

The Electronic Court

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Abstract

The electronic court is considered a manifestation of the modernization of the justice system, as it relies on information and communication technology to carry out litigation procedures instead of traditional methods. It includes the digitization of filing lawsuits, exchanging memoranda, notifications, and holding remote sessions. It aims to accelerate case resolution, reduce the burden on courts, and achieve efficient justice, as well as contribute to lowering administrative costs and facilitating access to justice for litigants. However, its implementation faces technical and legislative challenges related to information security and infrastructure. Therefore, its success requires a clear legal framework and continuous training for judges and judicial assistants.

Keywords: Electronic court, e-litigation, electronic notification, website.

Introduction

In recent decades, the world has witnessed an unprecedented technological revolution that has affected various economic, social, cultural, and political domains. This revolution has clearly impacted justice systems, making reliance on digital technology a necessity to develop judicial procedures, improve efficiency, and meet modern demands requiring speed, accuracy, and transparency in service delivery. From this perspective, the concept of the electronic court emerged as one of the most important modern innovations in the field of justice, aiming to digitize judicial procedures and facilitate access to justice for all citizens, regardless of their geographic location or social circumstances.

The electronic court applies digital technology at all stages of litigation, from electronically registering the lawsuit, exchanging judicial documents through secure systems, managing remote hearings, to issuing judgments and notifying the relevant parties. This system aims to address a set of problems that traditional paper-based courts faced, including slow procedures, file accumulation, excessive paper documentation, difficulty in tracking case progress, and high litigation costs for both citizens and the state.

The electronic court also provides several key advantages, including speeding up judicial procedures, reducing human errors, ensuring precise tracking of all case stages, enhancing transparency and credibility in judicial work, and saving time and effort for judges, lawyers, staff, and litigants. It also facilitates access to justice in remote or rural areas, where previously accessing courts posed a significant burden on citizens.

In Algeria, the initiative for the electronic court came under Law No. 15-03 concerning the modernization of the justice sector, which established an integrated system relying on the

Ministry of Justice's central information system, allowing verification of electronic documents and facilitating the exchange of information between parties involved in a legal case. This law represents a qualitative step toward achieving digital justice and facilitating access for citizens while attempting to overcome traditional challenges faced by the Algerian judiciary, including long litigation durations, file accumulation, and heavy reliance on paper documents.

Moreover, the electronic court reflects the interaction between law and technology, demonstrating how traditional judicial institutions can adapt to digital transformations without undermining core principles of justice, such as judicial independence, protection of rights and freedoms, and equality among citizens.

Based on the above, the following issue arises: How does the electronic court system ensure effective litigation and protect the rights of litigants, given the legal and technical challenges that may hinder its implementation?

To address this issue, this study is divided into two main chapters. The first chapter examines the concept of the electronic court and its components, while the second chapter addresses the challenges facing e-litigation and its effects.

Chapter One: The Nature of the Electronic Court

In response to the challenges facing traditional courts, the electronic court emerged as a modern judicial model based on employing digital technologies in judicial procedures. This court aims to modernize the justice system and overcome problems associated with slow case resolution and complex procedures by using electronic means to manage lawsuits and their various stages. However, implementing this model requires a set of legal, technical, and human components that ensure procedural integrity and protect the rights of litigants.

Section One: Concept of the Electronic Court

The electronic court is considered a modern judicial system that employs digital technologies to conduct judicial procedures, achieving speed and efficiency in dispute resolution. Its implementation is conditional on an organized legislative framework that ensures procedural legality, protects litigants' rights, and achieves legal security. We will discuss the definition of the electronic court (Subsection One), its characteristics (Subsection Two), and the legislative framework for e-litigation (Subsection Three).

Subsection One: Definition of the Electronic Court

The electronic court has been defined academically and legally as a dual technical and informational space that combines the international network and the courthouse. It allows programming electronic lawsuits and enables the electronic spatial appearance of judicial and administrative units. Through this system, a group of judges undertakes the task of examining and ruling on lawsuits according to the laws that authorize them to directly conduct judicial procedures, using modern technical mechanisms to record and follow up on procedures electronically.

Others define it as a website operating under an "Electronic Documents Acceptance and Routing System – DARS," which opens communication channels between litigants and the court, including filing lawsuits, exchanging documents, and paying court fees electronically, supervised by a specialized court officer to ensure procedural integrity and credibility.

It is worth noting that there is a fundamental difference between an electronic court and a digital court. The digital court relies entirely on technology, digitization, and artificial intelligence at all stages of a lawsuit, from filing to issuing judgments and enforcement, including filing electronically, paying fees online, registering cases in the electronic system, summoning defendants electronically, submitting motions and defenses via digital platforms, and issuing judgments through a robot, with the possibility of legal representation via a robot lawyer, without human intervention.

The electronic court, on the other hand, uses information and communication technology to facilitate access to justice and communication among judicial actors, providing some administrative services remotely, but it does not entirely replace human elements or traditional methods in procedural conduct.

Thus, the electronic court can be considered part of the digital court system, relying on technology in certain aspects, while a digital court evolves from an electronic court into a fully integrated digital judicial system that depends entirely on the internet and artificial intelligence, completely dispensing with human involvement.

Subsection Two: Characteristics of the Electronic Court

The electronic court has several defining characteristics, including:

1. Use of electronic exchange of documents and papers

A key feature of the electronic court is the absence of paper documents in all procedures and communications between litigants, the court, and its staff, as all procedures are conducted electronically. The main consequences include:

- Electronic messages, regardless of the medium (email, mobile messages, or applications like WhatsApp), constitute legally valid evidence in electronic cases, reducing the need to circulate and store large volumes of paper and freeing storage space for other purposes.
- Electronic exchanges reduce the risk of losing documents, as electronic messages and evidence are easier to preserve compared to paper documents, which are harder to alter or manipulate.
- Documents can be sent and received electronically via the internet, known as semantic exchange, where the recipient downloads the document, while uploading refers to sending it online. Electronic devices play a crucial role in executing judicial procedures.
- Electronic exchanges require assistants familiar with modern technology to collect, preserve, store, upload notices, notifications, and documents related to electronic lawsuits, and exchange them when necessary according to procedures, whether with parties or their representatives.

2. Use of electronic media

E-litigation differs from traditional litigation only in the manner of conducting procedures, which are executed through electronic media, such as computers connected to the internet or internal networks, transmitting electronic expressions of intent simultaneously, despite the spatial separation of the parties.

3. Electronic payment

A fundamental feature of the electronic court is payment via electronic means, which replaces traditional cash payments for filing fees, registration, other fees, fines, and bonds, facilitating transactions and saving time and effort.

4. Proof of litigation procedures

Handwritten documents and live signatures are legally recognized evidence in traditional litigation, while e-litigation relies on electronic documents and procedures, granting them legal validity through electronic signatures.

5. Speed of applying litigation procedures

The electronic court reduces the time usually required for exchanging and reviewing documents and files between litigating parties, decreases congestion in court lobbies, improves service quality, and saves costs and effort.

Subsection Three: Legislative Framework for E-Litigation

The Algerian legislator enshrined the system of e-litigation through Law No. 15-03 concerning the modernization of the justice sector, which included nineteen (19) articles distributed over five (5) chapters. Chapter One was dedicated to general provisions and the statement of the law's objectives, while Chapter Two addressed the establishment of the Ministry of Justice's central information system, alongside organizing the authentication of electronic documents and electronic certification of deeds. Chapter Three dealt with the methods for sending documents and judicial procedures via electronic means, whereas Chapter Four organized the conditions and procedures for using remote video conferencing technology. The law concluded with Chapter Five, which contained the penal provisions applicable in case of violation of its provisions. Article 09 of this law explicitly confirmed Algeria's practical adoption of e-litigation, particularly through electronic notification and the sending of judicial documents in electronic format.

In addition to the Justice Modernization Law, the Algerian legislator amended the Code of Criminal Procedure by Order No. 15-02, which permitted hearing witnesses and experts through modern technical means, especially remote video conferencing technology. This approach was further reinforced by Order No. 20-04, amending and supplementing the Code of Criminal Procedure, which provided for the possibility of questioning and hearing parties remotely, provided that the legally prescribed rights and procedural guarantees were respected. The legislator linked the use of this technology to several conditions, including ensuring the confidentiality and integrity of transmission, recording statements on a technical medium to safeguard them from tampering, and documenting them fully and literally in a record signed by both the competent judge and the court clerk.

The legislator also allowed hearing witnesses, civil parties, and even experts via remote video conferencing by the adjudicating authority, at the court nearest to the person's location, in the presence of the regionally competent public prosecutor and the court clerk. This procedure also extends to defendants held in correctional facilities, provided they consent along with the public prosecutor.

The establishment of this system, particularly under the aforementioned Order No. 20-04, was in response to the requirements of the proper administration of justice and the protection of public safety and health, especially in cases of disasters and exceptional crises, notably the

global health crisis caused by the COVID-19 pandemic, which disrupted the functioning of many public facilities and institutions, including the justice sector.

In this context, the Algerian legislator, under the provisions of Article 441 bis of the Code of Criminal Procedure, introduced a set of provisions that more precisely regulated remote video trial procedures, particularly regarding the use of video conferencing technology during the trial stage and the requirement of consent from the defendant and the public prosecutor to resort to this procedure. Article 441 bis 8 granted the adjudicating authority the power to use this technology on its own initiative, with discretionary authority to accept or reject objections from the parties or the public prosecutor, through an unappealable decision, with the possibility of continuing trial procedures in this manner whenever deemed necessary.

Section Two: Components of the Electronic Court and Technical Protection Guarantees

The electronic court relies on a set of fundamental components to ensure its effectiveness, including technical and human components that define its organization and procedures, as well as technical components that ensure the integrity of digital systems and the confidentiality of exchanged data. Protecting information, devices, and platforms used in e-litigation is one of the most prominent elements of these components, aiming to prevent tampering or breaches and to ensure the credibility of documents and procedures, thereby enhancing trust in the digital judicial system and ensuring legal security for litigants. We will address the technical and human requirements (Subsection One), followed by the technical protection of the electronic court (Subsection Two).

Subsection One: Technical and Human Requirements

First: Technical Requirements

The electronic court has a dual nature, consisting of a physical entity representing the courthouse and a virtual entity represented in the digital world through the internet and computer programs, which necessitates providing technological tools and mechanisms to ensure the court performs its role optimally.

1. Computer Systems

This refers to a computer capable of processing, programming, storing, receiving, and delivering information and data through specialized software. Computers can also be used to store and process data in various forms, whether traditional desktop computers, laptops, or tablets.

With the introduction of computers into government institutions, terms such as computing, automation, and digital transformation emerged, referring to full reliance on computers and their applications in office tasks to save time, effort, and money. The electronic court requires equipping the courtroom with a mini internal network, consisting of a main hub distributed to all computers in the room, connected to the primary computer of the presiding judge, who displays the case file with all its documents and procedures.

Other computers are distributed to specific positions for the plaintiff or their agent, the defendant or their agent, and witnesses if present, all connected to the main computer of the presiding judge to ensure simultaneous electronic monitoring of judicial procedures by all participants.

2. Computer Networks

The electronic court requires an internal computer network connecting all used computers, regardless of type, forming an integrated unit that enables all sectors, units, and courtrooms to communicate with each other. This connection allows each unit on the network to access other units and transfer and exchange files and data available on the network, ensuring the speed and flexibility of judicial procedures.

3. Computer Software

To perform its functions optimally, the electronic court requires specialized software designed for judicial sectors to ensure efficient handling and processing of data and instructions, as well as ease of use by judicial staff.

This requires employing specialized programmers with technical expertise to design and develop software for operating and managing the electronic court, aligned with the nature of judicial work and ensuring effective and organized delivery of electronic judicial services.

4. Electronic Records

Implementing the electronic court necessitates creating an electronic record for each court, linked to the court's internal network, containing all data related to a judicial case, particularly its registration date and serial number on the network. Authorized parties can access this record and extract the electronic case file.

The electronic case file includes two types of documents:

- Documents submitted by parties, such as deeds, documents, memoranda, and powers of attorney, typically stored in electronic format as digital images or PDF files.
- Electronic minutes documenting all procedures, decisions, and judgments in the case, recorded through an electronic mechanism ensuring accuracy and data integrity.

5. Databases and Information

A database is defined as an organized collection of digital data and information that can be accessed and manipulated, such as for searching, editing, or comparing, at low cost and in minimal time. These data are indexed and organized according to a specific system, facilitating access and efficient use.

Databases are highly important within the electronic court framework, as they may functionally allow users to view the distribution of judicial circuits, judges' names, various sectors within the court, contact methods, and other necessary data. They may also be of a legal-specialized nature, providing judges with applicable laws and judicial decisions, enabling them to perform their duties efficiently and quickly.

6. Global Information Network (Internet)

The global information network (Internet) plays a pivotal role in the functioning of the electronic court, as it serves as a global communication medium connecting computers within local, regional, or international networks. Through the Internet, computer users can access the electronic court, benefit from the services it provides, review relevant information, and even file lawsuits electronically.

This network also enables the exchange of files and documents, either through direct upload via the court's official website according to the approved system or through email, which requires the existence of an official electronic site for the electronic court to ensure ease of communication and efficient delivery of judicial services.

7. Electronic Court Website

Adopting the electronic court necessitates allocating an electronic address for each court to ensure its presence in the virtual space (Internet), which requires creating an official website for it.

This website enables all stakeholders to benefit from two types of services:

- **Informational and communication services:** These include browsing the site, searching for information about the court, reviewing actions taken regarding cases, and direct communication with court staff through digital communication tools such as electronic chat or video meeting services (video conferencing).
- **Procedural services:** These allow the execution of judicial procedures, case management, filing, and processing electronically without the need for physical presence at the courthouse.

Second: Human Requirements

The operation and activation of the electronic court require qualified human elements, as they are responsible for managing and operating it. A fully integrated electronic judicial system cannot achieve its objectives without technically competent judges, trained administrative staff, and lawyers with electronic knowledge and skills.

1. Judges

Judges perform their duties in the electronic court through a dedicated electronic link assigned to each member of the judicial panel on the court's official website, within the framework of the electronic judicial system, also referred to as the "electronic court portal." Each member is also provided with an official email account to facilitate the exchange of documents and judicial files electronically.

Judges manage case procedures electronically by registering, documenting, and recording all related actions within the case's electronic file, assisted by specialized staff trained in computer and information technology.

Judges operating within the electronic court must possess sufficient technical knowledge and skills, including the ability to use computers and the Internet, familiarity with computer programs—especially word processing software—electronic research techniques, social media usage, electronic chat applications, and video conferencing services, enabling them to conduct "virtual electronic trials" efficiently and effectively.

In the electronic court, judges manage litigation procedures digitally via the electronic case file and a set of electronic procedures assisted by specialized staff, preparing, processing, and documenting the case electronically, including both audio and video. Judges also hear parties' pleadings remotely and communicate with them according to the adopted electronic mechanisms and procedures. Consequently, some scholars have referred to the electronic court judge as an "information judge."

2. Administrative Staff

The administrative staff in the electronic court refers to court employees and can be divided into two categories:

a. Website Operators

These include engineers, programmers, and information system specialists responsible for designing and building the court's electronic infrastructure, resolving technical malfunctions,

providing technical support to administrative staff and others operating the system, and securing the court's information system against viruses, hacking, and cyber-attacks.

b. Administrative Employees

These employees are involved in case processing and must receive specialized training in the various technologies associated with electronic case management, particularly in receiving and submitting files, preparing cases, monitoring session schedules, conducting virtual court proceedings, electronic notifications, and electronic fee payment mechanisms. They assist judges and lawyers throughout all stages of electronic case handling.

Key tasks of this category include:

- Registering cases electronically and sending the complaint and its documents to the court.
- Preparing and organizing session schedules.
- Collecting judicial fees electronically via approved payment methods.
- Notifying parties of session dates electronically.
- Monitoring case proceedings and recording sessions electronically.

Subsection Two: Technical Protection of the Electronic Court

Technical protection of the electronic court refers to the set of guarantees and technical means that can be used to address breaches and risks affecting the court's operations. The electronic court operates using computers and interconnected information systems via internal networks, which in turn connect to the Internet through modern communication technologies. Through these networks, court data and information are exchanged, processed, and stored, including highly sensitive information such as litigants' data, case progress, judicial rulings, and deliberations. Therefore, effective technical protection is essential to ensure the integrity of these systems against intrusion, tampering, or destruction, and to guarantee the confidentiality of information, enhancing trust in remote litigation and ensuring judicial information security.

First: Encryption of Court Data and Information Exchanged via the Internet

Data encryption is a precautionary measure used to combat crimes committed through modern technological means and to prevent unauthorized interference, ensuring that electronically stored data does not leak to legally unauthorized individuals. Encryption prevents unlawful access to communications and exchanges between the electronic court and litigants.

This protection is achieved by converting data into encrypted texts consisting of unintelligible symbols, making it impossible for unauthorized parties to view or interpret them, thus achieving the intended technical protection. Encryption and decryption are complex and confidential technical processes, relying on specific algorithms to transform data and prevent unauthorized access. Only the legitimate recipient can decrypt the data, restoring the message to its original form through a reverse process known as decryption.

Second: Ensuring Data Confidentiality

Data confidentiality involves protecting the content of electronic judicial data and information against alteration, modification, or forgery during all stages of electronic exchange, while verifying the sender's identity to preserve confidentiality. This ensures that only legitimate parties have access to the details of an electronic case.

The technical entity managing the e-litigation system determines authorized users, including judges, lawyers, experts, litigants, and court staff, each provided with a username and password

to access precise case details. This system prevents unauthorized access, reinforcing judicial procedure confidentiality and trust in remote litigation.

Chapter Two: Challenges Facing Electronic Litigation and Its Effects

It is known that using computer technology and the Internet in conducting electronic litigation procedures faces several challenges during implementation. These challenges are distributed between purely technical aspects, handled by IT specialists, and legal aspects concerning the adaptation and regulation of these technologies, which fall within the expertise of legal scholars and jurists.

Accordingly, it is necessary to address these challenges by seriously considering the preparation of a unified law regulating the role of electronic devices in both substantive and procedural law, as most current legal texts are not fully compatible with rapid technological developments. While some texts partially accommodate these changes, others require substantial amendments, and certain emerging cases are not addressed by existing legal regulations, necessitating new legal provisions.

It is also important to note that the efficiency of computers in executing assigned tasks depends not only on software quality but also on the competency of the human operators. Thus, successful electronic litigation requires two essential elements: technological security and legal security, allowing electronic devices to assist the judiciary in achieving justice while overcoming arising challenges in both civil and criminal cases.

This chapter is divided into two sections: The first addresses the difficulties facing electronic litigation, while the second explains the effects of applying this new form of litigation.

Section One: Difficulties Facing Electronic Litigation

Electronic litigation represents one of the most important manifestations of modernizing the judicial system and keeping pace with technological advancement, as it facilitates procedural simplification, speeds up dispute resolution, and improves the quality of services provided to litigants. However, transitioning from a traditional litigation system to a digital system relying on electronic means inevitably encounters various challenges and obstacles in practical application.

This type of litigation requires an advanced technological environment, a legal framework compatible with electronic procedural features, and qualified human resources capable of managing and using these technologies. Moreover, the novelty of the experience in many judicial systems poses challenges regarding information security, data confidentiality, and respect for fair trial principles. Studying these difficulties is therefore crucial to understanding the limits of the system, evaluating its effectiveness, and proposing solutions to overcome obstacles and achieve the intended integration of technology in the field of justice.

Subsection One: Technical Difficulties

Electronic litigation faces numerous technical difficulties that may impede the smooth conduct of judicial procedures, including:

- Weak judicial infrastructure, as successful e-litigation requires stable Internet connectivity and necessary devices and software, which are often lacking in remote areas, limiting the ability to file lawsuits electronically.

- Limited foreign language proficiency and low confidence in information networks, raising concerns about the secure transmission of electronic documents and the validity of electronic writing and signatures.
- Vulnerability of information systems to hacking, including cyber-attacks targeting computers and court websites, which may lead to unauthorized access or breaches of all devices connected to the same network.
- Non-acceptance of digital evidence in some judicial systems due to a lack of legal framework or low confidence in its authenticity.
- Widespread digital illiteracy and significant technological disparities between developed and developing countries, limiting the effectiveness of electronic litigation systems.
- Reluctance of some developing countries to adopt electronic transactions due to perceived risks to national economic stability.
- Spread of viruses and malware on electronic devices, which may alter or damage stored data and programs.
- Difficulty in training judges and court staff on modern digital technologies, especially when training budgets are limited, delaying the transition to a digital justice system.

Subsection Two: Administrative and Legal Difficulties

In addition to technical challenges, electronic litigation faces numerous administrative and legal difficulties of equal importance, which can be summarized as:

First: Insufficient Human Expertise

The global information network (Internet) plays a pivotal role in the operation of the electronic court, as it serves as a global communication medium that connects computers within local, regional, or international networks. Through the Internet, computer users can access the electronic court and benefit from its services, review information related to it, and even file lawsuits electronically.

This network also enables the exchange of files and documents, either through direct uploading via the court's official website according to the approved system or through email, which necessitates the existence of an official electronic court website that ensures smooth communication and proper delivery of judicial services.

8. Electronic Court Website

Adopting the electronic court system requires assigning an electronic address to each court to guarantee its presence in the virtual space (Internet), which entails creating an official website for it.

This website allows all stakeholders of the court to benefit from two types of services:

- **Informational and communication services:** These include browsing the website, searching for information related to the court, reviewing actions taken regarding cases, and directly communicating with court staff through digital communication methods such as online chat or video conferencing services.
- **Procedural services:** These enable the completion of judicial procedures, managing and filing cases electronically without the need for physical attendance at the court building.

Second: Human Requirements

The operation and activation of the electronic court require qualified human elements, as it is the entity responsible for managing and running its operations. Any fully integrated electronic judicial system cannot achieve its objectives without having technically competent judges, trained administrative staff within the judicial apparatus, and lawyers with electronic knowledge and skills.

1. Judges

Judges perform their duties within the electronic court through a specific electronic link assigned to each member of the judicial panel on the official court website, within the framework of the electronic judicial system, referred to as the "electronic court portal." Each member of the panel must also have an official email account to facilitate the electronic exchange of judicial documents and files.

Judges manage case procedures electronically by registering and recording all actions related to the case in its electronic file, assisted by specialized staff trained in computer and information technology. Judges working in electronic courts must possess adequate technical knowledge, including computer and Internet usage, familiarity with software (particularly word-processing programs), electronic research techniques, social media, online chat applications, and video conferencing services, enabling them to conduct "virtual electronic trials" efficiently.

In the electronic court, the judge manages digital litigation procedures through the electronic case file and a set of electronic procedures, assisted by specialized staff, to prepare, process, and record the case electronically, including audio and video. The judge also hears the parties and their pleadings remotely, communicating with them via the adopted electronic procedures. Some scholars have therefore termed such a judge the "informatics judge."

2. Administrative Staff

Administrative staff in the electronic court can be divided into two categories:

- **Website administrators:** These are engineers, programmers, and information systems specialists responsible for designing and maintaining the court's electronic infrastructure, resolving technical malfunctions, providing technical support, and securing the system against viruses, cyberattacks, and hackers.
- **Administrative employees:** These are the staff involved in case management, requiring specialized training in handling electronic case procedures, including receiving and sending files, preparing cases, following the session schedule, managing virtual court sessions, electronic notifications, and electronic fee payment, as well as assisting judges and lawyers throughout the electronic case process.

Their main tasks include:

- Electronically registering cases and sending the case statement and documents to the court.
- Preparing and organizing session schedules.
- Collecting judicial fees electronically using approved payment methods.
- Notifying parties of session dates electronically.
- Monitoring case progress and recording sessions electronically.

Second Section: Technical Protection of the Electronic Court*

Technical protection of the electronic court refers to the guarantees and technical measures used to address breaches and risks that may affect the operation of the electronic court. The

court relies on computers and interconnected information systems via internal networks linked to the Internet using modern communication tools. These networks handle sensitive data, including litigant information, case progress, judicial decisions, and deliberations. Therefore, effective technical protection is essential to prevent unauthorized access, tampering, or destruction of data, ensuring confidentiality and strengthening trust in remote justice systems.

1. Encryption of Data

Data encryption is a preventive measure to counter crimes using modern technologies and to prevent unauthorized interference, ensuring that electronically stored data is inaccessible to unauthorized individuals. Encryption transforms data into incomprehensible codes, preventing unauthorized parties from reading or interpreting them. Decryption is a complex technical process performed only by the legitimate recipient.

2. Ensuring Data Confidentiality

Ensuring data confidentiality protects electronic case data from alteration, forgery, or unauthorized access throughout the exchange of memos and documents. The technical authority managing the electronic litigation system determines who is legally authorized to access the judicial information system, including judges, lawyers, experts, parties, and court staff, providing each user with a username and password. This system prevents unauthorized access and reinforces the confidentiality of judicial procedures, increasing trust in remote litigation.

Second Topic: Difficulties Facing Electronic Litigation and Its Effects

Adopting computer technology and the Internet in electronic litigation may encounter various difficulties. These include technical issues, which require IT specialists, and legal challenges, which fall under the expertise of legal scholars. Addressing these challenges requires developing a unified law regulating electronic devices in both substantive and procedural law, as current laws often do not align with rapid technological advancements.

The success of electronic litigation requires two main elements: technological security and legal security, allowing electronic tools to assist the judiciary in achieving justice for litigants, whether in civil or criminal cases.

First Requirement: Technical Difficulties

Electronic litigation faces several technical challenges:

- Weak judicial infrastructure, including poor Internet connectivity and lack of necessary devices and software, especially in remote areas.
- Limited knowledge of foreign languages and distrust in electronic networks, affecting the validity of electronic documents and signatures.
- Vulnerability to hacking and cyberattacks, threatening the integrity of judicial websites and networks.
- Non-acceptance of digital evidence in some jurisdictions due to lack of legal framework or trust.
- Information illiteracy and technological gaps between developed and developing countries.
- Reluctance in some developing countries to adopt electronic transactions for fear of economic instability.

- Spread of viruses and malware that can corrupt stored data.
- Difficulty in training judges and court staff to use modern digital technologies.

Second Requirement: Administrative and Legal Challenges

In addition to technical difficulties, electronic litigation faces administrative and legal challenges, including:

1. Insufficient Human Expertise

Electronic litigation requires specialized human competencies capable of operating and maintaining electronic systems, using dedicated software, and ensuring effective case processing. Judges, court staff, and accountants must undergo intensive training programs and be provided with appropriate equipment to manage electronic case registration and follow-up efficiently.

2. Lack of Regulations

A shortage of legal regulations governing electronic litigation is a major obstacle. Existing laws may partially accommodate technological developments but often require updates or new legislation to address emerging legal scenarios. Legislatures must enact clear and comprehensive regulations defining procedures and guarantees for electronic litigation to protect litigants' rights and ensure legal security.

3. Security Difficulties

Security challenges arise during the transmission of information as digital data packets traverse virtual paths, making it difficult to enforce protection and control. Unauthorized access, theft, tampering, or destruction of data may occur remotely. Potential attackers can be classified as internal (network operators and IT professionals) or external (hackers and technical criminals targeting sensitive judicial websites).

Second Requirement: Effects of Electronic Litigation

The adoption of remote electronic litigation procedures yields numerous positive outcomes:

- Replacing paper documents with electronic files, enabling faster case resolution and simplified procedures.
- Automated case classification and archiving, ensuring easy retrieval and efficient court administration.
- Enhanced accuracy and security of electronic documents.
- Reducing conflicts between parties, especially in high-value financial or family cases.
- Accurate electronic documentation of claims, defenses, and motions.
- Limiting delay tactics by parties through time-bound electronic responses.
- Facilitating case inspection and access for judicial oversight without physical delays or costs.
- Increasing litigant confidence in accurate recording of testimonies.
- Assisting judges in reviewing requests and defenses efficiently.
- Easy access to case information for parties and officials through online systems.
- Reduced travel and procedural costs due to digital data transfer.
- Easier information retrieval due to electronic storage.
- Minimizing errors and ambiguities in proceedings.
- Superior privacy and security in electronic communications.
- Saving time and effort through rapid data transfer.

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Electronic litigation allows lawyers or litigants to file multiple cases across different courts from their offices, attach all necessary documents electronically, and access templates suitable for their case. Filing occurs through the official court website with instant electronic acknowledgment and fee processing.

Conclusion

The electronic court has become a cornerstone of modernizing the justice system, digitizing litigation procedures, accelerating case resolution, and improving service quality, thereby enhancing public trust. Effective implementation depends on legal and technical safeguards to protect rights and ensure legal security.

Results:

- Electronic courts accelerate case resolution and reduce court workload.
- Reduce administrative costs and improve judicial efficiency.
- Enhance access to justice and uphold speedy justice principles.
- Face technical and legislative challenges, especially regarding information security and digital infrastructure.

Recommendations:

- Establish comprehensive legislation regulating electronic court procedures and the validity of digital transactions.
- Enhance the security of judicial information systems to protect personal data and ensure confidentiality.
- Continuously develop and update court digital infrastructure.
- Intensify training programs for judges and judicial staff in electronic litigation.
- Raise legal and technical awareness among litigants to ensure proper use of electronic platforms.
- Promote gradual and balanced adoption of electronic litigation while respecting defense rights and fair trial principles.

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