



DIGITAL JUSTICE AND THE IMPLEMENTATION OF THE ELECTRONIC COURT: BETWEEN LEGAL ASPIRATIONS AND THE DEMANDS OF REALITY

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Abstract:

The electronic court represents a qualitative leap in the justice sector, with the separation of modernity and digitization in this sector, as it combines modern technology with the law in order to reach justice according to simple, concise procedures that are in line with the privacy of the digital age. Bypassing the restrictions of the lengthy traditional procedures that may be an obstacle to the rapid resolution of the matter of the public lawsuit, and this is in light of the reality of criminal procedures and the challenges of the digital environment

key words: electronic court, criminal procedures, quick dismissal.

Introduction:

The justice sector has witnessed a remarkable development unprecedented in any previous era. Thanks to the emergence of modern technological advancements and digital means, it has become possible to embody the right to access justice in an electronic form. This is achieved by abandoning the traditional paper-based approach and transitioning towards a modern paradigm that does not rely on physical documents but rather digital requirements, electronic devices, and a specialized human workforce with technical, artistic, and legal expertise. Their role is to establish a virtual judicial system aimed at facilitating judicial processes, improving the quality of legal work in

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implementing criminal procedures, and addressing the issue of judicial congestion and the proliferation of legal files in front of judicial entities. This enhances the efficiency of judicial work in managing and administering public litigation remotely while considering the privacy of the digital environment, which can sometimes be an obstacle to the right to a speedy trial, as it creates a delay between the need for speed and the necessity of respecting the guarantees granted to litigants in order to achieve criminal justice. This leads me to raise the question: **what extent can the creation of electronic courts be deemed effective in enhancing and implementing the right to a speedy trial in an era dominated by advanced digital technologies in the management and administration of the justice sector ? Does relying on electronic courts in accessing criminal justice diminish the practical effectiveness of judicial procedures?**

This problem will be addressed primarily through a descriptive approach, by clarifying and examining the key terms related to the digital transformation in procedures, thus identifying the characteristics and features of electronic courts and their role in reducing the duration of litigation. Additionally, an inferential approach will be adopted by examining the practical reality and the extent of the existence and implementation of the electronic court system, in order to reach proposals that support this study.

Answering this problem requires the following plan:

Section I: The transition from traditional court models to modernization.

Subtitle 1: Defining the electronic court.

Subtitle 2: Transitioning towards the digital nature of courts.

Section II: Features of the transition between procedural speed and practical challenges.

Subtitle 1: Mechanisms for activating the electronic court system in the digitization of judicial procedures.

Subtitle 2 Challenges and prospects of transitioning towards the digital nature of courts.

SECTION I: THE TRANSITION FROM TRADITIONAL COURT MODELS TO MODERNIZATION.

The wave of development witnessed in the justice sector has raised the issue of transitioning from traditional courts to the digital realm, under the concept of modernization and digitization in the justice sector. This involves the establishment of a modern virtual litigation environment called the electronic court, as an attempt to expedite litigation procedures in the criminal justice system.

First Requirement: Definition of the electronic court.

Electronic courts are considered one of the most significant impacts of the digital transformation in the justice sector. They aim to minimize the duration of litigation as much as possible. Understanding this requires defining what is meant by an electronic court, through the following subpoints :

Subpoint One : Definition of the electronic court system.

One of the modern terms that has emerged in recent years, following the widespread adoption of the concept of e-government, is the electronic court. It specializes in digital cases, crimes related to networks and information technology, intellectual property cases, and electronic commerce. It handles digital litigation, whether criminal, civil, or commercial. This necessitates optimal utilization of information technology to enhance the quality and speed of judicial services (Masri, 2012, p. 25-26)

An electronic court does not require physical presence of the litigants or their representatives. All procedures, including submissions of documents, investigations, pleadings, issuing judgments, and court proceedings, are conducted online. It signifies a transition from the paper-based approach to a modern electronic form via the internet, without the need for physical gatherings of the parties involved (H. A. Mohammed, 2006, p. 9)

Alternatively, it can be described as a modern system aimed at improving the efficiency of the judicial administration system in



general. It involves digitizing all relevant court files and continuously maintaining a high-speed internet connection, allowing for the virtualization of all courtrooms in the digital era. This can simplify and enhance the delivery of justice services (Expert Sub-Committee to draw up a Vision Document for Phase III, 2021, p. 28)

In other words, the electronic court represents a step towards modernization in the criminal justice system. It is based on the integration of relevant information systems within the criminal justice system, creating what is known as the electronic or virtual court system. It relies on the digital environment for litigation through the international network and digital media, in a suitable and appropriate location for fair trials. It signifies the transition from the traditional paper-based litigation approach to a new, faster, and more flexible model in terms of procedures.

Second Requirement: Transitioning towards the digital nature of courts.

Countries have sought to modernize the justice sector by introducing and implementing digitization in the procedural legislative system. This is done through digitizing judicial procedures as a step towards abandoning paper-based processes, with the aim of reducing the congestion crisis and the increasing volume of legal cases before judicial authorities at various levels. This is reflected in the set of features and advantages that signify the adoption of the electronic court system, driven by justifications and the necessity of expediting the resolution of public lawsuits.

First Branch: Advantages of transitioning to the digital nature of courts

The emergence of this modern type of courts has distinct characteristics that set it apart from the regular litigation system, or rather, physical courts present in the real world. The most important features and advantages of the electronic court, as a

litigation system aligned with digital transformation and modernization of the justice sector, are as follows :

First : Conducting proceedings in a digital environment

The existence of the electronic court is primarily linked to the virtual world and is carried out through electronic means and digital platforms. Unlike traditional courts, all proceedings within the electronic court system follow an electronic format rather than a paper-based one. Relevant documents related to the public lawsuit are therefore in a digital format. This digital transformation enables easy access to electronic documents whenever needed, known as the transition from the traditional paper-based model to the digital model.

Second : Simplification of judicial procedures and speed of implementation

One of the main goals within the framework of digital transformation in the judicial system is to expedite judicial transactions. This is achieved through the availability of speed in filing cases, adjudicating them, and reaching a verdict. The digital court eliminates the need for lawyers to physically visit the courts to file a lawsuit for the first time and complete subsequent judicial procedures. By simply taking a few steps through an electronic application, all documents related to the lawsuit can be submitted and received without the need to go to the court premises(H. A. Mohammed, 2006, p. 153)

This benefits the prosecution, judges, and various stakeholders within the judicial authorities, who are connected to the lawsuit, as they can monitor its progress and access the case files and accompanying documents at any time, throughout the week. This facilitates speedy implementation and procedural progress without delay, removing barriers such as the need to travel to the court premises and time constraints due to congestion or other circumstances. The internet network brings the parties involved in the public lawsuit closer to each other within a modern judicial environment characterized by speed in taking actions within reasonable timeframes.



Third : Enhancing Transparency and Combating Corruption in the Judiciary

The implementation of digital justice or electronic courts contributes to reducing corruption in the justice sector as a whole and within the judiciary specifically. By relying on modern technology and artificial intelligence techniques, it significantly reduces human intervention, especially in judicial procedures. The traditional court system often encourages some individuals with weak moral values to deviate from the ethical path of the judicial profession, leading to manipulation and negligence in performing their duties. This can result in the loss or damage of documents and consequently hinder the progress of cases rather than expediting them.

On the contrary, digital litigation, underpinned by transparency and trust, enhances the confidence between the judicial system and litigants without any intermediaries (Ahmed, 2009, p. 153) It allows remote submission of files, accessible to everyone without exception. Anyone whose interests are at risk can seek justice remotely by resorting to internet cafes or any digital platform to file complaints or claim their rights, thereby avoiding the pitfalls of manipulation or deviation that may come from judicial actors. It also mitigates the risk of bribery or file manipulation by adversaries to obstruct the proceedings or avoid pursuing the case.

Fourth : Speedy Resolution of Public Cases

The wave of technological advancements in the justice system, especially in the realm of modern communications, has led to time and effort savings for all parties involved, without the constraints of time and place. This contributes to the effectiveness of electronic courts in terms of speedy resolution of public cases and achieving procedural justice among litigants without any discrimination or bias, regardless of the form it takes. Thus, it overcomes the problem of geographic distance between countries and the exorbitant costs associated with it

(Mahmoud, 2020, p. 47) It also avoids the delays and complexities of litigation procedures that often consume more time than necessary. All of this leads to time efficiency, addressing the backlog of litigants in courts (Asmani, 2016, p. 217) and positively impacting the speedy resolution of public cases without undue delay or deviation from the acceptable timeframe in the public litigation process.

Fifth : Expedited Case Documentation

The mechanism of electronic courts allows for speedy documentation of legal claims and the authentication of the arguments and submissions of the parties involved, without any alteration or distortion of their content. There is no intervention from the judge or the court clerk responsible for drafting those documents, whether through summarization, deletion, modification, or change. This significantly impacts the accuracy of the legal claim's representation and enables a quick judgment to be reached (Ahmed, 2009, p. 103). Electronic documentation is automatically generated by the respective party, although this can sometimes have a negative impact due to the absence of the actual psychological factor present before a judge, which plays a significant role in achieving criminal justice and restoring the balance disrupted by the crime.

Sixth : Achieving Efficiency and Effectiveness in Court Administration

This is accomplished by expediting the resolution of cases in the shortest possible time, meaning the attainment of swift and transparent justice that does not take years, as is the case in traditional courts. This efficiency is manifested by reducing the process of handling and storing paper case files in traditional court archives. This leads to increased efficiency and overcomes the difficulty of losing case files (M. F. I. Mohammed & Al-Baghdadi, 2022, p. 153). Additionally, adopting this new system of litigation ensures complete confidentiality in the circulation of documents and legal case files in a digital format, safeguarding



all information, data, and secrets that the parties to the case fear might be divulged to the public (El-Tersawy, 2013, p. 103)

Through these features, it becomes evident that the transition to electronic courts primarily aims to simplify litigation procedures and embody the characteristic of expeditiousness in public cases. It also aims to ensure the convenience of litigants without any discrimination or for any reason. Furthermore, it enhances the trust of citizens in criminal justice and establishes the principle of reasonable time limits for the resolution of public claims.

Second Branch : Justifications for Establishing Electronic Courts

The emergence and establishment of electronic courts did not happen out of nowhere. There are several motives and justifications that led to the idea of moving towards adopting faster and more efficient litigation systems that align with the nature of the digital age. The most important of these reasons or justifications are as follows :

First: Keeping pace with digital transformation and modernization

Adapting to the tremendous technological advancements happening in the world necessitated progress in the justice sector through the inevitability of transitioning to a new reality that aligns with the data and modern laws, as well as the mechanisms for dealing with them. Initially, this progress required the use of the internet in various aspects of life, especially the justice sector and its modernization. Currently, more advanced technology has emerged, which has become a reality after being a mere imagination, embodied in artificial intelligence technologies that are now being used in various fields (Outani, 2012, p. 180)

Second : Transition towards e-governance

The rapid and unexpected transformations witnessed by the current century in the administrative sector and the development of a large number of administrative activities have led to the birth

of e-governance in its modern sense. This refers to the use of electronic means and technologies in all its practices, regulations, procedures, trade, and advertising, including non-administrative matters. The latter provides a wide range of opportunities for all administrators to interact instantly and quickly with each other to achieve common goals and ensure the organization's interests (Ahmed, 2009, p. 25)

(Latify, 2020, p. 60) In the same context, the concept of electronic court is considered one of the most important modern terms that emerged alongside e-government, which deals with electronic services in general. The electronic court specializes in court services in its administrative aspect, aiming to promote transparency in work, performance, and eliminate bureaucracy and mismanagement, thus reducing the burden and effort on litigants and employees, and shortening the time (Latify, 2020, p. 60)

Therefore, e-governance is the use and employment of modern information and communication technology systems, especially the Internet, in all administrative processes, with the aim of improving the production process, increasing efficiency and effectiveness (Ahmed, 2009, p. 42). This, in turn, leads to improving the service at the level of the judicial facility, especially at the level of the court registry and the archive department, as they are primarily administrative entities that can reduce the duration of litigation and expedite procedures instead of hindering them due to poor management. Digital administration has compelled the justice sector to move towards adopting a litigation system in the digital environment under the name of electronic courts.

Third : Enhancing the efficiency of the judiciary and expediting the resolution of cases

In this context, efficiency is considered one of the most important criteria for fair trial, and therefore, digitalization is considered a mechanism or a legal bridge to achieve transparent justice accessible to litigants. It provides everyone with the



necessary technological means to carry out their tasks in the best and fastest way possible, with the aim of guaranteeing the right to a fair and speedy trial (Latify, 2020, p. 19). One of the most tangible aspects of speed and efficiency in adopting the electronic court system is reducing the congestion crisis in the corridors of courts and judicial councils, and connecting the case directly to the court automatically through electronic media and supports based on electronic documents. This embodies the purpose of litigation through the international network connection, in order to expedite the execution of litigation procedures at the criminal level and respect the principle of reasonable time for case resolution.

Fourth : Development of the judicial infrastructure and readiness to embrace the litigation system in the digital environment.

Developing the infrastructure of the electronic courts project from a « system » to a « platform » is essential and significant in terms of supporting the formation of services to meet the diverse and evolving needs of all users, including courts and litigating lawyers. It involves creating the infrastructure that provides multiple solutions to expedite litigation procedures and continuously provide services that keep pace with collaborative and instantaneous development. It enables other pillars of the justice system, such as prisons, police, and legal aid authorities, to communicate with the judicial system through application programming, contributing to wider participation and reliance on the digital infrastructure, services, and solutions from all segments of society (Expert Sub-Committee to draw up a Vision Document for Phase III, 2021, p. 28)

This development in the infrastructure of the judicial facility came through the implementation of important amendments, most notably Law 15_03 on the modernization of the justice sector, and Order 20_04 that amends and complements the Law of Criminal Procedure regarding the use of remote video

communication technology in the investigation and trial stages. It also ensures the security and protection of legal data through Law 09_04 on preventing crimes related to information and communication technologies, which dates back to August 5, 2009. The aim is to instill trust and transparency, improve efficiency, and provide fast and effective judicial services to the community, emphasizing the speed of litigation at the criminal level.

SECTIONII: FEATURES OF THE TRANSITION BETWEEN PROCEDURAL SPEED AND PRACTICAL CHALLENGES.

The transition from a paper-based system to a digital system in order to expedite procedures represents a qualitative leap in the field of criminal justice, where task completion is characterized by a faster pace. However, this change entails challenges and issues during implementation due to the nature of the litigants and the virtual environment of the court that qualifies the case. This will be explored in this topic, starting with the prerequisites of this system and the procedures it follows, in order to identify the key challenges.

Subtitle 1: Mechanisms for activating the electronic court system in the digitization of judicial procedures.

The work on activating the electronic court system to achieve speed in public litigation in an era of transition from a paper-based to a digital-based system in a virtual environment represents a transformation in the nature of judicial procedures within the criminal framework. This does not happen overnight but requires the presence of a set of requirements and principles that embody this system in the criminal justice facility. It also necessitates the implementation of a set of procedures that must be taken into account to confirm and activate the right to speedy resolution and respect for time in addressing the case.



First Branch: Requirements for Establishing the Electronic Court System

The adoption of the electronic court requires a set of prerequisites that reflect its characteristics in a modern justice environment that aligns with the digital transformation. Before relying on modern technology techniques, it is based on the presence of a human element that works to achieve a balance between traditional judicial procedures and their integration with digital transformation to achieve the desired speed in handling public litigation cases.

First : Human Requirements :

By human requirements, it refers to the personnel and human composition responsible for activating the electronic court system, which is the same personnel present in traditional courts in the physical world. It includes a group of technical technicians and specialists in the technical field in this area, and they can be summarized as follows :

A. Court Judges :

They are a specialized group of regular judges who conduct trials through the website of the qualified electronic court within the effective judicial system. They oversee the implementation of electronic litigation procedures and record them in the electronic case file through a set of procedures. The competent judge issues an order to a group of specialized computer employees, originally court clerks, to prepare the disputing parties or their lawyers and conduct the trial, which is recorded electronically in audio and video according to the principles of fair and speedy trial. The judge listens to their statements and pleadings, and this process is visualized and transferred to a part of the information department's website, representing the principle of transparency in electronic criminal trials (Zazoua & Qalla, 2021, p. 101).

B. Electronic Public Prosecutor :

In this context, thanks to technological advancements and the emergence of artificial intelligence techniques, the Chinese government has been able to develop one of the applications of digital justice, with its accuracy reaching 97%. This was achieved through the invention of an intelligent public prosecutor by the Data and Knowledge Management Laboratory at the Chinese Academy of Sciences, which affirmed the invention's ability to replace public prosecutors in the decision-making process to direct charges against a specific individual. It has been tested by the People's Procuratorate in Shanghai Yudong. In order for this application to perform its work, it must be programmed in a way that enables it to interact with human language by utilizing intelligent systems that are transformed into a digital language representing mathematical and engineering formats that can be read by a computer device (Youssef, 2022, p. 289-290)

C. Legal Informatics Lawyers :

Legal informatics lawyers are a highly qualified group of legal professionals who defend the rights of individuals and the oppressed. They exercise extensive powers on behalf of their clients and represent them in courts and other authorities (Al-Madani, 2004, p. 5-6). In the era of technological advancement and the modernization of justice, lawyers play a major role in expediting litigation procedures by obtaining evidence and presenting strong defenses, ultimately facilitating the closure of cases. Their expertise lies in building strong cases that leave no room for doubt in the judge's mind and ensure their conviction.

To fulfill their role in the electronic court system, they need to undergo training courses in computer science, program design, and website development related to the electronic court. They should equip their offices with the latest computer devices and equipment connected to the internet through service providers (Al-Madani, 2004, p. 63). This enables them to



participate in remote hearings with the required speed, without the need for physical presence, in line with the implementation of the electronic litigation system as a mechanism to ensure the privacy of the electronic court

D. Electronic Notary Publics :

An electronic notary public refers to companies, individuals, or independent entities that act as intermediaries between parties to authenticate their electronic transactions. The digitalization of the notary public profession, also known as electronic authentication or certification, aims to facilitate the proof procedures for parties by enabling them to utilize modern technology in the tasks of a notary public (Youssef, 2022, p. 287-288)

They are a group of legal employees affiliated with the court who specialize in computer technology, website design, and management. Their responsibilities include registering lawsuits electronically, scanning and retaining the original documents, and sending them to the court when requested (Al-Karawi, 2017, p. 131-132). They also handle electronic payment of fees using various electronic payment methods, prepare electronic schedules for court sessions, and contact the parties involved in the lawsuit to notify them of the required attendance within the legal deadlines. They verify the identity of each party, whether they are the parties to the lawsuit or witnesses, before entering them into the court's system (Al-Shar'a, 2010, p. 63)

E. Website Technicians and Programmers:

This category is responsible for monitoring and managing the technical aspects of the electronic court system, both within specialized departments and external to the courtroom. They handle any malfunctions or errors that may occur, especially sudden breakdowns, and protect the system from viruses. They also assist the electronic notary publics affiliated with the same

judicial institution. Additionally, they try to prevent and deter malicious individuals from infiltrating and tampering with the system (Al-Karawi, 2017, p. 132)

Second : Technical Requirements and Digital Devices :

To enable the modernization of litigation procedures and expedite public lawsuits, a suitable technological infrastructure is essential. This infrastructure includes the following :

A. Computers :

Computers are electronic devices that process and analyze information and data accurately. They display, store, send, and deliver information using electronic programs and systems. In order to establish an electronic court system (Outani, 2012, p. 175) that embodies speed and can handle unforeseen circumstances that may hinder litigation procedures (Mahmoud, 2020, p. 84), advanced and modern computer devices conforming to the latest technological advancements are necessary.

B. Internal Network :

(Al-Madani, 2004, p. 60) An electronic court requires an internal network, connected to the internet, that links all departments, units, and courtrooms. This network facilitates automatic communication among all litigants and the judicial system within the court. It enables the electronic exchange of files, documents, and memos without the need for physical presence (Al-Madani, 2004, p. 60)

C. Creation of a Court Website :

The court should have an official website, accessible through the Ministry of Justice's electronic portal. Through this website, litigants or their lawyers can obtain necessary information, inquire about lawsuits, browse through case details, and directly communicate with court personnel using video conferencing software. It also allows for online registration, fee payment, and



initiation of litigation procedures without the need for personal attendance (Zazoua & Qalla, 2021, p. 101)

D. Electronic Records or Database :

Electronic records, in the form of a database, should be available on the internal network of each electronic court. These records facilitate the entry and sequential recording of lawsuit data, and each case has its own electronic file. This file includes various types of digitally stored information, such as documents and electronic minutes (Al-Karawi, 2017, p. 129)

Therefore, an electronic court requires a combination of technical and digital tools alongside human resources knowledgeable in law and its application. This convergence of requirements is necessary to realize the goal of expediting litigation procedures within a digital space supported by electronic foundations and mediums.

Second branch : Litigation Procedures in an Electronic Court Environment

One of the most important outcomes and features of digital transformation in the justice sector is the digitization of judicial procedures. This has led to the emergence of electronic documents, the concept of electronic payment, electronic signatures, and authentication. These advancements have increased the efficiency of electronic courts and simplified their procedures, aiming to achieve speed similar to traditional courts and overcome the challenges faced by the traditional litigation system. The most important of these procedures include :

- **Electronic Lawsuit Registration Phase :** This involves entering the necessary data for the litigants, including the required conditions for accepting the lawsuit (Latify, 2020, p. 96-97)

- Review of Lawsuit Documents : After entering the litigants' data into the electronic database through a personal computer or data processing device, the employee sends an email to the litigant or their lawyer indicating acceptance or rejection, along with the necessary details and justifications(Latify, 2020, p. 131)

- Electronic Judicial Announcements : This stage occurs after completing the registration process and paying the judicial fees using modern electronic payment methods. It ensures the identification of the claimant's identity through the internal network, while considering whether the defendant is aware of the lawsuit. The announcement is made through electronic notification (El-Tersawy, 2013, p. 131□132)to conclude the lawsuit registration process and proceed with remote litigation according to the electronic litigation (Nesima, 2019, p. 135-137)system until its issuance, all done electronically.

It is worth mentioning that the litigation system, through the establishment of an electronic court, does not change the procedures followed in managing and handling cases, but rather makes them an automated management system with a digital approach in conducting proceedings and holding virtual sessions.

Subtitle 2 : Challenges and prospects of transitioning towards the digital nature of courts.

While modern technology has given with one hand, it has taken away with the other. Although the creation of an electronic court that aligns with a digital environment helps alleviate the burdens of traditional judicial procedures and their lengthy duration, along with the development of systems for accessing legal and judicial information, including electronic search systems and the development of electronic judicial databases, facilitating access for litigants, ultimately leading to accurate judgments that align with the spirit and essence of the law(Youssef, 2022, p. 38), this comes with a mixture of challenges and risks that confine the electronic court within a



dilemma : is it merely a modern space to expedite public litigation procedures, or is it a new outcry that threatens the guarantees of litigants ?

The answer to this dilemma lies in both the legal challenges and the technical challenges.

First branch : The Electronic Court and the Challenge to Litigants' Guarantees

Litigants may encounter various legal difficulties when seeking justice in the digital environment, with one of the most important being the infringement on their rights by undermining crucial legal guarantees. The right to physically attend court sessions is one such guarantee, as it is the basis for the judge's conviction. However, remote attendance, due to the implementation of automated data processing systems, does not allow for this physical presence. This affects the principle of personal conviction for the judge. The use of remote video conferencing as a means of communication in the electronic court system has significantly transformed the dynamics of a trial session, almost fundamentally. If we imagine a judge from the traditional paper-based era attending an electronic session, they would undoubtedly feel more confused and disoriented due to this new method (Okba & Abdelkader, 2024, p. 186). This confusion arises not only from the reliance on modern technological aspects such as screens, cables, and digital equipment (Latify, 2020, p. 17-18), but also from the new concept of participants' presence and the virtual nature of oral arguments and confrontation.

The reliance on video conferencing technology as a means of communication in the electronic court system has brought about a substantial change in the trial session's characteristics. This change impacts the judge's personal conviction and the traditional principles of oral arguments and confrontation.

Instead, the judge relies solely on the written records of the proceedings, which are originally intended for reference purposes rather than being absolute evidence.

This disparity in accessing justice and the violation of the principle of equal access to justice contribute to an imbalance between the conflicting interests of litigants. It hampers the pursuit of rights and undermines the equilibrium that should be maintained in the justice system (Okba & Abdelkader, 2024, p. 187)

Second branch : Technical and Technological Obstacles in Implementing the Electronic Court System

The challenges associated with the electronic court system, as implied by its name, primarily stem from the use of modern technology, tools, and techniques that align with the current era. These challenges can have significant implications for the smooth implementation of the system's efficiency and speed in proceedings.

These problems are primarily related to the technical aspect and include (Okba & Abdelkader, 2024, p. 187):

1. Bias and balance.
2. Credibility and doubt.
3. Objectivity.
4. Democratic communication and the right to information.

Considering the necessity of including remote or underprivileged areas in the electronic court system, where a reliable internet connection may be absent or weak, technical and technological issues arise. This can result in a lack of quality in audio and video, thereby undermining several guarantees, such as the right to defense and the right to silence.



Any unexpected technical or technological malfunction necessarily leads to the judge deviating from their role in achieving balance between the disputing parties through various screens, some of which may provide quality in internet connectivity while others do not. Therefore, the technical obstacle is the most significant and challenging hurdle facing the implementation of electronic litigation in the judicial system, especially in countries with significant fluctuations and disruptions in internet services. This directly hampers judicial work, particularly when visual trials become impractical (Okba & Abdelkader, 2024, p. 187)

From this perspective, the transition to an electronic court system is surrounded by a wave of challenges that negatively affect the speed of resolving public lawsuits. This prolongs the litigation process due to the postponement of case hearings as a result of technical and logistical obstacles, as well as the absence of a comprehensive and precise legal framework for adopting this system. This contradicts the principle of speedy criminal proceedings.

Conclusion:

In conclusion, I can say that the electronic court represents a significant development in the criminal justice system across various comparative legislations. It promotes simplicity, expediency in procedures, and expedites the attainment of judicial truth, thus achieving justice within reasonable timeframes. This is achieved by integrating modern technology with traditional litigation procedures. The electronic court overcomes geographical barriers and various unforeseen circumstances that may hinder and delay public lawsuits. Despite these benefits, it is important to note that the electronic court, as a new environment for litigation in the digital space, is not a definitive solution for expediting litigation procedures. It faces

numerous challenges and risks that may compromise the rights of one of the parties involved.

Study findings :

1. Technological advancements have necessitated the digitization of the justice sector and the creation of a digital litigation environment characterized by procedural simplification and speed in managing and conducting public lawsuits.

2. Algeria has only recently introduced the concept of the electronic court under the label of using remote video conferencing for investigation and criminal trials.

3. The existence of such courts requires the presence of modern and contemporary technological infrastructure that facilitates the simplification and acceleration of procedures while ensuring the respect for the guarantees of fair and swift trials.

Study suggestions :

1. Enhancing fair access : This is a very important suggestion that emphasizes the principle of the right to access justice and equality among citizens. It suggests bridging the digital divide by developing technological infrastructure and ensuring sufficient resources and support for individuals who lack adequate access to justice in the era of technology and digital legal procedures. Additionally, it suggests providing technical support by offering effective and reliable communication means between the parties involved in a lawsuit.

2. Establishing a specialized technical judicial committee : It is advisable to create a specialized judicial committee responsible for periodically assessing the performance of the electronic court and electronic litigation in general. This committee would monitor the adherence to the principles of criminal procedure law and evaluate their impact on achieving justice. It also suggests maintaining a digital record in each virtual session, where all



public litigants can provide their observations and suggestions to improve the electronic court's operation and enhance trust in a simplified and expedited justice system.

3. Strengthening international cooperation : This suggestion emphasizes the importance of international collaboration in utilizing modern technology in the legal system. It proposes coordinating laws among countries regarding electronic courts through international agreements and exchanging relevant expertise. This collaboration aims to avoid pitfalls experienced by countries that have already embraced this system.

4. Developing a comprehensive digital law : It is advisable to establish a comprehensive digital law that defines all formal and substantive procedures governing the electronic court system. Additionally, it suggests supporting and promoting e-learning in law schools and making digital litigation an essential subject for law students during their undergraduate, master's, and doctoral studies. This would familiarize them with the digital court environment, avoid implementation issues in the future, and activate the right to speedy criminal procedures.

5. Encouraging judicial professionals to update their skills : This suggestion emphasizes the need for judicial professionals to adapt their working methods and keep pace with the virtual reality while respecting the actual reality. It suggests providing practical training workshops on modern technologies used in the field of litigation, particularly at the higher judicial school level.

6. Creating virtual litigation environments : It is recommended to provide and establish simulated virtual environments based on artificial intelligence systems. These environments would support natural language processing, accurate legal translation for multiple languages, and quick and accurate analysis of legal documents and records. This would enable training judges and lawyers to deal with the electronic court atmosphere, avoid

implementation challenges, and activate the right to speedy criminal procedures.

7. Utilizing blockchain technology : It is advisable to employ encryption and blockchain technology in the digital litigation environment as an opportunity to enhance the legal protection of the digital identity of all parties involved in a public lawsuit. It can also be used to record electronic court records and judicial judgments in a way that protects them from any violation or forgery. This, in turn, improves the efficiency of the judicial system and facilitates the electronic court system.

8. It is essential to maintain a balance between introducing an electronic court system and respecting the rights and guarantees of litigants. Technology should be seen as a supportive tool to achieve speedy justice rather than a complete alternative to traditional courts, relying on it to reduce procedural time and effort.

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