

The Electronic Court as a Mechanism to Modernize the Judicial Facility in Algeria: Between Application and Requirements

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Abstract:

Due to the technological and digital development that the world has witnessed today, most of the legislation, including Algeria, has adopted the electronic court system because of its advantages in bringing the judiciary closer to the citizen and facilitating the trial procedures, so that judicial services move from their traditional nature to the electronic nature.

The electronic court system has many advantages, the most important of which is to facilitate judicial procedures, whether for lawyers or judges, but this system still knows some difficulties in some countries, including Algeria, which leads to the digital development of electronic courts not keeping pace with the rest of the countries.

Through this study, we will learn about the concept of the electronic court and distinguish it from other similar terms, as well as the scope of application of this system in Algeria and the extent of its effectiveness. At the end of the study, we will conclude with some recommendations for making the e-Court more effective. The analytical and descriptive approach will be followed

Keywords: e-Court, Judiciary, Trial Procedures, Modernization of the Justice Sector

Introduction:

The world is currently experiencing an information revolution that has swept most sectors, including the justice sector, where most of the legislation, including Algeria, have adopted the electronic court system because of its advantages in bringing the judiciary closer to the citizen and facilitating trial procedures. The electronic court is a transition from the provision of services and transactions related to litigation from its traditional form to the digital form

through the use of the Internet, and by integration between all judicial bodies and lawyers, where the electronic court is considered a means of applying remote litigation procedures.

The Algerian legislature approved the digitization of the justice sector by virtue of Law No. 15-03 on the modernization of the justice sector¹, and the Code of Criminal Procedure in 2015 and² amended in 2020 by Decree No. 20-04³.

Despite the many advantages of the electronic court, its actual application is still in its early stages in most Arab legislations compared to developed countries, due to some of the obstacles facing the electronic court and the lack of some requirements in this field, whether at the legislative, technical or human levels.

The importance of this study lies in the modernization of the justice sector in various Arab countries, and the role of the digitization of the courts in simplifying and accelerating litigation procedures compared to the traditional litigation system.

This study aims to define the concept of the electronic court and explain the difference between it and similar concepts such as electronic litigation and electronic arbitration, as well as to highlight the most important advantages of the electronic court, and to identify the requirements for the application of the electronic court for its effectiveness.

Based on the above, we can pose the following problem: What is meant by an electronic court? How effective is it in the Algerian judiciary?

To answer this problem, we will learn about the concept of the electronic court and distinguish it from the rest of the similar terms, and then we will go over the requirements for the application of the electronic court, whether the legislative requirements through the need to provide adequate legislative protection for the electronic information of the parties to the lawsuit, or the technical and human requirements through the provision of an appropriate infrastructure for electronic procedures with the need to qualify judges and lawyers in the information field, and we will rely on the descriptive and analytical approach in this regard.

In this study, we will conclude some recommendations for the promotion and effective implementation of the e-Court, given its critical importance in speeding up trials.

I- What is the Electronic Court

The electronic court is a modern concept because of the novelty of its means, which necessarily have an electronic nature, but this concept may collide with some terms similar to it, which requires a distinction between them.

Although the electronic court is different from other similar systems, it has the same features, and this is what we will get to know.

1- The Concept of the Electronic Court and its Distinction from Similar Systems:

It is worth learning about the concept of an electronic court so that we can distinguish it from similar systems.

¹ Dated 1 February 2015 on the Modernization of Justice, G.R. 06, dated 10 February 2015.

² Ordinance No. 15-02 of 23 July 2015 amending and supplementing Ordinance No. 66-155 of 08 June 1966 containing the Code of Criminal Procedure, G.R.O.C. 40 of 23 July 2015.

³ Ordinance No. 20-04 of 20 August 2020 amending and supplementing Ordinance No. 66-155 containing the Code of Criminal Procedure, G.R.O. 51, of 31 August 2020.

1.1. The Concept of the Electronic Court:

The e-court is a modern model of the judiciary that relies on information and communication technology in the management of the lawsuit and the various procedures associated with it, allowing the litigation to be conducted in whole or in part through electronic media, starting from filing a lawsuit and exchanging memoranda and documents, through holding remote hearings, and ending with the issuance, communication and implementation of judgments electronically, while ensuring respect for the principles of a fair trial and the rights of the defense.

In other words, an electronic court does not just mean the use of computers within the court, but rather an integrated digital judicial system that aims to facilitate access to justice, speed up the resolution of disputes, reduce costs and paperwork, while providing legal protection and information security for judicial data and procedures.

The e-court system aims to move from traditional procedures in litigation to web-based electronic procedures, hence the e-court can be defined as the technical and informational system that allows the programming of electronic cases, with the adoption of modern techniques for recording judicial procedures, and saving and circulating lawsuit files⁴.

Some also define the electronic court as: "a dual-existent information technology space that reflects the electronic spatial appearance of judicial and administrative units, through which a group of judges begin to consider and adjudicate cases under legislation that authorizes them to conduct judicial proceedings by these means, while adopting highly modern technical mechanisms for case files, through which judicial procedures will be recorded, including what is called (electronic case programming or case computerization)."⁵

Another aspect of jurisprudence defines it as the competent judicial court authority to adjudicate the dispute before it electronically through the Internet, with the adoption of electronic systems and modern technical mechanisms with the aim of speeding up the adjudication of cases and facilitating procedures for the parties to the case⁶.

It can be concluded from the above definitions that the concept of an electronic court is mainly based on the means of litigation, which lies in the proceedings existing on the Internet, as the latter is considered the only difference between the electronic court and the traditional court.

The e-court is based on a set of basic elements, the most important of which are: electronic filing of cases and requests, electronic judicial notification and announcement, electronic signature of judges and parties to the case, holding hearings through video communication technologies, managing judicial files electronically, and issuing, saving and communicating judgments electronically. The e-court is characterized by several characteristics, the most important of which are: relying on digital technologies at all stages of litigation, speeding up the resolution of disputes and reducing procedural deadlines, reducing expenses and relying on

⁴ Al-Jala Noha, The Electronic Court, Informatics Magazine, SyrianA, Issue 47, January, 2010, p. 50.

⁵ Amir Farag Youssef, Electronic Informatics Courts and Electronic Litigation, Modern Arab Bureau, Alexandria, Egypt, 2014, p. 28.

⁶ Asaad Fadel Mandil, Remote Litigation, Kufa Journal of Legal and Political Sciences, Vol. 1, No. 21, 2014, p. 04.

paperless transactions, providing access to remote justice, ensuring the security of information and the confidentiality of judicial data.

1.2. Distinguishing the Electronic Court from Similar Regulations:

There are some systems similar to the electronic court in terms of the use of the same means as the Internet, but they differ from them in terms of content. We will differentiate between both electronic litigation and e-arbitration.

a- Electronic Litigation:

Electronic litigation is a modern method of initiating litigation that relies on the use of information and communication technology to complete various litigation procedures, whether in whole or in part, starting from filing a lawsuit and filing documents, through the exchange of memoranda and holding remote hearings, to issuing, communicating and executing judgments electronically, while ensuring respect for the basic principles of a fair trial.

E-litigation is a manifestation of the digital transformation of justice, as it does not change the nature of the judiciary or its substantive and procedural rules, but rather changes the means by which litigation procedures are managed, in order to achieve speed, efficiency, and easy access to justice.

The electronic litigation system, or what is also known as remote litigation, is a complement to the electronic court as it is represented in the litigation procedures that will be conducted in the electronic court. Electronic litigation is defined as a new information judicial system under which all litigation procedures are applied through the electronic court, using computers connected to the Internet, with the aim of speeding up the adjudication of cases, facilitating their procedures for litigants, and executing judgments electronically⁷.

Therefore, despite the similarity of the two terms, each is considered complementary to the other, as it is impossible to conceive of an electronic court without electronic litigation procedures and vice versa.

Accordingly, electronic litigation is based on several main elements, the most important of which are:

- ✓ Having a digital infrastructure for the judicial facility.
- ✓ Using approved electronic means in filing lawsuits and exchanging documents.
- ✓ Electronic signature to verify the identity of the parties.
- ✓ Electronic management of judicial files.
- ✓ Conduct sessions via video communication when required.
- ✓ Issuing and communicating judgments electronically⁸.

b- Electronic Arbitration:

Electronic arbitration is one of the modern forms of arbitration that relies on information and communication technology means in the management of arbitration proceedings, so that

⁷ Al-Kaabi Hadi Hussein and Muhammad Al-Karawi Nassif Jassim, The Concept of Remote Litigation and its Requirements, Al-Muhaqiq Al-Halabi Journal for Legal and Political Sciences, Syria, Volume 08, First Issue, 2016, p. 171.

⁸ Asaad Fadel Mandil, *ibid*, p. 10.

arbitration is agreed upon, notes and documents are exchanged, sessions are held, and the judgment is issued, in whole or in part, through electronic means, without requiring the physical presence of the parties or arbitrators.

Electronic arbitration is an extension of traditional arbitration, but it differs from it in the method used to manage the proceedings, as it relies on the Internet, digital platforms, email, and video communication technologies, while the basic principles of arbitration, such as consent, independence, impartiality, and confidentiality of the proceedings, remain in place.

Electronic arbitration means presenting a specific dispute before one or more arbitrators in order to adjudicate it instead of the competent court, and the judgment issued by the arbitrator or arbitrators is binding on the parties, and its proceedings are virtual as they are conducted over the Internet⁹.

Arbitration is often used in international commercial disputes due to the presence of the parties in different countries, as electronic arbitration makes it easier for the parties to the dispute to resolve the latter quickly.

Accordingly, electronic arbitration is based on a set of basic elements, namely:

- ✓ The existence of a valid arbitration agreement between the parties.
- ✓ The use of electronic means in initiating procedures.
- ✓ The existence of an independent and impartial arbitral tribunal.
- ✓ Issuance of an enforceable electronic arbitration award in accordance with the law¹⁰.

2. The Advantages of the Electronic Court:

The electronic court is characterized by some characteristics that distinguish it from the traditional litigation system in a way that is commensurate with technological development, and perhaps one of its most prominent advantages is the abandonment of the paper system in litigation and its replacement with the electronic system, in addition to the speed of applying litigation procedures and the ease of proving them.

2.1. Abandonment of the paper system and its replacement with the electronic system:

One of the most important features of the electronic court is the dispensation of papers and their replacement with electronic procedures, as all procedures and correspondence between the parties to the case are done electronically. The electronic litigation system also allows the sending of documents, documents, and messages electronically, which facilitates the procedures for judicial authorities to save the file in an electronic file instead of paper files.

⁹ Amir Farag Youssef, *Electronic Informatics Courts and Electronic Litigation*, Modern Arab Bureau, Alexandria, Egypt, 2014, p. 28.

⁹ Asaad Fadel Mandil, *Remote Litigation*, Kufa Journal of Legal and Political Sciences, Vol. 1, No. 21, 2014, p. 04.

⁹ Al-Kaabi Hadi Hussein and Muhammad Al-Karawi Nassif Jassim, *The Concept of Remote Litigation and its Requirements*, Al-Muhaqiq Al-Halabi Journal for Legal and Political Sciences, Syria, Volume 08, First Issue, 2016, p. 171.

2009, p. 51.

¹⁰ Asaad Fadel Mandil, *ibid*, p. 15.

The electronic system allows the exchange of files, memoranda, and documents between the parties to the case and the court instantly, which leads to shortening the procedural deadlines and speeding up the resolution of disputes compared to paper procedures that require time and effort in preparing and transferring and saving files.

Abandoning paper files also reduces printing, copying, storage, and archiving costs, as well as reducing the expenses associated with litigants and lawyers traveling to the judicial authorities to file or view documents.

The electronic system allows the filing of judicial files in an organized and secure manner, with the ease of searching and retrieving documents and tracking the stages of the case, which raises the efficiency of administrative and judicial work¹¹.

The electronic system allows access to judicial files and services anytime and from anywhere, which enhances the continuity of the judicial facility even in exceptional circumstances that may hinder traditional work. In addition to recording the various stages of the case processing electronically, which facilitates the monitoring of the progress of the proceedings and reduces the loss of files or unjustified delays in them.

The digital transformation of the courts is also contributing to reducing paper consumption, thereby supporting the trend towards green management and the conservation of environmental resources.

While the cyber system poses cybersecurity challenges, when adopted by appropriate security technologies, it provides advanced means of maintaining the confidentiality of files, such as encryption, e-signature, and access control systems¹².

2.2. Speedy Application of Litigation Procedures and Ease of Proof:

The speed of the electronic litigation procedures lies in the process of sending and receiving documents related to the case electronically without the need to travel to the court, starting from the sending of the initial petition of the case to the rest of the procedures, including the payment of the lawsuit expenses¹³.

Writing is not considered a complete and conclusive proof in traditional litigation unless the signature is manual, while in electronic litigation it is proven through electronic documents that carry an electronic signature, which facilitates the proof of electronic litigation procedures, as the electronic signature gives authenticity to the documents¹⁴.

The digital environment provides a more accurate means of proving the various stages of litigation, through:

- ✓ Electronic registration of procedural processes such as the date of filing the lawsuit or sending notifications.

¹¹ Amir Farag Youssef, *ibid*, p. 25.

¹² Al-Kaabi Hadi Hussein and Muhammad Al-Karawi Nassif Jassim, *ibid*, p. 180.

¹³ Bin Saad Al-Ghanim Abdulaziz, *The Electronic Court - A Comparative Original Study*, Naif Arab University for Security Sciences, Riyadh, 2017, p. 76.

¹⁴ Khaled Mamdouh Ibrahim, *Electronic Litigation, Electronic Litigation and its Procedures before the Courts*, 1st Edition, Dar Al-Fikr University, Alexandria, Egypt, 2008, p. 06.

- ✓ An electronic signature that proves the identity of the disposer and ensures the integrity of the electronic document.
- ✓ An electronic timestamp that accurately determines when the action will be completed.
- ✓ Save documents and files electronically to allow them to be referenced when needed.
- ✓ The ability to track the course of the judicial file and know the various procedures that have been taken in this regard¹⁵.

II- The Electronic Court in the Algerian Judicial System:

The Algerian legislature has enshrined the system of electronic litigation, whether in criminal or civil matters, but the electronic court is based on legislative requirements in litigation procedures by providing adequate protection for electronic exchanges and documents on the one hand, and technical and human requirements on the other hand by providing the technical and technical elements necessary for the application of electronic litigation procedures, in addition to the human components represented in the training of judges, lawyers and judicial bodies in the electronic field.

We will discuss the requirements of the electronic court below, and then learn about the application of the electronic court in the Algerian judiciary.

1- Requirements for the Electronic Court:

The electronic court is based on electronic procedures to adjudicate the case, as documents related to the parties to the case are submitted via the Internet, which poses a risk to the data of the parties to the lawsuit, which requires the provision of adequate legislative protection in the field of electronic litigation.

This legislative protection is manifested through the provision of information protection on the one hand and penal protection on the other.

1.1. Information Protection

Information protection is one of the most important prerequisites for the establishment of an electronic court, as the latter fully relies on digital systems to process, preserve and exchange judicial data, which are characterized by their sensitive nature because of their connection to the rights of individuals and the confidentiality of disputes. Therefore, the success of the transition towards electronic justice requires the provision of an integrated system of information security that ensures the integrity of electronic judicial procedures.

The importance of information protection is shown through¹⁶:

a- Ensuring the confidentiality of judicial data:

The e-court handles information and documents of a special nature, so unauthorized persons must prevent access to it to protect the privacy of litigants.

b- Ensuring the integrity of electronic documents and procedures:

Information protection contributes to preventing the modification, deletion, or falsification of electronic judicial files and documents, thereby maintaining their legal validity.

¹⁵ Amir Farag Youssef, *ibid*, p. 29.

¹⁶ Khaled Mamdouh Ibrahim, *ibid*, p. 35.

c- Strengthening Trust in Digital Justice:

Individuals and organizations can only rely on the e-court if they have confidence in the security of electronic systems and their ability to protect their rights.

d- Confronting Cybercrimes:

Information security mechanisms help reduce the risk of cyber hacking, database hacking, and theft of judicial information.

Information protection is achieved through a range of means, the most important of which are:

- ✓ Electronic encryption to protect data while it is stored or in transit.
- ✓ Electronic signature to verify the identity of the parties and ensure the integrity of the documents.
- ✓ Access control systems to determine who is allowed to view files.
- ✓ Firewalls and intrusion detection software to protect judicial networks.
- ✓ Backup data to avoid file loss.
- ✓ Continuous updating of technical systems and closing security gaps¹⁷.

Encryption is considered the most important means of protecting this data, which is represented in converting the latter into digital numbers or images whose content can only be identified in the case of decryption in order to secure the electronic information from any attempt to modify or erase it¹⁸.

It is also necessary to combat viruses that may destroy the data and files of the parties to the lawsuit, as high-quality applications must be used to combat these viruses, and backup copies of the files must be kept. In addition, the confidentiality and privacy of the information sent must be maintained, and not used for other purposes¹⁹.

The Algerian legislature has tried to keep pace with technological development in the field of combating cybercrime by amending the Penal Code under Law No. 04-15²⁰, where the seventh section of the penal code is dedicated to cybercrimes under the title "Infringement of automated data processing systems".

The Algerian legislature considers the information system and the data that enter the computer to be the essence of cybercrime, and the system of automatic data processing includes physical elements such as linkages and moral elements such as software.

The French National Assembly defined an automated data processing system as "a harmonious set consisting of one or more processing units, memory, programs, data, input and output units, and a connection between these units that give a particular result, and this set is technically protected by any means of credit".²¹

The Algerian legislature defines the system of automated data processing in article 2 of Law No. 09-04, which contains the rules on the prevention and control of information and communication technologies ²², as follows: "Any system or group of systems, whether

¹⁷ Khaled Mamdouh Ibrahim, *ibid*, p. 38.

¹⁸ Al-Ansari Hassan Al-Nidani, *The Judge and Modern Electronic Means*, New University Press, Egypt, 2009, p. 64.

¹⁹ Khaled Mamdouh Ibrahim, *op. cit.*, p. 23.

²⁰ Dated 10 November 2004, G.R. issued 10 November 2004, p. 71.

²¹ Alain Hollande, Xavier Linant, *Pratique du droit de l'informatique*, ed. Delmas, 2002, p. 250.

²² Dated August 5, 2009, G.R. issued August 16, 2009, p. 47.

separate, connected or interconnected, and one or more of which automatically processes data in implementation of a particular program."

Article 3 of Law No. 18-07 on the protection of natural persons in the field of processing personal data also defines²³ automated processing in its fifth paragraph as: "Operations carried out wholly or partially by automated means such as recording data and applying logical and/or computational operations to such data, altering, scanning, extracting or erasing such data".

We would like to point out that the Algerian legislature has introduced some preventive measures taken in advance by the concerned authorities to avoid or detect cybercrimes, in accordance with Law No. 09-04 containing the rules on the prevention and combating of crimes related to information and communication technology, as its third article stipulates that: "Taking into account the legal provisions that guarantee the confidentiality of correspondence and communications., in accordance with the rules stipulated in the Code of Criminal Procedure and this Law, may establish technical arrangements for the timely monitoring , collection and recording of electronic communications, and the conduct of search and seizure procedures within an information system."

Monitoring electronic communications is an important measure, and Article IV of Law No. 09-04 specifies the cases in which electronic surveillance is allowed, namely:

"- Prevention of acts described as crimes of terrorism, sabotage or crimes against the security of the State;

- In the event that there is information about the possibility of an attack on an information system in a manner that threatens public order, national defense, state institutions or the national economy;

- For the requirements of judicial investigations and investigations, when it is difficult to reach a conclusion of ongoing research concerns without resorting to electronic surveillance;

- In the context of the implementation of requests for mutual international legal assistance..."

However, electronic surveillance may be carried out only with the written permission of the competent judicial authority.

Article V of the same law allows the competent judicial authorities and judicial police officers to access the information system in the aforementioned cases for the purpose of searching, while article VI permits the seizure of data that the authority conducting the search deems useful for detecting the crime or the perpetrator.

1.2. Penal Protection:

Criminal protection means deterring any infringement on the electronic data and information of the parties to the lawsuit, regardless of the type of infringement, and the latter may manifest itself in entering the court's information system and falsifying data and information by changing its content.

The Algerian legislature has addressed the provisions of cybercrime in the Penal Code, and in the absence of penal provisions for infringement of information in the field of electronic litigation, we can apply these provisions. Referring to articles 394 bis to 394 bis 7 of the Penal Code, we find that the Algerian legislature imposes penalties on persons who attack the

²³ Dated 10 June 2018, G.R. issued 10 June 2018, p. 34.

information systems of others by illegally entering and remaining in them with the aim of disabling them, modifying their data, erasing them, or disclosing the secrets of others. The crime may manifest itself through the fraudulent deletion of information data, regardless of the nature or value of such data, and the crime may manifest itself by modifying the information data and changing it from the state it was originally into, regardless of the manner in which this data was modified.

Prohibited behavior may also manifest itself through the introduction of information data into the system without the knowledge of its owner, such as the introduction of viruses²⁴, additional data or programs, and the law also punishes the crime of designing pirated information data, such as preparing hacking programs with the aim of hacking information systems without the knowledge of their owners and then publishing them.

The penalty is doubled in the case of a violation of the information system of the national defence or institutions subject to public law, but these penalties lack a deterrent nature because they are disproportionate to the material and moral damage that may be caused to the victim as a result of the information crime. In this context, we distinguish between original sanctions and supplementary sanctions.

a- Original Penalties

Article 394 bis of the Penal Code provides for a penalty of imprisonment from three months to one year, and a fine of 50,000 to 200,000 DZD for anyone who fraudulently enters or maintains in whole or part of an automated data processing system or attempts to do so. We note that this penalty shall be doubled in the event of deletion or change of the system's data or in the case of sabotage of the system's operating system, and this is explicitly stipulated in the second and last paragraphs of the same article.

The legal person shall be punished with a fine equal to five times the maximum fine prescribed for a natural person, as expressly stipulated in Article 394 bis 4 of the Penal Code.

b- Supplementary Penalties

In addition to the original penalties prescribed for the perpetrators of cybercrimes, the legislature provides for supplementary penalties to intensify the deterrence of these crimes. These penalties are the confiscation of the devices, software and means used, the closure of the sites that are the subject of the crime, as well as the closure of the shop or place of exploitation in the event of the commission of the crime with the knowledge of the owner, which is expressly approved by article 394 bis 6 of the Penal Code, such as the closure of an electronic café in which the cybercrime was committed with the knowledge of its owner.

²⁴ - Informational viruses are malicious parasitic instructions that easily disappear in the information system, appearing in the form of small programs that spread in the device and negatively affect the information system of the device, and have a superior ability on the moral components of the device and information networks, which facilitates its spread and the implementation of its goals. See: Mohamed Sami Al-Shawa, *The Information Revolution and its Implications on the Penal Code*, Dar Al-Nahda Al-Arabiya, Cairo, Egypt, 1993, p. 189.

2- the application of the electronic court in the Algerian judiciary

Referring to the Algerian system, we find that a number of laws have dealt with the idea of modernization, while with regard to the justice sector, the Algerian legislature has introduced the modernization of this sector according to:

- Law No. 15-03 on the Modernization of Justice
- Ordinance No. 15-02 amending and supplementing the Code of Criminal Procedure
- Ordinance No. 20-04 amending and supplementing the Code of Criminal Procedure

2.1. Law No. 15-03 on the Modernization of Justice:

The promulgation of Law No. 15-03 on the modernization of justice is a positive step for Algeria, despite the legislature's delay in adopting the electronic litigation system compared to some other legislation.

This law contains 16 articles that include the idea of electronic litigation, represented in the third clauses of the provisions of Article 1 thereof, which devoted:

- Developing a central information system for the Ministry of Justice;
- Sending judicial documents and documents electronically;
- The use of remote video chat technology in judicial proceedings.

The provisions of Article 2 of the Constitution define the judicial and administrative organization, including the Court of Dispute as it stipulates that: "A central information system shall be established for the automatic processing of data related to the activities of the Ministry of Justice and its affiliated institutions, as well as the judicial bodies of the ordinary judicial system, the administrative judicial system, and the Court of Dispute."

In addition to Article 9 of the Constitution, the idea of electronic litigation is enshrined through the notification and sending of judicial documents by electronic means, as it states: "Judicial documents, documents, and documents may be communicated and sent **electronically**...". Article 14 of the Constitution provides that: "If distance is called for or the proper administration of justice is required, the parties may be questioned and heard by video conferencing."²⁵

In addition to Article 15 of the same law, which defines the scope of the use of electronic litigation, it states: "The investigating judge may use video chat remotely in the interrogation or hearing of a person and in conducting confrontations between several persons, the sentencing authority may also use video chat remotely to hear witnesses, civil parties and experts. The sentencing authority may consider misdemeanor cases and resort to the same mechanism to receive the statements of a detained defendant if the concerned person and the Public Prosecution agree."

Finally, Article 16 of the Constitution specifies the venue for conducting electronic proceedings by stating: "Interrogation, hearing or confrontation shall be conducted by means of a remote video chat mechanism at the seat of the court closest to the place of residence of the person whose statements are requested to be received, in the presence of the competent prosecutor of the republic and the secretary of the police. The prosecutor of the republic verifies the identity

²⁵ Yousfi Mbarka and Akoush Hanan, *ibid*, p. 147.

of the person being heard and draws up a report thereon. If the person is being heard, the video conversation takes place remotely from the penal institution where the detainee is held."

2.2. Order No. 15-02 Amending and Supplementing the Code of Criminal Procedure

Article 65 bis 27 of the Algerian Code of Criminal Procedure stipulates that: "The adjudicating authority may, automatically or at the request of the parties, hear the anonymous witness by setting up technical means that allow his or her identity to be anonymized, including hearing by remote video chat and using methods that do not allow the person to know and his voice..."

2.3. Order No. 20-04 Amending and Supplementing the Code of Criminal Procedure

The Algerian legislature has added legal texts that explain how electronic litigation is carried out in the penal article, in Book II bis of Decree No. 20-04, amending and supplementing the Code of Criminal Procedure. The legislature allowed the use of video conferencing remotely, both at the stage of judicial investigation and at the trial stage.

Finally, we would like to point out that the number of video trials during the first year of its inception reached 153 trials, and this video chat technique was used to link the prosecution of the Supreme Court and the Council of State with the rest of the judicial councils and courts, as well as in the periodic meetings between the heads of the councils, chambers and prosecutors with the heads of the courts, prosecutors of the republic, and judges in remote areas, which are far from them, especially in the south²⁶.

Conclusion:

Through this study, we concluded that the electronic court is one of the most important innovations introduced by the Algerian legislator, similar to some other Arab legislations, and this step is considered effective, especially in the justice sector, due to the advantages included in this system.

The main objective of dedicating the e-court is to facilitate and expedite litigation procedures by abandoning the traditional system of litigation, and replacing it with the electronic litigation system. We have seen the legislator's desire to keep pace with technological development in the judicial sector in several legal texts.

However, despite the great importance of the electronic court, this system has not been as effective in the Arab countries as it has achieved in other countries, due to some reasons and obstacles that hinder the actual implementation of the electronic court, such as the lack of internet network flow in some Arab countries and some remote areas in them, in addition to the lack of experience of the judiciary in the field of information, which negatively affects the efficiency of electronic litigation.

Based on the above, we can propose the following recommendations:

- The need to qualify the judiciary, especially lawyers and judges, in order to facilitate electronic litigation procedures.

²⁶ Yousfi Mbarka and Akoush Hanan, Electronic Litigation in Algeria, Journal of Law and Humanities, University of Djelfa, Algeria, Volume 15, First Issue, 2022, p. 553.

- Working to dedicate penal legal texts for cybercrimes committed on the court's electronic information system, and to increase the penalties compared to those prescribed for other cybercrimes, in order to establish sufficient guarantees for the protection of litigants.
- It is advisable to include the electronic litigation technology in administrative materials and limit it to civil and criminal matters.
- The need to develop an information infrastructure for the electronic court in order to speed up the flow of the Internet.
- Inclusion of a website within the websites of judicial bodies that explains to the citizen the process of electronic litigation, whether through explanatory videos or readable explanations.

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