



Digital Transformation in the Algerian Administrative Justice System

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ACADEMIC ARTICLES



ABSTRACT

The article aims to examine the evolution of judicial services within the administrative judiciary in Algeria and their shift towards digital transformation. This is achieved by exploring mechanisms for activating digital transformation at the stages of case registration, investigation, and judgment. These mechanisms are considered a guarantee of the right to litigation and an improvement of services. However, the adoption of technology in administrative courts poses legislative and material challenges, which are discussed in the second part of the article, emphasizing the adaptation of the administrative judge to this transformation.

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The right to access justice, or the right to legal recourse, is one of the most fundamental principles underpinning judicial systems and is recognized as a basic human right. It serves as a cornerstone of the rule of law and democratic governance, enabling individuals to present their cases before competent judicial authorities and to claim and defend their rights equally and without discrimination.¹ Various international instruments have enshrined this right, including Article 8 of the Universal Declaration of Human Rights, Article 14 of the International Covenant on Civil and Political Rights, and Article 7 of the African Charter on Human and Peoples' Rights.

The Algerian legislature has placed significant emphasis on the right to legal recourse, ensuring its recognition across different constitutions and constitutional amendments from 1963 to 2020. For example, the second paragraph of Article 165 of the 2020 constitutional amendment states that "justice is accessible to all," while Article 177 affirms that "litigants have the right to claim their rights before judicial bodies."

This right is also guaranteed in procedural law, as seen in Article 3 of the Civil and Administrative Procedure Code, which states: "Any person claiming a right may bring an action before the courts to obtain or protect that right." However, merely recognizing the right to legal recourse is insufficient. Its effective implementation requires ensuring accessible justice and simplified litigation procedures so individuals can exercise this right without obstacles. This demands the removal of procedural, financial, or legal barriers that may hinder its exercise, thereby strengthening trust in the judiciary.

The traditional paper-based nature of judicial services has been a major obstacle to realizing this right. Despite advancements in other fields, the judicial system has remained reliant on paper documentation – from case registration to judgment archiving. This has led to delays and procedural complexities, eroding confidence in the judiciary, especially with rising caseloads.

This reality has pushed many countries toward digitalization to modernize judicial systems and overcome paper-based constraints. However, these efforts often fall short of delivering modern, efficient justice that keeps pace with technological progress, particularly with the rapid development of artificial intelligence. The shift toward digital justice became more urgent during the COVID-19 pandemic, which exposed the limitations of traditional judicial processes. The crisis highlighted the need for digital tools to ensure uninterrupted access to justice, accelerating the adoption of digital transformation programs and modern technologies.

E-justice platforms were introduced to enable remote access to judicial services, including virtual hearings. These changes persisted beyond the pandemic, making e-justice a necessity rather than just an emergency measure.² The judiciary has adapted to technological advancements, giving rise to electronic litigation — a new form of legal proceedings conducted via digital platforms, free from time and space constraints.³

1 Bruno Makowiecky Salles and Paulo Márcio Cruz, "Access to Justice: Legal Concept and Characterization," *International Journal of Law and Society* 3, no. 3 (2020): 106–113.

2 Ruxandra Andreea Bănică, "Digitization of Justice in the Context of the COVID-19 Pandemic and the Implications of Digitization on Constitutional Rights," *Revista de Drept Constituțional*, no. 2 (2020): 11–30.

3 Liyuan Wang, "Application of Information Technology in Judicial Field: The Development Model of Online Litigation in China," *Computer Law & Security Review* 52 (2024): 1–7.

In countries with a dual judicial system, digital transformation has affected both ordinary and administrative courts. Algeria, as part of this trend, has also embraced digital reforms in its administrative judiciary.

This article addresses two key questions:

1. What mechanisms regulate the digital transformation of administrative justice in Algeria?
2. To what extent has this digital shift enhanced the effectiveness of administrative courts?

Despite its importance, this topic has received limited scholarly attention, with most studies being descriptive rather than analytical. This research aims to fill that gap by examining the mechanisms of digital transformation in Algeria's administrative justice system and assessing its impact on judicial efficiency. The study is divided into two parts: the first explores the implementation of digital transformation, while the second analyzes challenges and their effects on the effectiveness of administrative rulings.

2. THE DIGITAL TRANSFORMATION OF ADMINISTRATIVE JUSTICE: ACTIVATION MECHANISMS

The mechanisms introduced by the legislator for the digital transformation of administrative justice are evident from the initial filing of a lawsuit, through the investigation of the case file, and up to the issuance of a judicial ruling.

2.1. ACTIVATING DIGITAL TRANSFORMATION IN THE LAWSUIT FILING STAGE

The shift from manual case registration to electronic filing offers numerous advantages, including saving time and effort while ensuring the secure storage of case-related data. This pertains to both party information (such as the names of plaintiffs or defendants if they are natural persons, or the designation, nature, and headquarters of legal entities, along with their legal or contractual representatives) and case details (such as file numbers, table numbers, registration dates, and case types). Digitizing case registration creates a digital archive for administrative judicial bodies, which would be difficult to maintain under the traditional paper-based system.

Judicial systems worldwide have increasingly adopted modern technologies, implementing advanced electronic systems such as e-filing and digital case management.⁴

China stands out as one of the first countries to integrate information technology into judicial work, beginning in 1998. As a result, some scholars have described it as the "new leader in legal technology".⁵ Under the 2022 amendment to its Civil

⁴ Manuel Ramos-Maqueda and Daniel L. Chen, "The Data Revolution in Justice," *World Development* 186 (2025).

⁵ Changqing Shi, Tania Sourdin, and Bin Li, "The Smart Court – A New Pathway to Justice in China?" *International Journal for Court Administration* 12, no. 1 (2021): 4.

Procedure Law, China established the principle of “equal effect for online litigation,” recognizing electronic and paper-based procedures as equally valid. Additionally, China introduced a remote litigation platform called *Mobile Micro Court*, which covers all stages of litigation, from filing to enforcement.⁶

It is important to distinguish between electronic courts and electronic litigation. The former involves conducting all legal procedures—from filing and service of documents to pleadings and judgment issuance—entirely online. The latter refers to the use of electronic technology in some stages of litigation.⁷

In China’s e-filing system, party identity verification occurs in three stages:

1. ID verification
2. Mobile number confirmation
3. Facial recognition

After authentication, users log into the platform, select the court and case type, upload the statement of claim, and complete the required information. The platform also provides assistance in case of difficulties.⁸

Romania is another pioneer in digitizing lawsuit filing procedures, considering e-filing the first step toward judicial digitalization, with other steps (such as electronic document exchange and remote hearings) following inevitably.⁹

France was the first country to implement electronic filing for administrative lawsuits through a dedicated portal (*Télérecours*, <https://www.telerecours.fr/>), introduced in 2016 under Decree No. 2016/1481 of November 2, 2016, on electronic procedures before the Council of State, administrative courts of appeal, and administrative tribunals. By 2019, *Télérecours* had recorded 11,174 appeals.

The French legislator established two distinct platforms for filing administrative lawsuits, differing in their target users and mandatory usage:

- *Télérecours*: Mandatory for lawyers, public administrations, and private entities managing public services, eliminating dual paper-electronic submissions.¹⁰
- *Télérecours Citoyen*: Optional for individuals, allowing them to file lawsuits digitally at their discretion.¹¹

In the Arab world, Saudi Arabia has made significant strides in digital litigation through its *Mu’een* system, an e-portal enabling electronic case filing via the Board of Grievances (the competent authority for administrative disputes).¹² On May 27, 2025,

6 Wang, “Application of Information Technology in Judicial Field”: 3.

7 Meirong Guo, “Internet Court’s Challenges and Future in China,” *Computer Law & Security Review* 40 (2021).

8 Wang, “Application of Information Technology”: 1–7.

9 Bănică, “Digitization of Justice”: 11–30.

10 Jean-Marc Pastor and Didier Poupeau, “Justice administrative: Vers un usage obligatoire de *Télérecours*,” *Dalloz avocats – Exercer et entreprendre* (2015): 323.

11 Pierre Bourdon, Jacqueline Morand-Deville, and Florian Poulet, *Droit administratif*, 18th ed. (LGDJ – Lextenso, 2023).

12 Jehad Dhifallah Aljazi, “Electronic Litigation: Towards an Electronic Administrative Jurisdiction in the Kingdom of Saudi Arabia,” *Dirasat: Shari’a and Law Sciences* 48, no. 3 (2021), 182–200.

Saudi Arabia established 114 digital judicial circuits in administrative courts as a step toward unified digital administrative courts.¹³

Jordan has also adopted e-filing through the Ministry of Justice's e-portal (<http://www.services.moj.gov.jo>), which allows users to pay court fees and track case progress remotely.¹⁴

Algeria introduced electronic filing for administrative lawsuits for the first time in the 2022 procedural amendment under Article 815 of the Civil and Administrative Procedure Code, which states: "A lawsuit before the administrative court shall be initiated by a written petition or electronically." However, the Algerian legislator still adheres to paper-based filing, treating electronic submission as an optional alternative.

2.2. ACTIVATING DIGITAL TRANSFORMATION IN THE INVESTIGATION PHASE

The concept of investigation in administrative litigation means that the case is founded on the examination of facts and law by the parties involved. From this standpoint, the designated judge-rapporteur appointed by the head of the administrative judicial authority sets deadlines to allow both the plaintiff and the defendant to present their defense, while ensuring a fair balance is maintained in respect of the principle of adversarial proceedings.

The administrative judge is not limited to the pleadings submitted by the parties but may order any investigative measure deemed necessary to resolve the dispute. All such measures, whether party pleadings, documents, or orders issued by the presiding judge, are subject to the principle of impartiality, meaning they must be communicated to the parties.

For a long time, the exchange of pleadings and documents was conducted through traditional paper-based methods. However, technological advancements have introduced modern tools, prompting many judicial systems to adopt electronic document exchange mechanisms. Some jurisdictions have even made this method mandatory. For instance, the Court of Justice of the European Union launched the E-Curia digital platform in 2011, which became compulsory in 2018. This platform allows litigants and their representatives to submit pleadings and documents in PDF format while enabling parties to download and review them, thereby streamlining procedures and expediting case processing. Similarly, Italy introduced the Processo Civile Telematico platform for digital document exchange in civil courts in 2001, making it mandatory as of 2014.¹⁵

In France, digital transformation was integrated into the investigative procedures of administrative litigation in 2012 under the decree of December 21, 2012. This expanded the possibility of serving pleadings and memoranda electronically via the Télécours application at all stages of litigation and before all administrative courts, including the Conseil d'État. However, following Decree No. 2016-1481, electronic service

13 Board of Grievances, "Digital Judge Rules: The Administrative Judicial Council Approves Digital Litigation Rules and Establishes 114 Digital Judicial Circuits in Administrative Courts," 2025.

14 Abdalelah Mohammed Smairan, "Applications of Electronic Administration before the Jordanian Administrative Judiciary," *Journal of Law and Society* 11, no. 1 (2023), 357-380.

15 Dory Reiling and Francesco Contini, "E-Justice Platforms: Challenges for Judicial Governance," *International Journal for Court Administration* 13, no. 1 (2022): 6.

became mandatory rather than optional. Lawyers, public administrations, public law entities, and private bodies managing public services are required to register on the platform and submit pleadings, memoranda, and documents electronically; failure to do so renders the case inadmissible. This sanction reinforces the effectiveness of the electronic mechanism in administrative proceedings.

It should be noted that this requirement does not apply to municipalities with fewer than 3,500 inhabitants or to entities responsible for serving foreign nationals in administrative detention centers and assisting them in exercising their rights.¹⁶

In Germany, known for its bureaucratic efficiency, the electronic exchange of pleadings and documents was introduced in both ordinary and administrative courts via the BEA email system in 2018. However, mandatory use of email was enforced starting January 1, 2022, but only for lawyers. Non-compliance with electronic registration and filing results in the formal rejection of the case. Ordinary litigants, on the other hand, remain subject to the traditional system, particularly at the first instance, where legal representation is not mandatory under German law. Nevertheless, they may choose between paper and electronic submissions.

A legal issue arose before German administrative courts concerning the admissibility of cases in the event of technical failures. The Administrative Court of Bayreuth ruled that lawyers must exercise due diligence and take all necessary steps to overcome digital disruptions, ultimately rejecting the case on formal grounds. Similarly, the Higher Administrative Court of Baden-Württemberg dismissed an appeal as time-barred because the lawyer submitted documents three minutes late (received at 00:03), per its decision dated December 14, 2023. Thus, German administrative courts hold lawyers accountable for technical failures if they fail to take preventive measures, such as anticipating connectivity or upload issues.¹⁷

In Algeria's administrative judicial system, the service of investigative measures was traditionally limited to two methods: registered mail with acknowledgment of receipt or judicial process servers. However, recent legislative amendments have introduced digitalization into the investigation phase, enhancing efficiency by facilitating the rapid dissemination of investigative measures.¹⁸

The 2022 amendments to the Civil and Administrative Procedure Code now permit the service of investigative measures through all legally recognized means, including electronic methods. This modernization aims to improve the judicial system, expedite case resolution, enhance investigative effectiveness, and reduce litigation costs. Notably, the 2015 Justice Modernization Law (Law No. 15-03 dated February 1, 2015) included provisions on the electronic transmission of judicial documents and procedures, dedicating an entire chapter titled "Transmission of Judicial Documents and Procedures".¹⁹

16 Laurence Helmlinger, "Télérecours: la dématérialisation devient obligatoire devant les juridictions administrative pour les avocats et les administrations," *Revue française de droit administratif*, no. 1 (2017): 12.

17 Peter Mann, "L'impact de la numérisation sur l'accès à la justice administrative en Allemagne," in *L'accès au juge administratif: Tensions et évolutions*, ed. Angelo Giuseppe Orofino and Olivier Renaudie (Alphen aan den Rijn: Wolters Kluwer, 2024): 127–138.

18 Jean-Marc Sauv  , "Le num  rique et la justice administrative," *Les Annales des Mines – Enjeux num  riques* 3, no. 3 (2018): 44–47.

19 Samia Ghrab, "Digitization of the Justice Sector in Algeria between Theory and Practice," *Journal of Judicial Ijtihad* 17, no. 1 (2025): 229–244.

Upon conclusion of the investigation, the parties must be notified of the order terminating the proceedings. Initially, this notification was effected through postal service, but this method proved time-consuming, as notices would sometimes arrive after the case had already concluded. Therefore, through the recent 2022 amendment to the Code of Civil and Administrative Procedure, the Algerian legislature replaced this with electronic service, making the termination order now deliverable through electronic means.

In current practice, parties are electronically notified of the termination order via dedicated applications, specifically through SMS messages sent to the concerned party's or their attorney's mobile device. Electronic notification has similarly been introduced for orders postponing the termination of proceedings before interim relief judges, pursuant to Paragraph 2 of amended Article 931 of the Code of Civil and Administrative Procedure. Under the former legal regime, such postponement orders were served by judicial officers.

However, the legislature has drawn criticism for failing to make this method of service mandatory. A contextual reading of this provision reveals its discretionary nature through the use of the permissive term “may,” as it states: “Proceedings shall terminate upon adjournment of the hearing, unless the interim relief judge orders postponement to a later date, with notification to the parties by any available means. In such cases, subsequent memoranda and evidentiary documents submitted post-hearing but prior to termination may be served directly upon opposing parties through any legally recognized means, including electronic methods...” Consequently, electronic service should be made compulsory to ensure the intended procedural efficiency is achieved.

2.3. ACTIVATING DIGITAL TRANSFORMATION IN THE TRIAL PHASE

The French legislator introduced video trial technology before the National Court of Asylum Rights. Starting in 2012, asylum seekers were permitted to present their statements remotely before the court, particularly if they were detained in administrative holding centers. The law also granted them the right to object to this procedure.

This technology is also applied in administrative courts, whether for territorial reasons—such as certain overseas administrative courts facing a shortage of judges present at their headquarters — or for substantive reasons, such as cases filed by foreign nationals against decisions denying them entry visas to French territory. This method is considered highly effective in urgent proceedings.

However, this technology has faced criticism due to technical issues in the video communication system, to the extent that users have resorted to unofficial alternative platforms such as Zoom, WhatsApp, and Skype.²⁰

The Algerian legislator, while having introduced remote video conferencing technology into the procedural legal system through the 2015 Justice Modernization Law – specifically in Chapter IV entitled “Use of Remote Conferencing in Judicial Proceedings” – reveals, upon examination of Articles 14, 15, and 16, that its application

²⁰ Gabriel Thierry, “Le second confinement remet à l'épreuve la numérisation de la justice,” *Dalloz actualité*, November 2: 2020.

is limited solely to criminal proceedings. Consequently, this technology is not applied in litigation procedures before administrative courts.

Given the proven effectiveness of this technology, its implementation before administrative judges would have been imperative, particularly after the Algerian legislator reinforced oral proceedings in administrative litigation through amendments to the Code of Civil and Administrative Procedure. Article 886 expressly stipulates that: “In addition to their written submissions, parties may present oral observations during hearings.”

3. CHALLENGES AND IMPLICATIONS OF DIGITAL TRANSFORMATION IN ADMINISTRATIVE JUSTICE

The digital transformation of Algeria’s administrative justice system, while advancing through technological integration in litigation procedures with potential efficiency gains, confronts multiple challenges. These very technological innovations may conversely affect judicial effectiveness.

3.1. CHALLENGES OF DIGITAL TRANSFORMATION IN THE ALGERIAN ADMINISTRATIVE JUDICIARY: FUTURE PROSPECTS

The prospective challenges of digitizing administrative justice in Algeria manifest in both structural and regulatory dimensions, which may be articulated as follows:

3.1.1. Material Challenges

Recent efforts have equipped certain administrative judicial bodies, particularly the newly established administrative courts of appeal created under the 2020 constitutional amendment, with cutting-edge technological equipment. Competitive recruitment processes have been opened for court clerk positions, aiming to strengthen and provide various judicial institutions — especially administrative ones — with both human resources and advanced technological tools.

However, the digital transformation witnessed in administrative judicial bodies remains extremely limited. Practical experience has shown that some administrative courts continue to operate through traditional methods despite their geographical importance and the nature of cases brought before them, such as the Algiers Administrative Court of Appeal.

While digital transformation of judicial work fundamentally relies on optimal utilization of various automated systems, the available technologies remain minimal. Therefore, it can be argued that the financial aspect constitutes the greatest challenge to modernizing and digitally transforming Algeria’s administrative judiciary. This is due to the high costs associated with equipping the necessary infrastructure for digitalization, including providing hardware, software, applications, and organizing training programs.²¹

A fundamental objective of digital transformation in the justice system requires the full engagement of all judicial stakeholders. However, current realities reveal a significant disconnect between human resources and digital transformation, particularly among judges.

21 Abdelkader Merzek, “Efforts to Digitize the Justice Sector between Modernization Requirements and Real-World Challenges,” *Al-Qanun* 12, no. 2 (2023): 44–61.

The majority of judges serving in administrative judicial bodies lack specialized digital training, a situation exacerbated by the advanced age of many appointees. This challenge is particularly evident in administrative courts of appeal, where presiding judges must hold at minimum the rank of State Councilor — positions typically filled by senior jurists with deep legal expertise but limited digital proficiency.

Notwithstanding that the constitutional amendment of 2020 introduced a second appellate tier in administrative litigation – thereby reinforcing the fundamental principle of dual-instance adjudication – the persistent failure to implement electronic case registration systems specifically for these jurisdictions has created substantial procedural burdens. The continued prohibition against electronic filing of pleadings and the absence of remote hearing capabilities have collectively imposed significant hardships on both litigants and legal representatives.

This operational shortcoming proves particularly acute given the mere establishment of six such appellate bodies across the entire national territory. Such limited accessibility fundamentally contravenes the core objectives of digital transformation in justice administration, which expressly aim to enhance citizen access to judicial remedies through technological modernization. The current framework's failure to implement basic digital litigation tools at these critical appellate levels represents a systemic deficiency that undermines the constitutional enhancement of administrative justice mechanisms.

The exponential surge in caseloads before administrative judicial bodies, coupled with increasing case complexity, has resulted in protracted litigation periods that substantially impair parties' rights and legitimate interests. This critical situation is most acute before administrative appellate courts, particularly at the Algiers Administrative Court of Appeal, which experiences severe adjudication delays due to its dual jurisdictional nature — functioning simultaneously as an appellate court for certain matters while exercising original jurisdiction over others.

This structural imbalance between judicial capacity and litigation demands has significantly aggravated case backlogs, forcing unreasonable delays in dispute resolution and fundamentally compromising the administration of timely and equitable justice.

Illiteracy as a Barrier to Digital Justice Implementation

The persistently high illiteracy rates, particularly prevalent in southern regions, represent a fundamental challenge to digitizing Algeria's administrative judiciary. This issue is exacerbated by the absence of mandatory legal representation requirements in administrative courts, which has resulted in a significant rise in procedural dismissals of claims due to formal deficiencies.

To address this systemic challenge, we recommend drawing upon the operational model of British Columbia's Civil Resolution Tribunal in Canada. This innovative system utilizes a 24/7 accessible digital platform called "Solution Explorer" that provides complimentary legal guidance services, automated responses to procedural inquiries, step-by-step dispute resolution pathways, and litigation preparation tools. The platform undergoes comprehensive quarterly updates conducted by specialized legal professionals to maintain informational accuracy and service reliability.²²

22 Dory Reiling, "Courts and Artificial Intelligence," *International Journal for Court Administration* 11, no. 2 (2020): 8.

Digital Integration Challenges for Legal Professionals

The digital enrollment process for attorneys has faced considerable delays, representing a significant technical impediment to the broader digital transformation of the judicial system, particularly within administrative justice. This bottleneck primarily stems from cumbersome administrative requirements in the current e-registration system, which mandates that lawyers appear in person at their designated court, complete a physical application form requiring the bar association president's signature, submit a passport-sized photo meeting exact specifications, and provide documentation on a CD-ROM.

These antiquated procedures have resulted in low adoption rates among legal practitioners for the Justice Ministry's digital platform. The system would benefit substantially from implementing a streamlined, self-service digital registration process that eliminates these unnecessary bureaucratic obstacles.

This situation constitutes an additional operational challenge to judicial digitization, particularly problematic given the compulsory representation by counsel before administrative appellate and supreme courts. Implementing secure digital credentials for attorneys – replacing outdated paper identification cards – would significantly enhance efficiency across all judicial jurisdictions, including administrative courts.

3.1.2. Legislative Challenges

Upon examining the legislative provisions related to the digital transformation of administrative justice, we observed a significant and critical shortcoming that must be addressed. While Algeria's current strategic plan aims to accelerate the shift toward digital litigation, the legislative texts governing litigation procedures before administrative judicial bodies remain limited in both quantity and substance, especially when compared to criminal justice, which has received greater legislative and regulatory attention, enabling it to keep pace with digital transformation.

Digital transformation cannot be effective or legally binding unless supported by a legislative framework that authorizes the use of technological means and legitimizes judicial procedures conducted through them.²³ For instance, a legal provision should be introduced to allow for virtual or remote hearings before administrative judges.

In addition, although electronic litigation is based on the confidential and secure exchange of pleadings and documents, given the secrecy and sensitivity of judicial data, it remains vulnerable to data breaches. Such breaches may manifest in various forms of digital violations, including information forgery, destruction or tampering with data, leaks, and even unlawful disclosure.²⁴

Given the inherent confidentiality of administrative judicial proceedings, it is imperative to uphold the principle of secrecy and ensure legal protection for judicial data. Despite Algeria's efforts to combat cybercrime and enhance digital security – particularly through the protection of personal data – challenges in this field persist.

23 Francesco Contini and Antonio Cordella, "Law and Technology in Civil Judicial Procedures," in *The Oxford Handbook of Law, Regulation and Technology*, ed. Roger Brownsword, Eloise Scotford, and Karen Yeung (Oxford: Oxford University Press, 2017): 246–268.

24 Ahmed Elsayed Mohamed El-Sayed, "Electronic Litigation and Its Impact on the Rules of Deliberation Integrity: An Analytical and Applied Study," *Journal of Legal and Economic Studies* 10, no. 4 (2024): 2815–2876.

These challenges necessitate further legislative development to keep pace with advancements in the judiciary, especially in light of the digital transformation that judicial operations have undergone in recent years.

It has thus become essential to criminalize any unauthorized access or tampering with judicial data by enacting a dedicated law to safeguard such information. Notably, as part of efforts to strengthen the digital infrastructure security of the justice sector and ensure the continuity of its services, a backup site was established on May 3, 2018, in Kolea. This site serves as a complementary facility to the primary Data Center located in El Biar, Algiers. Designed in accordance with internationally recognized standards for information security and system continuity, this backup site ensures the uninterrupted provision of various electronic services in the event of technical failures or cyber intrusion attempts targeting the primary center.²⁵

3.2. THE IMPACT OF DIGITAL TRANSFORMATION ON THE EFFICACY OF ADMINISTRATIVE JUDICIAL DECISIONS

When adjudicating annulment cases, the administrative judge safeguards both the principle of legality and the legal position of the party subject to the administrative decision. In full jurisdiction cases, the judge protects individual interests, while in urgent proceedings, temporary protection is achieved through provisional measures that preserve the underlying rights, whether for safeguarding private interests or public welfare.

Consequently, the digital transformation of procedures does not affect the substantive authority of administrative judges. Whether submissions are in paper or digital format, they equally do not alter judicial perspectives, since “the complexity, variability, flexibility and discretion characteristic of judicial decisions cannot be easily addressed by automated computer systems. Only in the simplest cases can automated decisions be rendered, and even then, human input and oversight remain indispensable”.²⁶

The digitization of service of process during the investigative phase could facilitate expedited case disposition. While digital transformation does not substantively impact administrative adjudication, it qualitatively affects judicial operations by accelerating the processing of cases before administrative courts.

Furthermore, the utilization of databases may serve as an effective mechanism to safeguard the impartiality and independence of administrative judges. For instance, in France, database analysis has enabled the quantification of rejected cases concerning deportation and expulsion orders.²⁷

However, some scholars contend that algorithmic reliance may adversely affect administrative judges by potentially encouraging the replication of prior rulings, thereby diminishing their constructive and jurisprudential role — a defining characteristic of administrative justice. Algorithms must not supplant judicial reasoning and creativity;

25 Amina Bouachri and Salem Berkahm, “Administrative Reform in Algeria: Presentation of the Experience of the Justice Sector (1999–2017),” *The Scientific Journal of the University of Algiers* 3 6, no. 11 (2018): 214–233.

26 Marco Velicogna, “Justice Systems and ICT: What can be learned from Europe?,” *Utrecht Law Review* 3, no. 1 (2007): 129–147.

27 Yannick Meneceur and Clementina Barbaro, “Intelligence artificielle et mémoire de la justice: Le grand malentendu,” *Les Cahiers de la Justice* 2, no. 2 (2019): 277–289.

CONCLUSION

The Supreme Administrative Court of Egypt stated in a report:

Civilized nations live in the era of scientific and technological revolution, and this revolution, with all its vast horizons, is one of the keys to development, progress, and prosperity. For this nation to envision its future, it must strive for advancement by harnessing all its energies and the potential of its people to draw from the wellsprings of science and technology, ensuring that education and production are based on accelerating the application of the latest human achievements in this field.

This momentum can be achieved through the following findings:

- Limited digital performance of the administrative judiciary due to the lack of practical and legal implementation of electronic filing. This technology remains inactive because the legislature merely permitted the electronic submission of lawsuits without specifying the procedure and failed to operationalize it by designating an electronic portal for filing cases before administrative judicial bodies. Therefore, we propose its activation by introducing a legal provision to that effect.
- The administrative judiciary still requires digital infrastructure development. Accordingly, we recommend establishing digital platforms for case registration, exchanging pleadings, memoranda, and documents to facilitate case tracking, streamline litigation procedures, and save time.
- The absence of electronic payment for judicial fees necessitates the inclusion of a legal provision enabling the activation of digital payment methods.
- The investigative role of the administrative judge in Algeria remains limited. To enhance its effectiveness, we propose granting administrative judges access to digital administrative databases as part of the investigation conducted by the reporting judge.
- Remote hearings were not implemented before the administrative judiciary, even during the COVID-19 pandemic. While technology saw widespread application during the pandemic, the administrative judiciary remained untouched by digital transformation. Algeria's administrative courts did not adopt electronic case management across their various jurisdictions. Thus, we suggest incorporating provisions allowing administrative judges to utilize remote video hearing technology, enabling litigants to present oral arguments remotely to bring citizens closer to administrative justice.
- A delay in keeping pace with smart advancements calls for integrating artificial intelligence into judicial work and training judges in this innovative field.
- The lack of digital awareness among ordinary citizens warrants awareness campaigns led by the Ministry of Justice to enhance digital literacy across all segments of society and clarify the use of available digital technologies.
- The application of modern technologies in administrative courts improves efficiency by providing supervisory authorities with access to data, allowing

28 Jean-Marc Sauvé, "Le numérique et la justice administrative," 46.

them to track registered, resolved, and pending cases. However, these metrics focus on quantity rather than qualitative aspects. Leveraging this data to analyze administrative judicial trends could measure the independence and evolution of the administrative judiciary, especially given its relative novelty in Algeria. Therefore, we propose expanding data collection beyond formal aspects of administrative judicial performance to encompass substantive case analysis.

COMPETING INTERESTS

The author has no competing interests to declare.

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