

The Effectiveness of Electronic Judicial Notification Between Operational Inevitability and Future Aspirations: Algeria as a Case Study

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Abstract: Electronic litigation is among the modern procedural concepts that emerged shortly before the global proliferation of electronic courts across various jurisdictions, including Algeria. Within this framework, electronic judicial notification encompasses the formal service of process, claims, and judicial rulings through modern digital instruments. Its adoption is justified by the expeditious adjudication of disputes, reduction of procedural costs, and operational ease, sharply contrasting with conventional paper-based service. Electronic judicial service undergoes procedural stages analogous to traditional notification, albeit with technical distinctions designed to maintain full legal validity and protect against procedural defects incurring absolute nullity. This study examines the technical modalities and procedural safeguards of electronic judicial notification in general, analyzing how the Algerian legislature integrated electronic service into the litigation system across civil and criminal jurisdictions.

Keywords: Electronic Judicial Notification, Service of Process, Digital Procedural Safeguards, Electronic Litigation, Algerian Judicial System.

La eficacia de la notificación judicial electrónica entre la necesidad operativa y las aspiraciones futuras: Argelia como estudio de caso

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Resumen

La litigación electrónica constituye uno de los conceptos procesales modernos surgidos poco antes de la expansión mundial de los tribunales electrónicos en diversos ordenamientos jurídicos, incluido el argelino. En este marco, la notificación judicial electrónica comprende la comunicación formal de actos procesales, demandas y resoluciones judiciales mediante herramientas digitales modernas. Su adopción se justifica por la agilización de la resolución de controversias, la reducción de los costes procesales y la facilidad operativa, lo que supone una diferencia significativa respecto de las notificaciones tradicionales en papel. La notificación judicial electrónica atraviesa etapas procesales análogas a las de la notificación tradicional, aunque presenta particularidades técnicas destinadas a garantizar su plena validez jurídica y a prevenir vicios procesales que puedan dar lugar a la nulidad absoluta. Este estudio examina las modalidades técnicas y las garantías procesales de la notificación judicial electrónica en general y analiza cómo el legislador argelino ha incorporado esta forma de notificación al sistema procesal en las jurisdicciones civil y penal.

Palabras clave: notificación judicial electrónica; comunicación de actos procesales; garantías procesales digitales; litigación electrónica; sistema judicial argelino.

Introduction

The procedural framework and evidentiary value (probative force) of electronic judicial notification are anchored in substantive legal foundations designed to guarantee the technical standards necessary to simplify litigation procedures, expedite proceedings, and reduce economic burdens. Concurrently, this inquiry examines modern digital communication modalities characterized by widespread accessibility and interoperability among litigants, evaluating their distinct technological advantages. Crucially, due consideration must be given to the legal consequences of digital service—primarily judicial speed and economic efficiency—without undermining the evidentiary integrity and due process safeguards of judicial notification.

Consequently, electronic service is distinguished from conventional paper-based modalities by its operational flexibility and transactional ease, representing an innovative institutional mechanism for modernizing the administration of justice. The rapid expansion and pervasive integration of digital telecommunications necessitate alignment within judicial apparatuses, enabling the service of process through contemporary, mutually verifiable methods accepted across jurisdictional actors.

Delving into this subject clarifies procedural ambiguities surrounding electronic judicial service and evaluates its adoption as a primary innovation in procedural law. Furthermore, this study identifies operative digital delivery mechanisms, delineates technical and legal obstacles arising from modern electronic implementation, and assesses the systemic impact of electronic notification on online dispute resolution and virtual litigation.

Problem Statement

Given the cardinal role that formal judicial notification plays in sustaining adversarial proceedings and valid adjudications, incorporating modern technological mechanisms to deliver judicial documents to concerned parties has evolved into an institutional imperative—commonly termed 'electronic judicial notification'—despite persistent operational impediments. Accordingly, this research addresses the following central research question:

To what extent are the operational mechanisms and procedural standards of electronic judicial notification effective generally, and what are the realities and prospective horizons of its implementation within the Algerian judicial system specifically?

Methodological Approach and Structural Framework

To address this inquiry, this study adopts a descriptive-analytical approach to conceptualize electronic judicial notification, evaluate its modalities and procedures, and examine its systemic effectiveness before projecting these findings onto the Algerian legal architecture. Additionally, a comparative approach is employed to evaluate legal benchmarks and procedural practices across select Arab jurisdictions, contextualizing future modernization trajectories compelled by technological disruption.

The analytical inquiry is structured into two core sections: Section One investigates the technical modalities of electronic judicial notification, examining electronic mail, Short Message Service (SMS), and

specialized governmental automated platforms. Section Two scrutinizes the procedural requirements, legal guarantees, and operational challenges of digital service, elucidating prerequisite validity conditions, systemic obstacles, and the reality and future prospects of implementation in Algeria relative to comparative frameworks.

Section One: Modalities and Technical Instruments of Electronic Judicial Notification

While traditional formal paper service has historically secured procedural validity, it remains fraught with substantive operational challenges—notably difficulties in personal service at physical domiciles, intentional evasion, and prolonged procedural delays. To overcome these constraints, contemporary comparative statutes across several Arab legislations have recognized three primary digital communication instruments: (1) automated text messaging (SMS) directed to a registered cellular telephone number verified in governmental registries (such as the 'Absher' system); (2) electronic mail transmission directed to a verified address stipulated in formal contracts or certified before public authorities; and (3) automated transmission through certified corporate or individual accounts registered on governmental judicial/administrative platforms (such as the Ministry of Commerce and Investment platforms, official publication portals, or unified government portals). These technical modalities are analyzed below.

1. Judicial Notification via Electronic Mail

Before examining electronic mail as an instrument of service, it is conceptually necessary to clarify the substantive definition of electronic judicial notification and trace its evolution from physical delivery to the digital paradigm.

1.1 Conceptual Meaning of Electronic Judicial Service

With rapid technological evolution and the proliferation of the Internet, public administrations have embraced modernization and e-governance, directly influencing procedural law through the digitization of judicial notifications. Linguistically, notification (*at-tabligh*) signifies disclosure, formal communication, and public declaration, standing antithetical to secrecy in conveying written or verbal messages.

Procedurally, judicial notification denotes the formal legal procedure whereby litigating parties are officially apprised of procedural acts, hearings, and judicial orders, thereby safeguarding rights of defense and preserving adversarial balance (the adversarial principle / *le principe du contradictoire*). Electronic service denotes the deployment of modern telecommunication technologies to apprise adversaries of claims and procedural actions, transcending paper forms that demand disproportionate temporal and financial expenditure.

Scholars define electronic judicial notification as the procedural transmission of judicial records and administrative services from judicial bodies to relevant parties under modern time-management paradigms, serving as an effective substitute for conventional paper mechanisms. It encompasses all procedural steps taken to notify litigants of procedural progression through digital transmission media without physical transit to the party's physical domicile, thereby curtailing evasion and fraudulent avoidance. This process relies on

accessible, cost-effective digital intermediaries—such as utilizing computing systems as digital judicial assistants.

Other jurisprudential views maintain that electronic service functions as an operational mechanism to economize judicial time and resources, acting as a complementary adjunct to traditional formal service rather than an absolute displacement. Fundamentally, electronic judicial service mirrors conventional notification in substantive legal objective; the distinction lies exclusively in the operative medium—physical paper versus digital data transmission. From an academic standpoint, the term 'judicial notification through electronic means' is doctrinally more precise than 'electronic notification,' as the substantive legal act remains uniform while only the operational vehicle varies.

Within the Algerian judicial system, the legislature modernized legal proceedings under Law No. 15-03, establishing electronic exchange of documents and procedural digitization in civil, criminal, and administrative matters. By authorizing electronic service without formulating a rigid statutory definition, the legislature deliberately deferred conceptual characterization to legal jurisprudence.

1.2 The Mechanism of Electronic Mail (E-mail)

Electronic mail represents a preeminent global communication technology, recognized for operational efficiency, rapid information exchange, and minimal cost. It facilitates instantaneous transmission of text, evidentiary documents, audio, and visual attachments between litigants. Doctrinally, electronic mail is defined as a protocol facilitating the exchange of digital messages across networked computing devices. Functioning as a secure digital repository, it preserves processed correspondence, accessible solely through authenticated credentials (passwords).

Functionally, electronic mail is divided into standard email and certified/registered electronic mail (courrier électronique recommandé). The latter generates verifiable digital audit trails and transmission timestamps, providing conclusive proof of dispatch, transit, and receipt while authenticating party identities. In formal service, a judicial process server (bailiff / huissier de justice) transmits the electronic notification via the Ministry of Justice's portal directly to the verified email address of the recipient. The system provides instantaneous delivery confirmation or diagnostic non-delivery alerts if transmission fails. Nevertheless, operational vulnerabilities persist, including risks of unauthorized credential guessing, mailbox compromise, and data alteration.

1.3 Cybersecurity and Integrity Safeguards for Electronic Mail

Securing electronic mail against breaches and procedural tampering requires rigorous technical and procedural protocols:

- Deploying enterprise antivirus engines, routine operating system patches, and fortified terminal configurations.
- Enforcing complex alphanumeric and symbolic passphrase architectures, coupled with mandatory multi-factor authentication (MFA) and periodic rotation.
- Enforcing security awareness protocols against suspicious external correspondence and phishing vectors.

A key legal distinction is that electronic mail transmission offers conclusive certainty (al-‘ilm al-yaqīnī) of delivery through machine-generated digital logs, surpassing the constructive/presumptive notice (al-‘ilm al-ḥukmī) characteristic of traditional service. Systemic safeguards should further mandate automated delivery receipts, time-stamped acknowledgment links, digital signatures, and asymmetric document encryption with restricted decryption keys (such as recipient civil identity attributes).

2. Judicial Notification via Short Message Service (SMS) and Automated Platforms

Litigants may lack active email accounts or experience mailbox operational errors, risking non-delivery. Consequently, automated Short Message Service (SMS) and centralized automated platforms offer vital supplementary channels.

2.1 Service via Short Message Service (SMS)

The ubiquity of cellular smartphones positions mobile messaging as a highly reliable service channel. Utilizing interconnected cellular and satellite networks, mobile devices function as handheld processing terminals storing substantial legal records and receiving real-time notices without demanding sophisticated technical literacy from litigants.

Judicial service via SMS operates through inter-agency integration between the judiciary, telecommunications authorities, and licensed telecommunications operators. Prior to executing service, the authorized court officer verifies:

- The recipient's legal identity and verified mobile phone number through certified telecommunication registries upon judicial order.
- Strict compliance with statutory information requisites within the digital service notification.

A principal operational advantage of SMS service is that it operates independently of active Internet connectivity. Subscribed judicial transmission channels receive certified delivery logs from network carriers confirming device receipt, which can be further corroborated via telephonic confirmation protocols.

2.2 Advantages and Limitations of SMS Service

SMS represents an accessible, cost-effective service medium free from network bandwidth constraints. However, robust regulatory oversight is paramount: regulatory authorities must enforce strict subscriber identity registration across all SIM cards. To guarantee procedural integrity, court administrations must utilize automated delivery tracking and schedule multi-interval dispatches across distinct time periods, supplemented by secure hyperlinks to retrieve full judicial documents from official court portals.

2.3 Centralized and Proprietary Automated Platforms

Beyond email and SMS, modern procedural frameworks utilize integrated electronic platforms:

- **Dedicated Electronic Attorney Portals:** Established through integration between national bar associations and justice ministries, these portals provide verified digital accounts linked to professional bar registration numbers. They enable electronic document lodgment, electronic hearing scheduling, fee remittance, case tracking, and petition filing (e.g., bail requests or custodial substitution). Systemic drawbacks

include occasional server outages, lack of direct bailiff service links, and response lags from judicial registry personnel.

- Integrated National E-Government Architectures: Exemplified by the 'Yesser' e-Government Program and the 'Absher' portal in the Kingdom of Saudi Arabia, incorporating Single Sign-On (SSO), the Government Secure Network (GSN / Takamul), digital certification authorities, and the 'Murasalat' governmental communications engine.
- Specialized Corporate Registries: Statutory service channeled through verified administrative portals, including official enterprise registries at Ministries of Commerce, official legal gazettes, or certified corporate digital desks.
- Ministerial Discretionary Channels: Communication channels officially authorized by the Minister of Justice to facilitate modern administrative workflows and procedural modernization.

Section Two: Procedural Framework, Systemic Safeguards, and Implementation Realities

Comparative civil procedure codes exhibit structural harmony when governing digital service. The foundational procedural sequence remains consistent with traditional service, adapted to accommodate digital technologies.

1. Statutory Conditions and Procedural Formalities

Like traditional service, electronic notification requires strict adherence to statutory formalities to accomplish its procedural objective without incurring nullity.

1.1 Modes of Service Across Natural and Legal Persons

Unlike traditional personal service requiring physical transit to a domicile, electronic notification operates instantaneously. The operational mode varies based on legal personality:

- Natural Persons: Executed by transmitting certified notices via authorized channels (SMS, email, automated portal) directly to the verified device of the recipient, ensuring receipt regardless of geographic location.
- Legal Persons: Service directed to public administrative entities requires transmission to verified organizational phone numbers or certified email domains authenticated by the competent Minister, institutional director, or legal representative. For private corporate entities, service is directed to the designated electronic address recorded in commercial registers or stipulated in underlying dispute contracts.

1.2 Mandatory Information Requisites (Under Penalty of Nullity)

To preserve legal validity, the electronic service record must contain the following substantive elements under penalty of procedural nullity:

- Authorized Hours of Service: Conventional service outside statutory working hours is void (e.g., Algerian law prohibits service between nightfall and 08:00 AM). In electronic service, while transmission logs

record timestamps automatically, technical delivery latency must be accounted for without prejudicing the recipient's defense period.

- Full Identity and Domicile of the Claimant and Legal Representative: Precise identification enables the recipient to prepare a defense or pursue amicable dispute resolution. The claimant's verified digital contact details (email and cellular number) must be explicitly recorded to facilitate reciprocal service.
- Designation of the Issuing Court: Specification of the competent judicial body before which appearance, responsive pleadings, counter-statements, or appeals must be lodged.
- Full Identity and Contact Parameters of the Recipient: Tripartite or quadripartite civil registry names and national identification numbers must be specified to prevent misidentification. Unlike traditional service requiring physical street addresses, verified electronic parameters (certified email and registered telephone number) suffice.
- Identification of the Process Server (Bailiff): Judicial bailiffs possess exclusive statutory authority to execute service. In traditional service, the bailiff must record their full details and sign the original and copy. In electronic service, the bailiff's verified digital signature and authenticated professional identifier suffice, obviating the requirement for physical manuscript endorsement.
- Subject Matter of Service: The summons or ruling must be fully detailed or securely accessible via attachment, ensuring the recipient's constitutional right to review the claim and formulate a responsive pleading.
- Acknowledgment of Receipt: In traditional service, the recipient's manual signature or recorded refusal is mandatory. In electronic service, manual signatures are replaced by system-generated digital logs recording exact delivery date, hour, minute, and machine receipt confirmation.

2. Evidentiary Weight, Technical Safeguards, and Operational Dilemmas

Deploying electronic service requires robust statutory guarantees and technical security to maintain public trust and legal certainty.

2.1 Probative Force and Technical Protection

The legal validity of an electronic signature and its evidentiary weight depend on statutory certification standards:

- Exclusive linkage to the authorized signatory.
- Exclusive operational control of the signing apparatus by the signatory.
- Immediate detectability of any subsequent modification, alteration, or tampering with the signature or underlying document.

Regarding substantive contents, records must emanate from an authorized public officer acting within official jurisdiction. Technical safeguards mirror enterprise security architectures: multi-factor authentication, robust antivirus defenses, network firewalls, and compliance with recognized cybersecurity benchmarks such as those issued by the Committee on National Security Systems (CNSS).

2.2 Systemic Characteristics and Operational Challenges

Electronic service offers exceptional procedural velocity, reducing court backlog and operational expenses by streamlining manual judicial logistics. Furthermore, certified records issued by public officers within statutory bounds carry full probative force against all parties unless formally challenged for forgery (*inscription de faux*).

Conversely, substantial systemic dilemmas persist:

- **Impairment of the Right to Defense:** Technical disruptions, broken hyperlinks, or misrouted notices risk breaching the principle of adversarial debate. If a litigant fails to appear due to technical failures beyond their control, constitutional rights to due process are compromised, infecting default judgments with procedural nullity.
- **Digital Divide and Infrastructure Disparities:** Incomplete broadband telecommunication infrastructure in remote or rural territories, coupled with varying levels of digital literacy, risks creating unequal access to procedural justice.
- **Cybersecurity Threats:** Systematic threats including identity theft, account hijacking, unauthorized intercept, and malicious alteration of electronic court documents require rigorous cryptographic defenses.

3. Realities and Prospects of Electronic Service in the Algerian Judicial System

Algeria has pursued administrative modernization through initiatives such as biometric documentation and electronic payment frameworks. Within the judiciary, the transition toward integrated 'Electronic Courts' (*al-mahākīm al-iliktrūniyyah*) is advancing despite infrastructural and operational challenges.

3.1 Emergence of Digital Justice in Algerian Legislation

Modernization initiatives trace back to the Justice Reform Program inaugurated at the judicial opening of the 2007–2008 judicial year on October 29, 2007, declaring that judicial reform is an evolutionary mechanism to meet global transformations. Key milestones include:

- **Internal Intra-Court Networking:** Establishing dedicated local network interfaces connecting trial courts and appeal courts (*Courts / Majālis*), allowing defense counsel to inspect case dockets without visiting court clerk offices.
- **Centralized High Jurisdiction Networks:** Connecting the Supreme Court and Council of State with lower courts, enabling attorneys to access ruling dispositions remotely.
- **International Treaties and Videoconferencing:** Ratification with reservations of the UN Convention Against Transnational Organized Crime via Presidential Decree No. 02-55 (Official Gazette No. 09, February 10, 2002), permitting video-link testimony.
- **Remote Interrogation Mechanisms:** Incorporating remote audiovisual hearings for witnesses, experts, and civil claimants under Articles 15, 16, 65 bis, 441 bis, and 441 bis 1 of the Code of Criminal Procedure.
- **Electronic Public Prosecution Platform (*Nyaba-e*):** Launched on the Ministry of Justice portal (www.mjjustice.dz) in June 2020, facilitating electronic complaint lodgment and real-time case tracking via automated SMS alerts.

- Law No. 15-03 on Justice Modernization (November 1, 2015): The statutory pillar establishing electronic document transmission, videoconferencing, and electronic judicial service under Articles 9 and 14.

3.2 The Electronic Service Project within Algerian Procedural Reform

The Ministry of Justice is actively expanding electronic service provisions within criminal and civil procedural frameworks. As affirmed by ministerial judicial representatives, this project integrates postal distribution services with electronic dispatch to serve summonses and trial notifications personally, mitigating systemic defaults (*jugements par défaut*). Where personal service cannot be verified, fallback mechanisms under the Civil and Administrative Procedure Code apply.

The 1966 procedural frameworks require legislative updates to harmonise with contemporary laws governing judicial bailiffs and judicial organization. Incorporating digital signatures and dual-track notification systems (traditional paper service alongside digital transmission) ensures legal certainty while technical infrastructure expands nationwide.

Conclusion and Policy Recommendations

Judicial notification constitutes the procedural cornerstone of litigation, serving as the legal vehicle enabling respondents to prepare their defense against adverse claims. Given the procedural significance of notification speed and operational efficiency, traditional paper-based modalities alone are increasingly inadequate for contemporary judicial needs. This study yields the following principal findings:

- Electronic judicial notification offers significant operational advantages that reduce litigation duration, economize judicial expenditure, and streamline administrative workflows.
- The integration of technology into judicial workflows across Arab jurisdictions and Algeria progresses deliberately, requiring phased structural transitions to establish dependable digital infrastructures.
- The Algerian legislature and state authorities demonstrate a clear commitment to judicial modernization, demonstrated by electronic criminal records, nationality certification, remote videoconferencing during the COVID-19 pandemic, and current legislative projects targeting electronic service.

Based on these findings, the study formulates the following actionable policy recommendations:

- Infrastructure Parity and Transition Safeguards: Guarantee equitable broadband and telecommunication infrastructure nationwide before imposing mandatory electronic service. During initial phases, electronic service should operate on an opt-in basis for natural and private legal persons, maintaining concurrent dual-track traditional service.
- Institutional Public Engagement: Organize open judicial forums and media campaigns in partnership with press organizations to educate the public and legal practitioners on digital notification protocols.
- Dedicated Judicial Service Portals: Deploy dedicated, user-friendly service portals across all court websites, supported by technical assistance units to address operational queries in real time.
- Continuous Professional Training: Institute recurring specialized training programs for judges, attorneys, court clerks, and judicial bailiffs to build technical expertise in managing digital service frameworks.

- Legislative Harmonization: Formally codify electronic judicial service as an exclusive statutory competence of judicial bailiffs through targeted amendments to the Civil and Administrative Procedure Code and the Code of Criminal Procedure.

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