



# JUDICIAL NOTIFICATION AND THE COMPARISON BETWEEN THE CLASSICAL AND ELECTRONIC SYSTEMS AND THE DIGITALIZATION OF ADMINISTRATION (A COMPARATIVE STUDY WITH THE FRENCH SYSTEM)

BOUKHARI ALI \*<sup>1</sup>, DJENADI ABDELHAKQ <sup>2</sup>

<sup>1</sup>Contract Professor at the University Center Salhi Ahmed -Naama, Academic Degree: Ph.D. (L.M.D.), Algeria

<sup>2</sup>University Center of Tipaza Morsli Abdellah, Algeria

Corresponding author\* : E-mail :boukhariali2@gmail.com

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## **Abstract:**

*Electronic notification is one of the new and emerging methods introduced to the judiciary system in general and the digitalization of administration. This electronic approach facilitates coordination between different entities. Many systems worldwide have adopted this technique in the judiciary field through electronic notification, aiming to benefit the judiciary and alleviate the heavy workload imposed on judicial authorities. It has become essential to implement this feature for notifications or to inform citizens about certain matters.*

*Although this method is innovative, it has yet to reach the level of effective application, particularly as full internet connectivity remains limited in certain remote areas (referred to as "shadow areas"), which hinders the application of these modern techniques in judicial interactions. Given this nascent initiative, it is incumbent upon the relevant authorities to take on the challenge and expand the adoption of this technology within the judiciary system, fully utilizing its potential to move away from traditional and slow methods of execution and communication.*

**Keywords :** *Electronic notification, judiciary, technology, digital administration, litigation, justice.*

## **Introduction:**

Societies have witnessed numerous traditional practices in the field of electronic innovations, which have simplified many services across all domains, whether in commerce, science, industry, transportation, the judicial field, or other areas requiring electronic interaction. Over recent decades, these innovations have had a profound impact, challenging many longstanding traditional concepts and creating new legal and contractual relationships that are unlike previous norms. Today, population density, speed, and proximity have become defining features of interactions among individuals. One key factor facilitating access to services across various fields is modern technology, particularly the internet, which has positively impacted the exchange and marketing of information, data, and multimedia. This has effectively made the world a smaller, more interconnected place, resembling a small village or a condensed world.

## **Importance of the Topic:**

These innovations in the fields of communication and information technology necessitate state protection, with a focus on developing legislation to safeguard society from risks such as violations of individual freedoms in information systems, electronic transactions, and personal accounts. To



regulate these phenomena effectively, specialized fields need to be developed, opening opportunities for those leading this technological shift. This specialization will enable better understanding and communication, allowing individuals to maximize the benefits of modern communication technologies.

#### **Research Problem:**

The vision the state aims to achieve through reforms in digital administration, by adopting new technology in management, represents one of the most crucial steps forward. However, it requires a fundamental shift from a traditional or classical system to a modern one, entailing significant changes on all levels, especially in law and justice. Based on this, what are the transformations in notification practices from the traditional judicial system to the modern electronic one, and what are the implications of this new digital administration on reality?

#### **Study Objectives:**

Many global systems have adopted electronic notifications in the judicial field to streamline the workload for judicial bodies. Implementing electronic notifications to inform citizens about their legal matters has become essential. Although this innovative method is promising, it has yet to reach the level of full application, particularly because internet connectivity remains limited in some remote areas (known as shadow zones), hindering the implementation of modern technologies in judicial interactions. Given this new initiative, it is incumbent upon the relevant authorities to rise to the challenge, aiming to implement these technologies broadly across the judicial landscape to replace slow and outdated traditional methods of execution and communication.

#### **Reasons for Choosing the Topic:**

A curiosity about the latest advancements in digital administration—especially in the justice sector—and an interest in how to keep pace with modernization, understand electronic developments in notification and trials, and explore judicial services have driven this study. As a researcher, it is essential to explore judicial transactions and other issues in justice administration through a modest research experience.

#### **Previous Studies:**

The topic of judicial notification and the comparison between classical and electronic systems, alongside the digitization of administration, is closely related to the techniques used in administrative digitization and their comparison to traditional management. This study focuses on judicial notification within both systems and the digitalization of administration, though it does not cover all electronic administration techniques within the justice sector, as most studies on the topic are general rather than specialized.

Key studies that provided scientific material for this research include Abdelkader Omar's doctoral thesis, *Challenges of Electronic Administration in Algeria*, presented at the University of Biskra, Faculty of Humanities and Social Sciences, at Mohamed Khider University. His study bridges the characteristics of both judicial notification systems, presenting Algeria's experience with this modernized process in the justice and electronic administration fields more broadly. Another valuable study by Abdelkarim Ali examines *The Role of Electronic Administration in Optimizing Public Service in the United States and Algeria*, providing a comparative analysis between judicial digitalization in the U.S. and Algeria, with reference to the French judicial system. This study relied on resources such as "*Le Droit de la Réclamation*", which extensively covers judicial notification, and "*Le Recours pour Excusions*", a reference on the laws and procedures related to judicial notification.

#### **Research Methodology:**

The nature of this study requires the use of a descriptive-analytical approach, allowing for the presentation and analysis of information and topic-specific data. The study involves a careful examination of relevant legal texts, and it discusses the positions of jurisprudence and legislation, highlighting the differences and alignments between the traditional and contemporary systems.



This approach helps address existing gaps and clarify the influence of these laws on administrative management.

### **Study Structure:**

To address the study's research questions, the study is divided into two main sections. The first section focuses on the experience of electronic judicial notification, broken down into two subsections. The second section examines the implementation of electronic administration in the justice sector to improve public service performance, which is also divided into two subsections.

#### **I. The Experience of Electronic Judicial Notification**

This modern technique, which judicial authorities seek to develop and implement, is essential given the current realities and technological advancements. By saving time, reducing pressure, and minimizing the effort required by judicial staff when conducting notifications, electronic notification presents a viable solution to overcome the inefficiencies of traditional judicial notification methods. This section will define electronic judicial notification and discuss its justifications (Hazem, 2010).

##### **1. Concept of Electronic Judicial Notification**

Electronic judicial notification represents a shift from the traditional method to a modern electronic system, relying on new electronic means such as internet connectivity and supporting communication tools. Here, we will define judicial notification both linguistically and technically.

##### **1.1 Definition of Notification in Language and Terminology**

This subsection addresses two main elements: first, the linguistic definition of notification, and second, its terminological definition.

###### **A. Linguistic Definition of Notification**

Notification in the linguistic sense is defined as "an announcement conveyed through a message or similar means" (Abdel Halim, 2004).

###### **B. Terminological Definition of Notification**

In terminology, notification is defined as "the official means by which one party informs the other of a specific event, allowing them to be made aware of it and providing them with a copy" (Salah Elddine, 2010). It is also described as "the formal method of notifying parties of specific procedures included within judicial documents" (Moufleh, 2020). Another definition states that notification is "the delivery of judicial documents to individuals or entities to inform them of the content of the notification, or to summon them to appear at a specified date and time before the competent court" (Ibrahim, 2007). Furthermore, it is defined as "a procedure essential to the trial process and the proper administration of justice; without it, parties cannot proceed with cases, disputes, or rights-related matters until the notification process is complete" (Nazih, 2007). Another description states that it is "the primary method outlined in the Code of Civil Procedure to inform the other party of a specific procedure, accomplished by delivering a copy of the announced document" (Al-Mounim, 1951).

###### **C. Definition of Electronic Judicial Notification in Legal Doctrine:**

Most legal scholars define electronic judicial notification as "the use of modern means for notification not to replace traditional methods, but to serve as a supplementary tool that reduces legal disputes over notification validity. It is a means of communication with parties to inform them of developments in procedures and lawsuits" (Hazem, 2010). Another definition describes it as "a procedural action through which a party in a lawsuit is informed of any judicial action taken against them using modern communication methods, without the need for physical presence or searching for the person's address. Electronic notification, while differing from traditional notification in method, shares the same purpose and objective" (Hamed, 2021).



## 1.2 Elements of Judicial Notification

Electronic judicial notification comprises several elements, summarized as follows (Hamed, 2021):

- Official Document: It is issued by an authorized state official and is binding for all addressed parties. It cannot be contested except through forgery, applying to both traditional and electronic judicial notifications, as electronic notification also originates from an authorized official, bearing the same characteristics as an official document.
- Judicial Document: It informs the opposing party of a specific event, ensuring they are aware of it.
- Notification via the Court: The notification document must be delivered through a judicial officer who is a specialized official, as it is an official document that requires delivery by a competent person within their territorial jurisdiction, whether the notification is traditional or electronic.

## 2. Justifications for Electronic Notification

Any new application in a field typically involves pre-planning and study, based on comparisons with similar systems and methods used by other judicial systems. Initiating electronic notification requires advanced systems, high-level technology, and extensive human and material resources to support the programs and applications involved. This requires training and upskilling of personnel responsible for this function to ensure the effective operation of the justice sector.

In light of these considerations, we will discuss the advantages of electronic judicial notification in the first section, followed by the necessity of transitioning from traditional to electronic notification in the second section.

### 2.1 Advantages of Electronic Judicial Notification

To ensure the efficient operation of the judicial system, it is essential to adopt a policy of speed in delivering documents to the concerned parties and to focus on improving services for citizens in order to meet their needs, particularly in reducing crimes. Given the tremendous development in internet technology and the ease of communication among individuals, the electronic notification system stands out due to its speed and ability to reduce effort. Implementing electronic judicial notifications will reflect positively on the resolution of cases in a relatively short time, as judicial notification is one of the key stages in a lawsuit, and the validity of the case is contingent upon the proper execution of this notification (Khalid, 2007).

Using electronic notification also positively impacts the state treasury by reducing costs due to the decrease in human intervention. Activating electronic notifications will result in fewer judicial officers required in courts. Furthermore, it will reduce the burden of storing vast amounts of paper documents related to notifications, as well as archiving them electronically on computers, making them easier to access when needed.

Another factor that has encouraged many countries to adopt this modern notification method is the ease of using technology, which is one of the key benefits of electronic judicial notifications. It has become a simple process that does not require high-level technical skills, making it an easily applicable method for delivering notifications electronically (Hamed, 2021).

### 2.2 Drawbacks of Traditional Notification

To keep up with technological advancements across various fields, it is necessary to adapt to the developments occurring worldwide. In the realm of justice, it has become essential to shift from traditional methods to modern electronic ones. This article highlights the importance of electronic notification and addresses the obstacles that hinder the smooth functioning of justice, especially those caused by traditional, outdated notification methods that have not kept pace with technological advancements. The drawbacks of traditional notification are numerous, and they can be outlined as follows:



- Time Loss and Increased Burden on the Judiciary: The traditional process takes more time and increases the workload for the judicial system.
- Excessive Paperwork: The reliance on paper-based systems negatively affects the speed of notification delivery.
- Delays in Trials: Delays in receiving notifications within the required time frame lead to delays in legal proceedings.
- Failure to Reach the Intended Recipient: In cases of incorrect or false addresses, the notification may not reach the person it concerns.
- High Costs and Significant Effort by Judicial Officers: The reliance on physical notifications requires more effort from judicial officers and leads to higher costs.

In the French system, judicial notifications are handled through a system that involves submitting requests and documents formally via mail or by accessing the judicial database, either through paper-based notifications or in-person review by the judges (Article 40 of the French Constitution).

## **II. Adopting Electronic Administration in the Justice Sector to Improve Public Service Performance**

Technological advancements in the internet have greatly influenced the functioning of administrations, and it has become necessary to implement these modern technologies. The concept of electronic administration goes far beyond merely automating the operations of internal sectors; it involves the integration of data and information across various departments to enhance the overall workflow in a given sector. This is especially crucial in the justice sector, as it allows for the achievement of desired goals and the flexibility needed to respond to rapidly changing conditions. Electronic administration encompasses all components of management, including planning, implementation, monitoring, and evaluation. However, its distinguishing feature is its ability to generate knowledge continuously and use it to achieve set objectives (Radouane, 2016).

This chapter will discuss the adoption of modern automated systems for managing human resources, the introduction of remote video conferencing during judicial procedures, and the implementation of electronic surveillance systems within the justice sector.

### **1. Adopting the Electronic System in Administration to Improve Service Performance**

The shift towards electronic administration has resulted in a series of changes in the concept of public service, ultimately leading to the idea of the end of traditional public administration. The electronic administration model provides many opportunities for success, clarity, and precision in delivering services and completing transactions, representing a conceptual revolution and a qualitative leap in the model of public service (Abd al-Karim, 2010). It is worth noting that the justice sector in Algeria was one of the early adopters of electronic administration methods to improve the public services provided to citizens. This was achieved through the development of the information system based on centralized databases, the establishment of electronic document authentication mechanisms, and the development of online services.

#### **1.1 Developing the Information System Based on Centralized Databases**

- a. **In Algeria:** The administration in the past faced challenges, including delays in disseminating information and providing services, primarily to citizens and secondarily to employees. This led to the realization that quick solutions were needed, forcing the administration to move away from the traditional inherited system.

The phenomenon of the shift towards electronic administration is not a luxury but a necessity imposed by global changes and modern technologies. The idea of integration, sharing, and utilizing information has become one of the main determinants of success in any sector. The scientific and technological progress, along with the constant demand to improve the quality of outputs and



ensure the integrity of processes, are all factors that led to the evolution of administration towards electronic governance (Radouane,2016).

This idea was applied practically in the justice sector through the efforts of the Algerian government in modernizing the sector as part of its broader reform strategy, making it a model in terms of electronic management of public services. One of the main achievements in this regard was the development of the information system based on centralized databases.

This process involves digitization and the use of information technology to create various databases, including those related to individuals involved in criminal cases, criminal records, nationality certificates, and others, which facilitate the work of employees and provide better and faster services to citizens. One of the key achievements in this area was the establishment of an automated system for managing arrest warrants and notifications to stop investigations, allowing various security agencies to access these orders and notifications in real-time (Radouane,2016).

This is also linked to the creation of the central fingerprinting office, whose role is to establish a centralized database for fingerprints and supply it with all biological samples obtained from certified laboratories according to the law.

- b. **In France:** Electronic notification relies on submitting requests and documents online, which streamlines the notification process, saving time and effort (Détrier, 2007). As for administrative digitization and modernization, the transformation from traditional administrative operations to digital processes is also central in France (Carpentier, 1975).

### **1.2 Establishing an Electronic Authentication System for Document Validity**

The justice sector has kept up with all technological reforms and requirements. The Ministry of Justice has initiated several projects aimed at enhancing the judicial service's performance and improving public service delivery, as well as bringing justice closer to citizens through the use of modern information and communication technologies. In this context, a set of laws has been issued, including Law 15/03, dated 01-02-2015, related to the modernization of justice, and Law 15/04, dated 01-02-2015, which sets the general rules for electronic signatures and authentication, along with other texts. Additionally, bodies and systems such as the National Center for Information Systems of the Ministry of Justice, the Electronic Signature Personalization Center, and the automated document management system based on electronic signatures were created (Law 15/03, 2015).

Article 01/02 of Law 15/04 defines a standard electronic signature as electronic data in an electronic form, logically attached to other electronic data, used as a means of authentication (Article 1, Law 15/04, 2015). Article 07 of the same law adds the described electronic signature, which is based on a certified electronic signature (Article 07, Law 15/04, 2015). The creation of an electronic certification authority within the Ministry of Justice allows for the issuance of electronically signed judicial documents, nationality certificates, and criminal records through the internet (Ministry of Justice, 2015).

In response to these needs, the Ministry of Justice created the Electronic Signature Personalization Center, which acts as a certifying authority, issuing digital certificates for electronic signatures to facilitate online transactions.

### **1.3 Developing Online Services**

To improve public service delivery in the modernization of the justice sector, the Ministry launched the electronic window service to modernize the sector and bring it closer to citizens. This was implemented in the form of an online portal that allows citizens to send electronic inquiries and receive direct responses via email after their case is reviewed by a team of judges, legal professionals, and Ministry of Justice staff (Abd el kader, 2016).

Moreover, the electronic window, as a public service tool, guides citizens with their legal inquiries or directs them to specialized locations on the site. It also provides a variety of legal documents, including a complete set of materials related to Algerian legislation, laws, and international



agreements directed to legal professionals. Additionally, the site offers guides and booklets for citizens, and it features a forum for organizing regular discussions on important current issues.

The Ministry of Justice also created an online application for Algerian citizenship applications via the internet (Ministry of Justice, 2015). Furthermore, services for requesting criminal records and nationality certificates are available online, which has positively impacted the improvement of public service delivery to citizens.

## **2. Mechanisms for Implementing E-Governance and the Necessity of its Realization**

All systems agree on the qualitative shift the world is experiencing, along with the scientific and technological revolution that is taking place across all fields and sectors, contributing to the change and development of management systems in general. This has led to the emergence of new methods and approaches that were previously unseen, including in the administrative field, especially in the technological and informational aspects. These developments have become a strong enough reason to enforce the transition towards applying an e-governance strategy and adopting it as a necessary choice, due to the superior quality and performance it offers. Talking about this transition to an electronic space and the creation of a new era after the traditional administration requires preparing the appropriate environment and conditions to reach the correct implementation of e-governance and, thus, the success of the process.

### **2.1 Ways to Implement E-Governance and Digitizing Administrative Bodies**

The process of transition and the shift towards adopting an e-governance strategy within administrative bodies, regardless of the type of services provided (whether commercial or free public services), all aim to improve the quality and effectiveness of their services. This enhances citizens' trust in the services offered and brings them closer to the administration. Although this process stems from the development of some countries that have made significant strides in incorporating technology and information systems in managing their facilities and services, it has become a subject of interest for other countries looking to experiment with this new electronic strategy, which has now become a necessity for them. The idea of utilizing information has become one of the most important determinants of success in any administration. An essential factor in adopting this new strategy is the political will of the existing political system and its orientations in modernizing certain sectors or all sectors, considering the economic, social, political, and cultural conditions.

### **2.2 Objectives of E-Governance (Hegazi, 2003)**

E-Governance seeks to achieve several important goals within the framework of benefiting from the services it offers through transactions carried out by those involved in these services, whether citizens or stakeholders such as customers and clients. Some of the most important objectives are as follows:

#### **A. Administrative Objectives**

- Reducing administrative complexities and improving the performance and capabilities of administration by obtaining and delivering information in seconds through e-governance networks, which has eliminated the problem of wasting time and effort and gotten rid of traditional paper-based transactions.
- Shifting procedures from centralized administration to decentralization.
- Eliminating time constraints in electronic administrative transactions, providing services to beneficiaries in a satisfactory manner throughout the week, including weekends, and 24/7.
- Improving the quality of administrative services for applicants by providing computers with programs designed by planners to avoid errors and ensure flawless results. This also helps to overcome errors that ordinary employees might make regarding individuals' or companies' information. Additionally, it enhances transparency in dealing with clients (Abd al-Halim, 2004).



- Saving time, effort, and financial costs in administrative processes, allowing for the handling of a large number of transactions quickly and effectively, unlike traditional administration, which often involves queues and waiting for one's turn.
- Eliminating the paper-based filing system and using electronic archives through email, allowing the broad dissemination and retrieval of documents at any time.

### **B. Social and Economic Objectives**

The social and economic goals of e-governance include the following (Ben Hussein, 2014):

- Removing or minimizing the need for direct interaction between the two parties involved in a transaction.
- Deepening the concept of transparency and clarity, eradicating nepotism and bureaucracy (paper-based governance). Those interacting with e-governance know that all stages of their dealings are transparent, without contradictions or conflicts.
- Protecting the rights of employees in terms of creativity and innovation.
- Boosting economic revival, increasing commercial investments, and offering high-quality services.
- Strengthening the connection between the administration and citizens when receiving services.
- Creating a society capable of dealing with technological advancements.
- Reducing employee-related errors and enhancing the competitive capabilities of organizations, especially in improving service performance and keeping up with technological advancements in developed countries. This helps reduce the economic and scientific gap between developed and developing nations.
- Achieving equality among the public by providing uniform services, thus minimizing intermediaries and favoritism.
- Utilizing information technology to support and build a positive institutional culture among all employees.

In essence, applying an e-governance system provides the necessary services and technologies to develop any administrative service, regardless of the field or sector. If implemented effectively, we can confidently say that we are facing a high-quality, comprehensive e-governance system, where the service recipient's needs are met and their satisfaction, acceptance, and trust in the level, precision, and professionalism of the services offered are achieved.

### **Conclusion:**

In conclusion, it has become essential to embrace the modernization of the justice sector, given the numerous advantages that technology brings to the functioning of justice and the improvement of its services. This not only saves effort but also allows for the swift resolution of many cases, enabling judicial staff to focus on investigating contemporary criminal phenomena and finding possible solutions to them. We observe that there are still some unresolved cases within the justice system due to the immense pressure the sector faces. Had modern technological tools been employed in the field of justice, many issues could have been handled more efficiently, thus relieving pressure on this institution upon which human justice depends.

Among the recommendations we propose on this matter are:

- Achieving a high level of digitization in the justice sector that covers all processes.





- Giving priority to training and educational programs for justice employees, aligning with modernization efforts.
- Promoting and activating e-litigation culture.
- Implementing new policies in the justice sector, while benefiting from successful international experiences.
- Raising awareness among citizens about the importance of digitization, in collaboration with civil society and media stakeholders.
- Involving all specialists to improve services and reduce the pressure on judicial bodies.
- Organizing open days for judicial bodies to showcase the importance of digitization and the services the sector provides.

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