

## THE ADMINISTRATIVE JUDICIAL SERVICES QUALITY IN EGYPT “PERFORMANCE OF THE JUDICIAL SERVICES”

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**Abstract** - Egypt has succeeded in achieving steady steps in implementing its strategy to build a digital Egypt, through which an integrated digital system is established to provide government services in a simplified manner that saves time and effort and eliminates red tape, and corruption to achieve better government services quality. Digital government has provided opportunities for judicial bodies to adapt information technology to serve justice and law and achieve better judicial service quality, considering that the concept of measuring judicial service quality applied to the judiciary is the subject of heated debates worldwide. For a long time, measuring the judicial services quality has been based on identifying a few indicators focusing on a few specific aspects of the justice system till 2012. However, international organizations including the Organization for Economic Co-operation and Development (OECD), the European Commission for The Efficiency of Justice (CEPEJ), and the World Bank, monitor several quality and performance indicators commonly applied in European countries and the rest of the world. Furthermore, since 2013, the European justice scorecard, published annually by the European Commission (CEPEJ), provides information on the judicial services quality, independence, and effectiveness of the justice system in all member states. This research paper will measure the quality of justice for Egyptian State Council (ESC) judicial services focusing on measuring the performance of the judicial services indicators according to the European Commission (CEPEJ), which is significant as it constitutes a source of information on significant indicators of the administrative judicial services quality in Egypt.

**Keywords:** administrative judicial services; jurisprudential policy in Egypt; Quality of Justice; Measuring the Performance of Judicial Services; Case Flows; Clearance Ratio (CR); Proceedings' Duration; Case Turnover Rate; Cases Resolved within Established Timelines; Age of pending procedures

### INTRODUCTION

Measuring the quality of justice is an activity that can bring little satisfaction and reward. The potential risk among those doing justice is that very few will see a benefit, while others will say the data won't tell them anything they don't already know. Others will say it's a waste of time and money, just adding an extra layer of bureaucracy instead of focusing on getting things done. This paper is not intended to give a general definition of the quality of justice. Formulating a transnational methodology makes no sense due to each judicial system's different legal systems and the many peculiarities. [1] Furthermore, the concept is so vast that it cannot be reduced to a single technique or method. Quality justice's complex and multifaceted nature is also reflected in the various tools the CEPEJ task force has developed on quality justice. The agency has repeatedly emphasized that the multiple aspects of an effective judicial body are closely related to the characteristics of each national judicial system. It is, therefore, impossible to give an a priori vision of what a good design should look like, and it would not be brilliant to compare different judicial systems to determine which is the best. [2]

#### 1. The State Council and the jurisprudential policy in Egypt

The Egyptian State Council (ESC) was established on August 17, 1946. King Farouk signed law of 112/1946 which stipulates in the first article that the State Council was an independent organization and subordinate to the Ministry of Justice. The official business of the Egyptian State Council took place on 10 February 1947 at the palace of Princess Fawkeya in Giza. The idea of an administrative justice system was borrowed from the French legal tradition for a calendar year is a one-year period

that begins on 1st January and ends on 31st December. However, The Egyptian State Council (ESC) the Court's judicial year is a one-year period that begins on 1st October for a calendar year and ends on 30th September for the next calendar year. The administrative court operates in parallel with the general court system. Because they have a broad authority to decide on legal issues related to the exercise of state power, they are sometimes referred to as people's courts. The structure of the administrative justice system includes four types of courts: Supreme Administrative Court, Courts of Administrative Justice, Administrative Courts, Disciplinary courts. The State Council came into being strong and healthy, an independent judiciary that exercises complete control over almost all administrative activities.[3]

## 2. Quality of Justice

In a limited sense, "Quality of Justice" is regularly caught on only as the "Quality of Judicial Decisions." [4] In a broader sense, it also includes critical aspects of how judicial services are delivered. In this case, policymakers and reformers aiming to measure this quality will focus solely on factors beyond decision quality and include metrics such as timeliness, activity rates, clearance rate, etc. In any case, it would seem simple to focus on just one of these concepts. Even two won't give the whole picture. In a more holistic sense, "Judicial Quality" can include the quality of judicial decisions and essential aspects of the delivery of judicial services. Factors related to the proper functioning of the judicial system; it is typically assessed through user perception. Measuring in this way means considering the quality aspects that go beyond the quality of the decisions and include various elements such as the clarity of the procedure and judicial decisions, on-time individual procedural steps, the accessibility of the offices, and the ease of use of available tools.[5] Measuring users' perception in the justice field does not mean that justice shall be administered to satisfy users' expectations, as there are objectives and institutional constraints that need to be considered in justice administration. User trust is, of course, a legitimate objective, but it is not the only one. The model for quality measurement proposed here intends to cover all aspects of the justice system and the rigorous methodologies ordinarily available on the market for assessing the quality of goods and services. It is structured on the three levels described above, which must be considered together for measurement purposes.[6]



**Figure 1: Quality of Justice Model**

Centering, as it were, on one or two of these levels will permit a halfway evaluation of the quality of the equity framework. Once the quality estimation has been carried out based on the three levels specified and based on the appraisal comes about and mediation needs, it'll be conceivable to require fundamental measures to reinforce the quality at each level. Sometime recently, continuing with a portrayal of the strategy and an audit of indicators for each of the three levels of quality estimation, it may be accommodating to list the ranges where the method can be applied: The whole legal framework of a nation, a division, a field (within civil, criminal, and administrative justice); a zone comprising one or more courts (zone, locale); a court or department thereof; a combination of the above elements. [7]

## 3. Measuring the Performance of Judicial Services

Measuring the performance of the judicial services is particularly important for the various judicial services as it constitutes a source of information of significant interest to society. In particular,



interest in statistics concerning judicial performance comes from the following elements: They are a source of information for the various aspects of judicial services, assessed according to a scientific and analytical method; they are of high social and economic use, given the importance that judicial procedures have in the lives of people, families, and businesses and their relationships; they are one of the instruments used by international bodies to assess systemic efficiency of a country. A sound evaluation system of the performance of the justice system cannot be limited to the principal indicators (duration, backlog, etc.) which describe services (time, backlog, etc.), even if, at the international level, these are of significant interest to numerous assessment bodies, which consider them to be essential to describe the relationship between citizens and public administration. The system must be complete and based on the assumption that various forms of performance are not all related to the "final product," which, in the justice system, refers to judgment. Specific service indicators are general and may therefore concern activities and functions that are not directly related to judicial action. Thus, one of the many service indicators affecting courts' registries could be based on the average period necessary to make payments for services and supplies.[8] Interest in statistics concerning the Egyptian State Council judicial performance comes from a source of information for the various aspects of judicial services, assessed according to a scientific and analytical method of European Commission for The Efficiency of Justice (CEPEJ) as follows.

#### 4. Case Flows

The flows of administrative cases dealt with by the Egyptian State Council for judicial year 2022 - 2023 represent the measured unit's workload primary indicator [9]. In particular, the number of new cases corresponding to the demand for justice at judicial year 2022-2023 is 2500000, while resolved cases are the responses provided at judicial year 2022-2023 is 2600000. Pending proceedings are the number of cases that still must be dealt with by the court, or a judge, at pending cases on the first of October 2022 of the Court's judicial year 2022 is 500000:

- Pending cases on 1 October of the Court's judicial year (PS = 500000)
- New cases initiated in the Court's judicial year (N = 2500000)
- Resolved cases in the Court's judicial year (R = 2600000)

The unit of measurement may be a single area of law, a division within a court, a court in its entirety, or an entire judicial system of a country. In any case, the applied formula is:

$$PE = PS + N - R$$

$$PE = 500000 + 2500000 - 2600000$$

$$PE \text{ for } 2023-2024 = 400000$$

It is essential to be precise that pending cases at the end of the period (PE) is for the period 2022-2023 are the pending cases at the start of the period for 2023-2024 is 400000. Systems in which many pending cases are not accumulated at the end of the period are considered good quality.

#### 5. Clearance Ratio (CR)

The Ratio between the number of cases resolved at 2022-2023 (R = 2600000) and the number of incoming cases at 2022-2023 (I = 2500000). This metric, derived from logistics, measures how well products move through a store. In terms of justice, the index measures the capacity of a calculated entity, such as a division of a court, an entire court, or an entire national justice system, to resolve cases brought forward. The judgment deals with the amount of work presented in each scope.

$$\text{Clearance Rate (\%)} = \frac{\text{Resolved cases in a period}}{\text{Incoming cases in a period}} \times 100$$

$$\text{ESC Clearance Rate (\%)} = (2600000/2500000) * 100$$

$$\text{ESC Clearance Rate (\%)} = 104 \%$$

The ESC Clearance Rate is greater than 100% indicates that capacity outstrips demand; therefore, the production unit can handle the same number of cases as the number of cases that arrived in the previous period in addition to one year. [10]

#### 6. Case Turnover Rate

This ratio measures the ratio between the number of resolved and unresolved cases at the end of the period. It measures how often a court system or court replaces the number of cases received. [11]



$$\text{Case Turnover Ratio} = \frac{\text{Number of resolved cases in a period}}{\text{Number of unresolved cases at the end of a period}}$$

ESC Case turnover rate = 2600000 / 400000

ESC Case turnover rate = 6.5

The ESC Case turnover rate is 6.5 indicates that the court system or court replaces the number of cases received for every 6.5 cases.

**7. Proceedings' Duration**

The proceedings' duration is the most important indicator for measuring the performance of justice systems and their components. There are two critical metrics related to court proceedings (both for civil and criminal or administrative cases): Actual duration and prospective deadline. Actual duration measures the time between a new case's opening date and the time a judgment is rendered. In this regard, a case or trial may be completed when the court declares the decision (if such proceedings are prescribed) or the date after the judgment details are known. Submitting the judicial system does not always have a database containing information on the actual timing of all proceedings resolved. To avoid this challenge and to ensure that a comparable index can be computed for all judicial systems, we generally use a formula derived from logistic theory. It measures when a product remains in stock according to its input and output flows. Such a formula is reported below as Processing Time (DT).[12] The DT indicator determines the days for a pending case to be resolved in court. It provides more insight into how the court system manages the case process. This metric compares the number of cases decided during the observed period and the number of unresolved cases at the end of the test period. 365 is divided by the number of resolved cases and the number of unresolved cases at the end to represent days.

$$\text{Calculated Disposition Time} = \frac{365}{\text{Case Turnover Ratio}}$$

Duration Time = 365 / 6.5 = 56.1

The ESC Duration Time is 56.1, The results show the court system or court average prospective duration in days. The DT indicator determines the number of days required to resolve a pending case, this compares the number of resolved cases during the observed period and the number of unresolved cases at the end of the observed period and provides additional information about how the court system manages its case flow. [13]

**8. Percentage of Cases Resolved within Established Timelines**

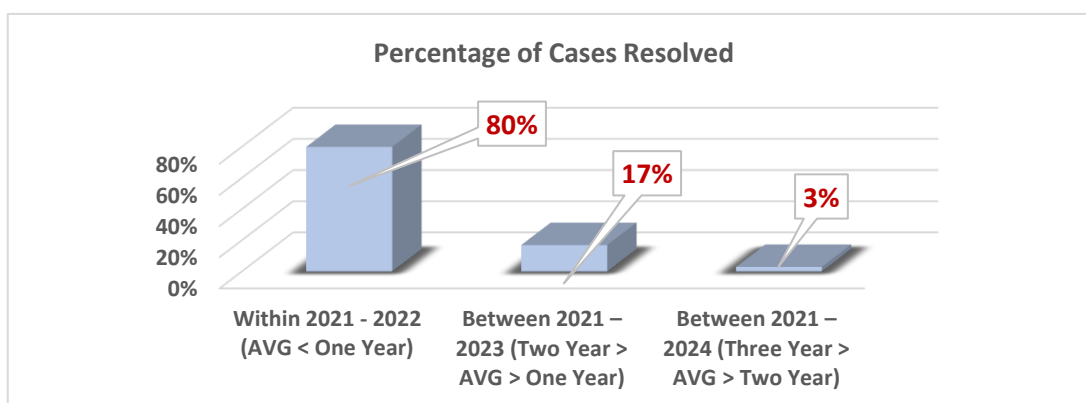
Percentage of cases resolved in each period. The period is deemed the desirable and reasonable period of the proceeding or so provided by law. For the Egyptian State Council, given that the number of new cases corresponding to the demand for justice in the judicial year 2021-2022 is 2200000, and the pended cases on the first of October 2021 of the calendar year 2021 is 300000, the number of cases is the responses provided at the judicial year 2021-2022 is 2500000.[14]

Established Timelines	Resolved Cases		Pending Cases	
	Number	%	Number	%
Within 2021 - 2022 (AVG < One Year) = 2500000	2000000	80%	500000	20%
Between 2021 - 2023 (Two Year > AVG > One Year)	425000	17%	75000	3%
Between 2021 - 2024 (Three Year > AVG > Two Year)	75000	3%	0	0%

Table 1: The Egyptian State Council Percentage of cases resolved and pending within 2021 - 2024



In the above Table 1, it would be a class of up to 2 years and structurally unusual pending procedures (total uncertainty over two years). The above Table 1 shows the Egyptian State Council percentage of cases resolved in each period from 2021 to 2024, the number of resolved cases within one year corresponding to the demand for justice in the judicial year 2021 - 2022 is 80% of the number of cases in the responses provided for the judicial year 2021-2022. The number of resolved cases within two years corresponding to the demand for justice at the judicial between 2021-2023 (more than one year and less than two years) is 17% of the number of cases in the responses provided for the judicial year 2021-2022. The number of resolved cases within three years corresponding to the demand for justice at the judicial between 2021 - 2024 (more than two years and less than three years) is 3% of



the number of cases in the responses provided for the judicial year 2021-2022.

Figure 2: The Egyptian State Council Percentage of cases resolved within 2021-2024

In a court system, or part thereof, that provides quality service in most cases, are resolved within a reasonable amount of time, as may be established by law or practice; a minimum proportion of patients with a longer-term are allowed because a tolerance category includes only a small number of cases that, for unavoidable reasons, cannot be resolved within a predetermined time limit. [15]

**9. Age of pending procedures**

The following figure 3 illustrates how the backlog of cases (pending September 31) in a court or entire system can be graphically represented. in the above Table 1, it would be a class of up to 2 years and structurally unusual pending procedures (total uncertainty over two years). [16]

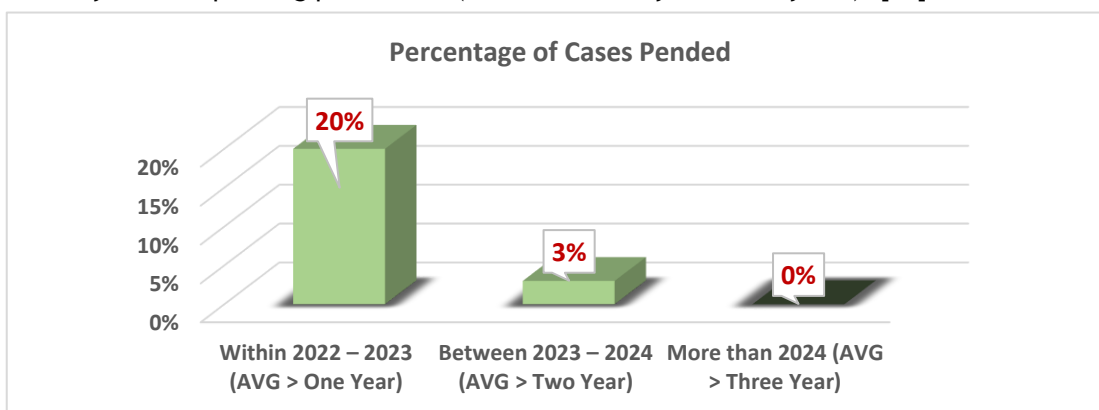


Figure 3: The Egyptian State Council Age of pending procedures within 2021-2024

The Egyptian State Council Age of pending procedures from 2021 to 2024, the number of pended cases of more than one year corresponding to the demand for justice in the judicial year is 20% of the number of cases provided for justice in the judicial year 2021-2022, the number of pended cases of more than two years corresponding to the demand for justice at judicial is 3% of the number of cases provided for justice in the judicial year 2021-2022, the number of pending cases more than two years corresponding to the demand for justice at judicial is 0% of the number of cases provided for justice in the judicial year 2021-2022.



## CONCLUSION

This paper reported on the indicators related to measuring the performance of the judicial services according to the European Commission for The Efficiency of Justice (CEPEJ). Considering the perception of the performance of justice service, it always tends to be inaccurate due to the lack of data. However, building on my experiences in the ongoing project “The Egyptian State Council (ESC) Digital Transformation: The e-justice Model of Access to Justice”, since 2018, as a senior ICT consultant, the availability of empirical data at The Egyptian State Council ongoing project helps to hold a more accurate data. As a result of measuring the performance of justice services, indicators for the ESC judicial year 2022-2023 indicate that the ratio between the number of cases resolved and the number of incoming cases for the judicial year, one-year period, is 104%. The fact that the ESC clearance ratio result shows that the ratio between the number of cases resolved and the number of incoming cases is greater than 100%, this means that the ESC is resolving the new cases that have arrived in the ongoing judicial year, in addition to the pending cases from the previous judicial years, which is considered a good quality for the ESC clearance rate. Furthermore, the percentage of cases that are still pending for more than one judicial year shows that the reasons behind this delay should be assessed. For the ESC, 20% of cases pended for more than one judicial year, and 3% of cases pended for more than two judicial years. Indicate that there is an abnormal pending procedure that should be assessed. Particularly, measuring the performance of justice services instruments needs to be exposed to more different service indicators, one of the many service indicators affecting the performance of justice services could be based on the average period necessary to apply for a specific service or procedure. Thus, measuring the performance of justice services provides helpful information for decision-making in fields critical to identifying alternative solutions for managing the court and justice services. For future work, empirical testing of more service indicators and paths to justice will improve the justice service performance.

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