citizens to obtain the information they need via their email, through a unit composed of judges and officials from the Ministry of Justice. The electronic counter directs citizens to specialized sections of the website for guidance, answers their legal inquiries, and provides information on legal matters. It also offers a set of legal references including laws and international conventions addressed to legal professionals. Moreover, it allows lawyers and citizens to follow the course of judicial files, register petitions, withdraw all necessary documents, register appeals in cassation remotely, register judicial rulings, extract ordinary judgments and judgments of the Council of State, as well as extract enforcement formulas.

Among the tasks carried out at the level of procedures for summoning parties and following up electronic cases, a system for tracking cases has been introduced by the Directorate of Justice Modernization. Through this system, judicial files are monitored from the date of filing until the final pronouncement of the judgment by entering the confidential number of the concerned case in the electronic counter, identifying the course of proceedings, and sending summonses in order to simplify, facilitate, and improve administrative procedures. Within the framework of justice modernization, electronic transmission of summonses to lawyers and criminal

notifications to litigants by the judiciary has also been introduced.<sup>17</sup>

- **Adoption of Electronic Signature and Electronic Certification**

The electronic signature was implemented by the Ministry of Justice and defined in Article 02 of Law No. 15-04 on electronic signature and certification as follows: “Electronic data in electronic form attached to or logically associated with other electronic data and used as a means of signature.”<sup>18</sup>

Article 07 of the same law stipulates that, for an electronic signature to be considered qualified, it must meet the conditions set out therein. Developments in the field of information technology have led to the emergence of several forms of electronic signatures, differing in terms of security level and usage. These include:

- **Pen-based signature:** the signatory scans a handwritten signature using optical imaging.
- **Signature accompanied by a card or secret number:** this signature is associated with smart cards used in electronic financial transactions in banks.
- **Biometric signature:** this signature relies on the physical characteristics and specific attributes of the signatory.
- **Digital signature:** based on encryption using a single-key system known to both parties to the transaction, making the signature recognizable to recipients of electronic messages. Its conditions are stipulated in Article 6(3) of the UNCITRAL Model Law on Electronic Signatures, namely that the data be under the control of the signatory and no other person.

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<sup>17</sup> Abdelkader Abban, “Challenges of E-Administration in Algeria,” PhD thesis in Sociology, Faculty of Humanities and Social Sciences, University of Biskra, Algeria, 2016, p. 101.

<sup>18</sup> Article 02 of Law 15-04 dated February 1, 2015, on electronic signatures and authentication, Official Gazette, No. 06, issued on February 10, 2015

- Any change affecting the information related to the signature must be detectable.
- **Electronic Certification**

Article 7 of Law No. 15-04 provides that electronic certification is a document in electronic form that establishes the link between signature verification data and the signatory. It constitutes a legal electronic medium through which the validity of the electronic signature and its attribution to its owner or to a specific entity is verified, or by a neutral third party called a certification or electronic authentication service provider.<sup>19</sup>

It is divided into two certificates: the simple electronic certification certificate, issued by a competent authority in which the data are specified and which serves as proof before the judiciary in the event of a dispute, as stipulated in Article 2(7) of Law No. 15-04; and the second certificate, the qualified electronic certification certificate, mentioned in Article 15 of Law No. 15-04, defined as an electronic certification certificate that meets the following requirements: it must be issued by a trusted third party or an electronic certification service provider in accordance with the approved electronic certification policy, and it must be issued exclusively to the signatory.

## **Chapter Two: Reform of the Justice Public Service**

Within the framework of the Ministry of Justice's efforts to modernize the judicial sector, the General Directorate for the Modernization of Justice was established as a specialized body responsible for implementing the reform program aimed at achieving more effective and faster justice, making it accessible to citizens, while providing the necessary technical means to the various actors in the sector, such as

judges, lawyers, judicial officers, and public administrations, enabling them to perform their duties with high efficiency.<sup>20</sup>

### **First: The Organizational Mechanism for the Modernization of the Justice Sector**

The Directorate reflects the genuine will of the state to lead a program of reform and modernization of the justice sector. It has succeeded in achieving tangible results through the development of the judicial system, both in terms of its internal structure and within the framework of its relations with national and international environments. The Directorate undertakes several tasks, including proposing the necessary means and procedures to modernize and organize the justice sector, monitoring their implementation, establishing unified standards for judicial procedures and for organizing documents and records used within judicial bodies and the administration, in addition to enhancing the use of information technology and information and communication technologies to facilitate judicial workflow and improve judicial services.

#### **1. The Legislative Mechanism for the Modernization of the Justice Sector**

Within the framework of implementing the President of the Republic's program for deep reform of the justice sector, and in order to generalize the use of information and communication technologies in the judicial service, the Ministry of Justice established a new legislative framework supporting the modernization of the justice sector. This aims to improve judicial services, eliminate delays in file processing, and enhance the speed and effectiveness of public service, thereby increasing citizens' trust in the judicial system and reducing burdens on them. These objectives can only be achieved through updating judicial

<sup>19</sup> Samir Dahmani, "Electronic Payment Security via the Internet," *Journal of Comparative Legal Studies*, University of Mouloud Mammeri, Tizi Ouzou, Algeria, Vol. 04, No. 1, p. 37.

<sup>20</sup> Organization of the Central Administration of the Ministry of Justice, available at [www.mjustice.dz](http://www.mjustice.dz), accessed March 9, 2024, 19:31.

management methods and adopting modern technologies in judicial procedures, including:

- Extracting judicial documents via the Internet and introducing digital services based on information and communication technologies, such as notifications, alerts, exchange of petitions, sending documents, requisitions, and judicial orders electronically.
- Providing digital judicial services that meet the expectations of citizens, lawyers, judicial officers, public administrations, and statutory bodies.

This orientation was supported by the issuance of Law No. 15/03 of 1 February 2015 on the modernization of justice, which allows the use of information and communication technologies in the judicial field. The law comprises 19 articles distributed over five chapters, the most notable of which are:

- **Chapter One:** defines the general provisions and the objective of the Law on the Modernization of Justice.
- **Chapter Two:** focuses on establishing a central information system for the Ministry of Justice, enabling automated and real-time processing of citizens' personal data, particularly with regard to nationality certificates and criminal records, while ensuring the technical protection of these data.<sup>21</sup>

The incorporation of electronic certification technology allows authentication of the validity of judicial documents and instruments issued by the Ministry of Justice and its affiliated institutions. This legislative framework contributes to achieving digital transformation within the justice sector, facilitating procedures,

achieving a high level of transparency and efficiency, and reducing administrative complexities.

#### **A. The Mechanism of Electronic Litigation in Algeria and in Arab and Foreign Judicial Systems**

Electronic litigation represents a modern development in the field of justice, relying on the use of digital technologies to file cases and resolve disputes remotely, eliminating the need for paper documents and replacing them with electronic documents. It also allows the exchange of petitions and documents via the Internet and the use of digital media in implementing judicial procedures, thereby accelerating the judicial process.

This system is characterized by reducing congestion in courts, improving service quality, reducing the need for storage space for paper files, and enhancing the efficiency of judicial work and the interconnection of information between courts more effectively.

- **Electronic Litigation in Algeria**

The Algerian legislative system has incorporated several laws aimed at modernizing public services, particularly sovereign state services, through the adoption of information and communication technologies. Among the laws that established the legal framework for electronic litigation are:

Law No. 15-03 of 1 February 2015 on the modernization of justice.

Law No. 15-02 amending and supplementing the Code of Criminal Procedure.

Law No. 15-04 of February 2015, which sets the general rules for electronic signature and certification.

Law No. 16-03 of June 2019 on genetic fingerprinting in judicial procedures and personal identification.<sup>22</sup>

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<sup>21</sup> Tayeb Belaïz, previous reference, p. 173.

<sup>22</sup> Order No. 02/15 concerning criminal procedures, amended and supplemented by Order 155/66

dated June 8, 1966, Official Gazette, issued on July 23, 2015, No. 40..

The Algerian legislator adopted electronic litigation as part of the project to digitize the justice sector starting in 2015, granting it a legal basis under Law No. 15-03. This step contributed to supporting electronic administration and achieving digital transformation in the judicial field. Among the most notable results of this experience are:

- Strengthening electronic administration in the justice sector through digitization.
- Activating remote trials, especially under exceptional health circumstances.
- Developing mechanisms for electronic enforcement by enabling judicial officers to use modern technologies.
- The Algerian experience proved successful, particularly during the COVID-19 pandemic, as these technologies ensured continuity of judicial work while guaranteeing the speed and effectiveness of procedures.
- **The Mechanism of Electronic Litigation in Arab Countries**

Arab countries are still in the initial stages regarding electronic litigation, facing challenges that hinder its development, such as fear of legal consequences, weak acceptance by some members of the judiciary of this technology, and a lack of specialized competencies in managing electronic systems within courts. Nevertheless, some Arab countries have taken notable steps in developing electronic litigation systems, most notably:

- **United Arab Emirates:** In 2013, the UAE launched the “Smart Court” initiative, allocating significant investments to fully digitize the judicial system. The initiative focuses on four main pillars:
  - Smart Judge System
  - Smart Lawyer System
  - Smart Registration System
  - Smart Notary System

In addition to an electronic payment system that allows judicial fees to be paid online, contributing to improved speed and efficiency of judicial services.

- **Kingdom of Saudi Arabia:** The Kingdom adopted a comprehensive electronic litigation system, whereby the judicial process begins with filing the case and notification procedures and continues until the issuance of the judgment electronically. Plaintiffs can submit their statements of claim through the court’s website and follow all procedures until the final judgment is issued. In the field of administrative القضاء, Saudi Arabia launched the electronic portal of the Board of Grievances, which provides digital services, including the “Knowledge Window,” an integrated database containing regulations, bylaws, and decisions, assisting in benefiting from judicial precedents during electronic litigation.
- **Morocco:** The Moroccan Ministry of Justice established an electronic platform via its official website ([www.justice.gov.ma](http://www.justice.gov.ma)), offering multiple portals, including an electronic litigation portal. The platform provides services such as access to the judicial organization in Morocco, searching for courts and related information, viewing case files and hearing schedules, and benefiting from databases of judges and experts. This system allows litigants and lawyers to access information quickly and easily throughout the week and from anywhere in the world via the Internet, thereby enhancing transparency and fairness in judicial procedures.

- **The Mechanism of Electronic Litigation in Foreign Countries**

Foreign countries have witnessed notable developments in electronic litigation

systems, with many adopting advanced digital mechanisms to facilitate judicial procedures and enhance court efficiency. Among the most successful experiences:

- **United States of America:** The U.S. judicial system relies on electronic means in court procedures, making it possible to pay judicial fees, submit documents, and exchange files electronically. Although federal law has not specified procedures for electronic notification via email, individual states adopt varied electronic systems. Some states allow digital filing, storage, preservation, and review of files through official court websites, enhancing transparency and accelerating judicial procedures.
- **Brazil:** The Brazilian judicial system has distinguished itself by using artificial intelligence technologies in electronic litigation procedures through an innovative digital program known as “Electronic Litigation,” operating on portable computers used by mobile judges. This system aims to accelerate the evaluation of testimonies and evidence directly at the incident site, within a project known as “Mobile Justice.” This experience represents a pioneering model adopted by other countries such as Spain and Belgium to enhance court efficiency and achieve justice more rapidly.

### **Second: Technical Mechanisms for the Modernization of Justice**

Modern technology has been adopted in the justice sector while taking into account the specificity and sensitivity of judicial data,

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<sup>23</sup> Talbi Laila, “The Situation Under Electronic Monitoring,” *Journal of Humanities*, University of Badji Mokhtar, Annaba, Algeria, No. 47, 2017, p. 254.

with this service controlling the powers of information storage, issuance, and delivery. To ensure the highest levels of security and confidentiality, advanced technical means have been employed to provide maximum protection for information through precise information systems designed to preserve data security and ensure confidentiality, thereby enhancing the reliability of judicial transactions and protecting them from potential digital risks.<sup>23</sup>

### **1. Projects Implemented within the Framework of Intersectoral Cooperation**

Among the objectives set for the justice sector regarding its modernization is sectoral cooperation, namely linking the Ministry of Justice with administrative institutions and correctional institutions. Among the most important systems adopted are electronic monitoring and remote communication technology.

#### **A. Placement under Electronic Monitoring**

Placement under electronic monitoring is a method or mode of executing custodial sentences outside correctional institutions, under the supervision of qualified persons in designated locations by order of the judiciary.

This method allows convicted persons or those placed under judicial supervision to remain at their residence while imposing confinement and restricting their movement through a device resembling a wristwatch or bracelet, fixed to the person’s ankle or wrist, hence called the electronic bracele<sup>24</sup>. It is an electronic monitoring device used to track the individual and ensure their presence in specified locations during a defined period agreed upon between the convicted person and the judicial authority. Article 150 bis of Law No. 18-01 provides that “placement under electronic

<sup>24</sup>Law 18-01 dated January 30, 2018, amending Law 05-04 on the organization of prisons and the social reintegration of inmates, *Official Gazette*, No. 05, No. 45, issued on January 30, 2018.

monitoring is a measure that allows the convicted person to serve all or part of the sentence outside correctional institutions.” Placement under electronic monitoring consists of the convicted person wearing, for the entire duration specified in Article 150 bis 01, the electronic bracelet, which allows determining their presence at the place of residence specified in the placement decision issued by the judge responsible for the execution of sentences.<sup>25</sup> Despite the authority granted by the Algerian legislator to the judge and the framework it set for the use of electronic monitoring, and despite the objectives outlined by the legislator for this application, practical implementation has not yielded its expected results<sup>26</sup>. This is because investigating judges, juvenile judges, and trial judges are reluctant to use the electronic bracelet, whether due to their lack of trust in this technology or the judicially supervised person’s refusal of electronic monitoring, as they are unfamiliar with how to deal with it—especially if the convicted person is illiterate. In this regard, judges prefer placing the accused in pretrial detention to avoid any problems that may arise after resorting to electronic monitoring.

#### **b- Use of video conferencing technology**

Within the framework of consolidating the rule of law to advance the justice sector and modernize it, legal systems seek to use new means. The Algerian legislator recognized remote video conferencing in Law No. 15-03, Article 14, defining it as follows: “If distance so requires or if the proper administration of justice so demands,

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<sup>25</sup>Mazifi Fateh, Abbasi Karima, “Evaluation of the Algerian Experience in Judicial Monitoring and Social Reintegration of Prisoners through Electronic Bracelet,” *Al-Basaer Journal for Legal and Economic Studies*, Special Issue, December 2021, Algeria, p. 394

<sup>26</sup> Ashraf Gouda Mohamed Mahmoud, “Electronic Courts in Light of Contemporary Procedural

parties may be interrogated and heard by means of remote video conferencing, with due regard for the rights and rules stipulated in this chapter.” The means used must ensure confidentiality and integrity of transmission. Articles 15 and 16 set out the special procedures for remote video conferencing, whereby the investigating judge may use it with several persons during interrogation and hearings, to hear witnesses, civil parties, and experts, or to receive statements from a detained accused who consents in misdemeanor cases. If the person is detained, their statements are heard from the penal institution via remote video conferencing. Article 441 bis of Order No. 20-04 provides for dividing the conditions for applying this technique into substantive conditions and technical conditions.

#### **c- Updating the working tools of the justice service**

These challenges are embodied in electronic litigation, which constitutes a qualitative leap in developing the judiciary due to its connection with modern technology and information systems, and the process of converting data into information that is easy to handle on a daily basis. This system is characterized by smooth communication, ease of sending documents and records, and speed of application; it also saves effort and time for both judges and litigants.

Among its features are:<sup>27</sup>

- Electronic documents replacing paper documents.
- Electronic submission of documents and pleadings.

Reality,” *Journal of Sharia and Law*, Al-Azhar University, Egypt, No. 35, Part 3.

<sup>27</sup> Ashraf Gouda Mohamed Mahmoud, “Electronic Courts in Light of Contemporary Procedural Reality,” *Journal of Sharia and Law*, Al-Azhar University, Egypt, No. 35, Part 3.

- Speedy execution of litigation procedures.
- Improved performance and reduced procedures.
- Simplification of procedures for parties to justice.
- Proof of electronic litigation procedures.
- Reliance on the electronic intermediary, namely a computer connected to the Internet or to a private external communication network, which transmits changes from the administration instantaneously despite the distance between the parties to the dispute.

### **Third: Future prospects for the modernization of justice**

It can be said that among the latest developments in the justice service within the framework of its modernization is the move toward applying mobile courts. They are called so because judges travel to areas designated by law at specific times to hold sessions in order to adjudicate the cases presented.

Organic Law No. 22-10 concerning the ordinary judicial organization and the administrative judicial system provides in Article 06 that judicial bodies may hold mobile sessions outside their headquarters and within their territorial jurisdiction by decision of the Minister of Justice.

The decision dated 28 November 2022 further detailed the holding of mobile sessions by certain judicial bodies, the locations where mobile sessions are held, their times, and the applicable procedural rules.

Article 02 states: “The judicial bodies mentioned in the article may hold mobile sessions”:

- Adrar Judicial Council: the Council and the courts of Timimoun and Bordj Badji Mokhtar.
- Illizi Judicial Council: the courts of In Amenas and Djanet.
- Ouargla Judicial Council: the Hassi Messaoud Court.

The times of holding sessions are set out in Article 03: “The days, hours, and places of holding mobile sessions, and the sections and chambers concerned, shall be determined by an order issued by the President of the Judicial Council, after consulting the Public Prosecutor and coordinating with local and security authorities.”

As for judicial procedures, Article 04 provides: “The same procedural rules stipulated in the Code of Civil and Administrative Procedures and the Code of Criminal Procedure shall apply to mobile sessions.”

### **Conclusion**

Among the most important of these mechanisms is electronic litigation, which represents a qualitative shift in accelerating the resolution of cases, reducing administrative burdens, and enabling litigants to follow their files remotely, thereby enhancing the principle of transparency and ease of access to justice. Thus, the modernization of the justice sector is no longer merely an option, but a necessity imposed by global changes, in pursuit of achieving a modern judiciary that aligns with the requirements of the modern state and guarantees individuals’ rights efficiently and effectively.

The Algerian state has made significant efforts to modernize the justice sector by improving the quality of judicial performance and accelerating procedures, thereby strengthening the building of the rule of law. Law No. 15-03 dated 1 February 2015 came to embody the project of modernizing justice through three main axes:

- Establishing a central information system for the Ministry of Justice, exchanging judicial documents and instruments electronically, and adopting remote video conferencing in judicial procedures.

These reforms contributed to enhancing Algeria’s standing globally, as its experience became a model to be emulated in modernizing judicial facilities. The

modernization of the judiciary also came within the state's strategy to bring justice closer to citizens and improve the quality of services provided.

Although this project faced major challenges, Algeria managed to overcome them thanks to its human and legislative resources. Moreover, substantial material resources were allocated to ensure the project's success and to familiarize citizens with these services, making modern technologies an effective means to improve public service and facilitate access to justice.

#### **Recommendations:**

- Use a dedicated window for filing and registering civil lawsuits, alongside a window for tracking the progress of cases, to facilitate matters for litigants.
- The necessity of training employees and judges in the sector to master information technology, data control, information management, and analysis, and everything that enhances the sector's digitization.
- Encouraging alternative dispute resolution mechanisms such as mediation and arbitration.
- Benefiting from successful international experiences in modernizing legal systems in the justice sector.
- Launching awareness campaigns for citizens about digital judicial services and how to benefit from them.
- Strengthening cooperation with Algerian universities and research centers to develop innovative solutions specific to the justice sector.
- Using artificial intelligence to analyze legal data, assist in drafting judgments, and predict case outcomes.

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