



DIGITIZATION OF LITIGATION PROCEDURES IN ALGERIA: BETWEEN CONSOLIDATING THE MODERNIZATION OF JUSTICE AND VIOLATING THE FUNDAMENTAL PRINCIPLES OF LITIGATION

MERIEM YAGHLA¹, SAMIR KENZA²

¹Lecturer Class A, Faculty of Law and Political Science, Badji Mokhtar University of Annaba (Algeria).

²Lecturer Class B, Faculty of Law and Political Science, Badji Mokhtar University of Annaba (Algeria).

The Author's E-mail: Meriem.yaghla@univ-annaba.dz¹, Samir.kenaza@univ-annaba.dz²

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Abstract: *The digital development that the world has witnessed has also reached the justice sector in Algeria, despite its unique nature, as it is responsible for resolving various disputes in order to achieve justice and equality between litigants. In this context, the state has attempted to reform the judicial system by modernising it to increase its efficiency, improve judicial services and bring justice closer to the citizen through the possibility of electronic litigation in certain matters. However, this may conflict with the rights of litigants guaranteed by the Constitution, which is discussed in this study.*

Keywords: *Modernisation of justice, remote visual trials, digital litigation, fundamental rights.*

INTRODUCTION:

Algeria has not been immune to the developments brought about by the technological revolution that the world is experiencing. Its impact has been felt in many areas, particularly in the economic and judicial spheres. Since the judiciary is one of the essential institutions of the State, responsible for ensuring its continuity through the application of the law and the dissemination of justice among citizens, the Algerian State has made it one of its priorities to keep pace with the changes that the world is witnessing, by carrying out in-depth reforms of the judicial system. This is within the framework of the implementation of the main strategic objectives of the Charter for the Reform of the Judicial System, in its aspect related to the modernisation of the administration of justice, and in line with the strategic objectives of e-government, and in view of the added value that the use of modern technology brings to the performance of the judiciary, whether at the level of effectiveness, efficiency or transparency, or in terms of improving the feasibility of judicial services.

In light of the above considerations, in 2015 the Algerian legislature enacted Law 15/03 on the modernisation of the judiciary¹, which for the first time enshrined the digital litigation system. However, work on this newly established system remained suspended until the emergence of the Covid-19 pandemic in 2020, which necessitated the application of this system in order to preserve the guarantee of the right to litigation as one of the most important fundamental constitutional rights of the citizen, without the need to travel and physically attend courts. Therefore, the urgent need arose to adjudicate cases, facilitate litigation procedures and keep pace with the developments and changes that the world is witnessing through the adoption of digital technology in litigation procedures at the level of the Algerian judiciary.

The system of digitisation of judicial proceedings has many advantages, the main ones being the development of public services at a distance and the improvement of judicial proceedings for the benefit of lawyers and litigants alike, through the possibility of exchanging pleadings and memoranda between the parties' defence outside court sessions, via a digital platform specifically designed for this purpose, in civil cases and, in criminal cases, through what is known as remote visual trial. However, the problem that arises in this context is the following: To what extent does the Algerian legislator reconcile the digital trial system, as one of the requirements of the modernisation of justice, with the fundamental guarantees of litigants?

Accordingly, this research aims to:

¹- Official Gazette of the People's Democratic Republic of Algeria, No. 6, Year 52, dated 10/02/2015.



- Examine the digital litigation system as a mechanism for activating the development plans drawn up by the government to achieve sustainable development.
- Examine the reality of digital litigation and digital courts in Algeria.
- Clarify the extent to which legal texts related to ordinary traditional litigation can be applied to digital litigation.
- Identify shortcomings in the legal texts related to digital litigation and then attempt to formulate appropriate suggestions and recommendations.
- Investigate the extent to which the legislator has succeeded in balancing the activation of the modernisation of justice and the protection of the fundamental rights of litigants.

In order to answer the question posed, we will use the methods of scientific research that are well known in the field of law, in particular the analytical method, whenever it is necessary to analyse the various legal texts that govern the subject, and the descriptive method, when it is necessary to describe the aspects surrounding the subject and to provide legal interpretations based on arguments and evidence that aim to frame the problem.

We have decided to divide the research plan into three basic sections, as follows:

Section One: The nature of the system for digitizing litigation procedures

Section Two: The impact of digitizing litigation procedures on the fundamental rights of litigants

Section Three: The reality of digital courts in Algeria.

SECTION ONE: THE NATURE OF THE SYSTEM FOR DIGITIZING LITIGATION PROCEDURES

The digitalisation of litigation, also known as e-litigation, emerged as a concept at the beginning of the third millennium. It is the most recent achievement of the human mind in legal jurisprudence in the light of contemporary technological progress, due to its positive impact on the litigation process in general, investing time by following modern and advanced procedures in order to achieve justice between citizens in the shortest and fastest way. Since this topic is characterised by modernity¹, it is necessary to address its concept (subsection one) and then its legal basis within it (subsection two).

Subsection One: The concept of digitizing litigation procedures

Defining the concept of digitizing litigation procedures requires presenting its definition (branch one), as well as clarifying the legal basis on which it is based (branch two).

Branch One: Definition of Digitizing Litigation Procedures "E-Litigation"

First of all, it should be noted that Law 15/03 of 1 February 2015 on the Modernisation of the Judiciary is the basic building block of the e-litigation system, although the legislator did not mention it by this name. However, it refers to what is known as remote visual communication in legal proceedings, and therefore it is more a jurisprudential concept than a legal one, and a means to modernise the justice sector², not an end in itself. The legislator has therefore defined the mechanisms for achieving this objective.

The absence of a clear legal definition of e-litigation in Algerian legislation requires us to look for its meaning among jurists and legal commentators. In this context, we note the multiplicity of definitions associated with it. Some define it as: "The process of sending documents to the court by e-mail, where the documents are

¹- Khalil Muhammad, Brabah Zian, "Electronic Litigation in Algerian Law," Algerian Journal of Rights and Political Sciences, Volume 07, Issue 1, Algeria, 2022, p. 498.

²- Article 1 of Law 15/03 relating to the modernization of justice.



examined by the competent employee and a decision is taken on them by accepting or rejecting them, or sending a notice to the litigant informing him of what has been done with these documents”¹.

Others define it as the authority of a specialised group of regular judges to consider the case and conduct judicial proceedings using modern electronic means within an integrated judicial information system or systems of parties and means, adopting the methodology of international network technology and electronic computer file programs to consider cases, adjudicate them and execute judgments in order to achieve a quick resolution of cases and facilitate litigants².

Therefore, e-litigation is a technical system through which the plaintiff can file, register and submit all the documents related to the case, where he/she can participate in the sessions until the judgement of the case is issued, without physically going to the court, through electronic means of communication. Subsequently, both the lawyer and the litigant will register the case electronically within the framework of the electronic court, where the opening statement of the case will be sent by e-mail to the e-mail address designated to receive the case, which will be available 24 hours a day, seven days a week.

From a technical point of view, the opening statement and the electronic case documents are sent to the company responsible for managing this website, which then sends them to the competent court, where they are received by the court clerk. The clerk examines the documents, registers the case and then sends an electronic message to the litigant informing him of the receipt of the documents and the action taken in relation to them, such as the registration of the case and the date of the first hearing³.

From the above definitions, we can conclude that e-litigation is a series of legal procedures initiated electronically by litigants via the Internet, using technical means that connect them to the competent electronic court, starting with the filing of a lawsuit before it and ending with the issuance of a judgment on the matter, which is enforced.

Accordingly, we conclude that the main features that distinguish e-litigation from traditional litigation are as follows:⁴

- Virtual presence replaces personal presence.
- The electronic system replaces the paper system.
- The use of the Internet as a means of exchanging electronic documents.
- The use of electronic means instead of traditional means such as post, fax and other traditional means.
- Speed up the process of litigation.
- Proof of legal proceedings by means of an electronic document, electronically signed and certified in accordance with applicable laws.
- Pay fees and court costs electronically.

¹- Khaled Mamdouh Ibrahim, *Electronic Litigation, Electronic Lawsuit and its Procedures Before the Courts*, 1st Edition, Dar Al-Fikr Al- university, Egypt, 2008, pp. 12 and 13.

²- Hazem Muhammad Al-Shara'a, *Electronic Litigation and Electronic Courts*, Dar Al-Thaqafa, Jordan, 2010, p. 57.

³- Osmani Laila, "Electronic Litigation System as a Mechanism for the Success of Development Plans," *Al-Mufakker Journal*, No. 13, 2016, Algeria, p. 217.

⁴- Badiar Maher and Kilani Nadhira, "Obstacles to the Electronic Litigation System," *Al-Basair Journal for Legal and Economic Studies*, Special Issue, December 2021, Algeria, p. 40. For more details, see also: Mukhal al-Din Othman Jaman, Mahmoud Ali al-Omari, "Electronic Litigation Through Raising the Electronic Lawsuit," *Arab Journal of Sciences and Research Publishing, Journal of Economic, Administrative and Legal Sciences*, Volume 6, Issue 10, 2022, Palestine, pp. 132 to 133.



Branch Two: The Legal Basis for Digitizing Litigation Procedures

The legal basis refers to the legal basis from which the judge derives his or her authority to examine and decide the case electronically¹, by means of a judgment or decision that has binding force, excluding the traditional method. It should be noted that there are several legal bases for the digitalisation of judicial proceedings, some of which are international, i.e. the various international conventions that recognise this modern method, in addition to internal legal texts.

First: International Agreements as a Legal Basis for Digitizing Litigation Procedures

There are many international agreements that have approved the permissibility of adopting this litigation technique, such as the European Convention on Mutual Assistance in Criminal Matters, approved by the Council of the European Union on 30 November 2000, amending the 1959 Convention, which adopted this pattern of litigation in criminal matters, specifically in investigations, where it limited its scope to hearing witnesses and exchanging expert reports between European Union countries and those countries that cooperate judicially with each other.

The Arab Convention against Transnational Organised Crime is also considered as a legal basis that allows for the possibility of e-litigation, by giving testimony in a manner that ensures the safety of witnesses², experts and victims through the use of modern technological techniques that guarantee their security.

In addition to the United Nations Convention against Transnational Organised Crime, Article 24, paragraph 2/b, provides for the “protection of witnesses” and emphasises the provision of special rules for the giving of testimony that ensure the safety of the witness, such as allowing testimony to be given using communication technology³, including video links or other appropriate means. The purpose of this Convention is to promote cooperation in order to prevent and combat transnational organised crime more effectively⁴.

In addition to the United Nations Convention against Corruption, adopted by the General Assembly of the United Nations in New York on 31 October 2003, Article 32 of which provides for the protection of witnesses, experts and victims⁵, other international conventions in the same field have been ratified by Algeria.

Second: National Legal Texts as a Basis for Digitizing Litigation Procedures

The aforementioned international bases have had a significant impact on the national legal system. The technology of e-litigation was adopted internally for the first time in 2015 under Law 15/03 of 1 February 2015 on the modernisation of the judiciary, which established the requirements for achieving the objectives of modernisation and considered e-litigation through the use of remote visual conversation during judicial proceedings as one of the means of achieving this objective. It set out the conditions and procedures for the use of this technology.

Following the outbreak of the Covid-19 pandemic and the subsequent paralysis of the judicial system due to the imposition of total home quarantine on citizens, Algeria, like most countries in the world, had to adapt to this situation by working to bring its legislation into line with the new health situation. It issued Decree No. 20/04 of 30 August 2000 amending and supplementing Decree No. 66/155 of 8 June 1966 containing the Code of Criminal Procedure⁶, which, in Article 5, provided for the supplementation of the aforementioned Decree

¹- Islam Abdel Moneim Al-Sayyad, "Electronic Litigation Through Digital Means - A Comparative Study," Legal Journal, Volume 17, Issue 3, 2023, Egypt, p. 502.

²- Approved by Algeria under Presidential Decree 14/251 dated 08/09/2014, Official Gazette of the People's Democratic Republic of Algeria No. 56, 2014.

³- This agreement is adopted and presented for signature, ratification and accession, pursuant to UN General Assembly Resolution 25, Session 55, dated 15/11/2000.

⁴- Algeria ratified this agreement with reservations under Presidential Decree 02/55 dated 5 February 2002, Official Gazette of the People's Democratic Republic of Algeria No. 09, dated 10 February 2002.

⁵- Algeria ratified this agreement with a reservation under Presidential Decree 04/128 dated 19/04/2004, Official Gazette of the People's Democratic Republic of Algeria, No. 26, dated 25 April 2004.

⁶- Official Gazette of the People's Democratic Republic of Algeria, No. 51 dated 31 August 2020.



No. 66/155 with a second volume entitled “The use of audiovisual means of communication during proceedings”, which contained general provisions in addition to the use of remote visual communication in the judicial investigation and trial phases¹.

Subsection Two: Requirements for Digitizing Litigation Procedures in Algeria

Article 1 of Law 15/03 relating to the modernization of justice stipulates that this law aims to modernize the functioning of the justice sector by establishing a central information system for the Ministry of Justice (branch one), sending judicial documents and instruments electronically (branch two), and using remote visual conversation technology in judicial procedures (branch three).

Branch One: Establishing a Central Information System for the Ministry of Justice

Chapter Two of Law 15/03 mentioned above came under the title of the Central Information System of the Ministry of Justice and Certification of the Validity of Electronic Documents. It was divided into two sections. The first section was entitled the Central Information System of the Ministry of Justice, which in turn included two articles. Article 2 stipulated that a central information system for the automatic processing of data related to the activity of the Ministry of Justice and its affiliated institutions, as well as the judicial authorities of the ordinary system and the administrative judicial system and the Court of Conflict, shall be established. This means that the central information system of the Ministry of Justice is entrusted with the task of technical protection of automated data related to the activity of the Ministry, and this is what the legislator confirmed when he stipulated ensuring the technical protection of automated data, reading and writing, by means of an electronic program that authorizes the use of the central system².

The central information system of the Ministry of Justice is also entrusted with certifying the validity of documents. In this context, the second section of the first chapter of Law 15/03 referred to above, came under the title of electronic certification, where this central information system allows the affixing of judicial documents and instruments issued by the justice departments, its affiliated institutions, and the judicial authorities with an electronic signature whose connection to the original editor is guaranteed by a reliable means³, provided that the reliability in the means of certification is presumed until proven otherwise, in accordance with conditions, including verifying the identity of the signer and ensuring the integrity of the contract⁴.

It should also be noted that the central administration at the level of the Ministry of Justice, placed under the authority of the Minister of Justice, Keeper of the Seals⁵, includes several directorates, including the General Directorate for the Modernization of Justice, which undertakes the task of modernizing the judicial system in terms of its organization, internal functioning, and its relations with the national and international environment and is assigned in this capacity with the following:

- Proposing the works and means necessary to promote the organization and modernization of justice and follow up on the completion of this.
- Ensuring the control of the standards of procedures, documents and instruments used in the judicial authorities and in the administration.
- Ensuring the promotion of the use of automated information tools and information and communication technology.

¹- Articles 441 bis 2 to 441 bis 6 of the Code of Criminal Procedure.

²- Article 3 of Law 15/03 mentioned above.

³- Article 4 of Law 15/03 mentioned above. For more details, see: Amal Fawzi Ahmed Awad, "Electronics of Litigation Procedures in Comparative Judicial Systems," *International Journal of Legal and Political Research*, Volume 5, Issue 1, May 2021, Algeria, p. 33.

⁴- Article 5 of Law 15/03 mentioned above.

⁵- Executive Decree 23/342 dated 27/09/2023 amending and supplementing Executive Decree 04/333 dated 24/10/2004 including the organization of the central administration in the Ministry of Justice, *Official Gazette of the People's Democratic Republic of Algeria*, No. 64 dated 5 October 2023.



- Ensuring the security of information systems¹.

Branch Two: Sending Judicial Documents and Instruments Electronically

Article 9 of Law 15/03 - referred to previously - stipulates that:

“In addition to the methods stipulated in the Code of Civil and Administrative Procedure and the Code of Criminal Procedure in this field, judicial documents, instruments, and documents may be notified and sent electronically in accordance with the conditions and modalities specified in this law.

The method of applying this article shall be determined, where necessary, by regulation.”

According to this text, the Algerian legislator has permitted the adoption of electronic notification in addition to traditional notification. Although the legislator did not define electronic notification, he defined official notification as that notification that takes place under a report prepared by the judicial officer. The notification may relate to a judicial or non-judicial contract, order, judgment, or decision².

The judicial officer is assigned the task of notifying official contracts and documents in the normal way, as the law does not allow him to carry out the notification electronically. Thus, the legislator has limited electronic notification to papers, instruments, and documents issued by the judicial authorities only by the officer authorized by the Ministry of Justice³.

Therefore, electronic notification - from our point of view - does not differ from traditional notification in terms of content, with the exception of the means used in it, which is the electronic means that gives it this character. In this context, the legislator has set a set of controls that must be respected when using the technical means used in sending contracts and documents electronically, and it relates to the following:

- Reliable identification of the parties to electronic correspondence.
- Security and integrity of sent documents.
- Preserving data in a way that allows the date of sending and receiving by the addressee to be determined with certainty⁴.

These requirements are considered a sufficient guarantee to secure the probative value of electronic notification and make it equal to traditional paper notification⁵.

Branch Three: Using Remote Visual Conversation During Judicial Procedures

The legislator has elaborated on remote visual conversation, where he has set the conditions for its use on the one hand and the procedures followed in doing so on the other hand. This technology emerged after the technological revolution that the world witnessed cast its shadow on the justice facility. Law 15/03 made the use of this technology limited to criminal matters only, where it is used whenever distance requires it or the proper conduct of justice requires it. At that time, the parties can be questioned and heard through remote visual conversation, taking into account respect for the rights and rules stipulated in the Code of Criminal Procedure.

The legislator also allowed citizens, within the framework of bringing these closer to justice, the possibility of submitting a complaint electronically through the electronic prosecution website. He also allowed the judicial authorities⁶, in accordance with the requirements of the proper conduct of justice or the preservation of security or public health or during natural disasters or for reasons of respecting the principle of reasonable

¹- Website of the Algerian Ministry of Justice, www.mjustice.dz, accessed on: 25/01/2024 at 14:00.

²- Article 406 of the Code of Civil and Administrative Procedure.

³- Yahyawi Tarik, Khamqani Karima, "The Digital Guarantees Introduced in the Law on Modernizing Justice 15/03: Evidentiary Authority for Establishing the Provisions of Electronic Notification as a Judicial Procedural Proposal," *Journal of Legal and Economic Research*, Volume 6, Issue 2, Algeria, 2023, p. 420.

⁴- Article 10 of Law 15/03 referred to above.

⁵- Yahyawi Tariq, Khamqani Karima, Previous Reference, p. 430.

⁶- <https://e-nyaba.mjustice.dz>



deadlines, to use the technology of remote visual conversation in judicial procedures, respecting the rights and rules stipulated by law¹. This means that the use of remote visual conversation technology has an objective scope, a personal scope, and a temporal scope.

With regard to the objective scope of using remote visual conversation technology, in principle, the court that hears misdemeanor cases can resort to this technology, as the legislator did not restrict the judicial authorities to the field of its application in terms of subject matter. Therefore, it can be resorted to in hearing the parties, whatever the facts and the legal characterization of the crime, whether it is a felony, misdemeanor, or violation². However, Article 15, paragraph 3 of Law 15/03 allows the court in misdemeanor cases to resort to this technology to receive statements from the detainee, provided that he and the Public Prosecution agree. But does this mean that felonies and violations are excluded from the application of this technology?

Paragraph 2 of Article 15 allows the court to use remote visual conversation to hear witnesses, civil parties, and experts. Therefore, it is unreasonable to limit the use of hearing these through this technology without the accused in felonies and violations. In addition, Article 15, paragraph 3 refers to the accused detained before the misdemeanor court, but does this mean that it is not permissible to hear the accused who is not detained?

In fact, excluding the non-detained accused is something that contradicts the objectives of applying this technology, which is required by the proper conduct of justice or the distance, which is usually more available in the non-detained accused than others. Order 20/04 removed the ambiguity regarding the objective scope of the remote visual conversation technology, as Articles 441 bis 1 and 441 bis 7 of the Code of Criminal Procedure allowed the application of this technology in various courts, including the Criminal Court, the Criminal Chamber of the Judicial Council, the Violation Court, and even the specialized judicial authorities, even if the accused was not detained. This is considered a special text that restricts the provisions of Article 15, paragraph 3.

The legislator also stipulated the possibility of resorting to the use of remote visual conversation technology for witnesses, experts, and victims within a specific type of crime, and it relates to organized crime, terrorism crimes, and corruption crimes only for the trial stage as a preventive mechanism for them. In the event that protective measures are taken to conceal their identity, it is permissible to hear them in all crimes as non-anonymous witnesses in the procedures, in accordance with Articles 65 bis 19 and 65 bis 27 of the Code of Criminal Procedure.

As for the personal scope of the remote visual conversation technology that aims to modernize justice³, it includes everyone who is the defendant in the criminal case⁴, whether he takes the character of the suspect or the character of the accused, in addition to the civilly liable person as a party to the civil case by dependency, the victim, the civil plaintiff, and finally the witnesses, experts, and victims⁵. Remote visual conversation technology is also applied in the stages of search and investigation of crimes in the event of extending custody, in addition to the stages of judicial investigation and trial.

¹- See Article 441 bis of Order 20/04 including the Code of Criminal Procedure - referred to above -

²- Awatif Louz, "Digitization of Criminal Procedures - Remote Visual Conversation Technology as a Model," *Journal of Law and Society*, Volume 9, Issue 2, 2021, p. 235.

³- This designation is given to the person when he initiates follow-up procedures against him in the search and investigation phases of the crime.

⁴- This capacity is given to the person who has been charged by the Public Prosecution or the investigating authority or the sentencing authority, whether he has been convicted initially or is an opposing defendant, or an appealing defendant, or an appellee, until the judgment becomes final.

⁵- Article 441 bis 1, the last paragraph of Order 20/04 including the Code of Criminal Procedure.



SECTION TWO: THE IMPACT OF DIGITIZING LITIGATION PROCEDURES ON THE FUNDAMENTAL RIGHTS OF LITIGANTS

There is no doubt that Algeria's adoption of a digitization system for litigation procedures recently for the many reasons we mentioned previously has had a significant and direct impact on the guarantees of a fair trial. These effects vary between positive (subsection one) and negative (subsection two).

Subsection One: The Positive Effects of Digitizing Litigation Procedures on the Guarantees of a Fair Trial

The adoption of digitizing litigation procedures in Algeria has not only had a positive impact on modernizing the justice sector, but also on consolidating the guarantees of a fair trial and what the latter carries of fundamental rights for litigants. This is evident, in particular, through the speed of judicial procedures (branch one), as well as strengthening the principle of equality between litigants (branch two).

Branch One: Speed of Judicial Procedures

The inclusion of information and communication technology in the administration of the judicial system has led to facilitating access to justice in general, thanks to the digitization of judicial procedures, which is reflected in the process of exchanging documents and files electronically, which is also known as procedural digitization¹. The legislator has strengthened this process with electronic signature and certification², within specific conditions, which are:

- That it is based on a described electronic certification certificate.
- That it is linked to the site.
- That it is able to identify the identity of the site.
- That it is designed by a secure machine specific to creating the signature.
- That it is created by means that are under the exclusive control of the site.
- That it is linked to its data so that subsequent changes to this data can be detected³.

Electronic signature and certification is a guarantee that gives legal authority to electronic documents and instruments that are sent and exchanged online whenever the conditions mentioned above are met, and whenever it is quiet and the approved certification method is reliable. The legislator has placed on the acquisition of means of certification the characteristic of reliability a simple presumption that accepts proof to the contrary, where he stipulated that reliability is presumed in the means of certification until proven otherwise, whenever the electronic signature is created and the identity of the site is certain and the integrity of the contract is guaranteed⁴.

The speed that characterizes the digitization of litigation procedures also appears in the hypothetical nature of the judicial process, especially in criminal matters, where the accused, witness, or expert who is in a place far from the place of trial is heard. Digital litigation is characterized by the absence of spatial distance of the session, which is something that would lead to shortening the time and geographical factor. The length of

¹- Ledy Rivas Zannou, *la justice numérique, réalité, crainte, et projection*, Lex-Electronica, n°26-2, dossier spécial, France, 2021, P176.

²- The Algerian legislator recognized the electronic signature in 2005 under Law 05-10 dated June 20, 2005, including the Civil Code, Official Gazette of the People's Democratic Republic of Algeria, No. 44, dated June 26, 2005, when it stipulated it in Article 323 bis, to issue after two years Executive Decree 07-162 dated May 30, 2007 relating to the operating system applicable to all types of networks, including wireless electrical networks, and to various wired and wireless communications services, Official Gazette of the People's Democratic Republic of Algeria, No. 37, dated June 7, 2007, which distinguishes between the electronic signature and the secured electronic signature, to issue thereafter in 2015 Law 15/04 dated February 1, 2015 including electronic signature and certification, Official Gazette of the People's Democratic Republic of Algeria, No. 6, dated February 10, 2015.

³- Article 7 of Law 15/04 including electronic signature and certification.

⁴- Article 4 of Law 15/03 relating to the modernization of justice.



procedures also leads to the loss of evidence that may disappear or be forgotten from memory. In addition, the slowness of procedures leads to an increase in the period of pre-trial detention if the accused is detained, thus exacerbating the material and psychological damage and perhaps weakening the defense capabilities decided for him. The speed of the trial contributes to putting an end to the pain he is exposed to due to the accusation he is exposed to, especially in light of the publicity of the trial, in addition to weakening the accused's ability to collect evidence that may negate his accusation, and it also leads to affecting the witnesses, which may make them forget the facts of the case¹.

Therefore, digitizing litigation procedures is a positive step and an important qualitative leap that cannot be denied to activate the most important guarantees of a fair trial, which is the principle of reasonable trial deadlines away from the disadvantages of the traditional system due to many factors, the most important of which is its slowness.

Branch Two: Strengthening the Principle of Equality Between Litigants

Article 165 of the Algerian Constitution stipulates that: "The judiciary is based on the principles of legality and equality." Through this text, it is clear that equality is a constitutional principle and a human right, the meaning of which is that individuals before the law, the judiciary, and public functions are equal, without discrimination between them in acquiring and exercising rights and bearing and performing obligations. It is also established in all international and regional charters². If we link this principle to digital transformation, it can be said that the latter has allowed all people to benefit from digital services without exception and away from everything that would negatively affect the proper functioning of justice, and thus achieve equality and transparency between litigants by unifying steps, providing services, creating a unified method of dealing, and making the electronic site of the judiciary facility available to everyone who wishes to submit a complaint or deposit a petition electronically³.

Equality before the judiciary requires that the latter, before which everyone litigates, be one, and that the courts do not differ according to the persons who litigate before them, and that everyone is subject to the same litigation procedures. Achieving equality before the judiciary also requires facilitating litigation for litigants, and this is what electronic litigation provides and what it is characterized by in terms of bringing the judiciary closer to litigants and the speed of deciding cases⁴. Facilitating the judiciary for litigants requires linking spatial proximity to equality before the judiciary, as distance stands as an obstacle to the judiciary and traditional litigation, which electronic judiciary has overcome, because the digital transformation that has affected the judiciary facility has led to adapting justice to modern technology and to the modernization of justice, and imposing the conduct of sessions electronically through virtual places and spaces that allow receiving the session. The virtual hall is considered as new places for the conduct of the judicial process that is absorbed by the technological infrastructure, which are secured platforms that organize their work and respond to very structured procedures, making all stages take place online⁵.

Subsection Two: The Negative Effects of Digitizing Litigation Procedures on the Fundamental Rights of Litigants

The digitization of litigation procedures has been reflected in the guarantees of a fair trial and the resulting violation of the fundamental rights of litigants. This is evident through prejudice to the principle of public

¹- Marzouk Mohammad, "The Principle of Speedy Trial and its Impact on Judicial Work in Algerian Criminal Legislation," *Journal of Human Research and Studies*, Volume 14, Issue 2, 2020, p. 203.

²- Haddad Abdel Majid, "The Constitutional Guarantees of the Right to Litigation and the Manifestations of its Violation in Algeria," Doctoral Thesis, specialization in Public Law, Faculty of Law and Political Science, University of hadj lakhdar batna, Algeria, 2019-2020, p. 84.

³- Rawaq Manal - Yassin Jabiri, "Electronic Litigation and Guarantees of a Fair Trial," *Al-Basair Journal for Legal and Economic Studies*, Special Issue, December 2021, p. 161.

⁴- Haddad Abdel Majid, The Previous Thesis, p. 88.

⁵- Ledy Rivas Zannou, op,cit, p179.



hearings (branch one), the principle of the right to defense (branch two), and finally the principle of confrontation (branch three).

Branch One: Digitizing Litigation Procedures' Prejudice to the Principle of Public Hearings

The principle of public hearings means enabling the public to follow the procedures of the litigation and attend its sessions. Therefore, this principle provides the right of the public to monitor the procedures of the litigation¹. Article 149 of the Constitution² affirmed that the pronouncement of judicial judgments shall be in public sessions, and this is what the legislator also went to through Article 7 of the Code of Civil and Administrative Procedure.

If traditional litigation allows the public the opportunity to attend sessions in a way that dispels their doubts and generates reassurance in their souls, improving the course of justice and guaranteeing the issuance of judicial judgments under popular oversight, then electronic litigation prejudices the principle of publicity when it comes to using remote visual conversation technology, even if the public is present, because the violation occurs in the absence of the accused, which leads to a lack of the element of reassurance with popular oversight of the judiciary. Also, the publicity of the trial according to remote visual conversation technology does not achieve the desired benefit in litigation procedures as is the case for the traditional form of presence before the judges for several reasons, such as lawyers pleading from their offices or from other private places³. In addition, the ineffectiveness of the publicity of sessions in electronic form is also due to the weak personal conviction among the public in this new type of litigation, even if it allows the public in general to watch the facts of the litigation from several different angles in a way that achieves complete viewing and ideal follow-up, especially if the broadcast and transmission stop for technical and artistic reasons, and this would also prejudice the validity of the procedures that take place during the interruption of the presentation, which may result in the invalidity of the judgment issued on the matter⁴.

Branch Two: Digitizing Litigation Procedures' Prejudice to the Principle of the Right to Defense

The right to defense is a constitutionally guaranteed right through Article 169, which stipulates that: "The right to defense is recognized. The right to defense is guaranteed in criminal cases." Accordingly, the right to defense enables the accused to have the opportunity to maintain the presumed innocence, by refuting the evidence of the accusation and its presumptions before the investigation authority and before the court alike, by enabling them to express their statements freely, hear their witnesses, and respond to their requests and defenses, either by responding to them if there is a reason for that, or by justifying their rejection if there is a place for it, and in general achieving what the accused expresses of defenses and requests⁵. Although the legislator was keen to protect the right of the accused when the litigation is electronic, when he allowed the lawyer to be present alongside his client or before the investigating judge who listens to the accused through remote visual conversation technology⁶.

However, the digitization of litigation procedures threatens the accused's right to a sound defense because the latter is exposed to psychological pressure when he is behind the interrogation screen in the investigation and trial, which prompts him to make statements that may conflict with his desire and change the course of the case. In addition, when the lawyer is far from the accused, this may prejudice the guarantee of direct

¹- Omar Zouda, *Civil and Administrative Procedures in Light of the Opinions of Jurisprudence and the Rulings of the Judiciary*, 3rd Edition, Dar Balqis, Algeria, 2023, p. 336.

²- Issued under Presidential Decree No. 20-442 signed on December 30, 2020, Official Gazette of the People's Democratic Republic of Algeria, No. 82, dated December 30, 2020.

³- Mabrouk Linda, "Guarantees of a Fair Trial Through the Use of Visual Conversation Technology," *Journal of Rights and Human Sciences*, Volume 15, Issue 1, Algeria, 2022, p. 1650.

⁴- Manal Rawaq, Previous Reference, p. 161.

⁵- Lared Muhammad Ahmad, "Respecting the Right of Defense is a Guarantee of a Fair Trial," *Academic Journal of Social and Human Studies*. No. 19, January 2018, Algeria, p. 119.

⁶- Article 441 bis 4, and 441 bis 8 of the Code of Criminal Procedure.



contact between them in a confidential manner about the aspects of the defense and the details related to the case without allowing others to see the course of the conversation¹.

Branch Three: Digitizing Litigation Procedures' Prejudice to the Principle of Confrontation

Article 3, paragraph 3 of the Code of Civil and Administrative Procedure stipulates the obligation of the litigants and the judge to the principle of confrontation, which means taking all measures in the face of the litigants in a way that enables them to know them, whether by conducting them in their presence, such as expressing requests and defenses, and conducting investigations, or by announcing them to them or enabling them to view and discuss them. The goal of this is to ensure the application of the right of the litigants to defend by being aware of all the procedures and investigations and enabling them to respond to them².

There are those who believe that electronic litigation, as a new pattern and a method of modernizing justice, is completely incompatible with the principle of confrontation, especially in criminal matters, because this technology does not allow the court to identify the features of the accused's personality, and thus it is difficult for the judge to form a sufficient conviction towards him. This is inconsistent with the rule of penal individualization, which requires identifying the personality of the accused and searching for the motives for committing the crime, in addition to the fact that it achieves only a virtual and non-actual presence of the parties to the case and the direct confrontation between the accused, the victim, and the witnesses, which negatively affects their statements and declarations³.

SECTION THREE: THE REALITY OF DIGITAL COURTS IN ALGERIA

Clarifying the reality of digital courts in Algeria requires shedding light on the obstacles that hinder the digitization of litigation procedures on the one hand (subsection one), in addition to providing solutions that can address these obstacles (subsection two).

Subsection One: Obstacles to Digitizing Litigation Procedures in Algeria

The effectiveness of digitizing litigation procedures in Algeria is limited by many obstacles that pose difficulty in its practical application. These difficulties vary between legal (branch one) in addition to material and technical obstacles (branch two).

Branch One: Legal Obstacles Facing the Digitization of Litigation Procedures in Algeria

The lack of a specific law regulating the rules of digital litigation is considered the main obstacle to this pattern, especially in civil matters, which remain subject to traditional rules despite the specificity of the means used. This legal vacuum gives rise to a number of problems, including:

- Difficulties in verifying the capacity of litigants and the validity of the digital documents submitted in the case⁴, as well as the extent to which legal texts are adapted to the mechanisms of digital litigation⁵.
- The digital use of litigation raises the problem of the judge's conviction of the digital evidence presented to him and the extent of the probative value of the automated message sent to him. The problem of electronic evidence is therefore to ensure its credibility and its expression of judicial truth. How can the judge rely on the conscience of the computer and what it does when it analyses the stored data in order to make a decision?

¹- Rawaq Manal, Previous Reference, p. 163.

²- Messaoudi Muhammad Lamin, "The Principle of Confrontation Between Litigants Before the Judiciary - A Comparative Study Between Algerian Law and Islamic Sharia," Journal of Islamic Studies. No. 9, June 2017, Algeria, p. 142.

³- Yahi Abdel Aziz, "Remote Litigation and Guarantees of a Fair Trial in Light of the Corona Pandemic," Al-Miyar Journal, Volume 27, Issue 1, Year 23, pp. 373 and 374.

⁴- Boukais soumia, "Electronic Litigation and its Effectiveness in the Algerian Judicial System," Al-Basair Journal for Legal and Economic Studies, Special Issue, December 2021, Algeria, p. 116.

⁵- Souria Gharbi, "The Electronic Litigation System in Algerian Law," Critical Journal of Law and Political Science, Volume 18, Issue 1, 2023, Algeria, p. 180.



In addition to the above, it should be noted that, despite the enactment of Law 15/04, which establishes the general rules relating to electronic signatures and certification, and which places the traditional signature on an equal footing with the electronic signature in terms of evidential value, it does not specify the scope of its application. The legislator was silent on the transactions in which the digital signature is accepted and the cases in which it is excluded. In addition to the inadequacy of the texts dealing with offences relating to digital signatures, this law has also been delayed by the failure to install the equipment and bodies specific to electronic signatures and certification, which inevitably has a significant impact on the pattern of digital litigation¹.

Branch Two: Material and Technical Obstacles Facing the Digitization of Litigation Procedures in Algeria

What stands between the effectiveness of digitizing litigation procedures as a current pattern that the Algerian legislator is keen to create and the modernization of justice is the issue of the fragility of the infrastructure of the electronic communications sector in Algeria, which is characterized by the fluctuation of the Internet service. This is directly reflected negatively on the quality of the judicial work in general and on electronic litigation in particular, whether in civil or criminal matters². Also, the lack of Internet flow in the courts located in remote areas, in addition to the shortcomings of the national legislative system in providing the necessary protection in the event of hacking the official website of the justice sector, for example, or an attempted breach, in addition to the inability to confront the spread of viruses in electronic devices and other technical obstacles³.

Subsection Two: Possible Solutions to Confront the Obstacles of Digitizing Litigation Procedures

The success of the digital litigation pattern can only be achieved with a real political will of the state, which must primarily take into account the advancement of human capabilities (branch one) and the advancement of technical capabilities (branch two).

Branch One: Advancing Human Capabilities

The Algerian state must take into account the obligatory training of judges in the direct digital management of litigation, starting with the registration and limitation of the electronic case, and then deciding it electronically through a sophisticated set of electronic procedures, which can only be achieved through continuous training in information technology, communication systems and electronic website programs⁴, in addition to equipping their offices with equipment and devices that enable them to decide the subject of the case digitally within the framework of the electronic court⁵.

It is also necessary to train the clerks of the court, considering that the series of actions of the judge in the case cannot be isolated from the intervention of the clerks of the court as legal professionals, since they are in charge of registering the case and sending it with its annexes to the parties concerned, keeping the original, then preparing the schedule of hearings and collecting the necessary court fees electronically, based on the available and applicable electronic payment methods, then communicating with the parties to the case and notifying them of the dates of the hearings, after verifying their capacity before entering them in the virtual court site before the electronic judge, in order to prepare the follow-up of the case and the presentation of the hearings⁶.

In anticipation of any technical malfunction that the electronic court website may be exposed to, qualified people in the field of information technology must be qualified so that these people can supervise the follow-

¹- Same Reference, p. 180.

²- Sumaya Boukais, Previous Reference, p. 116.

³- Souria Gharbi, Previous Reference, p. 181.

⁴- Ashraf Gouda Mohammad Mahmoud, "Electronic Courts in Light of Contemporary Procedural Reality," *Journal of Sharia and Law*, No. 35, Part 3, 2020, Egypt, p. 23.

⁵- Khalil Muhammad, Brabah Zian, Previous Reference, p. 506.

⁶- Same Reference, p. 506.



up of the electronic litigation procedures and resolve the malfunctions that may occur during the session, in addition to the technical resolution of any possible technical malfunction.

Branch Two: Advancing Technical Capabilities

The effectiveness of digital litigation as a means of modernising justice cannot be achieved without finding radical solutions to the technical problems that this type of litigation suffers from, in particular the use of electronic tools to support litigation, in addition to what is known as the electronic court, as a virtual court and a basic pillar for the digitisation of litigation. It functions as a technical and digital organisation that allows litigants to register their cases, submit their evidence and attend court sessions. The electronic court is considered as a technical and informational space of dual existence, represented in the international connection network and in the court building, so that it allows the programming of the electronic case, which allows the electronic spatial appearance of judicial and administrative units, and through which a group of judges assumes the task of examining and deciding the case, according to legislation that allows them to directly carry out judicial procedures, while adopting ultra-modern technical mechanisms for recording judicial procedures. This is reflected in a website that operates on a system of sending and receiving electronic documents and in the opening of communication channels between the litigant and the court through the electronic window and after payment of the court fees electronically¹.

CONCLUSION:

Through this research paper entitled "The System of Digitizing Litigation Procedures Between Consolidating the Modernization of Justice and Violating the Basic Principles of Litigants," we conclude that::

- Digitizing litigation procedures, or what is known as electronic litigation, is a pattern that was created in Algeria only in 2005. However, work on it remained frozen until the emergence of the Covid-19 pandemic. Therefore, Algeria is a young country in terms of using this pattern, which leads us to say that it is too early to evaluate its use of it.
- The state relies on considering electronic litigation as a means that works to bring justice closer to the citizen.
- The application of electronic litigation in the Algerian judiciary has many advantages, especially the speed of procedures and its availability to all citizens, which consolidates the modernization of justice, which is the desired goal by the state. However, it is not without drawbacks that pose a threat to the guarantees of a fair trial, when it comes to remote visual trial in criminal matters.
- Electronic litigation faces several obstacles that limit its effectiveness, including what is legal, and this is evident through the shortcomings of the legal rules associated with it, and its silence on regulating many related issues, such as electronic litigation in civil matters, which, despite its specificity, there is no text related to it, which keeps it subject to the traditional rules of litigation, and this is unacceptable, in addition to the technical, material and even human obstacles.
- The silence of the Algerian legislator on the probative value of the judgments issued on the subject by virtue of the use of electronic litigation technology, especially in light of the failure to devote this type of litigation to sufficient guarantees to ensure the rights of litigants.

Accordingly, we propose the following:

- Developing the information system of the judicial authority's database, in accordance with the latest internationally approved and scalable programming systems, which allow for a secure and reliable connection between the websites of the Ministry of Justice and all judicial bodies located in Algerian territory.

¹- Zarari Nasrin, Bouqara Ismail, "Towards the Transformation to the Digital Court," Journal of Rights and Political Sciences, Volume 10, Issue 2, 2023, Algeria, p. 445.



- Activating electronic litigation in civil matters and working to adapt the special legal texts in parallel with the rest of the related texts, especially electronic signature, electronic payment, electronic proof, and protection of litigants' digital data.
- Providing legal, material, and human requirements is contingent on the generalization and success of electronic litigation.
- Activating the role of the lawyer with the reality of electronic litigation, through his mandatory representative role in electronic lawsuits and trials, in order to consolidate more guarantees and preserve the rights of litigants, and facilitate judicial procedures.
- Electronic litigation requires adapting the role of the judicial officer to this new pattern, and recognizing the electronic notification that the latter can carry out within certain cases and conditions.
- Limiting the adoption of electronic litigation technology in criminal matters in accordance with specific controls and conditions, especially the condition of consent, which requires the explicit consent of the accused or his defense. For this reason, the French Constitutional Council, in decision No. 2020-872 dated 01/15/2021, ruled that remote visual trial that takes place without the consent of the accused is unconstitutional.
- Excluding the application of electronic litigation in felonies due to their specificity, except when it is impossible to transfer the accused from the penal institution to the courtroom for health reasons, because felonies require the physical presence of the accused to achieve the personal conviction of the judges.
- Amending the Penal Code and codifying electronic crimes related to electronic litigation.

REFERENCES

First: Legal Texts

1- International Texts:

- [1] *United Nations Convention against Transnational Organized Crime, adopted and presented for signature, ratification and accession, pursuant to United Nations General Assembly Resolution 25, Session 55, dated 11/15/2000.*
- [2] *United Nations Convention against Corruption, adopted by the United Nations General Assembly in New York on 10/31/2003, ratified with reservations under Presidential Decree 02/55 dated 02/05/2002, Official Gazette of the People's Democratic Republic of Algeria, No. 09, dated 02/10/2002.*
- [3] *United Nations Convention against Corruption, adopted by the United Nations General Assembly in New York on 10/31/2003, ratified with reservations under Presidential Decree 04/128 dated 04/19/2004, Official Gazette of the People's Democratic Republic of Algeria, No. 26, dated 04/25/2004.*
- [4] *Arab Convention against Transnational Organized Crime, ratified under Presidential Decree 14/251 dated 09/08/2014, Official Gazette of the People's Democratic Republic of Algeria, No. 56, 2014.*

2- National legislative texts:

- [1] *Algerian Constitution, adopted by Presidential Decree No. 20-442, signed on 30 December 2020, Official Journal of the People's Democratic Republic of Algeria, No. 82, dated 30 December 2020.*
- [2] *Law No. 05-10 of 20 June 2005, of which the Civil Code forms part, Official Journal of the People's Democratic Republic of Algeria No. 44 of 26 June 2005.*
- [3] *Law 15/03 of 1 February 2015 on the modernisation of the judiciary, Official Journal of the People's Democratic Republic of Algeria, No. 6, year 52, dated 2.10.2015.*
- [4] *Law 15/04 of 1 February 2015 on electronic signatures and certification, Official Journal of the People's Democratic Republic of Algeria, No. 6, Year 52, dated 10 February 2015.*
- [5] *Decree No. 20/04 of 30 August 2020 amending and supplementing Decree No. 66/155 of 8 June 1966, including the Code of Criminal Procedure, Official Journal of the People's Democratic Republic of Algeria, No. 51 of 31 August 2020.*



- [6] *Law No. 22-13 of 12 July 2022 amending and supplementing Law No. 08-09 of 18 Safar 1429 of 25 February 2008, including the Code of Civil and Administrative Procedure, Official Journal of the People's Republic of Algeria No. 48 of 17 July 2022.*

3- Regulatory Texts:

- [1] *Executive Decree 07-162 dated May 30, 2007, relating to the operating system applicable to each type of network, including wireless electrical networks, and to various wired and wireless communications services, Official Gazette of the People's Democratic Republic of Algeria, No. 37, dated June 7, 2007.*
- [2] *Executive Decree 23/342 dated 09/27/2023 amending and supplementing Executive Decree 04/333 dated 10/24/2004, including the organization of the central administration in the Ministry of Justice, Official Gazette of the People's Democratic Republic of Algeria, No. 64, dated October 5, 2023.*

Secondly: References

- [1] *Omar Zouda, Civil and Administrative Procedures in the Light of Jurisprudential Opinions and Judicial Rulings, 3rd Edition, Dar Belqis, Algeria, 2023.*
- [2] *Hazem Muhammad Al-Shar'a, Electronic Litigation and Electronic Courts, Dar Al-Thaqafa, Jordan, 2010.*
- [3] *Khaled Mamdouh Ibrahim, Electronic Litigation, the Electronic Lawsuit and its Procedures before the Courts, 1st Edition, Dar Al-Fikr Al-Jami'i, Egypt, 2008.*

Thirdly: University Theses

- [1] *Haddad Abdelmajid, Constitutional Guarantees of the Right to Litigation and Manifestations of its Violation in Algeria, Doctoral Thesis, Major in Public Law, Faculty of Law and Political Science, University of Hajj Lakhdar Batna, Algeria, 2019-2020.*

Fourthly: Scientific Articles

- [1] *Ashraf Gouda Muhammad Mahmoud, Electronic Courts in the Light of Contemporary Procedural Reality, Journal of Sharia and Law, No. 35, Part 3, 2020, Egypt.*
- [2] *Amal Fawzi Ahmed Awad, Electronic Litigation Procedures in Comparative Judicial Systems, International Journal of Legal and Political Research, Volume 5, Number 1, May 2021, Algeria.*
- [3] *Badiar Maher and Kilani Nadhira, Obstacles to the Electronic Litigation System, Al-Basair Journal for Legal and Economic Studies, Special Issue, December 2021, Algeria.*
- [4] *Boukais Sumaya, Electronic Litigation and its Effectiveness in the Algerian Judicial System, Al-Basair Journal for Legal and Economic Studies, Special Issue, December 2021, Algeria.*
- [5] *Khalil Muhammad, Barabah Zian, Electronic Litigation in Algerian Law, Algerian Journal of Law and Political Science, Volume 07, Number 1, 2022, Algeria.*
- [6] *Rawaq Manal - Yassin Jabiri, Electronic Litigation and Guarantees of a Fair Trial, Al-Basair Journal for Legal and Economic Studies, Special Issue, December 2021, Algeria.*
- [7] *Zarari Nisreen, Bouqra Ismail, Towards the Transition to the Digital Court, Journal of Rights and Political Science, Volume 10, Number 2, 2023, Algeria.*
- [8] *Souria Gharbi, The Electronic Litigation System in Algerian Law, Critical Journal of Law and Political Science, Volume 18, Number 1, 2023, Algeria.*
- [9] *Othmani Laila, The Electronic Litigation System is a Mechanism for the Success of Development Plans, Al-Mufakker Journal, No. 13, 2016, Algeria.*
- [10] *Awatif Louz, Digitization of Criminal Procedures - Remote Visual Conversation Technology as a Model - Journal of Law and Society, Volume 9, Number 2, 2021, Algeria.*
- [11] *Lureed Mohammad Ahmed, Respecting the Right of Defense is a Guarantee of a Fair Trial, Academic Journal of Social and Human Studies, No. 19, January 2018, Algeria.*
- [12] *Mabrouk Linda, Guarantees of a Fair Trial Through the Use of Visual Conversation Technology, Journal of Rights and Human Sciences, Volume 15, Number 1, 2022, Algeria.*



- [13]Moukhal al-Din Othman Jaman, Mahmoud Ali al-Omari, *Electronic Litigation Through Raising the Electronic Lawsuit*, Arab Journal of Sciences and Publication, Journal of Economic, Administrative and Legal Sciences, Volume 6, Number 10, 2022, Palestine.
- [14]Yahya Abdel Aziz, *Remote Litigation and Guarantees of a Fair Trial in Light of the Corona Pandemic*, Al-Miyar Journal, Volume 27, Number 1, Year 23, Algeria.
- [15]Islam Abdel Moneim Al-Sayyad, *Electronic Litigation Through Digital Means - A Comparative Study - Legal Journal*, Volume 17, Number 3, 2023, Egypt.
- [16]Marzouk Mohammad, *The Principle of Speedy Trial and its Impact on Judicial Work in Algerian Criminal Legislation*, Journal of Human Research and Studies, Volume 14, Number 2, 2020, Algeria.
- [17]Messaoudi Mohammad Lamine, *The Principle of Confrontation Between Litigants Before the Judiciary - A Comparative Study Between Algerian Law and Islamic Sharia*, Journal of Islamic Studies, No. 9, June 2017, Algeria.
- [18]Yahyaoui Tarik, Khamkani Karima, *The New Digital Guarantees in the Law on Modernization of Justice 15/03: Evidentiary Authority for Establishing the Provisions of Electronic Notification as a Judicial Procedural Proposal*, Journal of Legal and Economic Research, Volume 6, Number 2, 2023, Algeria.
- [19]-Ledy Rivas Zannou, *Digital Justice, Reality, Cryptography, and Projection*, Lex-Electronica, No. 26-2, Special File, France, 2021.
- [20]Fifth: Websites
- [21]Algerian Ministry of Justice website, www.mjustice.dz. Accessed on: January 25, 2024, at 2:00 PM.
- [22]Public Prosecution website: <https://e-nyaba.mjustice.dz>. Accessed on: January 25, 2024, at 2:00 PM.