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Strengthening the judicial system through digital transformation

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Abstract- The digital transformation of the judicial sector represents a major global shift aimed at modernising procedures, improving accessibility, and enhancing transparency. In Morocco, recent legislative reforms have introduced various digital tools into the judicial system, making justice more accessible and accelerating judicial processes. This article examines the key legislative provisions adopted, relevant case law, and the associated challenges and benefits of digitising Morocco's judiciary. The objective is to highlight how these changes are reshaping judicial administration and influencing court decisions.

Keywords: Digitisation, public administration, legal framework, judicial sector, Moroccan law.

Introduction

In recent years, and particularly since the Covid-19 pandemic, the world has undergone a huge technological revolution brought about by advances in information and communication technologies.

This has led humanity to become dependent on technology in almost all areas of life.

Without a doubt, the positive aspects of these new technologies have made their integration important for improving quality of life and satisfying the needs of individuals in society.

This is why several countries around the world have rapidly integrated technology into their economic, social, political and administrative interventions. These innovative technologies make it possible to solve problems, meet citizens' expectations and respond to their needs quickly and efficiently.

Morocco, like other countries, has not remained on the sidelines. and has also decided to join this technological trend by opting for a digital approach in several sectors with the aim of improving administration and provide quality public services to citizens.

With a view to improving the relationship between the public administration and citizens, the Moroccan authorities have been engaged in recent decades in the process of putting their administrative, economic, social and cultural services online, with the aim of one day achieving a true digital transformation.

To achieve this project, the government first adopted new reforms to enable the integration of new technologies in the following areas: economic, social, political and administrative.

This is a revolution that is well known as digitalisation. This revolution is also strategic in nature. It is essential for the modernisation of public administration and the development of better public services that satisfy citizens and enable them to access services more quickly and with better quality thanks to computerised management.

In fact, this new concept, called "digital management", is based on the use of all modern technological resources, particularly the internet, to provide secure services to users without the direct physical intervention of the administration.

For this reason, under the high instructions of His Majesty King Mohammed VI, may God assist him, Morocco has opted for digitalisation in all sectors. In order to take advantage of the new opportunities offered by this technology and to strengthen the country's development, as we were ranked in 2020: 80th out of 190 globally, and to strengthen the business climate.

Indeed, many responses were also expressed by His Majesty King Mohammed VI, may God assist him, prior to the announcement of the national digital transformation strategy: Morocco Digital 2030, to emphasise the importance of digital technologies in increasing the value provided by public services, facilitate access to valuable information, and increase productivity and economic competitiveness.

Similarly, His Majesty King Mohammed VI, may God assist him, has repeatedly emphasised in his royal speeches the need to integrate digital management in all sectors, including the judicial sector, to provide accessible information to public institutions, thus making the work of the courts transparent and enabling citizens to receive public services quickly.

It is therefore relevant to ask how this digital transformation is manifested in the judicial sector through regulations and laws on the subject; what are the contributions of the judicial organisation and its achievements, and finally, what are the current challenges and what actions should be taken?

To address these issues, we will first discuss the manifestations and challenges of digitisation in the legislative system (I), then we will look at the digital transformation of the judicial administration and its challenges (II).

I. Manifestations and challenges of digitisation in the legislative system

In order to align substantive and procedural laws with technological developments and the country's digital transition, the Moroccan legislature has initiated several reforms.

In this section, we will examine the manifestations and challenges of digitisation within the Moroccan legislative framework by addressing a number of laws and procedures.

A. Manifestations of digitisation through various pieces of legislation

1. Law No. 07-03, supplementing the Penal Code, concerning offences relating to automated data processing systems

Access to information technology for all and the globalisation of networks have led to significant changes in global communication and applicable law. This technological progress has also been accompanied by the emergence of new criminal behaviours that the traditional legal arsenal was "unable" to deal with. Consequently, there was a need to create specific offences adapted to the reality of information technology. This section will highlight the contributions of Law 07-03 relating to offences linked to automated data processing systems (ADPS), as the founding text for the development of Morocco's criminal arsenal in the fight against computer crime.

Based on the French law of 5 January 1988 known as the Godfrain Law, Law 07-03 is a founding piece of legislation for the Moroccan legal arsenal, designed to take into account offences attributable to cybercrime. It criminalises

numerous behaviours, which can be divided into two categories: intrusions (1.1) and attacks on automated data processing systems (1.2).

1.1 Intrusions

Law No. 07-03 criminalises any kind of fraudulent access to and maintenance of an automated data processing system (STAD). To fully understand the implications of this legislation, it is essential to begin by clarifying the concept of ADPS (A), before examining in detail the legal contours of these intrusions (B).

a. Concept of STAD:

For the acts enacted by this law supplementing the Criminal Code to be considered criminal offences, they must be perpetrated against an automated data processing system. Despite the importance of this concept for the implementation of Law 07-03, no definition has been given by the Moroccan legislator, in accordance with the approach adopted by the French legislator.

During the preparations for Law 07-03, parliamentarians proposed a technical definition of an automated data processing system as "a unit or set of computer units that automatically enables the use of data received, processing, storage and consultation or transmission by means of telecommunications." However, Parliament rejected it, for fear that such a definition would become obsolete due to rapid technological developments, thus leaving it to doctrine and case law to define it.¹

b. Intrusions:

Law No. 07-03 allows for the punishment of all unauthorised intrusions into an automated data processing system. It distinguishes between fraudulent access and fraudulent maintenance in an ADPS. In fact, two types of unlawful access can be considered.²

- Access in space, which consists of breaking into a computer system (fraudulent access);

- Access in time, which involves exceeding an access authorisation granted for a specific period of time (fraudulent maintenance).

The penalties vary depending on whether or not the intrusion had an impact on the system in question.

- Fraudulent access to a STAD

Among the acts punishable under Law No. 07-03, fraudulent access is the first to be mentioned.

This offence is covered by Article 607-3 of the Criminal Code, which states that: "fraudulent access to any part of an automated data processing system is punishable **by one to three months' imprisonment and a fine of 2,000 to 10,000 dirhams, or one of these two penalties alone**".³ 000 dirhams or one of these two penalties alone." Where fraudulent maintenance or access results in alteration of the system, the law provides for a doubling of the penalty. In fact, Article 607-3, para. 3 of the Criminal Code stipulates that "The penalty shall be doubled when the result is either the deletion or modification of data contained in the STAD, or an alteration in the functioning of this system."

Access to the STAD can be gained³ :

From outside the system: thus, a hacker who breaks into a computer connected to the internet is liable to prosecution.

From within the system: an employee who, from their workstation, enters an area of the company's network to which they do not have access rights may be prosecuted.

Access is only punishable if it is fraudulent. It should therefore be specified that fraudulent access to a STAD, as specified by French case law⁴ , constitutes "when an unauthorised person enters the system knowing that they do not have authorisation, regardless of their motive⁵ ." This covers a wide range of scenarios. In this regard, the Paris Court of Appeal ruled in a judgment dated 5 April 1994 that "fraudulent access, within the meaning of the

¹ The fight against cybercrime in Morocco: analysis of the contribution of Law 07-03 on offences relating to automated data processing systems, Abdellatif MARRDI, *Droit et sociétés* magazine; No. 13, Vol. 5, p. 8; June 2024.

² Mohamed CHAWKI, "Combating cybercrime", p. 123

³ Law and the Internet "Interviews with specialists", 2005

⁴ Given that Law 07-03 is merely a reproduction of French law, it is important to analyse the clarifications provided by French case law with regard to the concept of access.

⁵ Maître Delphine Bastien; "Fraudulent access to an automated data processing system", December 2008.

law, refers to all forms of unauthorised entry⁶ an automated data processing system, whether the person accessing the system is already working on the same machine but on a different system, whether they are doing so remotely or whether they are connected to a communication line⁷.

However, in a ruling dated 4 December 1992, the Paris Court of Appeal dismissed the offences of accessing and remaining in an automated computer data processing system, finding that the appropriation of an access code could have been the result of an error in handling the files, a circumstance that excluded the intentional nature required by law. Thus, accidental intrusion cannot be criminalised, provided that the STAD is not maintained in the accidentally accessed state⁸. However, it remains to be seen whether the presence of a security device is a condition for criminal prosecution or not.

Moroccan law, like French law, does not specify whether the presence of security devices is necessary or irrelevant for the offence of fraudulent access and maintenance to be established. In France, the legislator did not wish to include this obligation, despite it having been proposed by MP Godfrain since 1988, either in the law on computer offences or during the reform of the Criminal Code. This position was confirmed by the Paris Court of Appeal in 1994, which stated: "It is not necessary for the offence to exist for access to be restricted by a protection device, but it is sufficient that the system administrator has expressed the intention to restrict access to authorised persons only."⁹

- Fraudulent maintenance in an automated data processing system

Moroccan law also criminalises fraudulent maintenance in an ADP. Article 607-3 of the Moroccan Penal Code provides that the same penalty may be imposed on any individual who remains in all or part of an automated data processing system to which they have gained access by mistake when they do not have the right to do so.

French case law specifies that the offence concerns fraudulent or irregular maintenance in an STAD by someone who has entered it through distraction, negligence, contempt, forgetfulness or error on the part of the person who entered it regularly, would be considered fraudulent.

1.2 Offences

Law 07-03 of the Moroccan Penal Code marks a significant step in the fight against cybercrime by defining and punishing offences related to automated data processing systems. However, these offences can be classified into two distinct categories: offences against the functioning of the ADPS and offences against the data it contains. On the one hand, damage to the functioning concerns any action that hinders, distorts or destroys the system, thereby impacting its effectiveness and usefulness. On the other hand, data breaches focus on the fraudulent manipulation of information processed by these systems, whether through its introduction, deletion, modification or alteration. This distinction is crucial to understanding the scale and diversity of threats to IT infrastructures and the information they manage. Furthermore, analysis of legislative texts and judicial decisions reveals growing legal complexity, accentuated by rapid advances in technology and the ingenuity of cybercriminals. This section examines these two types of offences in detail, drawing on the provisions of Law 07-03 and case law to highlight the current challenges and gaps in the protection of STAs in Morocco.

B. Law No. 43.20 on trust services for electronic transactions

Today, digital development is one of the main challenges facing Morocco. The economic, legal and social development brought about by this transformation is only possible if it benefits from a climate of trust for all digital services.

Economic actors, public administrations and public bodies therefore need a reassuring legal environment in order to launch new services and, in the same way, citizens must

⁶ Unauthorised access refers to any intrusion not authorised by the system administrator.

⁷ CA. Paris, [5 April 1994], (Les Petites Affiches), [5 July 1995], no. 20, p. 13. obs Alvarez

⁸ Miréille Cahen, "Intrusion into a Computer System" http://www.murielle-cqhen.com/p_intrusions.asp

⁹ CA. Paris: (IR), [5 April 1994]

feel legally protected in order to carry out more and more transactions online.

This digital confidence is reflected in particular in the increased use of electronic certification. To increase the efficiency of public and private online services and give new impetus to the development of economic activity and digital transformation in our country, the legal framework for the electronic exchange of legal data must be reviewed to provide alternatives that are better suited to the challenges and security levels required by these of electronic certificates.

Act No. 53.05 on the electronic exchange of legal data, amended by the aforementioned law, recognised the legal validity of electronic documents and digital signatures. Through this law, the legislator aimed to create a secure framework for electronic transactions in Morocco. According to this law, contracts and other electronic documents have the same probative value as traditional written documents.

This has enabled individuals and legal entities to carry out electronic transactions in a regulated environment with increased security. However, Law No. 53.05 on the electronic exchange of legal data was considered rigid and did not promote the development of electronic certification. The legislator had to respond, and this was achieved with the enactment of Law No. 43.20 relating to trust services for electronic transactions by Dahir No. 1-20-100, 31 December 2020.

Among the contributions of this law are the regulation of trust services and the clarification of the role of the National Trust Services Authority.

1. The regulation of trust services

These services include key elements of the digital economy such as electronic signatures, electronic seals, and electronic time stamps, which enhance the security and reliability of digital transactions. There are other services such as electronic registered mail and website authentication, which aim to improve traceability and trust in online communications and transactions.

2. The role of the National Trust Services Authority

A specialised institution created to supervise, regulate and ensure the compliance of trust services with legal standards and requirements. This demonstrates a centralised approach to strengthening the governance of digital services.

This new legal framework clearly demonstrates a desire to adapt to the challenges of digital transformation, while providing legal certainty for electronic transactions. This could be a relevant example to explore in your thesis on digitalisation and its impact on business law in Morocco.

3 Law No. 05-20 on cybersecurity

One of Morocco's major concerns is cybersecurity, which is why the Moroccan kingdom has worked to put in place a solid regulatory framework for cybersecurity with a comprehensive set of measures.

It is within this framework that on 25 July 2020, Law 05-20 was promulgated by Dahir No. 1-20-69 to strengthen the fight against acts of cyber malice and contribute to strengthening the digitisation and protection of personal and sensitive data, and provide the Strategic Committee and the National Authority with the powers and resources to assume responsibility for the protection of information systems. This law also recommends measures to protect networks and information systems for operators of public networks, telecommunications networks, internet service providers, cybersecurity service providers, digital service providers, and internet platform publishers.¹⁰

According to Article 49 of this law, service providers who have provided cybersecurity services without being qualified by national authority or having continued to provide these services despite the withdrawal of its qualification by the said authority shall be punished by a fine of 200,000 to 400,000 dirhams, without prejudice to more serious criminal penalties provided for by the legislation in force. In addition, Article 50 of Law 05-20 stipulates that they shall be punished with a fine of between 100,000 and 200,000 dirhams, without prejudice to more serious criminal penalties provided for by the legislation in force:

¹⁰ Presentation note on Law No. 05-20 on cybersecurity.

- Any person who fails to comply with the incident reporting obligations, in violation of the provisions of Articles 8, 30 and 33 of this law¹¹ ;

- Any cybersecurity service provider, and any digital service provider or internet platform publisher that does not comply with the directives of the national authority, particularly with regard to the retention of technical data necessary for the identification of any cybersecurity incident.¹²

B. Challenges of Digitisation in the Procedural Framework

The aim of digitising the procedural framework is to improve the efficiency of public and judicial services. In this chapter, we will address the challenges of this digital transformation in civil and criminal proceedings.

1. The draft bill on the Code of Civil Procedure

The draft CPC bill proposes the dematerialisation of certain stages of civil proceedings, such as:

-The appointment of the judge: this stage could now be carried out automatically using a computer system, ensuring greater transparency in the allocation of cases.

-Online filing of documents and payment of court fees: this allows parties to file their applications and pay court fees electronically, which speeds up proceedings and reduces the need for parties to travel.

-Electronic notification: this system facilitates the transmission of legal notices and documents, enabling faster communication between courts and litigants.

Justice and Digitisation: Bill No. 02-23 for a more efficient civil procedure

On 23 July 2024, the House of Representatives adopted by a majority Bill No. 02.23 on civil procedure. This CPC bill, according to Abdelatif Ouahbi, Minister of Justice, aims to align national legislation with international standards in the area of judicial procedures. This text, drafted in collaboration with legal stakeholders, repeals the Code of Civil Procedure in force since 1913¹³, and incorporates major reforms. Its objectives include simplifying legal procedures, improving access to justice and reducing case processing times.

The bill also introduces measures to digitise procedures, notably the integration of electronic litigation and the implementation of digital platforms for certain legal professions. This text reflects the desire to modernise the Moroccan judicial system and is in line with the reforms initiated since the 2011 Constitution.

During a presentation of this draft civil procedure bill before the Justice, Legislation and Human Rights Committee, Minister of Justice Abdellatif Ouahbi highlighted the main objectives of the bill, which is part of an initiative to establish rules of substantive jurisdiction based on the principles of unity of justice and specialisation. This text aims to strengthen the role of justice in the smooth running of proceedings, simplify judicial procedures, facilitate access to justice, combat abusive litigation, reduce case processing times and streamline appeals.

He also emphasised that the project includes "electronic litigation and the digitisation of civil legal proceedings through the use of electronic means of communication,

¹¹ Article 8 of Law No. 05-20 on cybersecurity states that: "Every entity must, as soon as it becomes aware of an incident affecting the security or functioning of its information systems, report it to the national authority. At the request of the national authority, each entity shall, without delay, provide it with additional information relating to incidents affecting the security or functioning of its information systems. The national authority specifies the technical data and information relating to incidents that must be communicated, as well as the methods for transmitting them. It shall send the entity concerned a summary of the measures and recommendations relating to the handling of the incident. Article 30 of Law No. 05-20: "Where operators of public telecommunications networks, Internet service providers, cybersecurity service providers, digital service providers and Internet platform publishers detect events that may affect the security of their customers' information systems, they must immediately inform the national authority.

According to Article 33 of Law No. 05-20: "Digital service providers must, as soon as they become aware of them, report to the national authority any

incidents affecting the networks and systems necessary for the provision of their services, when the information at their disposal indicates that these incidents have a significant impact on the provision of these services."

¹² According to Article 26 of Law No. 05-20: "Operators of public networks, telecommunications networks, Internet service providers, cybersecurity service providers, digital service providers and Internet platform publishers must comply with the directives of the national authority, particularly with regard to the retention of technical data necessary for the identification of any cybersecurity incident. This technical data includes, in particular, connection data, computer logs and security event logs generated by operating systems, applications and security products. The retention period for technical data necessary for the identification and analysis of the incident is set at one year. This period may be modified by regulation.

¹³ Presentation of Draft Bill No. 02-23 on the Code of Civil Procedure, by Abdellatif Ouahbi, Minister of Justice, before the Committee on Justice, Legislation and Human Rights, on Wednesday, 18 September 2024.

while providing for the creation of digital platforms for certain legal professions".

Furthermore, the text aims to guarantee enhanced legal protection of the rights of litigants and to improve the quality of judicial services. It also emphasises the increased role of magistrates in the management of appeals, the Minister explained.

2. Bill No. 03-23 on the Code of Criminal Procedure

The digitisation of criminal proceedings includes the introduction of new technologies, such as:

- Electronic surveillance: an electronic tag can be used to monitor certain individuals under judicial supervision, thereby reducing the need for pre-trial detention.
- Remote questioning: the law proposes the use of videoconferencing to conduct questioning, allowing detainees to participate in hearings without having to be physically transferred, thereby reducing risks and logistical costs.

On 2 September 2024, the Minister of Justice, Abdellatif Ouahbi, presented a bill aimed at transforming the Moroccan judicial system. This bill proposes significant reforms, including the transition to the digitisation of judicial procedures, the promotion of criminal mediation and the improvement of complaint management, with the aim of strengthening the efficiency and fairness of the system.

It should be noted that the digitisation of procedures is a central element of these reforms. By introducing modernised mechanisms for criminal justice, this draft law seeks to optimise the speed and efficiency of judicial processes. It also aims to adapt current practices to contemporary needs and simplify procedures while ensuring better organisation of criminal cases.

To achieve these objectives, several measures have been included in the text. These include extending the offences eligible for amicable settlement, accompanied by the removal of the requirement for authentication by a judge for this type of procedure, in order to streamline the process. In addition, the bill introduces criminal mediation, allowing the parties to use a mediator to resolve disputes quickly and consensually.

Management of municipal car parks: questions about increased expenditure

Another key reform in this bill concerns the organisation of direct complaints. The bill clarifies the offences concerned, the information required to file a complaint, and the penalties for non-compliance with formal requirements. This initiative aims to make the filing of complaints more accessible and transparent for all citizens.

The draft bill of the CPP also gives the public prosecutor's office the responsibility of verifying, in advance, the credibility of anonymous complaints or reports before opening an investigation. The aim of this approach is to prevent abuse of the judicial system by filtering out unfounded complaints, thereby allowing resources to be concentrated on priority cases. In addition, the bill introduces an administrative mechanism for dealing with certain quasi-offences or offences through the payment of a fine, capped at half the maximum amount provided for by law. This measure aims to speed up the closure of cases, subject to the agreement of the offender, and to optimise the management of minor offences.

The draft bill on the Code of Criminal Procedure also gives the public prosecutor, or his representative, the possibility of going directly to the headquarters of the judicial police to question suspects, consult the reports and take the necessary decisions. It also provides for summonses to be sent electronically or physically to defendants, victims and witnesses, in order to simplify and reduce the costs associated with notifications.

The text provides for greater flexibility in the handling of criminal cases. The Attorney General will be able to reclassify certain offences as misdemeanours when they cause limited harm (), thereby transferring them to the Crown Prosecutor. A preliminary investigation, which is optional for crimes, is made mandatory only for certain specific offences.

The draft Criminal Procedure Code also envisages the creation of a "**magistrate administrator**" position, responsible for supervising criminal cases. This role, inspired by that of the reporting judge in civil matters, is responsible for preparing important cases prior to proceedings, thus speeding up the processing of cases and improving the efficiency of the judicial system.

Finally, the bill reorganises the exceptional exemption procedures to ensure equality and broadens the jurisdiction of

the Moroccan courts. The latter will now be able to intervene in cases of offences committed abroad by foreign citizens when the victim is Moroccan, covering both misdemeanours and crimes.

II. The Digital Transformation of the Judicial Administration and its Challenges

Digitisation in the judicial administration aims to modernise the judicial system by improving its efficiency and facilitating citizens' access to judicial services. In this section, we will analyse Morocco's efforts to digitally transform the judicial administration and the challenges it faces.

A. Development of working methods in the judicial administration

The Moroccan Ministry of Justice has stepped up its efforts to integrate information technology into the judicial system, with the aim of building a digital justice system that complies with international standards. These initiatives are based on legislative reforms, technological innovations and the strengthening of human skills in order to bring about a lasting transformation in the functioning of the justice system in Morocco.

1. The legislative and legal pillars of digital transformation

The development of a digital judicial system is based on a solid legislative foundation that guarantees both the fundamental rights of citizens and the transparency of public services:

- Constitutional provisions:

- Article **120** of the Moroccan Constitution guarantees every individual the right to a fair trial within a reasonable time, an essential principle for the establishment of a modern and efficient judicial system.

Article **154** requires public services, including the judicial system, to operate according to the principles of transparency, efficiency and equal access, which are crucial elements in supporting digital transformation.

- Simplification of administrative procedures:

- Law No. **55.19** on the simplification of administrative procedures and formalities requires increased digitisation of public procedures. This law promotes rapid and equitable access to services, reducing administrative obstacles through the use of digital tools. Its application in the judicial field helps to streamline formalities and offer citizens more fluid and accessible processes.

2. Technical and organisational infrastructure

To ensure a successful digital transition, the Ministry of Justice has deployed robust infrastructure and implemented skills development programmes:

- Technological infrastructure:

- **A centralised data centre** has been created to store judicial information securely. These systems guarantee data confidentiality, real-time availability, and accessibility to magistrates, clerks, and other judicial actors.

- Digital tools, such as online platforms for filing complaints, consulting files, or even sending electronic summonses, have been deployed to streamline procedures.

- Strengthening human capacity:

- **Continuing education:** The Ministry has established training programmes for judicial personnel, including magistrates, lawyers and court clerks, to enable them to master digital tools and adapt to the new requirements of the system.

- **Cybersecurity awareness:** With increasing digitalisation, specific sessions on digital risk management and personal data protection are organised to strengthen resilience to cyber threats, which are defined as actions that aim to compromise the security of an information system by altering the availability, integrity or confidentiality of a system or the information it contains.¹⁴

The objective of the judicial administration through the digitisation of judicial services is to:

¹⁴ Cybercrime is defined by Law No. 05-20 on cybersecurity, promulgated by Dahir No. 1-20-69 of 4 Hijra 1441 (25 July 2020).

- Improve accessibility: Simplified and dematerialised administrative and judicial procedures, with remote access, will make justice easier for litigants and citizens in general.
- Reduce judicial delays: digital transformation will serve to speed up processes and facilitate the monitoring of cases.
- Enhance transparency: Automation, digitisation¹⁵ and traceability of digital procedures help to limit abuse and ensure greater fairness in the handling of cases.

B. Role of IT services in the administration of justice

Digital tools play a central role in the transformation of judicial administration in Morocco. They play a decisive role in simplifying procedures, improving the efficiency of the judicial system, and increasing the accessibility of services for citizens.

1. Simplification of procedures and optimisation of efficiency

The transition to digital processes helps to reduce administrative burdens while promoting simplified interactions between litigants and the judicial system. Morocco has put in place a solid legislative and technical framework to support this transformation, introducing innovations that modernise judicial practices.

- Electronic filing of cases

The implementation of Law No. 55.19 on the simplification of administrative procedures requires public administrations to adopt digital tools. Citizens can now file complaints, documents, and legal requests via online platforms, eliminating the need for physical travel.

- Online case tracking

Thanks to digital solutions such as the **Mahakim.ma** portal, litigants and their solicitors can consult the status of their ongoing cases, access court decisions, and check hearing dates, thereby improving transparency and efficiency.

- Electronic notifications

The new provisions allow summonses, hearing notifications, and other court documents to be sent electronically. This process ensures fast and reliable communication, thereby reducing administrative delays.

- Reduction in delays and costs

The digitisation of procedures significantly shortens case processing times and reduces associated costs, particularly those related to travel, printing, and paper document management.

2. Digitisation of interactions between the administration and litigants

The integration of digital tools also aims to improve exchanges between citizens and the judicial administration by making services more accessible and practical.

- Online platforms and government portals

The **Mahakim.ma** portal offers various services to citizens, including consultation of judgements, monitoring of legal cases, and payment of fines. Other tools, such as **Chikaya.ma**, allow complaints or claims to be filed directly with the relevant authorities.

- Mobile applications

Mobile applications have been developed to broaden access to justice. These enable citizens, even those in remote areas, to track their cases, receive notifications and access judicial services with ease.

- Simplified communication with the courts

Digital platforms facilitate the exchange of information between litigants and courts. Citizens can submit supporting documents online, obtain legal certificates and consult court calendars from their homes.

¹⁵ Digitisation refers to the conversion of physical processes or documents into digital format. It is a digitisation process that focuses on the use of technology to automate or simplify existing tasks and operations without fundamentally changing the way the organisation operates. For example:

replacing paper documents with digital documents (scanning, storing on servers), or using digital tools to perform repetitive administrative tasks (e-mails, word processing software, etc.). It consists of adopting technological or IT tools to improve efficiency.

Universal accessibility

Digitisation overcomes geographical and social barriers, providing equal access to justice. Digital services are available 24 hours a day, allowing all citizens to benefit from the same opportunities.

3. Overall impact on the Moroccan judicial system

These digital reforms are part of a vision aligned with the Moroccan Constitution, particularly Articles 120 and 154, which promote transparency, equality and efficiency in the functioning of the justice system.

- Optimised resource management

Digital tools enable rational management of human and material resources, while reducing administrative errors.

Traceability and transparency

Digitisation ensures rigorous monitoring of procedures, limiting the risk of corruption and increasing citizens' confidence in the judicial system.

- Satisfaction of litigants

Thanks to simplified and rapid access to services, citizens benefit from a modernised judicial system that is adapted to the needs of contemporary society.

In short, digital transformation is a key step towards a modern, efficient Moroccan judicial administration that is accessible to all.

C. Challenges and constraints for digital transformation

The digital transformation of the Moroccan judicial administration is a major step forward in the modernisation of the judicial system. However, several challenges are still slowing down the full implementation of this transformation.

1. Structural and organisational challenges

- Inadequate infrastructure

Although significant efforts have been made, some regions, particularly rural areas, still lack reliable connectivity and

adequate digital infrastructure. These regional disparities hinder universal access to digital justice.

Training of judicial personnel

Judicial officials are not yet proficient in the use of digital tools. The lack of technical skills is hindering the adoption of new technologies. It is therefore crucial to put in place continuous training programmes to support staff in this transition.

Resistance to cultural change

Some legal professionals, accustomed to traditional methods, are reluctant to embrace digitalisation. This resistance requires awareness campaigns and support to ensure widespread acceptance of the new practices.

High financial costs

The development and maintenance of digital systems generate significant expenditure. Budgetary constraints sometimes limit the ability to invest in cutting-edge technologies or to ensure that they are regularly updated.

2. Technical and legal challenges

Data protection and cybersecurity

The digital transformation of judicial services involves the processing of large volumes of sensitive data. Ensuring their confidentiality and security is becoming a priority in order to prevent the risk of information leaks or cyberattacks.

Recognition of digital evidence

Moroccan legislation must evolve to incorporate the recognition of electronic evidence and establish clear standards for its admissibility in court.

Regional inequalities in access

Rural areas, where digital infrastructure is limited, face difficulties in accessing online services. This digital divide threatens fairness and equality before the law.

Conclusion

The digital transformation of the Moroccan judicial system marks a decisive step towards a modern, transparent and effective justice system. Although challenges remain, a coherent strategy based on legal reforms, technological investments and inclusive engagement will ensure a successful transition. Digitalisation thus represents a unique opportunity to strengthen access to justice and meet citizens' expectations in an increasingly connected society.

Outlook and Recommendations

To overcome these challenges, several strategic actions can be considered:

Strengthening digital infrastructure

Investing in advanced technologies and extending connectivity to remote areas to ensure universal access to digital justice.

Adaptable legislative reforms

Adopt specific laws on electronic document management, digital evidence and personal data protection to consolidate the legal framework for digitisation.

Public-private partnerships

Collaborate with technology companies to benefit from their expertise, share costs, and accelerate innovation in digital services.

Training and support

Establish targeted training programmes for judicial sector employees and raise public awareness of the use of digital tools.

Accessible mobile services

Develop applications adapted to users who are unfamiliar with technology, in order to ensure inclusive access to digital judicial services.

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General guidelines for the development of digital technology in Morocco by 2025

Legislative texts:

The draft law on the digitisation of judicial procedures;

Dahir No. 1-20-69 of 4 Hijra 1441 (25 July 2020) promulgating Law No. 05-20 on cybersecurity;

Dahir No. 1-03-197 of 16 Ramadan 1424 (11 November 2003), promulgating Law No. 07-03 supplementing the Penal Code with regard to offences relating to automated data processing systems;

Dahir No. 1-07-129 of 19 Kaada 1428 (30 November 2007), promulgating Law No. 53-05 on the electronic exchange of legal data;

Law No. 55.19 on the simplification of administrative procedures and formalities;

Dahir No. 1-16-41 of 14 Jumada II 1437 (24 March 2016) promulgating Organic Law No. 106-13 on the status of magistrates;

Presentation note on Law No. 05-20 on cybersecurity;

Draft Law No. 32.18 amending Law 22.01 on Criminal Procedure;

Law No. 43.20 on trust services for electronic transactions;

Draft Law No. 03-23 on the Code of Criminal Procedure;

Law No. 07-03, supplementing the Criminal Code with regard to offences relating to automated data processing systems;

Draft Law No. 02-23 for more effective civil proceedings.