

**The impact of electronic litigation
in achieving prompt justice**

**أثر التقاضي الإلكتروني
في تحقيق العدالة الناجزة**

Sabaa YahyaYounis Al-Obaidi
Department of Law
Al-Sadiq University/ Kirkuk
Assistant Lecturer/Imam Jaafar
Email saba_yehey@ijsu.edu.iq
Kirkuk – Iraq

م.م. سبأ يحيى يونس العبيدي
جامعة الامام جعفر الصادق(ع) / كركوك
كركوك - العراق

Ahmed said Ali qaitoon
PhD Student in Litigation Law
Alexandria University Egypt
Qaitoon888@gmail.com
Salalah- Oman

أحمد سعيد علي قيطون
طالب دكتوراه قانون مرافعات
جامعة الإسكندرية مصر
صلالة- عمان

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Abstract

In light of the modern development and the large number of tendencies and the increasing awareness of individuals of their rights and the increase in population density, the procedures have increased and the classical system no

longer achieves prompt justice, as slow litigation procedures have destroyed the goal of the procedural system, which is to achieve prompt justice. The UAE to adopt and use remote or virtual litigation in UAE courts to ensure the rule of justice during the COVID-19

pandemic. Through the remote litigation model, hearings are held via digital media, and the judge hears the case live before issuing judgments. The initiative came as part of the UAE government's strategy during the COVID-19 pandemic to help individuals stay at home to reduce contact between people and limit the spread of the virus in the country. All parties, such as the plaintiff, the defendant, and the lawyer or legal counsel, can attend the virtual litigation sessions through a link to the hearing. Therefore, it took the initiative to issue Ministerial Order No. (260) of 2019 regarding the procedural guide to regulate litigation using electronic means and remote communication in civil procedures. The same is true in the Sultanate of Oman, where it initiated the issuance of Royal Decree No. 512/2020 issuing the Law on the Simplification of Litigation Procedures in Certain Disputes.

Keywords: Prompt justice - speed - electronic litigation - advantages of electronic litigation

الملخص

في ظل التطور الحديث وكثرة الميول وتزايد وعي الأفراد بحقوقهم وزيادة الكثافة السكانية تزايدت الإجراءات ولم يعد النظام الكلاسيكي يحقق العدالة الناجزة حيث هدمت إجراءات التقاضي البطيئة هدف النظام الإجرائي وهو تحقيق العدالة الناجزة.

ولم يقف التشريع عاجزاً، بل اتجه إلى التساؤل والبحث عن آلية تسرع إجراءات التقاضي دون المساس بعدالة المحكمة سعياً إلى تحقيق العدالة الناجزة ومن هذا المنطلق لجأت دولة الإمارات العربية المتحدة إلى اعتماد واستخدام التقاضي عن بعد أو الافتراضي في محاكم الإمارات لضمان سيادة العدالة أثناء تفشي جائحة كوفيد-19. ومن خلال نموذج التقاضي عن بعد، تُعقد الجلسات عبر الوسائط الرقمية، ويستمتع القاضي إلى الدعوى بشكل مباشر قبل إصدار الأحكام. وجاءت هذه المبادرة في إطار استراتيجية حكومة دولة الإمارات العربية المتحدة خلال جائحة كوفيد-19 لمساعدة الأفراد على البقاء في المنزل لتقليل الاتصال بين الأشخاص والحد من انتشار الفيروس في الدولة. ويمكن لجميع الأطراف، مثل المدعي والمدعى عليه والمحامي أو المستشار القانوني، حضور جلسات التقاضي الافتراضية من خلال رابط إلكتروني للجلسة. لذا بادرت بإصدار الأمر الوزاري رقم (٢٦٠) لسنة ٢٠١٩ بشأن الدليل الإجرائي لتنظيم التقاضي باستخدام الوسائل الإلكترونية والاتصال عن بعد في الإجراءات المدنية. الأمر ذاته في سلطنة عمان، حيث بادرت بإصدار المرسوم السلطاني رقم ٢٠٢٠/٥١٢ بإصدار قانون تبسيط إجراءات التقاضي في بعض المنازعات

الكلمات المفتاحية: العدالة الناجزة - السرعة - التقاضي الإلكتروني - مميزات التقاضي الإلكتروني



Importance of study

The importance of the study lies in the statement of the impact of electronic litigation in achieving prompt justice

Study problematic

Does electronic litigation achieve prompt justice?

Study researchers

- 1- Electronic Litigation Definition.
- 2- Prompt Justice Definition, and does Electronic Litigation have an impact on achieving prompt justice?
- 3- Advantages and Disadvantages of Electronic Litigation.
- 4- Course of Electronic Proceeding.

Study methodology

In this research, we relied on the analytical approach of the legal texts and compared them with each other by following the comparative approach.

Study scope

Scope of the study in our tagged research is the effect of electronic litigation in achieving the successful function under the UAE legislation of Ministerial Order No. (260) of 2019 regarding the procedural guide to organizing litigation using electronic means and remote communication in civil procedures and Simplification of Judicial Proceeding Law in the matter of some disputes.

Study plan

The study was divided into two sections according to the following

Section one

Section two

Section One

Electronic Litigation Definition and its impact in achieving prompt justice

Many legislations began to go to remote litigation as a shortcut to the usual litigation procedures, which are characterized by slowness, as those procedures that take time and cost a lot of expenses and transportation hardships, all of which lead to exhaustion for the litigant, so the legislation went to leave the paper system and keep pace with modern life.

Understanding this concept requires studying the concept of electronic litigation and the reflection of its effects in achieving prompt justice. Accordingly, we will divide this topic into two requirements. In the first requirement, we deal with the concept of electronic litigation, and in the second requirement, the impact of electronic litigation in achieving prompt justice.

Sub-Section □

Electronic Litigation Definition

In order to clarify the concept of electronic litigation, we must define the definition of electronic litigation, explain its conditions, and identify its characteristics in order to study its advantages and disadvantages. Therefore, this requirement will be divided into three branches, according



to the following:

A: Electronic Litigation of Definition

B: Electronic Litigation of Conditions

C: Electronic Litigation of Characteristics

A

Electronic Litigation of Definition

Contemporary jurists have mentioned many definitions regarding electronic litigation, so a part of jurisprudence defined it as (a complete, secure and elaborate information system connected to the Internet through which the competent court of judges can hear the proceeding and the proceeding and the Public Prosecution perform actions that have a legal effect that can be proven valid, such as the receipt of the proceeding, its registration, filing and viewing It is obtained through known persons under the authorization of these actions (Jaafar, 2015).

While another aspect of jurisprudence defined it as (the process of transferring litigation documents electronically to the court via e-mail, where the documents are examined by the competent employee and a decision is issued regarding them with acceptance or rejection, and a notice is sent to the litigant informing him of what has been done regarding these documents) (Ibrahim, Electronic proceeding and its procedures before the courts, 2010).

And he defined another aspect

of jurisprudence that it is (a new informational judicial system according to which all litigation procedures are applied through the electronic court by means of computers connected to the Internet and via e-mail, for the purpose of speedy settlement of proceedings and their procedures for litigation and enforcement of judgments electronically) (Mandil, 2014).

Through the previous definitions, we note that the jurists focused on the idea of linking judicial courts electronically, and they did not set a definition familiar with electronic litigation because they focused on the means regardless of the procedures or as a means to achieve prompt justice, which is the basis for achieving justice for the litigants.

As for legislation, the UAE legislator defined it in Ministerial Order No. (260) of 2019 in General Provisions Article (1) as (civil litigation procedures - non-criminal - that are initiated using remote communication means or via electronic media, to achieve remote attendance and exchange Documents and memorandums, which include - in the context of this decision - the registration of the proceeding, the declaration procedures, the trial procedures before the office and before the competent court and the issuance of judgments. It is understandable, but what is wrong with him is that he used



the phrase trial, and we see that it was more appropriate for him to use the phrase pleading instead.

Accordingly, and according to the foregoing, we can define remote litigation according to the following formula (a person requesting his right from another before the judiciary in an electronic way to determine a legally established right or an interest with complete justice). The judiciary to protect a right guaranteed to him by law, and the fact that the proceeding is optional, so the right holder has full freedom to request his right before the courts or not, and the fact that the electronic proceeding is a modern method by which countries have replaced the usual litigation due to the slow and costly procedures in its procedures, and sometimes the plaintiff or the defendant leaves the proceeding. Because of the spatial jurisdiction, which incurs them the trouble of travel, expenses, etc., which causes fatigue for them.

It is worth mentioning that the means by which the electronic proceeding is filed differs from the ordinary proceeding, as for its content and the conditions for filing it, they are the conditions required for filing the ordinary proceeding itself, as the law guarantees that every person can file a proceeding with the court and go to court, and this is what is called the

right to resort to the judiciary, and with this there are considerations. They are required in the proceeding, and they are conditions for its establishment, as it is beneficial to the claimant and to the judiciary: it is beneficial to the claimant, as these conditions guarantee his right from loss. The acceptance of the ordinary civil proceeding is the same as the conditions for accepting the electronic proceeding, and the conditions are:

First: the interest condition.

Second: eligibility condition.

Third: the adjective condition.

B

Electronic litigation conditions

The application of electronic courts and to take advantage of information technology and the remorse of modern communication, they ask the availability of basic requirements, whether in terms of legislation or in terms of technical capabilities to enable litigants to carry out litigation procedures without resorting to the court's headquarters, file the proceeding and pay the fees, hence the need to resort to electronic litigation. To achieve speed at home through disputes as an alternative way to avoid the phenomenon of slowness, and this in itself requires several conditions, which we summarize as follows:



First: Creating a website for the court via the Internet:

A website must be designed within the electronic portal of the Ministry of Justice, which serves as an electronic address for the court, through which the right holder can benefit from the various services. Including obtaining information and inquiring about proceedings (Ibrahim, Electronic litigation, the electronic proceeding and its procedures before the courts, 2008). Electronic and its procedures before the courts, 2008, page 26) by browsing the site or by calling direct electronic communication with employees, completing litigation procedures and initiating proceedings without the need for the litigant or water to attend. Where the proceeding is registered with the push of a button with all speed. Here, the importance of using technology in filing a proceeding via a computer that prevents the time for a formal dispute is highlighted, as the judge considers the programmed proceeding and is reassured that all formal procedures are sound (Mahmoud, 2020).

Second: Electronic organized technical protection:

Electronic courts depend on accounts linked to each other through internal

networks, and these companies are linked through modern means of communication. Through these companies, court data and information of each proceeding are circulated, which are highly confidential and confidential, which the court's technical system must provide guarantees to counter Electronic professionalism, and the most important of these guarantees:

1. Encryption of electronic court information on the Internet.
2. Securing data confidentiality.
3. Providing security protection for the court's website
4. Take the necessary measures to achieve cyber security for the electronic court networks (Mahmoud, 2020) .

C

Characteristics of electronic litigation

Electronic litigation is almost devoid of advantages as well as defects. In this study, we will highlight the advantages of electronic litigation and then show its disadvantages and outweigh the most important characteristics that achieve successful justice for individuals, according to the following:

First: Advantages of Electronic Litigation

The electronic litigation system carries with it many advantages that make electronic litigation the path through which successful justice passes. Their



recourse to the judiciary.

1- Speed of the Procedures

The aim of resorting to electronic litigation is to make the most of the technological development, which results in several effects from its use, and that the use of technology in litigation ensures the achievement of prompt justice through the speed of the trial in the procedures in complete justice without any obstacles, so it allows the exchange of defenses, papers and documents electronically, And at a high level of safety, which facilitates the task of exchanging papers effectively and quickly and reduces costs, and this in turn achieves successful justice (Suleiman, 2012).

2- Reducing the problems of crowding in the courts as electronic litigation leads to reducing crowding in the corridors of the courts and reducing the places for storing files in the courts (Hameed, 2021) . Forming an electronic court despite the human distance, which preserves the health and safety of individuals, and at the same time the pleadings proceed easily and fairly without disrupting the judicial system or postponing the pleadings, and this in turn achieves complete justice for individuals.

3- Saving effort, time and costs If it is possible to save efforts and costs and move to the electronic system

without having to spend money on transportation, especially if the litigants do not reside in one place, and in this regard, Article (2) in the third paragraph of Ministerial Order No. (260) of 2019 stipulates (proceed) Remote trial procedures, from outside the competent court. And from anywhere inside or outside the country...)

4- Developing litigation and ridding it of procedural problems, the accumulation of proceedings in courts, and the speed of procedures, which leads to easy access to proceedings, easy exchange of documents, and saving costs of the litigation process (Hameed, 2021) .

5- Avoiding formal defenses in electronic proceedings, as the nature of the electronic proceeding registration system and automatic computerization of the proceeding petition data does not accept any proceeding outside the spatial jurisdiction of the court, as well as the repetition of proceedings in more than one court (Bakr, 2013).

6- Eliminate manifestations of corruption in judicial facilities: Under the traditional courts, the litigation system suffers from corruption in various ways and manifestations. One of these forms is the complicity of the bailiffs (assistant judge) with the litigants for neglecting some documents, especially since the penalties for the bailiffs are not

deterrent and do not commensurate with their perseverance and breach of their job duty. When resorting to litigation, Electronic supports replace paper documents, as the electronic message becomes the legal basis that the parties to the dispute can adopt when settling a dispute (Mahmoud, 2020) Whoever exposes proceeding papers from loss, intentional concealment, or fire, and thus the judicial facilities keep pace with the developments of the era of technology, which is reflected in the achievement of procedural justice (implemented justice) (Daoud, 2008). Through the computer, we do not have to go to the court to attend the pleadings.

Despite all these advantages, it has not escaped criticism. The most prominent defects of electronic litigation can be summarized as follows:

1- Technical problems: Despite all the advantages of litigation that achieves prompt justice, reality has its challenges.

□. Computers are exposed to electronic hacking and virus attacks, which leads to the loss of all rights.

□. Internet or power outages at one or both parties, or at the standing or sitting judiciary, as well as litigants C-Exposing computers to technical malfunctions

2- Weakness of the judge's ability to fully communicate with the proceeding, and this problem is represented by the devices being hacked and the litigants not having the Internet (Al-Quthami, 2021) .

3- Individuals are safe on the Internet (Al-Quthami, 2021) .

Violation of the principle of public pleading: This principle means in public pleadings, where the pleading takes place in a hall open to all, and anyone may attend sessions and discussions that take place before judges. This principle is enshrined in all procedural legislation. The public is the censor of the procedures and evidence presented (Al-Marzouqi, 2021), and the difficulty lies in the fact that the matter is not envisaged in electronic courts.

We see that the advantages outweigh the disadvantages, so we present some proposals to overlook the negatives, since electronic litigation aims to achieve prompt justice. Countries must provide solid infrastructure at the level of Internet connection at reasonable prices, and it is okay to make the service free during periods of electronic litigation for citizens, and maintenance and modernization must be Comprehensive use of computers to save information, as well as spreading the culture of electronic litigation among individuals and teaching it as a



basic curriculum for college students.

Sub-Section □

Impact of Electronic Litigation in achieving prompt justice

Prompt justice means that the courts complete proceedings fairly and quickly, and it is a right for all citizens, but there are many reasons that hinder the work of judges to achieve this goal, some of which are related to legal texts, others are the large number of proceedings, the length of procedures, the small number of judges, and the long period of execution of judgments disable it or abstain from it.

Complete justice does not mean speed in completion without justice, but it means first justice and secondly in a timely manner, and it does not mean speedy completion at the expense of justice with a non-arbitral decision that ends the dispute, and it does not mean a decision that leads to emptying proceedings and increasing them back and forth, and it does not mean prejudice to the right to litigation as a constitutional right for people A duty to abide by it (Al-Otaibi, 2019).

And since the slowness of litigation is a problem that most countries suffer from, as it impedes the course of justice in an efficient way, many legislations accelerated to avoid this phenomenon, including the UAE and Omani legislation, which issued special laws to

resort to electronic litigation as a means to achieve prompt justice.

According to these laws, the law guarantees the achievement of prompt justice for individuals, so that litigants and their attorneys can initiate proceedings without enduring the hardship of winning in the court arenas, and we see that these laws guarantee the rights of the judge when crises occur that prevent litigants from attending the courts. Not to postpone the proceedings and the loss of the rights of individuals. The first endeavor to digitize the court is to restore and value citizens' confidence in procedural justice, through a large, transparent and open justice system that relies on artificial intelligence in the service of judicial security and responds to citizens' aspirations for a more reformist justice that adapts to the social reality that the neck has dominated in a way that cannot be ignored. Where this is highlighted by enabling the litigant to track the course of the procedures and execution funds related to his proceedings free of charge without issues with data of a personal nature.

The UAE legislator has stated this in Ministerial Order No. (260) of 2019, where Article 3 of it stipulates that (the competent authority, each in his jurisdiction deems it so, may take remote trial procedures, in whole or in part, at



every stage of the civil proceeding, in a manner that achieves Ease of litigation (summary of the above, we can say that the court by electronic means is an achievement that counts for information and communication technology, as the transition from traditional procedures to electronic procedures, by preparing proceedings electronically, is necessarily different from what exists now, so the traditional mechanism of blogging for litigation procedures will be removed, and They are replaced by sophisticated software mechanisms, which differ in terms of form and content, as well as the mechanism for submitting documents to the court, as this type secures the presence of the court everywhere and at all times via the Internet, which leads to the speedy settlement of proceedings on the one hand and the saving of effort and money for the litigants. And their lawyers, on the other hand, meaning that electronic litigation is the best way to achieve prompt justice.

Accordingly, we can summarize the impact of electronic litigation in achieving prompt justice as the goal of seeking to adopt electronic litigation in civil judiciary, which is the maximum benefit from the progress of modern technology, which results in its use many and positive effects, resorting to electronic litigation as a means of resolving disputes in the judiciary and

increasing the speed in Performing the tasks entrusted to him in a way that leads to avoiding the slowness that allows him to speed up the process of circulation of papers and documents between the courts by linking the courts with each other through a spider network with a high level of safety, which facilitates the saving of effort and expenses, and this is its impact on achieving prompt justice. (Suleiman, 2012) (It also facilitates the German judges with all the factual and legal elements of the proceeding in a timely manner. It gives him the ability to issue a judgment in less time than the proceeding before the traditional courts. In addition to confidentiality in the circulation of files and the evils that litigants fear) (Omar, 1999).

We can say from the foregoing that the impact of electronic litigation in achieving prompt justice is evident through the following:

- 1-Ease and speed of communication with courts, litigants, and legal and judicial partners (Omar R. , 2018) .
- 2-Solving the problem of spatial jurisdiction and devoting the principle of continuity of the judicial system in providing services.
- 3-Unifying the work of writing proceedings and addressing the competent authorities.
- 4-Eliminate the routine work of moving to more than one party to file the claim



document, record it, pay the fees and announce.

5-Virtual access to justice by litigants without physical access to the court.

6-The digital platform ensures the speedy handling of legal issues for legal professionals as well as for litigants (Al-Tarsawy, 2019) .

7-Manage documents and records within a secured digital environment.

8-Scheduling of hearings in order to enable ensuring the follow-up of proceedings by the proceedingmanagement of fice.

9-Avoiding problems of losing, duplicating, damaging or keeping proceeding files in the wrong place.

Section Two

Course of Electronic Proceeding.

Electronic litigation contributes to the achievement of summary justice, starting from filing an electronic proceeding to resolving the dispute, and its role in achieving summary justice is evident in terms of the speed of procedures and the achievement of procedural justice.

The electronic litigation shortens the effort of going to the courts, filing the proceeding, paying the fee, and making the notification. With the click of a button, the plaintiff or his representative will be able to fill out the proceeding form with the required information on

the website, and his role is reflected in the electronic declaration procedures.

To clarify the course of the electronic proceeding, we decided to divide the topic into two requirements, according to the following:

Sub-Section □: Start Electronic Proceeding

Sub-Section □: Electronic Trial System

Sub-Section □

Start Electronic Proceeding

The procedure for start proc Proceeding is considered the first judicial procedure in electronic litigation and then the electronic declaration, and then the course of litigation before the court. Therefore, this requirement has been divided into three branches, as follows:

A: Claim Form

B: Serving Claim

C: Antagonism Course

A

Electronic Claim Form

The electronic proceeding requires the availability of technical procedures and computer equipment to file the electronic proceeding, as the litigant requires the following procedures to file a proceeding:

1-To have a computer connected to the Internet.

2-This device should have a browser program for the website, such as a program to read files and an explorer, in addition to a program to read the im-

ages entered through the scanner, with the availability of a scanner (Ibrahim, Electronic proceeding and its procedures before the courts, 2010)

Accordingly, the electronic proceeding goes through a number of judicial procedures before the competent court, as the first stage in the electronic proceeding is the registration of the electronic proceeding through the Internet through the system of sending and accepting electronic documents, which is symbolized by EDAR. (Ibrahim, Electronic proceeding and its procedures before the courts, 2010).

And based on the foregoing, the UAE legislator stipulated in Article (5) regarding the electronic submission of the proceeding statement that the newspaper should include the data stipulated for filing the claim newspaper and the documents supporting the claim should be attached to it or his representative.

On the other hand, the Omani legislator stipulated in Article (2) that the electronic system shall include the management of proceedings electronically from their registration until adjudication, as Article (22) included the data that must be included in the proceedingsheet, which are the data of the plaintiff, defendant, and the competent court in addition to the facts

of the proceedingelectronically.

It is noted that the data of the electronic proceeding sheet does not differ much from the data stipulated in the paper sheet, except in proof of e-mail, which indicates electronic communication with the parties to the electronic proceeding. This is a positive indicator of trust in this method.

In this way, and after completing the necessary data for the proceedingpress, the secretary records the proceedingin a special electronic record located on the database of the court's website, after collecting the fees estimated by the court and paying them electronically (Al-Kharousi, 2022), and the date of registration of the proceedingin the electronic record is recorded. The court has Article (6).

In the event that the proceeding newspaper is accepted, the office, on the next day at most for registering the newspaper, sends a copy of the newspaper via an electronic media to the defendant in the event that his e-mail is registered in the newspaper. All electronic files related to their proceeding, and the defendant must deposit a memorandum followed by signed documents within ten days from the date of his declaration in the newspaper.

In the event that the proceedingstatement is not accepted, the secretary of the



proceedings shall explain the reason, along with an indication of the procedures that must be followed to accept the documents. The reason for non-acceptance may be non-payment of judicial fees or statements contrary to public order in the proceeding statement (Ibrahim, Electronic litigation, the electronic proceeding and its procedures before the courts, 2008).

Referring to the Omani legislator, Article (25) provides for the follow-up of the proceeding procedures through the electronic system, but in practice the trader in the Sultanate's courts submits the proceeding and notes for comment electronically and on paper at the same time. In electronic litigation, there is no way to achieve effective justice except through digital transformation, which saves both time and effort.

B

Serving Claim

Declaration is the only means of knowledge of judicial procedures, and it is conclusive evidence of knowledge of procedures for which invocation of ignorance is not acceptable (Hendy, 2019) electronically, via mobile phone, fax, calls, or any other means of modern technology, according to the statements of the proceeding document, Article (7) of the UAE legislator.

It is worth noting that the UAE legislator permitted, in the aforementioned

article, advertising by any other means of modern technology, in anticipation of the modern digital development, which might appear as a modern electronic means in the field of modern communications, and with the same article, the legislator authorized the parties to agree on any means, and accordingly, it is permissible, for example, to advertise via WhatsApp or any other means. It may appear in the future, and in the event of an advertisement through these means, the advertisement is valid and produces its legal effects (Ibrahim, Remote Litigation Procedures, 2020) .

In the event that the electronic declaration is made, it may be made at any time during the day and all days of the week, as well as during official holidays (Article 2/4 of Cabinet Resolution No. 75 of 2018 AD regarding the regulatory regulation of the UAE federal law).

Whereas, the electronic advertisement cancels the dates on which advertisement is not permitted, given that it reaches the advertiser via e-mail or the means stipulated by the legislator above (Hendi, 1999).

In the event that the plaintiff is not aware of the defendant's place of residence or his e-mail, according to the provisions of Article (32), the courts shall obtain data on telephone numbers,



fax numbers, and electronic addresses of natural and legal persons according to their latest update, through the electronic system that is electronically connected to the competent authorities in the units of the state's administrative apparatus and others of public legal persons.

It is clear from Article (7) that the UAE legislator put several options before resorting to the paper declaration, and left the Minister of Justice the authority to regulate the means of modern technology to deal with any new method, as well as the litigants to agree on any other way, and it is noted that the Omani legislator gave the plaintiff the right to submit a request From the court to bring the defendant's data according to the latest update, which makes access to the defendant as soon as possible by bringing his means of communication.

Since man is by nature mobile from one place to another, it is necessary to indicate the home of the defendant. In this regard, we see that the Omani legislator (33) dealt with the issue of the home of the person to whom he was declared. He relied on his phone numbers, fax numbers, and electronic addresses as his home. As for the home of the chosen one, it is the phone number of his agent, and it is valid to announce it. Electronically with

all proceeding procedures and other judicial procedures.

And in the article that follows, the legislator stipulates that natural persons should be notified by ordinary means in the event that his domicile is known, and this declaration does not delay the settlement of the proceeding. Advertising by normal means is not prohibited in the event that electronic advertising is not possible.

In this context, the advertiser is notified abroad in accordance with Article (35) of a request submitted by the applicant to translate the advertisement paper into the official language of the countries in which the domicile of the person to be announced is located. In all proceedings mentioned above, the electronic advertisement produces its effect from the date of sending the advertisement by one of the electronic means Organized by law in accordance with Article (36) p. 4 of Article 7 UAE.

C

Antagonism Course

The goal of electronic litigation is to achieve prompt justice, as the electronic system provides high-accuracy information in an integrated manner as soon as possible, and is based on defining a database for each judge to decide on the proceeding before him, which makes it easier for judges to be



familiar with all the elements of the proceeding (Suleiman, 2012). In the sense that it allows the judge to review and record the proceedings deposited with the secretary through the data that contains the proceeding and the documents attached to it to consider determining the competent court for the proceeding (Omar N. I., 1999).

Based on this course, Article (3/8) of the article laid down for the UAE legislator considerations for proving attendance and pleadings at a distance, which are as follows:

I. The competent judge must accurately determine the date and time for examining the proceeding, and proceed with its procedures through electronic means within the specified time.

II. The parties shall be notified electronically by the proceeding management office or the secretary of the date and hour of hearing the proceeding remotely.

III. The technical employee undertakes the process of preparing the devices used in the remote trial well before the start of the session, and he must deal quickly in proceedings of interruption or technical defect if any of them occurred during the course of the session.

IV. The lawyer shall have the necessary technical readiness and the use of devices that enable him to communicate with the supervising judge or the com-

petent court, as the proceeding may be, so that the sound and image are in full clarity, provided that this is done from a place worthy of the prestige of the judiciary.

V. That the lawyer, during the session, submit an oral summary of his notes, requests, and pleadings.

VI. The proceedings of the session are recorded electronically.

VII. The secretary records what the judge or the parties dictate to him during the session.

VIII. Sessions that take place via remote means must be public

Omani legislator neglected the regulation of remote litigation in civil proceedings organized by the UAE legislator, as the principle in electronic litigation is that if it is started remotely, the course of the proceeding continues through those means, but Article (8) mentioned an exception stating that one of the parties to the proceeding may submit to the supervising judge Or the competent court to request conducting the trial in presence, and he must state the justifications, and the judge or court must decide on the request after notifying the rest of the parties electronically.



Sub-Section □

Electronic Trial System

Electronic sessions are the most important axis in successful litigation, and electronic sessions must be organized accurately so as not to prejudice the principles of justice drawn by the doctrine of justice in the provisions of the law in countries, and accordingly the Omani legislator was absent from organizing electronic sessions, and in return the UAE legislator organized electronic sessions well, and accordingly we swear This requirement is divided into three branches and they are as follows:

A: Exchange Notes and Electronic Documents

B: Minutes of Electronic Sessions

C: Judicial Rulings

A

Exchange Notes and Electronic Documents

It has become easy to exchange notes and documents during the course of the proceeding between the litigants by activating modern means of communication, as the lawyer provides the secretary with their e-mail through the method approved by the court, and through this method the lawyer can send his notes and electronic documents For the court panel, where the proceeding management office (2) takes early control of the civil proceeding by

reviewing the dates of the proceedings by the legal staff working in the office in terms of preparing and managing the proceedings with the litigants. The role of the proceeding management office is aimed at permanent judicial control of proceedings without interruption (Ibrahim, Remote Litigation Procedures, 2020).

The electronic system provides the litigants and their attorneys with access to all files related to their proceeding directly, using the encrypted password that allows them to access the electronic system.

The secretary is considered an important element in the electronic trial sessions in accordance with Article 10. He is responsible for writing the record electronically and signing it with the judge, and he writes down what the judge dictates to him, as it is permissible Copies of those minutes and documents from the electronic information system of the court in paper form with the approval of the competent judge and kept in the paper file of the proceeding, which allows the litigants to obtain them based on a request submitted to the court and those minutes and documents are issued to them on paper and they must be approved and appended with the court seal.



B

Minutes of Electronic Sessions

The management and control of sessions is a matter entrusted to the judge, and he can seek the help of his assistants to achieve this. When the members of the circuit come to the courtroom at the time set for the session in advance, the computer is opened in the judicial platform and through the court's internal communications network and is linked to all sections of the court, when the proceeding file is sent to the private computer In the circuit that includes all the electronic documents in the proceeding file, such as the proceedingsheet and its attachments, the powers of attorney for the attorney, and everything related to the declaration in terms of the dates and methods in which it was made, where the courtroom is equipped from the inside with a display screen through which the proceeding file is displayed so that the attendees can view it (Al-Tarsawy M. E., 2013).

In order to achieve summary justice, Article (11) permitted the court to offer reconciliation to the litigants during the remote trial, and the reconciliation is confirmed and enforced if it occurs, and it may also order their presence in person for the requirements that the court deems appropriate for the similar proceeding before it, and the

litigants may request proof of what was agreed upon in the proceeding.

The minutes of the session at any stage of the proceeding, and they must sign it, and in the event that the litigants reach an agreement, it must be written in writing and attached to the minutes of the session and sent to the court via the electronic system, since the minutes of the session have the force of the executive document.

The court may use technology to listen to witnesses and interrogate them via remote communication (Al-Quthami, 2021) by the supervising judge or the competent court. This is at the request of one of the litigants or on its own, and in this matter the location of the circuit before which the hearing will take place and the date of the session must be specified in accordance with Article (13).

Naturally, the translator is considered a link between the opponent or witness and the court, and due to the urgent need for him, the legislator stipulated in Article (14) that it is permissible to be used by the concerned authorities in the Emirates in the event that the opponent or witness does not master the Arabic language, as Paragraph (1) indicated the necessary procedures To use the translator, they are as follows:

a. The translator and the litigants or the witness must be notified of the date of



the hearing in the same order issued with the help of the translator.

B. The interpreter must be fully prepared to access the remote session so that he can see everyone and perform what is required of him.

c. The proceedings of the session must be recorded electronically.

It is self-evident that the court will not adopt a translator unless he is able to deal with the means of communication approved by the court, and the court may also use any technical means of translation when necessary, provided that this means is approved and available.

C

Judicial Rulings

Judicial rulings are the conclusion of the dispute and adjudication thereof, as the ruling decision is considered a procedural decision issued by the judge who is authorized by the law to issue rulings according to the judicial authority, and after closing the door of pleadings, the judge may not hear any of the litigants in the absence of the other party or examine any document that was not submitted during the pleading. Even if this document is available to the court electronically, and in order to achieve justice, the court may authorize the litigants to submit notes during the period of seizure, provided that the

period is specified by the parties to the dispute (Awad, 2012).

There is no doubt that deliberation has a special nature in achieving justice, and accordingly, Article 15 of the UAE legislator stipulates that the deliberation is confidential and takes place between the judges gathered through a secure website dedicated to this deliberation, and no one else may access this program.

The court must issue the judgment in writing in an official manner attached to the proceeding file, in addition to the electronic judgment with the litigants, and they can access the site to view the judgment, but in the event that the judgment is issued in absentia, the court, represented by the competent office, sends the judgment via e-mail to the litigants.

In the event of an appeal against the electronic judicial ruling, the Court of Appeal's judiciary can issue the ruling in the proceeding before the Court of Appeal with a copy of the ruling being sent to the Court of First Instance. (2017, p525).

There is no doubt that the electronic hearing system performs many tasks and is completed in a short time, so that it achieves the successful litigation that the trial aims at.

Finale

Praise be to God who helped us and



guided us to this matter in this matter, and here are the last drops of the fruits of the research for you, and they are in the form of results and are followed by recommendations.

Conclusions

1- Responsible justice means speed in the procedural process, while achieving justice between the litigants without prejudice to the right.

2- The Omani legislator organized electronic advertising in a detailed manner, unlike the UAE legislator.

3- Work is still going on in the courts in the Sultanate by submitting the electronic newspaper as well as the paper.

Recommendations

1- We hope that the Omani legislator will benefit from the UAE legislator in organizing electronic litigation, with interest in successful litigation.

3-Judges, lawyers and judges' assistants must be qualified to work in the electronic system.

References

Al-Kharousi, D. S. (2022). *Explanation of the Law Simplifying Omani Litigation Procedures in Concerning Some Disputes*. Muscat, Oman.

Al-Marzouqi, A. M. (2021). Electronic litigation (smart litigation) and electronic litigation (smart judiciary) A comparative study of the legislation of the United Arab Emirates with some Arab and foreign systems. *University of Sharjah Journal*.

Al-Otaibi, K. (2019). *Completed Justice*. Retrieved from Aoun Agency.

Al-Quthami, E. M. (2021). Remote Litigation, "An Applied Jurisprudence Study on the Saudi System. *Journal of Sharia Sciences and Islamic Studies*.

Al-Tarsawy, M. A. (2019). *Electronic judiciary between theory and practice*. Cairo: Ain Shams University.

Al-Tarsawy, M. E. (2013). *Handling the proceeding before electronic courts*. Cairo: Dar Al-Nahda Al-Arabiya.

Awad, Y. S. (2012). *The privacy of the judiciary through electronic means*. Cairo: Ain Shams University.

Bakr, E. A.-M. (2013). *Principles of Civil Procedure*. Erbil, Iraq: Cihan University Publications.

Daoud, Z. N. (2008). *The Center for Specialized Judicial Studies*. Retrieved from Qassaa.

Hameed, H. A. (2021). *Towards the jurisdiction of an electronic court for in-*

- formation crimes, "a comparative study". Alexandria, Egypt: Arab Renaissance House for publication and distribution.
- Hendi, A. (1999). *Legal Science*. Alexandria: New University House.
- Hendy, A. (2019). *Civil and Commercial Procedure Law*. Alexandria, Egypt: New University House.
- Ibrahim, K. M. (2008). *Electronic litigation, the electronic proceeding and its procedures before the courts*. Alexandria: University Thought House.
- Ibrahim, K. M. (2010). *Electronic proceeding and its procedures before the courts*. Alexandria, Egypt: Dar Al-Fikr.
- Ibrahim, K. M. (2020). *Remote Litigation Procedures*. Alexandria: University Thought House.
- Jaafar, H. (2015). The role of electronic litigation in drawing and developing justice. *The Judicial Climate Conference to Support Investment (page2)*. Alexandria: Alexandria Economic Court.
- Mahmoud, A. J. (2020). *Electronic courts in the light of the contemporary procedural reality* (Vol. 35 (3)). Sharia and Law journal.
- Mandil, A. F. (2014). Remote litigation. *Kufa Journal of Legal and Political Sciences*, p. 281.
- Omar, N. I. (1999). *Procedural Waste and Procedure Economics*. Alexandria: New University House.
- Omar, R. (2018). *Judicial Services*. Morocco: Ministry of Justice.
- Suleiman, D. H. (2012). *The Legal Framework for the Civil Judge via the Internet*. Amman: Dar Al Thaqafa for Publishing and Distribution.

