

Towards the Electronisation of Administrative Litigation Procedures in Algeria: Prospects and Challenges

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Abstract:

This research paper aims to address the future of electronic administrative judicial procedures in Algeria and the challenges they face, particularly after the Algerian legislature's recent adoption of digitization in administrative litigation through the amendment of the Code of Civil and Administrative Procedure by Law No. 22-13. This amendment has established the foundation for digitizing key procedures, such as the electronic filing of lawsuits and electronic notification, aligning with the approach of Law No. 15-03 on the modernization of justice regarding the transition to electronic litigation. This is a commendable legislative initiative. Despite the challenges confronting the Algerian state in this domain, it possesses the necessary elements to benefit from the experiences of pioneering countries, such as France and Saudi Arabia. This would allow Algeria to build a distinctive model that achieves efficiency and enhances transparency within the administrative justice system.

Keywords: *Electronisation; Electronic Litigation; Administrative Lawsuit; Electronic Filing; Judicial Notification; Electronic Procedures; Administrative Judiciary.*

Introduction:

As a result of the digital revolution taking place globally, which has impacted all sectors, including the justice sector, many countries, including Algeria, have sought to modernize their judicial systems by employing and integrating technological means into their work mechanisms to simplify procedures and save time. In this context, the concept of “electronic litigation procedures” has generally emerged in Algeria, including in administrative lawsuits, which are characterized by their specific procedural nature, pursuant to the amendments made to the Code of Civil and Administrative Procedure.¹

This latest amendment² came to modify the methods of administrative litigation procedures by introducing technological tools as a mechanism aimed at improving the administrative justice system, inspired by many

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leading international experiences in this field. These countries have used technological means at various stages and procedures of litigation, starting with the submission and registration of pleadings, the payment of judicial fees, and notification of the parties, to the exchange of memoranda and documents, and finally the notification of judgments, all through modern electronic means.

Thus, the idea of digitizing administrative litigation procedures in Algeria is presented as a practical solution to enhance efficiency without compromising essential guarantees, raising the following question: To what extent has Algeria advanced in digitizing litigation procedures in administrative lawsuits, and what are the prospects and challenges it faces?

Based on this problem, a set of objectives that this research seeks to achieve can be identified:

- Clarify the concept of electronic administrative litigation procedures and distinguish it from similar concepts.*
- to analyze the legal framework governing these procedures in Algeria.*
- to highlight the components and challenges facing electronic administrative litigation procedures in Algeria.*
- to assess the reality of Algeria's experience in digitizing litigation procedures in administrative lawsuits.*
- to propose legal and technical solutions to activate and develop electronic litigation procedures in administrative lawsuits in Algeria, based on comparative international experiences discussed in this research.*

In addressing the themes of this research paper, the content analysis method was primarily adopted as the most suitable for this type of study, along with a methodological approach by comparing the provisions governing the idea of electronic administrative litigation procedures in Algeria with their counterparts in selected international models.

To answer the problem posed in this paper, the ideas were divided as follows:

First Topic: Theoretical Framework of Electronic Administrative Litigation Procedures in Algeria. This topic aims to lay the theoretical foundation for understanding the subject of electronic administrative litigation procedures by clarifying related concepts, highlighting its importance in developing the Algerian judicial system, reviewing the legal framework governing it, as well as the components and challenges of electronic administrative litigation procedures in Algeria.

The second topic addresses the stages of administrative litigation in Algeria and the possibilities for their digitization, focusing on the core stages of administrative litigation in Algeria, the reality of the Algerian experience, and the available means to digitize these stages according to the recent legislative trend established by Law 22/13, in addition to the Law on the Modernization of Justice,³ all with the aim of achieving judicial efficiency and ensuring respect for the principles of a fair trial.

I. Theoretical Framework of

Electronic Administrative Litigation Procedures in Algeria

Studying the subject of the transformation of administrative litigation procedures in the digital environment in Algeria requires examining the theoretical framework to define the basic concepts related to the topic, as well as their legal basis in the Algerian legal system, in addition to the components and challenges they face. Through this, we can draw clear features, especially regarding the concept of electronic administrative litigation procedures, their characteristics, and legal basis. This forms the necessary methodological foundation to clarify and understand the possibilities of digitizing each stage, which will be addressed in this section.

1. The Concept of Electronic Administrative Litigation Procedures and Their Legal Basis in Algeria

To provide a clear understanding of administrative procedures related to litigation in Algeria, it is first necessary to clarify their concept to identify their characteristics, as well as their legal basis in the Algerian legal system, which will be discussed in this requirement.

A. Definition of Electronic Administrative Litigation Procedures

In light of the technological revolution, judicial systems are undergoing a radical transformation in their methods and mechanisms of work, which is evident in the adoption of modern means. The concept of electronic administrative litigation procedures has emerged as one of the most prominent manifestations of this development, and it is a concept that differs from electronic litigation.

This term is generally defined as "the use of electronic media in litigation procedures, starting from judicial processing, announcement, and notification, passing through the procedures of conducting the lawsuit and what happens in its sessions, and ending with the issuance of the final judgment, its appeal, and execution." ⁴ From this, it is understood that electronic tools are used to support the judge and facilitate their work in

the course of the lawsuit, without replacing them or taking their place in issuing judgments or making decisions.

As for electronic litigation, it refers to the replacement of natural persons (such as judges or arbitrators) with electronic media, so that these media perform their role in issuing decisions or judgments in disputes arising from electronic transactions, such as stock exchange operations, real estate, agencies, wills, and others. There are applications of this type in some judicial systems, such as the virtual or electronic judge in the United States.⁵

It is necessary here to distinguish between the concepts of electronic procedures and electronic litigation, given the fundamental difference between them in nature and scope. Electronic procedures concern the digitization of formal procedural aspects related to the lawsuit, such as electronic registration of pleadings, remote notification, exchange of memoranda between parties, and monitoring the progress of the lawsuit through digital platforms, without altering the pattern of traditional court sessions. Thus, they are linked to making administrative procedures more effective and organized, but do not affect the form of the trial itself.

Electronic litigation, on the other hand, is a comprehensive judicial model based on conducting the trial in all its stages remotely, relying on audio-visual communication means, including presenting the case, pleading, issuing judgments, and notifying them, all without the physical presence of the parties in the court. This model represents a qualitative shift in the structure of judicial justice, which requires an advanced legal system and a sophisticated technological infrastructure far exceeding what is required for the digitization of formal procedures.

Accordingly, electronic judicial procedures can be considered a first step or partial entry point in the transition to digital justice, with their own distinguishing characteristics, as they are limited to digitizing procedural aspects without affecting the essence of the judicial process. In contrast, electronic litigation represents the comprehensive framework encompassing all stages of litigation from beginning to end and embodies the complete shift toward an integrated digital judicial model, as will be explained in the following branch.

B. Characteristics of Electronic Administrative Litigation Procedures

With the introduction of modern technologies into litigation systems in many countries, administrative litigation procedures have acquired new characteristics that distinguish them from the traditional form, especially features related to speed, simplification of information, and the

replacement of documents. In this branch, we will highlight the most important characteristics that distinguish this mechanism.

a. Replacing paper documents with electronic documents. One of the most important aspects of digital transformation in judicial systems is the replacement of paper documents with electronic ones by granting legal validity to electronic documents as an alternative to paper ones. This is evident in legislation allowing for the electronic submission of pleadings and supporting documents. This is reinforced by the recognition of electronic signatures as a means of proving these documents. Thus, the electronic message becomes the legal instrument relied upon as electronic proof.⁶

b. Delivery of documents, memoranda, and pleadings electronically through an electronic medium. This procedure is known as "remote downloading," where documents are transferred online without resorting to the outside world, as opposed to "remote uploading," which involves sending files or programs to another computer.⁷

c. Replacing traditional payment methods with electronic payment methods. The replacement of traditional payment methods with electronic ones is a pivotal step toward modernizing the justice system, as judicial fees are no longer limited to cash payments to the collector or by check or postage stamp, but can now be paid using various types of electronic payment cards. This reflects on the justice system in several ways:⁸ in addition to speed, it ensures transparency, reduces corruption, and alleviates the burden on litigants by bringing justice closer to the citizen.

d. Replacing traditional notification with electronic notification. This new method allows for rapid access to information, with the ability to track and verify its receipt, and reduces the material costs of traditional notification by relying on electronic media in all litigation procedures⁹, including notification.

e. Replacing traditional means of proof with electronic means. Electronic means of proof can be relied upon by providing legal and technical guarantees, as evidenced by the recognition of electronic documents and granting them legal validity in many international and national legislations, as well as the recognition of electronic signatures as a mechanism for proving the identity of persons and the authenticity of document contents.

f. Simplification and acceleration of litigation procedures. This is one of the most prominent advantages provided by the shift toward digitizing

procedures, as litigants no longer need to travel to courts, but can follow the stages of their lawsuit from anywhere, saving time, effort, and money.¹⁰
g. Reliance on an electronic medium, represented by a computer connected to an international Internet network or a local internal network.¹¹

C. The Legal Basis for Electronic Administrative Litigation Procedures in Algeria

The idea of electronic administrative litigation procedures in Algeria derives its legal basis from legislation, embodied in the adoption by the legislative authority of a set of laws to regulate this mechanism, in terms of defining related legal and technical terms, highlighting the most important procedures, and how to implement them. Among the most important of these rules in Algeria are:

a. Law No. 15-03 on the modernization of the justice sector, which is considered the first initiative for electronic litigation procedures in general. It adopted the idea of electronic litigation through its first article, and Article 9 explicitly provided for the actual adoption of electronic litigation through the electronic notification procedure and the sending of judicial documents by electronic means. Thus, Law No. 15-03 can be considered the first to establish electronic administrative litigation procedures when it established electronic procedures in general.

b. Law No. 22-13: This law, amending the Code of Civil and Administrative Procedure, constitutes the legal basis for electronic administrative litigation procedures in particular, as this amendment allows for the filing of lawsuits by electronic means under Article 815, in line with Law No. 15-03 on the modernization of justice. It reinforces what was established by Law No. 15-03 regarding electronic notification, and Article 840 of Law No. 22-13 states that all procedures taken and investigative measures are notified to the parties by all legally available means, including electronic ones.

Although neither law specified the means and methods of communication, such as email, and Law 22-13 merely stipulated the notification of all procedures taken and investigative measures to the parties, unlike Law No. 15-03, which aims to include all documents and records, this is nonetheless a foundation for this idea in the Algerian legal system.

By analysing the legal texts in the aforementioned laws, it is clear that the Algerian legislator is still striving to keep pace with developed countries in the field of electronic litigation and electronic administrative

litigation procedures. However, compared to pioneering experiences in this field, as will be mentioned later, there is a significant deficiency in the Algerian legislative framework in terms of direct regulation of this idea, and all current reforms are merely applications of what is called e-government.

2. Components and Challenges of Electronic Administrative Litigation Procedures in Algeria

The digital transformation of administrative litigation procedures in Algeria can only be achieved by providing a set of essential components that form the foundation for this change. On the other hand, the realization of this idea is not without obstacles. This requirement provides a comprehensive vision of the feasibility of implementing this idea in Algeria.

A. Components of Electronic Administrative Litigation Procedures in Algeria

The success of the idea of electronic litigation in administrative lawsuits in Algeria requires a suitable environment based on an integrated legislative system, effective control over technology and communication techniques, and the existence of human resources capable of keeping pace with this transformation flexibly. This will be explained in detail in this branch.

a. Legislative and Regulatory Components

This refers to the legislative and regulatory framework on which electronic litigation can be applied, whether related to its procedures, the definition of legal and technical terms, or the penal provisions for crimes resulting from its use.¹² Electronic litigation techniques cannot be used in the absence of legislative texts that establish them, as there must be legislation ensuring a set of binding legal rules, suitable for the state of scientific and technical progress through the use of modern means of communication to implement litigation procedures electronically and via the international communication network, necessitating the exclusion of traditional rules and the drafting of new laws¹³ to regulate this mechanism or the amendment and development of current traditional jurisdictional rules, and the selection of appropriate rules for the electronic court, starting from the submission of the pleading to the competent court's website via email and ending with the issuance of the judgment. Thus, the legislative means is the pivot and legitimate legal tool for applying the procedures of this modern mechanism.¹⁴

Indeed, Algeria has introduced many amendments to its legal texts, like many other countries, but they are still insufficient. Therefore, the

transition to electronic litigation and electronic procedures can only be achieved by introducing amendments that ensure the transition of all traditional procedures to electronic procedures at all stages of the lawsuit.

From the above, it is clear that the legislative requirements for the success of the transition to electronic procedures in administrative lawsuits consist of a set of measures, the most important of which are:

- ✓ Updating current laws to keep pace with modern technologies and developments in judicial work.*
- ✓ Activating the use of electronic signatures when filing lawsuits electronically before the competent court.*
- ✓ Establishing a legal framework to regulate the electronic payment of judicial fees as an alternative to traditional payment methods.*
- ✓ Requiring judicial facilities to provide their services to litigants via the Internet instead of relying solely on traditional methods.*

b. Technical Components ¹⁵

Technical requirements refer to providing a strong infrastructure based on the latest electronic devices such as computers, internal and external Internet networks, Internet supports such as email and the global electronic network, databases for the court's website, electronic records, voice transmission devices, cameras, and microphones.¹⁶ It is also necessary to provide security protection for the website and case-related data and protection from cyber-attacks by encrypting information ¹⁷in electronic repositories and ensuring the privacy and confidentiality of information, in addition to continuous maintenance of the website. Algeria has attempted to create an electronic infrastructure by accelerating the adoption of information and communication technology in courts, establishing a sectoral network to enable communication among all judicial bodies in a reliable and secure manner. In parallel, Algeria has established several information management systems (judicial records management and monitoring system, judicial rulings records, arrest warrant management system, prisoner data management system), as well as specific mechanisms to assist in decision-making (an electronic system for workflow monitoring, judicial map, human resources management, and justice assistants).¹⁸ However, more effort is needed to make this transition more effective.

c. Human Components

Another requirement for the transformation is human resources, a group of technicians and specialists in the technical field who work on these devices, including judges, court staff, and lawyers.¹⁹

Thus, investment in human resources and their effective qualification is one of the main pillars of the transition to electronic judicial procedures in administrative lawsuits in Algeria, achieved by raising the level of competencies through the implementation of specialized training programs. The ministry has ensured that all users-judges, clerks, and responsible entities-have access to data via computers connected to the information system network. All judges have also been provided with professional email addresses on the mjustice.dz domain, with access to the internal network (intranet) for communication among themselves.

It is worth noting that the justice internal network is a private network separate from the public Internet to ensure the highest levels of protection and security. In addition, the ministry has provided Internet service within the sector's library, making it available to all justice employees to benefit from in performing their duties.²⁰

B. Challenges Facing Electronic Administrative Litigation Procedures in Algeria

Despite the many advantages achieved by digitizing administrative litigation procedures in Algeria, it still faces a number of challenges. Despite the significant reforms undertaken by the state to develop digital justice, many obstacles and problems still hinder its full and effective implementation, resulting in clear deficiencies. These obstacles are partly due to the inadequacy and insufficiency of legislative texts to comprehensively regulate the issue, and partly to material and technical obstacles beyond the legislator's control.

a. Legal and Security Obstacles

Legal and security aspects are among the most prominent challenges hindering the effective application of digitizing administrative litigation procedures in Algeria. These include:²¹

- The lack of a legal and legislative framework capable of covering all stages of administrative litigation, especially with regard to adapting procedural legal texts-such as the Code of Civil and Administrative Procedure²²-to the requirements and mechanisms of electronic administrative litigation procedures, particularly those stipulated in Law 15/03 and the absence of implementing regulations for the latter. Other indirect obstacles also emerge, such as the non-activation of the electronic signature and authentication system due to the lack of necessary devices for this.

- *Security threats to individuals' data due to the weak technical qualification of security personnel, increasing the risks to the confidentiality and protection of information.*

b. Technical Barriers

*The technical barrier is not merely a secondary issue, but rather constitutes one of the most significant challenges facing the digitization of administrative litigation procedures in Algeria. The country suffers from clear instability in internet services and frequent outages, in addition to a set of other obstacles that can be summarized as follows:*²³

- *The absence of an integrated infrastructure within the justice sector and weak connectivity with various state institutions.*
- *Technical difficulties in communication means, most notably the weakness of the internet network, lack of coverage in some areas, and high subscription costs.*
- *Limited spread of computers due to low purchasing power and widespread digital illiteracy.*
- *High rates of digital illiteracy, exacerbated by the optional nature of training programs, as well as the scarcity of training and retraining courses for human resources.*

II. Stages of Administrative

Litigation in Algeria and Possibilities for Digitization

Administrative litigation is subject to a set of procedures within what is known as administrative dispute, starting with the submission of the petition and ending with the judgment and notification of the resulting ruling, while ensuring respect for the principles of a fair trial, including guaranteeing the rights of litigants and the speed of adjudication within reasonable timeframes. The challenge becomes more apparent with the administrative judiciary in Algeria moving towards digitization through Law 22-13. Accordingly, it is necessary to analyze the stages of this litigation to observe the current reality and anticipate the prospects for its digitization.

**1. The Reality of the Algerian Experience in Digital Transformation
Towards Electronic Procedures in Litigation**

After reviewing the theoretical framework by clarifying the concept of the shift towards electronic administrative litigation procedures, their characteristics, components, and related challenges, it becomes necessary to study the practical reality of the Algerian experience in this field to ascertain its truth. This, in turn, allows for the evaluation of the progress

made and the diagnosis of the results that still constitute an obstacle to actual implementation.

A. Possibility of Submitting the Initial Petition Electronically

The initial petition is the first step in initiating administrative litigation and is therefore one of the fundamental pillars from which judicial dispute begins. The petition is defined as "a written document, necessarily according to legal texts, signed by the plaintiff or his lawyer, provided with the date of its deposit with the registry within the legal deadlines."²⁴

The Algerian legislator has attached great importance to clarifying how it is to be submitted, requiring essential data, and has imposed legal consequences for omitting or violating this data. Referring to Law 08-09 on civil and administrative procedures before 2022, we find that the lawsuit was filed before the court by a written petition signed by a lawyer, deposited with the registry. However, with the amendment introduced by Law 22-13, the method changed by stipulating the possibility of filing an administrative lawsuit electronically, in addition to the paper method. Accordingly, it can be said that the Algerian legislator reconsidered how to submit the initial petition for administrative litigation, allowing it to be submitted electronically to the competent authority instead of submitting it directly in paper form to the registry of the same authority. It is noted that although the Algerian legislator permitted the electronic method for submitting lawsuits, it did not specify how to access the administrative judiciary, nor the means used for this purpose.

As for the data of the petition, referring to Article 816 of the aforementioned law, we find that it refers to the application of the provisions contained in Article 15 of the same law. Returning to the latter, it stipulates mandatory data, the breach of which results in the lawsuit not being accepted formally. This data includes: the judicial authority before which the lawsuit is filed, the name, surname, and domicile of the plaintiff, in addition to the name, surname, and domicile of the defendant, reference to the name and nature of the legal person, its registered office, and the capacity of its legal or contractual representative, a brief presentation of the facts, requests, and grounds on which the lawsuit is based, and, where appropriate, reference to the documents and supporting evidence.

By examining the text of this article, we notice that it was not amended to be compatible with Article 815 in the case of submitting the lawsuit electronically via an electronic petition. We note the absence of data relating to the electronic petition, such as email address, phone number, and electronic signature.

Also, referring to Articles 821 to 824, we note that Law 22-13 did not introduce any amendments to the method of registering the initial petition and kept the old texts, which constitutes a gap in the process of filing the administrative lawsuit, as it leads us to work as before the introduction of the electronic method for filing lawsuits, where the clerk registers the petition in the special register according to the date of its arrival, including the names of the parties and assigning a case number with an indication of the hearing date.²⁵

The same applies to the payment of court fees; the amendment did not address this issue and kept the old rules, unlike what happened in ordinary courts when the digital platform for exchanging petitions was introduced, which allows for the electronic submission of the petition and the case file and payment of court fees online.²⁶

In addition to all this, although the legislator permitted in Article 815 the initiation of the lawsuit electronically, it neglected to mention the electronic initiation of lawsuits before administrative appellate courts, the Algiers court, and the Council of State as a court of appeal and cassation, which means that the Algerian legislator did not generalize the possibility of submitting the petition electronically before all administrative courts. Therefore, it would have been better for the legislator to stipulate the submission of the petition electronically before all administrative courts to achieve the purpose of this procedure, which is to bring justice closer to the citizen.

B. Possibility of Electronic Notification of Parties

Electronic notification of the parties to the lawsuit means using modern technological means such as mobile phones by sending a text message or via official email. It is defined as the adoption of modern and new means of notification, enabling parties to communicate regarding the lawsuit and informing them of procedural and litigation updates.²⁷ For electronic notification to be legally valid, the parties must be made aware of the content of the lawsuit.

Referring to Law 22-13, we find that the Algerian legislator, in addition to digitizing the method of submitting the petition, also digitized another procedure through Article 840, which states: "All measures taken and investigative measures are notified to the parties by all legally available means, including electronic means..." This is a reflection of what exists in Law 15-03 on the modernization of justice in Article 09. Thus, we notice that the Algerian legislator adopted electronic notification in this case, whereas before the amendment, it was done by registered mail with

acknowledgment of receipt as a general rule and exceptionally through a judicial officer.²⁸

However, referring to Article 818 of the Civil and Administrative Procedures Law, we find that the Algerian legislator did not make any amendment to the official notification "notification of the petition." The same applies to the notification of judgments, which means that the legislator was content with the second stage, which relates to the notification of documents and evidence, excluding the notification of the petition and judgments.

It is worth noting that Law No. 15-03 stipulates in Article 09 the notification and sending of judicial documents and records electronically, thus establishing the possibility of judicial notification at all stages of the lawsuit. This is contrary to what is stated in Law No. 22-13, which is limited in Article 840 to notifying parties of the measures taken and investigative measures.

2 Prospects for Digitizing Administrative Litigation Procedures in Algeria – Accompanying Electronic Procedures in All Stages of Litigation –

To truly achieve the full and genuine digitization of administrative judicial procedures in Algeria, it is not enough to introduce partial amendments to the procedures stipulated in the Civil and Administrative Procedures Law. Rather, electronic procedures must be generalized to all stages of the dispute, as is the case in many leading countries in this field, which we will explore in this requirement by examining these experiences and applying them to the Algerian experience to reach the desired level.

A. Stage of Filing the Administrative Lawsuit

The lawsuit is the legal means by which an individual can resort to the judiciary to claim their rights, and it is regulated by the Civil and Administrative Procedures Law, specifying its conditions and how to initiate it. This is done through what is known as the filing process, i.e., the submission of documents and information to the court by the disputing parties or the concerned public. The electronic filing system allows people to complete various transactions via their computers, such as submitting and receiving documents, paying fees, notifying other parties, receiving court notifications, and retrieving judicial information at any later time,²⁹ which we will explain in this branch.

a. Submitting the Petition

The lawsuit in Algeria is filed, according to Article 821 of the Civil and Administrative Procedures Law, by submitting the petition to the registry

of the competent judicial authority, which then registers it after verifying the payment of court fees.

Unlike the previous situation under the Civil Procedures Law before the 2022 amendment, it appears that the Algerian legislator has adopted a new approach to filing petitions before the administrative judiciary by approving electronic filing as an available option. However, this option is still limited in its application, as evidenced by Article 821 remaining unchanged, still explicitly requiring the petition to be filed with the court registry against payment of the court fee, unless otherwise provided by law.

This means that the Algerian legislator did not specify the portal through which access to the administrative judiciary is achieved when using the electronic method, unlike many leading countries in this field such as France,³⁰ where Article 414-1³¹ stipulates the launch of the "Télérécours" application, an information system managed by the French Council of State that allows for the management of digital communications related to applications, briefs, and procedures between administrative authorities and represented parties.³² In other words, it allows users to file and submit their lawsuits before the administrative courts.

The same applies to the United States, where federal courts have implemented legal texts regulating electronic filing and lawsuits through electronic systems such as the Case Management/Electronic Case Files (CM/ECF) system and the PACER system³³.

Likewise, the pioneering Arab experiences in this field have not deviated from this approach. For example, Saudi Arabia has introduced the "Mueen" system within the Board of Grievances, as shown by the application interface represented by the service icon for filing lawsuits.³⁴ The litigant drafts the statement of claim on the approved electronic forms.

Accordingly, the Algerian legislator, as a result of adopting the option of electronic filing³⁵ and lawsuit submission, should have specified a portal for electronic access to the administrative judiciary that allows petitions to be submitted to the competent authorities electronically, especially since there is previous experience in the digital platform for the electronic exchange of petitions and briefs in civil matters.³⁶ Also, upon adopting the electronic option, the legislator should have amended the data related to the petition, but instead kept the old texts rather than updating the data to suit the new direction. Therefore, the Algerian legislator must, in order to digitize administrative judicial procedures, amend Article 15 of the Civil and Administrative Procedures Law as required by the electronic format of the petition, stipulating the data that distinguishes it, by including the

electronic address and electronic signature, whether for the lawyer or the legal representative of the entities mentioned in Article 800.

b. Registering the Lawsuit and Paying Fees

The Algerian legislator did not allocate special rules for registering administrative lawsuits but subjected them to general rules, as the registration of the petition goes through several stages summarized in Articles 16, 17, 823, and 824 of the Civil and Administrative Procedures Law. After verifying the payment of court fees, the court clerk registers the initial petition in a designated register in order of arrival, indicating the data related to the parties, names, and surnames. As a result, a case number is assigned and a hearing date is set. The clerk records the first hearing with the case number on copies of the petition and delivers them to the plaintiff to carry out the next procedure, which is notifying the parties. Finally, a receipt is given to the plaintiff indicating the documents submitted.

Since the Algerian legislator did not introduce any change regarding this procedure, while moving towards digitizing electronic filing procedures under Law 22-13, it was necessary for this stage to be digitized as well to complete the electronic filing process. Drawing on the experiences of other countries in this field, especially Saudi Arabia and France, the Mueen system allows the plaintiff to file the lawsuit electronically,³⁷ with the creation of an electronic register in each court through which case data is recorded and assigned a sequential digital number, allowing the case file to be retrieved electronically. The same applies to the Iraqi experience, although it involves submitting the statement of claim via the court's email, with responses being sent the same way upon acceptance, and it is registered under a specific serial number notified to the plaintiff after being endorsed by the judge.³⁸

As for electronic payment, which is one of the most important steps that the legislator must take, since there is no benefit in digitizing all procedures if the plaintiff still has to go to pay the fees, especially since the petition is not registered and the lawsuit is not considered valid unless the court fee is paid. Although the Algerian legislator did not address this issue, statements by officials in the Ministry of Justice regarding how to pay financial dues related to fees have begun to take shape in ordinary courts after the statement of Mr. Mohamed Baghdadi, that "consultations are currently underway with Algeria Post to facilitate the process of electronic payment for lawyers," and "the process will later be generalized to all banking institutions, in addition to the new digital platform covering all

stages from electronic payment to registration and then the electronic exchange of petitions.³⁹ In a good initiative, the TPE payment device was used as a first step at the Algiers Court of Appeal, enabling litigants and lawyers to pay court fees at the petitions registration service via bank and postal cards. However, this is not sufficient to ensure that lawyers do not have to go to courts to pay court fees, so it is preferable to have an electronic payment mechanism⁴⁰ that guarantees payment from anywhere, as is the case in countries adopting electronic lawsuits⁴¹, as this is consistent with electronic registration.

c. Notification of Opponents of the Petition

This stage is considered one of the most important stages of the lawsuit, as the validity of subsequent procedures depends on the correctness and soundness of this step. Referring to Article 406 of the Code of Civil and Administrative Procedures, we find that it specifies how opponents are notified of the petition, which is done through a report prepared by the judicial officer.

Despite the recent amendment to the Code of Civil and Administrative Procedures under Law 22-13, the Algerian legislator did not include this article in the amendment and still relies on the old texts that embody the traditional means of notification, a method that does not align with current developments and leads to practical problems. Therefore, and in light of the Algerian state's orientation toward digitizing administrative justice, which began to appear in the recent amendment, the legislator was required to digitize this procedure through electronic notification, relying on modern means such as e-mail, mobile phones, and others. Since the main objective of notification is to inform the parties of the procedures, electronic means may be used as they are compatible with technological progress, following the example of pioneering countries in this field. This is especially evident in Article 1 of French Decree 222-2005,⁴² which relates to the sending and notification of requests, memoranda, and decisions by electronic means, allowing petitions to be sent and notified electronically before administrative courts. Similarly, the Saudi legislator allowed the administrative lawsuit petition to be notified electronically in Article 3 of the Rules of Litigation before the Board of Grievances, which was confirmed by the Executive Regulations of the Board in Decision No. (6/1444/Sixth) amending Article (1/3), requiring the notification to include an electronic link to the petition. In addition, the Jordanian legislator, in Article 4 of the Regulation on the Use of Electronic Means in Civil Judicial

Procedures No. 95, allowed lawsuits and judicial requests to be filed and notified electronically.

Thus, based on the principle adopted by the Algerian state regarding the digitization of administrative justice, which began to materialize with the latest amendment, the legislator was required to digitize this procedure through what is known as electronic notification, using modern means such as e-mail, mobile phones, and others. This obliges Algeria to benefit from other experiences and transfer them to its judicial system, especially since it has previous experience in this field using text messages and e-mail as means of notification. For example, electronic notification was used through text messages and e-mail via the Public Prosecution Portal to inform concerned parties of the outcome of their complaints and the measures taken regarding them.⁴³ The Ministry of Justice also established the process of notification in criminal matters via mobile phones through short text messages (SMS) to inform about hearing dates or sessions of investigating judges and the Public Prosecution.⁴⁴ Furthermore, an electronic portal was created to receive petitions for the Republic's Mediator.⁴⁵

Therefore, the Algerian legislator should have stipulated the electronic notification of the petition, specifying the means used, as many countries that have adopted digitization in managing administrative lawsuits have done. These systems have defined the means, which can be summarized in three forms:

a. Registered and authenticated text messages

Both the Saudi and Jordanian legislators considered that text messages sent via a registered and authenticated mobile phone are among the most important means of electronic notification (Article 03/3 Saudi, Article 07 Jordanian).

b. E-mail

Within the framework of digitizing the administrative lawsuit and establishing the idea of electronic notification, we find that the Saudi legislator, in Article 13 of the Code of Sharia Procedures, specified e-mail as one of the most important modern means of notification in administrative lawsuits. The Jordanian legislator also adopted this method and considered e-mail as the address of the defendant, according to Article 07 of the Code of Civil Procedure.

c. Registered accounts on any government electronic systems

Several countries have relied on integrated electronic platforms to develop the electronic litigation system and ensure the effectiveness of

judicial notification. In Saudi Arabia, for example, notification is done through user accounts on the "Absher" platform and the "Mueen" system, which manages the entire electronic case file and provides more than 17 judicial services.⁴⁶ Jordan and Oman have created electronic portals that enable notification and exchange of documents between the parties to the lawsuit.⁴⁷ These experiences show that using citizens' official accounts in government systems enhances the reliability and speed of notification, which the Algerian legislator should have drawn upon to create a unified platform for administrative justice, ensuring the authentication of electronic addresses and achieving secure and effective notification.

B. The Stage of Proceeding with the Lawsuit

After the lawsuit is registered with the competent judicial authority, a new stage in the procedural process begins, which is the progress of the lawsuit. This aims to organize the exchange of documents and memoranda between the parties, prepare the report, refer the file to the State Commissioner, then prepare the case for adjudication and notify the parties of the hearing date. In this section, we will discuss the exchange of documents and memoranda and notification of the hearing date to the parties.

a. Regarding the exchange of memoranda and documents

Referring to the Code of Civil and Administrative Procedures, whether before or after the 2020 amendment, we find that it does not explicitly provide for the possibility of exchanging petitions and memoranda electronically, unlike what it did regarding the notification of measures taken and investigation procedures to the opponents by all legally available means, including electronic means, according to Article 840. Thus, the law maintained the old procedures stipulated in Article 838, where memoranda and documents submitted by the parties are deposited with the registry of the administrative court under the supervision of the reporting judge.

Although the Algerian legislator did not adopt the idea of exchanging memoranda and petitions electronically in the Code of Civil and Administrative Procedures, this mechanism can be established based on the Law on the Modernization of Justice, especially Article 9, which allows the notification and sending of judicial documents and records electronically.

b. Regarding notification of the hearing date to the opponents

According to legal texts, after the presiding judge schedules the case,⁴⁸ the parties are notified of the hearing date.⁴⁹ It is worth noting that the legislator allowed, during this stage, the possibility of notifying the parties

of the hearing date electronically in accordance with Article 09 of the Law on the Modernization of Justice, as well as Article 840 of Law 22-13, which effectively establishes the possibility of notifying the parties of the hearing date electronically.

C. The Stage of Issuing and Notifying the Administrative Judgment

The administrative lawsuit ends with the issuance of a judicial ruling that resolves the dispute. This ruling is a decision issued by the administrative court in accordance with the forms stipulated by law. The judge, or the head of the panel if it is collective, pronounces the judgment orally in a public session in the presence of the parties, ensuring that what is read matches exactly the content of the written version of the judgment. To achieve full electronic administrative litigation procedures, it is not limited to previous procedures; the judgment must also be notified to the parties using secure technical means that ensure its delivery to them by publishing it through secure digital platforms.

Regarding the notification of judgments and orders, we find that the Algerian legislator has maintained traditional paper notification through a judicial officer, but at the same time, he established electronic notification through Article 09 of Law 15-03 on the Modernization of Justice, which states that judicial documents and records may be notified and sent electronically. Article 840 of Law 22-13 also stipulates that all measures taken and investigation procedures are notified to the parties by all legally available means, including electronic means.

Therefore, it can be said that the Algerian legislator allowed the use of electronic means for notification but did not specify the means used, as previously mentioned regarding notification of the petition.

Accordingly, the Algerian legislator should benefit from the experience of other comparative legislations, as is the case with the Kuwaiti legislator⁵⁰ and the Jordanian legislator in Article 7 of the Regulation on Electronic Means in Civil Judicial Procedures, by using the easiest, simplest, and most secure means, at least, which is the verified e-mail in the electronic opening petition as the chosen address by sending the judgment in PDF format to the concerned parties.

Conclusion

Digitizing the stages of the administrative lawsuit is not merely a technical improvement but a structural reform process aimed at achieving more efficient justice and establishing electronic administrative litigation. This requires adequate legal safeguards and a secure digital infrastructure to move to electronic procedures in administrative litigation effectively and

in line with the needs of the times. Thus, it can be said that employing digitization and providing its requirements in the administrative justice facility is an important step toward the complete transformation to electronic administrative justice.

Accordingly, the main findings of this study can be summarized as follows:

First, electronic administrative litigation procedures mean digitizing the formal procedural aspects related to the lawsuit, such as electronic registration of petitions, remote notification, exchange of memoranda between the parties, and following the progress of the lawsuit through digital platforms, without extending to changing the pattern of traditional court sessions.

Second, electronic administrative litigation procedures have a set of characteristics that distinguish them from traditional procedures.

Third, the legal basis for electronic administrative litigation procedures in Algeria is Law 15-03 on the Modernization of Justice and the amendment 22-13 related to the Code of Civil and Administrative Procedures.

Fourth, achieving the desired goal of fully electronic administrative litigation procedures requires:

✓ Developing the legislative framework in line with digital transformation.

✓ Providing a comprehensive technical environment and preparing secure and user-friendly platforms.

✓ Training human resources in technical and procedural aspects.

✓ Balancing the idea of speedy procedures with the protection of defense rights, which can only be achieved by utilizing existing resources and overcoming legal, security, or technical challenges.

Fifth, the submission of petitions mostly relies on the paper format through direct contact with the court. Although the Algerian legislator affirmed the electronic nature of this procedure, it is insufficient compared to the experiences of leading countries in this field, which have provided electronic platforms for submitting and registering petitions and paying court fees.

Sixth, regarding the reality of the Algerian experience in electronic notification, although the law 15/03 allows for electronic notification of the parties, the existing texts in the Code of Civil and Administrative Procedures have not been amended, leaving the traditional method in place, which slows down procedures, unlike comparative experiences that

move toward effective digital notification using verified electronic means such as e-mail or text message.

Seventh, the same applies to the exchange of memoranda and documents in paper form, which burdens litigants and delays the consideration of files, making it necessary for Algeria to benefit from the experiences of leading countries in this field.

Eighth, regarding the notification of judgments and orders, although Algeria has established electronic notification in general under Law 15-03, the Code of Civil and Administrative Procedures has maintained paper notification by a judicial officer for judgments and orders, which sometimes leads to delays in enforcement.

In light of these findings, several recommendations can be made to move toward electronic administrative litigation procedures in Algeria in general:

First, amend Article 15 of the Code of Civil and Administrative Procedures to align with Article 815 by adding data for the electronic petition.

Second, amend Article 821 to provide for an access mechanism, whether through an application or a secure digital platform, to enable petition submission.

Third, digitize lawsuit registration by creating an electronic register.

Fourth, digitize payment of court fees by creating a mechanism for electronic payment via the platform proposed by the amendment to Article 821.

Fifth, amend Article 406 of the Code of Civil and Administrative Procedures to accommodate electronic notification and comply with Article 9 of the Law on the Modernization of Justice, specifying the means of electronic notification (e-mail, text message), ensuring the arrival and time-stamping of notifications.

Sixth, notify judgments electronically via the same proposed platform.

Seventh, generalize the digitization of procedures to all stages of the administrative lawsuit, starting from submitting the petition to notifying the judgment.

Eighth, generalize electronic procedures to all levels of administrative justice: administrative court, administrative appellate court, Algiers court, and the Council of State.

As a summary, we call on the Algerian legislator to continue developing the procedural framework for administrative litigation, especially concerning the digitization of its various stages, starting from submitting

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the petition and notifying the parties electronically, to issuing judgments and publishing them via secure digital platforms, along with amending the legal arsenal governing administrative litigation. Adopting these reforms will speed up dispute resolution, enhance transparency, and guarantee defense rights, keeping pace with the digital transformation witnessed by the judicial system in many countries.

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