

THE PRACTICAL CHALLENGES OF ELECTRONIC LITIGATION IN ALGERIAN LAW: BETWEEN ISSUES AND SOLUTIONS

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Abstract - *The Algerian legislature acknowledged electronic litigation since 2015 under Law No. 15-03, which pertains to modernizing justice and is titled "Remote Visual Trial." However, this technology was not widely implemented until the year 2020, when the COVID-19 pandemic necessitated its adoption to ensure the continuation of judicial activities. This was accomplished through Order 20-04, which amended the Criminal Procedure Law to activate this technology. Despite the efforts made by the Ministry of Justice to optimally implement the electronic litigation system, its practical implementation and widespread adoption across all judicial bodies have proven more complex than anticipated. This is due to the legislative framework's inadequacy in regulating its procedural aspects and the various systems associated with electronic litigation.*

Keywords: *Electronic Litigation; Judiciary; Procedures; Challenge.*

INTRODUCTION

Within the framework of modernizing the justice sector in accordance with international standards, the Algerian Ministry of Justice has sought to develop various procedures and applications to enhance public service. Modernization has taken various forms, one of which is electronic litigation, considered a significant aspect of modernizing the justice sector in Algeria.

Algerian legislation officially recognized electronic litigation since 2015 through Law No. 15-03 related to the modernization of justice, specifically addressing remote video proceedings. However, this technology was not widely implemented until the year 2020, when the COVID-19 pandemic necessitated its adoption to ensure the continuity of judicial activities. This adoption was enacted through Order No. 20-04, amending the law on criminal procedures.

To what extent is the Algerian legislator familiar with the requirements and specificities of regulations governing electronic litigation?

Accordingly, our research will be divided into two sections. In the first section, we will highlight the concept of electronic litigation and its procedures. In the second section, we will elucidate the extent of the implementation of the electronic litigation system.

1. The Concept of Electronic Litigation and its Procedures :

Electronic litigation is considered one of the most significant new measures necessitated by the global pandemic situation caused by the spread of the novel corona virus (COVID-19). This pandemic situation has compelled the need to resort to conducting trials remotely, which has the potential to positively contribute to the standardization and simplification of litigation procedures. Moreover, it ensures the quality of work and keeps pace with the advancements in modern technologies.

The concept of remote litigation is closely related to the concept of an electronic court. This term emerged alongside the development of technological advancements that have encompassed various aspects of life. It has prompted countries worldwide to move towards managing cases and lawsuits electronically through the use of the internet.

Given the importance of electronic litigation and the trend of several countries, especially advanced ones, towards adopting it, we will attempt in this article to clarify the concept of electronic litigation (as the first aspect) and its procedures (as the second aspect).

1-1 First Aspect: The Concept of Electronic Litigation :

The implementation of electronic litigation holds immense significance, particularly in the current era, for its ability to save time and effort while delivering justice to its rightful recipients through simpler and faster means. This importance is underscored by the fact that we live in a world



experiencing a technological revolution that has surpassed all expectations, especially in the realm of communications.

To shed light on the concept of electronic litigation, we will first delve into its definition (First Branch), then explore its characteristics that differentiate it from traditional litigation (Second Branch). Lastly, we will discuss the legislative framework for electronic litigation (Third Branch).

A) Defining Electronic Litigation :

The system of electronic litigation is one of the achievements resulting from the information revolution and the emergence of what is known as the virtual world. Numerous definitions have been attributed to electronic litigation. From a jurisprudential perspective, it is defined as: "The authority of a specialized group of regular judges to consider cases and conduct judicial procedures through innovative electronic means within an integrated judicial system or systems. This system relies on the technological approach of the international network (the Internet) and electronic computer file programs to handle cases, make judgments, and execute rulings, with the aim of achieving swift case resolution and facilitating matters for the litigants."¹

As some define it, it is the transition from providing services, transactions, and litigation from the traditional and conventional form to the electronic form through audiovisual means using the Internet network.²

Others define it as: the process of electronically transferring litigation documents to the court via email, where these documents are examined by the designated clerk, and a decision is issued regarding their acceptance or rejection. A notification is then sent to the litigant, informing them of the actions taken on these documents.³

Some jurisprudential perspectives define it as: 'Obtaining judicial protection measures through the use of assisting electronic means for human intervention, through technical procedures that ensure the realization of litigation principles and safeguards, all within a legislative protection framework for these procedures that align with the general rules and principles of the law, while considering the specific nature of electronic means.'⁴

Through our examination of these definitions, we find that certain jurisprudential views have been limited in their definition of the electronic litigation system, while others have presented more comprehensive and explicit definitions that cover various litigation procedures. Based on this, it can be defined as: an informational judicial system through which all litigation procedures are carried out using various electronic means, starting from the filing of the claim to the issuance of the judgment."⁵

According to these definitions, when a litigant or lawyer wishes to initiate a lawsuit electronically, they send the lawsuit petition via email through a dedicated website designed for this purpose. This website remains accessible 24 hours a day, seven days a week, allowing the receipt of these documents. The management of this website, usually a designated company, receives these documents. They then forward them to the relevant court, where the designated court clerk receives them.

⁶The clerk examines the documents, verifies the user's identity, and then decides whether to accept or reject these documents. Subsequently, an electronic message is sent to the litigant, informing them of the receipt of the documents and the decision made regarding them.

B) Characteristics of Electronic Litigation :

Scientific and technological progress has necessitated a shift towards a new reality that aligns with the requirements and laws of advancement, as well as the mechanisms of dealing with it⁷. Electronic litigation has accompanied this evolution and relied on the Internet compared to the traditional method, which relied more on manual work than electronic means.⁸ The key characteristics of electronic litigation can be outlined as follows:

First: Substituting Electronic Documents for Paper Documents

The essence of the difference between electronic and traditional litigation lies in the non-use of physical documents. Correspondence takes place electronically, reducing the circulation and storage of paper files in the courts. This leads to increased efficiency, reduced costs, fewer file losses, and



enhanced security of court records. Electronic documents are easier to track for any changes and are readily accessible.

Second: Sending Documents, Petitions, and Papers Electronically via the Communication Network

This is commonly referred to as "virtual delivery" or "remote downloading." It involves the transfer or receipt of programs or data via the Internet to the client's computer. This allows documents to be transferred online without resorting to external sources. It is the opposite of remote uploading, where a file or program is sent to another computer.

For this reason, electronic devices like fax machines or telex systems play a legal role in implementing remote litigation procedures. They assist the judiciary in compiling, storing, preserving, announcing, notifying, and exchanging documents between parties or their representatives.

Third: Using Electronic Media to Execute Litigation Procedures

One of the most significant characteristics of electronic litigation is the use of an electronic intermediary, which executes electronic litigation procedures via the Internet or extranet. The computer connected to this network acts as the intermediary between the litigants. It can serve as a judicial assistant, involved in tasks such as compiling, storing, and preserving electronic files, making announcements and notifications, conducting expert evaluations, listening to witness statements, interrogating the parties, hearing their statements, and facilitating the exchange of memoranda between the litigants or their representatives.

Fourth: Speed of Executing Litigation Procedures

The process of electronic litigation via the Internet effectively contributes to the swift completion of litigation procedures between the parties. Sending and receiving documents and memoranda occurs rapidly without the need for repeated trips to the court's premises. This not only saves time and effort but also financial resources.

Fifth: Electronic Proof of Litigation Procedures

Electronic proof is a crucial element in electronic justice. The use of electronic means is not limited to sending and receiving documents, accessing them, or paying judicial fees. These means are also employed to establish evidence of procedures in electronic courts. Due to technological advancements, new forms of evidence have emerged, with electronic writing, electronic signatures, and authentication being recognized in the digital realm. Electronic documents, acting as the legal reference for the parties involved, demonstrate their commitments through electronic signatures.

Sixth: Using Electronic Means for Payment of Fees and Expenses

Electronic payment methods have replaced traditional currency. Technological progress has introduced innovative payment methods for transactions, resulting in substantial progress in completing electronic transactions through new payment systems. These systems play a pivotal role in electronically filing or registering cases, particularly in terms of settling fees, expenses, fines, or claims related to filing lawsuits.

Seventh: Implementing Electronic Litigation through Establishing Electronic Courts

Electronic litigation is the subsequent stage after the establishment of electronic courts. Filing a lawsuit electronically is only possible if the court has a presence on the communication network.

1-2- Legislative Framework for Electronic Litigation

The Algerian legislature adopted the system of electronic litigation through Law No. 15-03⁹, which modernizes the justice sector. The law consists of 19 articles divided into 5 chapters. The first chapter includes general provisions and the objectives of enacting the law. The second chapter focuses on the central information system of the Ministry of Justice, certifying the validity of electronic documents, and electronically authenticating documents and records. The third chapter regulates the process of sending documents and legal procedures electronically. The fourth chapter defines the conditions and procedures for using remote visual conversations. The final chapter addresses the penalties imposed on violators of this law.

In addition to the law modernizing the justice system, the Code of Criminal Procedure was amended by Order No. 15-02¹⁰, which permits the examination of witnesses and experts through technological



means and remote visual conversations. Similarly, Order No. 20-04 amended the Code of Criminal Procedure to allow the questioning and hearing of parties through remote visual conversations, while respecting the rights and rules stipulated in the Code of Criminal Procedure. The legislator linked the use of this technology to the conditions of confidentiality and security of transmission. It emphasized the necessity of recording statements securely and completely, accurately transcribing them on a report signed by the appointed judge and the court clerk.

The Algerian legislature has provided the possibility of conducting remote visual testimony for witnesses, civilian parties, and even experts by the judicial authority. This involves holding virtual hearings at the nearest court to the location of the person required to give their statements, with the presence of the regional prosecutor and the court registrar. This technology can also be used to hear testimony from detained defendants within correctional institutions, subject to their consent and the approval of the public prosecutor.

The legislator aimed to establish an electronic litigation system by issuing Order 20-04, amending the Criminal Procedure Law issued in 2020. This was driven by the need to ensure a fair judicial process, uphold public safety and health, and manage situations such as natural disasters, including the current global health crisis caused by the spread of the novel coronavirus. This crisis has disrupted various government facilities and institutions, including the justice sector.

According to the provisions of Article 441 (repeated) of the Criminal Procedure Law, the Algerian legislator introduced several regulations that govern the procedures for conducting remote visual trials in greater detail than under the previous justice modernization law. This particularly concerns the use of remote visual communication technology during the trial phase and the necessity of obtaining the consent of both the accused and the public prosecutor for its implementation.

In accordance with Article 441 (repeated) paragraph 8 of the Criminal Procedure Law, the judicial authority has been granted the discretion to utilize this technology voluntarily. The judicial authority also holds discretionary power to decide on objections from the parties involved or the public prosecutor against using this procedure, either accepting or rejecting it with a non-appealable decision. Additionally, the judicial authority can continue the trial according to this procedure if it deems it necessary.¹¹

3-: Electronic Litigation Procedures

The remote trial system introduces a new way of presenting data, documents, and attachments related to a case, as well as scheduling session dates in advance for each lawsuit. When the parties to the lawsuit attend, their statements are heard remotely without physical presence.

3-1: Filing the Lawsuit and Sending Documents and Legal Proceedings Electronically

The initial step in electronic litigation is filing the lawsuit before the competent court and paying the legal fees. Electronic registration of the lawsuit is done in a dedicated electronic register for case records through a specific website on the internet. Parties and lawyers can access the system to file lawsuits, submit documents, and pay legal fees.

The claimant prepares the lawsuit memorandum on two identical CDs, and the defendant also prepares their defense memorandum. Both parties then enter the information into the website. Once the memorandum is prepared, the claimant electronically appoints a lawyer to represent them by linking electronically with the court registrar. The lawyer issues a power of attorney for representation after entering the necessary required information and using the secret number obtained from the Bar Association. The lawyer electronically signs the power of attorney using electronic signature laws.

The lawyer attaches the electronically signed lawsuit memorandum to their email and provides their phone number for electronic correspondence. The digital computer verifies the accuracy of the data and the user's identity, allowing access and presenting a list of suitable civil or criminal courts. After verifying the data and all documents, the legal fees are paid using electronic payment methods.

Upon completing the lawsuit registration and payment of legal fees, legal notifications are conducted¹².

It's worth noting that in Algeria, lawsuits are not filed electronically; they are filed in paper form at the competent court's registry. However, this approach has been adopted in various courts in

several countries, such as the federal courts in the United States, courts in European Union member states like England and Canada, as well as some Arab countries like Saudi Arabia, the United Arab Emirates, Morocco, Kuwait, and Iraq.¹³

Regarding the electronic transmission of documents and legal proceedings, Article 09 of Law 15-03, related to justice modernization, stipulates the methods of notification and sending documents electronically, alongside traditional methods specified within the laws of civil, administrative, and criminal procedures. The third section of this law is dedicated to regulating the electronic transmission of legal documents and proceedings.¹⁴

Electronic notification relies on electronic means such as email. If the claimant knows the defendant's email address, they include it in their lawsuit memorandum. The court registrar, through the court's electronic platform, notifies the defendant electronically. The notification email includes the case number, date, and location of the session, along with a secret code that allows remote access to the case. If the claimant doesn't have the necessary information to notify the defendant, the court registrar accesses the required data through the network database.

Technical means used in these electronic correspondences must fulfill the requirements outlined in Article 10 of Law 15-03. These requirements include:

- Reliable identification of the electronic communication parties.
- Safety of transmitted documents.
- Security and confidentiality of communication.
- Preservation of data, enabling confirmation of the exact date of sending and receiving.

When these conditions are met, and the sent document is prepared electronically according to the required procedures, it holds the same validity and effectiveness as the original document, as stated in paragraph 02 of Article 10 of Law 15-03.

Sending contracts and documents electronically necessitates a receipt notification that is sent to the recipient upon delivery. This notification includes the date and time of receipt and serves as an acknowledgment, stamp, signature, or any indication of receipt¹⁵. According to Article 11 of the same law, once the court registry receives the lawsuit memorandum, attachments, and sets the session date, this information is sent to the computer system of the relevant court.

3-2: Electronically Monitoring the Case and Conducting Remote Trials

A digital system has been implemented to facilitate administration, minimize citizen mobility, and modernize the justice sector. Under this system, as soon as a lawsuit is filed, the litigant obtains a secret code that allows them to access a dedicated website. This website provides updates on the case's progress, whether it's under review, postponed, or concluded, regardless of its stage in the court, judicial council, or Supreme Court. Other features include:

- Access to verdicts online, both at court and judicial council levels.
- Access to the Supreme Court and State Council online platforms through the lower courts.
- Electronic exchange of criminal case files between prosecutors and investigating judges.
- Online correction of errors in civil status records, enabling citizens to submit requests and accompanying documents online.
- Implementation of modern automated systems for managing human resources and judicial archives.

Regarding remote trials, this system has been adopted in Algeria following the implementation of Law No. 15-03. Courts, councils, and correctional facilities across the country are connected through an optical fiber network. This system allows for remote visual communication during investigations, including remote questioning of parties involved. It facilitates remote hearings during trials, such as hearing witnesses and experts who are physically distant. This system is also used to hear defendants in misdemeanor cases and inmates in correctional institutions, reducing the need for their physical transportation.

It's important to note that remote trial systems are applicable only in criminal matters and are not implemented in civil cases. The Ministry of Justice is working to extend this system to civil matters as well.

- Activating the Ministry of Justice's Sectoral Network, which includes a database aimed at connecting various judicial entities.



- Establishing an internal communication network between judicial councils and the Supreme Court, enabling lawyers to register appeals before the Appeals Department at the judicial council level. This allows them to track the progress of appeals without the need to physically visit the Supreme Court. However, this procedure hasn't been fully implemented yet, as most steps are still carried out through traditional methods.

Moreover, the use of remote visual trials is implemented based on certain conditions, including:

- When it is necessary for the proper administration of justice or due to geographical distance, as stated in Article 14 of Law No. 15-03: "If required by geographical distance or for the proper administration of justice, parties can be questioned and heard through remote visual communication."
- Consent of the public prosecutor and the detained defendant in case of remote consent.
- Recorded statements must be secure and attached to the case file.
- Ensuring the confidentiality and security of transmission.
- Statements must be fully transcribed in a record signed by the judge in charge of the case and the court clerk.

Section II: Extent of Electronic Litigation System Implementation :

The adoption of remote visual communication technology in criminal trials does not permit public attendance in the courtroom. This aligns with the country's health situation due to the spread of the novel corona virus and the need to implement the health protocol imposed by the World Health Organization, which emphasizes physical distancing among individuals.

Algerian law also guarantees the rights and freedoms of the detained individual in choosing between remote trial or traditional trial, especially considering that the trial phase is decisive in public lawsuits, determining the fate of the accused between acquittal and conviction. The judicial authority can opt for remote visual communication either voluntarily or upon the request of the public prosecutor, one of the litigants, or their defenders, in accordance with Article 441 repeated 7 of the Criminal Procedure Code.

Furthermore, the use of remote trial technology, when executed under the required conditions and means, ensures the protection of the litigants' rights, particularly the rights of the accused party¹⁶. The accused is considered present in the session electronically after consulting the opinion of the public prosecutor and informing the other litigants of the use of this technology in the trial. The legislator has considered that the judge can continue using remote trial technology even if it is rejected by the public prosecutor or one of the litigants, as long as the judge deems that the fundamental rights of the accused are not compromised. The seriousness of objections in using the technology is what Article 441, paragraph 8 of the Code of Criminal Procedure stipulates.

In this context, several remote trials were organized at the national level. The first one took place on October 7, 2015, at the Quli'ah Court. The first international trial was conducted on July 11, 2016, at the Council of the Magistrate in M'sila, where a witness from the "Nanterre" French court was heard. Requests were made by lawyers to utilize remote trial technology, mostly concerning prisoners who had already been tried and later found to be involved in other cases or were detainees in penal institutions, requiring their summoning as witnesses. According to experts, this technology will alleviate pressure on judges, reduce the number of cases presented before them daily, and thus avoid delays, particularly with the elimination of detention¹⁷.

Despite Algeria taking a tangible step towards implementing remote trials and moving towards an electronic court system, there are difficulties and obstacles that hinder the optimal application of this system in practice. Additionally, negative effects that might compromise fair trial guarantees are possible. This necessitates a discussion about the challenges facing Algeria, which we will see in the following request.

1- Obstacles to Implementing the Electronic Litigation System

The adoption of the electronic litigation system in practice has led to numerous challenges and difficulties, despite the efforts made by the Ministry of Justice to achieve its optimal application. Actual implementation and nationwide dissemination have proven more complex than anticipated,



both from a legal perspective involving jurisprudence and law (**Branch One**), and from a technical perspective involving information technology specialists (**Branch Two**).

1-1: Legal Obstacles

One of the major obstacles affecting the advancement of judicial procedures in terms of applying modern scientific technology means pertains to the legal aspect. Some of the most important obstacles include:

The legislative difficulties are evident in the lack of sufficient legislation from national laws and international treaties governing the provisions of remote litigation, the procedures for its application, and the rulings it issues. This legal deficiency raises questions primarily about the ability to verify the identity of litigants and the validity of electronic documents, as well as the challenge of adapting legal texts to the mechanisms of electronic litigation.

Additionally, the absence of human expertise is a notable challenge. This refers to a group of specialists in the electronic field who work with technical devices and use the necessary electronic software. Judges, court officials, and lawyers must also undergo intensive training in computer science, communication systems, website programming, and equip their offices with the latest computer equipment to enable them to electronically file lawsuits, monitor their progress, and adjudicate them.

Furthermore, the issue of the judge's confidence in the electronic evidence presented to them and the extent to which they consider the automated message sent to them as sufficient evidence for making a judgment arises. The challenge posed by electronic evidence is not about whether it can be accepted as a means of proof or not, but rather in ensuring its credibility and its expression of legal truth. How can a judge rely on the computer's judgment and analysis of stored data to render a verdict?

In terms of electronic proof and electronic signature, the system of proof is closely related to litigation and trial proceedings in general. There is no room for a legal claim that is not subject to proof. Recognizing its importance, the Algerian legislator has worked on developing electronic proof, keeping pace with the digital advancement. This was achieved through the issuance of Law 15-04¹⁸, which defines the general rules relating to electronic signatures and authentication. Under this law, the Algerian legislator equates traditional signatures with electronic signatures in terms of probative value. However, this law does have some shortcomings, notably that it fails to specify its application scope, and does not clarify which transactions are subject to the law and which are exempted from it. Contrary to the legislations of Bahrain, Jordan, and Saudi Arabia, which exclude matters of personal status and transactions that the law requires to be formalized, the Algerian legal framework lacks sufficient regulations in terms of national laws and international treaties governing the procedures and provisions of electronic litigation, including its application and enforcement. This legal deficiency raises concerns about ensuring the identity of the litigants and the validity of electronic documents. Furthermore, the delayed implementation of this legal framework is attributed to the absence of dedicated electronic signature and authentication devices, in addition to the inadequacy of measures to deter crimes related to electronic signatures.

The fluctuation in the use of electronic signatures indirectly impacts electronic litigation, given that electronic signatures play a crucial role in judicial evidence. Concerning electronic payment, Algeria has attempted to keep up with technological advancements in the field of cash by enacting electronic payment systems. However, these efforts have proven insufficient due to the absence of a unified legal framework governing these systems. This is further exacerbated by deficiencies in electronic payment culture and infrastructure, including inadequate internet connectivity in some regions and citizens' preference for traditional cash transactions. These factors create a gap between intended plans and actual implementation, resulting in a significant delay in the advancement of the electronic payment system. For instance, a law was initially designed to be fully implemented by the end of December 2020 but was postponed to December 2021 through the Financial Law for the year 2021, as stipulated in Article 146 of the law.¹⁹

2-The second obstacle lies in the material and technical challenges :

The technical obstacle is the most critical and significant challenge hindering the implementation of electronic litigation. It leads to a negative impact on public services, as electronic litigation, intended to offer efficient and rapid services, becomes an impediment to judicial proceedings, particularly when video hearings are rendered impractical.

The first challenge relates to the weak infrastructure of the electronic communication sector. In Algeria, there is significant instability and disruption in internet services, which directly affects electronic litigation and hampers its progress. This results in negative repercussions on public services. Instead of becoming a mechanism to deliver efficient and high-quality services, electronic litigation becomes a hindrance.

As a conclusion, the journey towards electronic litigation in Algeria has encountered several legal, technical, and infrastructure-related challenges that have impeded its smooth implementation. The legal framework needs further development to align with international standards and regulate electronic signatures, authentication, and other essential aspects of electronic litigation. Additionally, addressing technical and infrastructural limitations is crucial to ensuring the effectiveness and reliability of electronic litigation services in Algeria. Obstacles that hinder judicial proceedings, especially when it becomes impossible to conduct trials, for example, and cases are postponed until remote trials can be arranged at a later time. Additionally, communication between lawyers and detainees in correctional facilities continues to face problems due to weak network infrastructure. Often, case hearings are postponed solely due to this issue. Furthermore, the limited spread of the internet in remote areas is a significant factor preventing the possibility of filing lawsuits electronically. This necessitates the urgent development of Algeria's internet network, which falls under the responsibility of the Ministry of Post and Telecommunications.

There is also a challenge related to the lack of resources and the prevalence of digital illiteracy. This hinders integration into the information society and limits the optimal use of electronic litigation mechanisms, making it difficult to transition from traditional administrative methods.

Difficulties related to the spread of viruses on electronic devices also arise, leading to the destruction of computer program content. Incidents of cybercrime, including attempts to breach websites through the internet, pose a threat. Therefore, the necessity arises to establish technological protection for the electronic litigation system to counteract potential breaches that may affect the electronic litigation process.

3- The Reality of Electronic Litigation in Algeria :

The direction taken by the Algerian legislature towards reforming the justice sector and enhancing its performance involves enacting laws that enable the judiciary to use modern digital technology and advanced mechanisms, resembling an electronic public facility that provides its services normally, with speed and quality, in line with global trends in the use of this type of technology in the field of justice. The Algerian legislature has taken significant steps in this direction, especially after the issuance of Law 15-03, which pertains to the modernization of justice. This law includes provisions that endorse the use of various electronic techniques in the field of justice, and this materialized through the implementation of the Electronic Litigation Project both internationally .

3-1: The Reality of Electronic Litigation in Algeria in International Law : Algeria ratified the United Nations Convention against Transnational Organized Crime, which addressed the idea of video conferencing through Article 18, Paragraph 18 of Presidential Decree No. 02-55. This decree approved Algeria's ratification with reservations of the United Nations Convention against Transnational Organized Crime, adopted by the United Nations General Assembly on November 15, 2000, and deposited on February 5, 2002, in Official Gazette No. 09 of February 10, 2002. It stated, "...at the request of another State, a hearing may be conducted by video, if it is not feasible or difficult for the person concerned to appear in the territory of the requesting State, and the Parties may agree that the hearing be conducted by a judicial authority of the requesting State and attended by a judicial authority of the requested State receiving the request." In collaboration with the European Commission, Algeria established a network called the Emergency Network, operating through satellite technology (VSAT), alongside the internal linear network. This network allows communication from any location to provide testimonies. The project concluded in



2009.

3-2: The Reality of Electronic Litigation in Algeria in Domestic Law :

The justice sector in Algeria has made substantial strides in utilizing information and communication technology and transitioning to the digital realm. Numerous projects have been undertaken to achieve modern justice, particularly in facilitating access to legal recourse for all segments of society, simplifying and improving judicial procedures, upgrading judicial and administrative management methods, and providing remote judicial services for the benefit of citizens, litigants, and legal assistants.

Efforts in this field have allowed for:

- Activation of the sectoral network of the Ministry of Justice, linking the central administration with all judicial bodies and correctional institutions, serving as essential infrastructure for utilizing various developed information systems.
- Establishment of an internal communication network connecting judicial councils, the Supreme Court, and the Council of State. This network enables lawyers to register appeals electronically with the Appeals Department at the judicial council. The progress of appeals can be tracked without needing to go to the Supreme Court.
- Integration of electronic signature and authentication technology in the judicial field through the establishment of a smart card personalization system for electronic signatures and the creation of an electronic authentication authority. This enables all parties involved in the sector to authorize administrative documents and legal documents with a trusted electronic signature, facilitating remote services.
- The possibility for lawyers to retrieve regular copies of signed judicial judgments and decisions electronically via the internet.
- Provision of the ability to retrieve regular copies of judgments issued by the Supreme Court and the Council of State through an electronic platform directly from the relevant judicial authorities.
- The ability to track case progress and access the verdicts through the Ministry of Justice's online portal.
- Improvement of collection methods through the adoption of an automated mechanism for collecting fines and court costs by judicial authorities. This mechanism relies on an integrated automated system and a national database. Additionally, incentives were established to encourage the execution of judicial rulings, including the use of installment payments and reduced percentages for voluntary payments.
- Establishment of the ability to send electronically signed expert reports and exchange documents electronically between judicial bodies and scientific departments of the judicial police.


CONCLUSION

It can be observed that Algerian legislation introduced electronic litigation within the framework of digital administration, starting as early as 2015. It was given legal foundation through Law No. 15-03, which concerns modernizing justice. The emergence of the COVID-19 pandemic has highlighted the importance and necessity of implementing this electronic technology, leading to amendments in the Penal Code through Decree No. 20-04. Electronic litigation has become a qualitative leap in the development and modernization of judicial work.

However, the actual implementation of electronic litigation in Algeria remains limited, despite efforts made by the Ministry of Justice for its optimal application. Translating it into reality and applying it across all judicial entities presents greater complexity than anticipated due to deficiencies in the legislative framework governing procedural aspects and various systems related to electronic litigation. Furthermore, technical and technological mechanisms that facilitate its execution are still underdeveloped.

Given the above, we propose the following recommendations:

1. Utilize the experiences of leading countries that have adopted this system within their judiciary by establishing cooperation relationships for exchanging experiences in the field of electronic justice and remote litigation.

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2. Create model electronic chambers that contribute to the development of the electronic judicial system in various courts. These chambers should be equipped with advanced technological devices that facilitate training and interaction through electronic media in judicial procedures.
 3. Undertake legislative reforms to regulate procedures for litigation using electronic means, along with the development and activation of regulations governing electronic transactions.
 4. Conduct periodic training courses in the field of electronic justice, utilizing technology for the benefit of those working within the judicial framework, including judges, lawyers, and professionals, to keep up with technological advancements while ensuring greater protection for electronic lawsuits against the risk of breach to maintain the confidentiality of information and judicial transactions.
 5. Amend the Code of Civil and Administrative Procedure to potentially include civil and administrative cases within the digital trial system, similar to the criminal cases that have been included through amendments to the Criminal Procedure Code.

BIBLIOGRAPHY:

A - Theses:

- [1] Full name of the author, full title of the thesis, nature of the thesis, specialty, university, year.
- [2] Mohamed Shaker Sultan, "Guarantees for the Accused During the Preliminary Investigation Stage, Majister's thesis in Law, specializing in Criminology and Punishment, Faculty of Law and Political Science, El-Aqeed El-Haj Kaddour University, Batna, 2013

C - Newspaper articles:

-Full name of the author, full title of the article, name of the journal, place, volume and number; Year.

- [1] Ahmed Ben Azouz, The Electronic Trial System According to the Provisions of the Justice Modernization Law 15-03, Al-Basa'ir Journal for Legal and Economic Studies, Faculty of Law, University of Belhadj Bouchaib, Ain Temouchent, Algeria, Special Issue, December 2021.
- [2] Al-Aidani, Mohammed, Zarrouk, Youssef, "Digitizing the Justice Sector in Algeria in Light of Law No. 15-03 on Modernizing Justice," Al-Bahith Journal of Academic Studies, Faculty of Law and Political Science, University of El Hadj Lakhdar Batna, Algeria, Volume 7, Issue 1, 2020
- [3] Al-Karawi Naseef Jasim Mohammed, Al-Kaabi Hadi Hussein Abdul Ali, The Concept of Remote Litigation and its Requirements, Al-Muhaqqiq Al-Halabi Journal for Legal and Political Sciences, Faculty of Law, University of Babyl, Iraq, Issue 1, 2016.
- [4] 4-Asmani Leila, The Electronic Litigation System: a Mechanism for the Success of Development Plans, Al-Mufakkir Journal, University of Mohamed Khider, Biskra, Issue 13.
- [5] 5-Bouabdallah Nawel, "Electronic Litigation as a Mechanism of Modernizing the Justice Sector," Al-Basa'ir Journal for Legal and Economic Studies, Faculty of Law, University of Belhadj Bouchaib, Ain Temouchent, Algeria, Special Issue, December 2021.
- [6] 6- Bouachri Amina; Salem Barkahem. "Administrative Reform in Algeria: Presentation of the Justice Facility's Experience 2017-1999." Scientific Journal, Algeria 3, Volume 6, Issue 11, January 2018.
- [7] 7-Haïti Fatima, Heroual Nabila Hiba, The Electronic Litigation System Between Improving the Quality of Judicial Work and Challenges of the Digital Space, Journal of Comparative Legal Studies, Faculty of Law and Political Science, Hassiba Ben Bouali University Chlef, Algeria, Volume 7, Issue 1, 2021.
- [8] 8- Khalil Allah Fellegha, Yazid Boujelit, "Remote Trial: Expedited Procedures or Erosion of Safeguards," Journal of Legal and Political Sciences, Faculty of Law and Political Sciences, University of Martyr Hamma Lakhdar El Oued, Algeria, Volume 12, Issue 1, April 2021.
- [9] 9- Mandil, Asaad Fadhil, "Remote Litigation: A Legal Study," University of Al-Qadisiyah, Al-Kufa Journal of Legal and Political Sciences, Volume 1, Issue 21, 2014.
- [10] 10-Rabab Mahmoud Amer, Litigation in the Electronic Court, Journal of the College of Education for Girls in Humanities, Issue 25, 2019 .

[11] 11- Torjoman Nasima, Mechanism of Electronic Litigation in the Digital Environment, Journal of Legal Studies, Sovereignty and Globalization Research Group, Yahia Fares University, Medea, Algeria, Volume 5, Issue 2, June 2019.

E - Websites:

12-Mohammed Hajazi, Electronic Litigation: Reality and Dreams, an article published on the following website." <http://ae.linkedin.com> ; And it has been accessed 05/06/2023.

F- Laws:

- 1- Law No. 05-02, dated February 6, 2005, amended and supplemented by Decree No. 75-59, dated September 26, 1975, containing the Commercial Law, Official Gazette, Issue No. 11, Year 2015.
- 2- Decree No. 15-02, dated July 23, 2015, amending and supplementing Decree No. 66-155, dated June 8, 1966, containing the Criminal Procedure Code, Official Gazette, Part I, Issue No. 40, dated July 23, 2015.
- 3- Law No. 15-03, dated February 1, 2015, containing the Modernization of Justice Law, Official Gazette, Part I, Issue No. 6, dated February 10, 2015.
- 4- Law No. 15-04, dated February 1, 2015, containing the General Rules concerning Electronic Signature and Authentication, Official Gazette, Part I, Issue No. 6, 2015.
- 5- Law No. 19-14, dated December 11, 2019, containing the Finance Law for the year 2020, Official Gazette, Part I, Issue No. 81, 2019.
- 6- Law No. 20-16, dated December 31, 2020, containing the Finance Law for the year 2021, Official Gazette, Part I, Issue No. 83, 2020.

REFERENCES

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- [1] Haïti Fatima, Heroual Nabila Hiba, The Electronic Litigation System Between Improving the Quality of Judicial Work and Challenges of the Digital Space, Journal of Comparative Legal Studies, Faculty of Law and Political Science, Hassiba Ben Bouali University Chlef, Algeria, Volume 7, Issue 1, 2021, Page 138.
 - [2] "Mohammed Hajazi, Electronic Litigation: Reality and Dreams, an article published on the following website." <http://ae.linkedin.com> ; "And it has been accessed 05/06/2023
 - [3] Rabab Mahmoud Amer, Litigation in the Electronic Court, Journal of the College of Education for Girls in Humanities, Issue 25, 2019, Page 404.
 - [4] Al-Karawi Naseef Jasim Mohammed, Al-Kaabi Hadi Hussein Abdul Ali, The Concept of Remote Litigation and its Requirements, Al-Muhaqqiq Al-Halabi Journal for Legal and Political Sciences, Faculty of Law, University of Babyl, Iraq, Issue 1, 2016, Page 283.
 - [5] Haïti Fatima, Heroual Nabila, The Previous Reference, Page 138.
 - [6] Torjoman Nasima, Mechanism of Electronic Litigation in the Digital Environment, Journal of Legal Studies, Sovereignty and Globalization Research Group, Yahia Fares University, Medea, Algeria, Volume 5, Issue 2, June 2019, Page 214.
 - [7] Asmani Leila, The Electronic Litigation System: a Mechanism for the Success of Development Plans, Al-Mufakkir Journal, University of Mohamed Khider, Biskra, Issue 13, Page 218.
 - [8] Law No. 15-03 related to the Modernization of Justice, dated February 1, 2015, published in the Official Gazette of the Algerian Republic, Issue No. 6, on February 10, 2015.
 - [9] Order No. 15-02 dated July 23, 2015, amends and complements Order No. 66-155 dated June 8, 1966, which includes the Criminal Procedure Code, published in the Official Gazette of the Algerian Republic, Issue No. 40, on July 23, 2015.
 - [10] Ahmed Ben Azouz, The Electronic Trial System According to the Provisions of the Justice Modernization Law 15-03, Al-Basa'ir Journal for Legal and Economic Studies, Faculty of Law, University of Belhadj Bouchaib, Ain Temouchent, Algeria, Special Issue, December 2021, pp. 63-64.
 - [11] Mandil, Asaad Fadhil, "Remote Litigation: A Legal Study," University of Al-Qadisiyah, Al-Kufa Journal of Legal and Political Sciences, Volume 1, Issue 21, 2014, p. 08.



-
- [12] Bouabdallah Nawel, "Electronic Litigation as a Mechanism of Modernizing the Justice Sector," *Al-Basa'ir Journal for Legal and Economic Studies*, Faculty of Law, University of Belhadj Bouchaib, Ain Temouchent, Algeria, Special Issue, December 2021, p. 96.
- [13] Al-Aidani, Mohammed, Zarrouk, Youssef, "Digitizing the Justice Sector in Algeria in Light of Law No. 15-03 on Modernizing Justice," *Al-Bahith Journal of Academic Studies*, Faculty of Law and Political Science, University of El Hadj Lakhdar Batna, Algeria, Volume 7, Issue 1, 2020, p. 507.
- [14] Al-Aidani, Mohammed, Zarrouk, Youssef, "The Previous Reference," p. 512.
- [15] Khalil Allah Fellegha, Yazid Boujelit, "Remote Trial: Expedited Procedures or Erosion of Safeguards," *Journal of Legal and Political Sciences*, Faculty of Law and Political Sciences, University of Martyr Hama Lakhdar El Oued, Algeria, Volume 12, Issue 1, April 2021, Page 897.
- [16] Bouachri Amina; Salem Barkahem. "Administrative Reform in Algeria: Presentation of the Justice Facility's Experience 2017-1999." *Scientific Journal, Algeria 3*, Volume 6, Issue 11, January 2018, page 225.
- [17] Law number 15-04 dated February 1, 2015, establishes the general rules related to electronic signatures and authentication. This law is published in the Official Gazette, issue number 6, of the year 2015.
- [18] Law No. 20-16, dated December 31, 2020, includes the Finance Law for the year 2021, published in the Official Gazette, issue number 83, for the year 2020.