

Electronic Judicial Declaration and its Impact Simplification of Litigation Procedures in the Sultanate of Oman, Analytical Study

Dawood Sulaiman AL Kharusi¹

Abstract

Electronic judicial declaration is a form of access to judicial protection through the use of electronic means of assistance to the human race, through technical procedures that ensure the realization of the principles and guarantees of litigation under the legislative protection of those procedures in accordance with the general rules and principles of the Code of Civil and Commercial Procedure, taking into account the special nature of electronic means. The electronic judicial declaration is characterized by the easy use and preservation of documents and documents, with the result that there is little loss of case files or change in the location of their preservation and the high level of security of trial records due to the fact that electronic documents and documents are more credible and easier to detect or modify any change in them, as well as easy access to them. The Omani legislature has identified several electronic means of making an electronic judicial declaration: telephones, fax numbers and electronic addresses; Agent's telephone number, email address and fax number. The adoption of the judicial declaration through modern technological media is an important step in reducing the length of litigation in the courts of the Sultanate of Oman.

Keywords: *Electronic Judicial Declaration, Simplification of Litigation Procedures, Electronic Judicial Declaration Procedures, Electronic Assignment of Accused and Witnesses, Electronic Means, Electronic Adresse.*

Introduction

Scientific and technical advances have a significant impact on the development of legal norms. Communication and exchange of messages and images among the planet's peoples have become easy across time and space, through the marriage between informatics and telecommunications tools, which has produced a giant birth, namely the Internet, which has transformed the globe into a small village; Distances have faded. human beings can observe all events on the ground, wandering through the net to conclude deals and purchase goods and services, and oscillations, blades, secret keys and electronic numbers across the screen are now the means of making such transactions instead of written papers and records and signing by letters. the use of computers and modern means of communication such as telex, fax and Internet is no longer limited to Governments, major enterprises and banks, but has been extended to a large proportion of individuals in society Mansour,. (2006).

In view of this growing evolution of modern technology and its dominance of all aspects of contemporary life, it has had to be applied in the legal aspect.

To realize the idea of "litigation logistics", i.e. access to justice in the least time, effort and cost, as a result of technological developments in the world of communication and communication in this digital age, and its entry into various aspects of life, procedural legislators in many countries of the world, including the Sultanate of Oman, have tended to exploit electronic devices such as computer through the Internet. in assisting the judiciary not only in the collection, storage, archiving of information and electronic proceedings or electronic payment of fees, but also in the process of advertising, notification or warning, to be in front of the so-called "electronic judiciary and judiciary" Mahmoud ,. (2007).

The Omani legislature regulated the process of litigation in the Sultanate of Oman under several laws, most notably the Code of Civil and Commercial Procedure. One of the important issues regulated by the Act is the process of traditional judicial declarations.

¹ Assistant Professor at the dept. of Private law, faculty of law., Arab open University, OMAN, Email: dawood.k@aou.edu.om

The declaration of judicial papers, as the most important litigation procedure before the courts, has recently become a fertile area for litigation, procrastination and attempts to slow down the litigation process, so intensified legislative, judicial and legal efforts to combat the phenomenon of slow litigation in this particular important procedure. Mahmoud,. (2018).

The Omani legislature has addressed these obstacles by promulgating the Law on Simplification of Litigation Procedures in Respect of Certain Disputes promulgated by Royal Decree No. 125/2020 and its Regulation promulgated by Decree No. 104/2021.

It explicitly provides for the use of modern means and their application to litigation procedures, including electronic judicial declaration” In July 2020, a circular was issued by the Secretary-General of the Council of Administration of the Judiciary for all courts of first instance and appeals in the Sultanate; The circular stipulates that the courts do not receive reviewers in the services provided by the Council's electronic platforms such as the Lawyers Portal and the Justice App as of August 2, 2020. The circular explained that court auditors had been discontinued for the services provided by the Lawyers' Portal, which included the registration and registration of cases ,filing of case claims in first instance, filing of applications, payment of judicial fees, receipt of declarations, follow-up services, printing of judgements, in addition to filing applications and enforcement disputes, requests for the inclusion of lawyers and exchange of pleadings, pending appeals and filing of appeals newspapers. The circular included the discontinuation of the reception of auditors in the services provided by the Judicial Administrative Council's website, judiciary, which includes follow-up and execution services, hearing dates, as well as receipt of judgements from any court and non-compliance with the court's judgement, as well as access to statistics and technical office issues such as legal principles and independent judgements”

According to the Omani lawmaker's estimates, traditional advertising is no longer in line with the technological age and the needs of the adversaries, hence the amendments in line with the digital age and the use of modern technology in litigation procedures to achieve a fair justice in the earliest and easiest time. Mahmoud ,. (2007).

Thus, the Act on the Simplification of Litigation Procedures in Respect of Certain Disputes was designed to introduce modern litigation systems, achieve justice by facilitating litigation proceedings, shortening their duration and accelerating the adjudication of their claims. Alkharusi,. (2021).

The Importance of the Study

This study is of great importance; It concerns a vital issue in the process of litigation, namely, electronic judicial declaration.

The study's relevance stems, in particular, from the importance of the topic, which served as a solution to the problems of the Declaration cases that were burdensome for judges and litigants. That the Omani legislature intervene and introduce modern means in litigation proceedings and apply them to judicial declarations under article 18 of the Law on Simplification of Litigation.

The study's overall relevance stems from one of the fundamental principles of procedural law, namely confrontation between adversaries, which is one of the most important applications of the right to defence. The content of this principle is the right of the adversary to know in a timely manner all elements and procedures of the adversary ,requests, defences and defences are made so that he may have an opportunity to respond and discuss his opponent's allegations. The essence of the confrontation is full knowledge of all elements of the case, i.e. knowledge of all judicial litigation proceedings and the factual and legal elements contained therein at a useful time and procedural security with a view to equality of the litigants' procedural status.

The defendant's means of being informed of the content and corpus of the allegations against him may be through oral confrontation with the hearing, access or judicial declaration, which is the official means of informing the opponent of the proceedings. thus, the judicial declaration aims to give effect to the

principle of confrontation between adversaries. It is an official means established by procedural law to inform the adversary of the proceedings and the factual and legal elements they contain. No action may be taken against a particular person without being able to learn of it. al-Batanouni,. (2010).

The Problem of The Study

Given the recent use of electronic judicial declarations in the Sultanate's courts, this may result in several obstacles. The problem with the study is to answer several questions, including:

What is electronic judicial declaration and its role in simplifying litigation procedures?

How authoritative is an electronic judicial declaration?

What procedures are in place in the electronic judicial declaration?

What are the means of making an electronic judicial declaration?

The Study's Methodology

The curriculum used in this study is analytical induction. The provisions of the laws governing the traditional judicial declaration process have been extrapolated into the Civil and Commercial Procedure Code, and electronic advertising in the Law on Simplification of Litigation of Certain Disputes and its Regulations has been analysed and evaluated in line with the study's subject matter.

Section of the Study

The study was divided into three investigations:

Research 1: What is an electronic judicial declaration?

First requirement: publicize the electronic judicial declaration and indicate the means of its use.

Second requirement: the importance and advantages of an electronic judicial declaration.

Third requirement: Legislative organization of the electronic judicial declaration

Examination II: Electronic Judicial Declaration Procedure.

First requirement: the form and time of the electronic judicial declaration.

Second claim: Home of the advertiser in the electronic judicial declaration.

Third requirement: proof of actual receipt of electronic advertising.

Third Examination: Electronic Judicial Declaration in Criminal Cases

First request: To entrust the presence of the accused and witnesses in accordance with the Code of Criminal Procedure.

Second requirement: entrusting the presence of the accused and witnesses electronically

What is Electronic Judicial Declaration

At the outset, it is necessary to speak of the concept of an electronic judicial declaration and its familiarity and relevance, which is useful in understanding the rules governing it, and in understanding the Omani legislator's position on related issues, which can be described in three claims as follows:

Introduction To the Electronic Judicial Declaration and The Statement of Its Means of Use

The traditional judicial declaration is the main means established by the Code of Civil and Commercial Procedure, promulgated by Royal Decree No. 29/2002, to enable the other party to learn of a particular procedure. The copy of the judicial paper of this procedure is handed over, by a record, to the advertiser or a person determined by law in his place. This paper is therefore considered a record paper. Fahmi, (204).

The declaration, so that it can be described as a judicial declaration, must be part of its adversaries before the courts, and if so, the declaration is called a judicial declaration. It is described as a judicial procedure. Judicial action is a legal act that is part of its present litigation and has a direct procedural effect, and in the sense of a breach if the declaration is not related to an adversarial dispute before the court, then it cannot be characterized as a judicial declaration, such as acts prejudicial to or contrary to the litigation. Al-Jarji, (204).

The declaration of the paper in the traditional judicial declaration means that a copy of it is delivered to the advertiser in the manner prescribed by law and proves that the photograph was delivered by the signatory of the original or stated the reason for the author's failure to sign, so the original is given to the advertiser as proof of the declaration. and the purpose of the Declaration is to inform the person of the content of the paper and to consider that the delivery of the paper by the way prescribed by law is an unequivocal legal presumption of the advertiser's knowledge of the content of the Declaration, so the Declaration is valid once the copy of the paper has been delivered. Directory of Court Litigation Procedures, (without a year of publication).

This is about the traditional judicial declaration.

Definition of Electronic Judicial Declaration

The Omani legislator did not know the electronic judicial declaration in the Law on Simplification of the Litigation Procedure in respect of Certain Disputes and, in article 18 of the Law, limited its provision and application. Regulation of the Law on Simplification of Litigation Omani Ministry of Justice, (2021).

Its procedures were regulated and defined in article 1 of the Code of Civil and Commercial Procedure and other laws through the electronic system and communications regulations approved by the Council, article 1 of the Regulation on the Law on Simplification of Litigation defines the electronic system as: "The electronic system established by the Council and provided for in article 2 of these Regulations".

Rule (2) of the Regulation - referred to - states: "The electronic system of the Council shall include, in particular, the following:

Administering cases electronically from registration to adjudication.

Storage of case data in electronic records and files.

Electronic transmission and exchange of data among the courts, State administrative organs and other public and private legal persons.

Litigants' filing of case papers, appeals, petitions, grievances, enforcement disputes and other requests with court secretariats.

Submission and electronic exchange of submissions and documents between the parties to the proceedings.

Follow up the proceedings and see their papers.

Take action to implement the provisions, append the provisions to the executive form and request their implementation.

"To declare the experts assigned by the competent court and to deposit their reports. through information programmes designed for this purpose such as the Case Management Programme, the Sentencing Implementation Programme, the Lawyers Portal, the Litigants Portal and other programmes prepared by the Board. "

Definition of Jurisprudence for Electronic Judicial Declaration

Some of the jurisprudence defined it as "the adoption of new and modern means of advertising not to replace the Declaration in traditional ways but as a means of assisting in the process of advertising and to reduce legal disputes over the validity of the Declaration, but as a means of communicating with competing litigants in the proceedings and informing them of the latest procedures and litigation Al-Shara 'a, (2010).

Another aspect of the doctrine defined it as: "The official means by which the adversary must be informed of the action taken against him, to enable him to learn about the actions taken against him by delivering advertising through the means of modern technology and technologies, as achieved on the sending and receipt of the adversary, and by one of those electronic means. Al-Matroudi, (2021). through the provisions of the Regulation of the Law on Simplification of Litigation we can define an electronic judicial declaration as: notification of the advertiser (addressee) with a judicial paper by electronic message, by any means related to modern technology with electrical, digital, magnetic, wireless, optical, electromagnetic, optical or any similar capabilities Omani Ministry of Justice, (2008).

Based on the foregoing definition of judicial declaration, it can be said that an electronic judicial declaration is not different in substance from a conventional judicial declaration, but in terms of the means used to make it. It is the electronic means used in the declaration procedure that make judicial communications electronic. al-Dabbas, (2020).

Electronic means used in the electronic judicial declaration:

Article 1 of the Regulation on the Law on Simplification of Litigation provides for the means used in an electronic judicial declaration: "Electronic declaration: submission of papers and judicial declarations established in the Code of Civil and Commercial Procedure and other laws, through the electronic system, and communications regulations approved by the Council."

Article 33 of the aforementioned Regulations states: "Telephone numbers, facsimile numbers and electronic addresses shall be used as their owners' home for electronic advertising of papers and other judicial proceedings. An agent's telephone number, e-mail address, fax number, etc. shall be considered a chosen home for the electronic declaration of the client of all proceedings, appeals against judgement and execution procedures. "

The Omani legislator has thus identified the following electronic means of making an electronic judicial declaration:

phones, fax numbers and electronic addresses.

Agent's telephone number, email address and private fax number.

What is currently being done in the courts of the Sultanate of Oman is to announce by mobile telephone a written telephone message containing the court's link to the case and once the link is entered the declaration is in writing in pdf.

Where Mobile Phone is one of the most effective and widespread means of instant communication and features fast connectivity and ease of use. Al Mahdi ,. (2007).

Mobile phone provides several services, including voice, visual and sms. and multimedia messages (mms). In addition to many services and benefits including internet service. al-Dabbas,. (2020).

- Electronic judicial declaration and lawyers' portal to administer the case electronically <https://elawyers.caj.gov.om>, To register a lawyer in the lawyers' portal, the following documents are attached and sent by email:

(programming@caaj.gov.om)

Submit an application for registration in the portal signed by the lawyer and stamped with the seal of the office. 2. The civil card of the lawyer (the owner of the office and lawyers in his office). 3. Practising card for lawyers and lawyers registered in his office. 4. Certificate of office registration issued by the Ministry of Trade and Industry and Investment Promotion. 5. The lawyer's signature form (approved by the Lawyers' Department of the Ministry of Justice and Legal Affairs). 6- The telephone number of each lawyer in the office + email.

It is a window through which the Supreme Council of the Judiciary provides a service to the law firms and offices of the Sultanate of Oman, through which the Council is bound to benefit from the electronic services of the litigation management program in all courts of the Sultanate. The gateway allows all lawyers enrolled in the Lawyers' Affairs Department to file cases - and appeal and appeal - to their clients and thus follow up in the courts and know the procedures taken therein.

Through the portal, the lawyer can file proceedings and transmit all the required documents within a few minutes without reviewing the competent court, thereby saving him a lot of time, expenses and suffering of travel to the states, which has helped to simplify the litigation process.

The services provided by the Lawyers' Portal to manage the case electronically are: filing of newspapers; Judicial declarations; Exchange of notes; Follow-up of litigation proceedings; Electronic payment.

Second Requirement

The Importance and Advantages of Electronic Judicial Declaration

Electronic judicial declaration is a form of access to judicial protection through the use of electronic means of assistance to the human race, through technical procedures that ensure the realization of the principles and guarantees of litigation under the legislative protection of those procedures in accordance with the general rules and principles of the Code of Civil and Commercial Procedure, taking into account the special nature of electronic means Awad,. (2012). Since the means of electronic judicial advertising are more targeted for advertising other means, such as advertising through publication. Where such means may reach the advertiser exclusively and personally by sending a written telephone message, or by any electronic means of communication capable of preservation, and extracting it, while advertising by publishing in the press is not aimed solely at the advertiser, it is also public, which is perhaps defamatory but may be justified by the opponent's attempts to evade its declaration in traditional ways (of his person or home). In the use of modern electronic means, the notion that the defendant is not present, that his or her home is closed, or in other words, that of any behaviour that evades or evades the adversary to be declared, such as those taken by the advertiser when declaring it by traditional means, cannot be talked about rarely. Mahmoud,. (2018).

One of the advantages of an electronic judicial declaration is that it avoids overdue procedural deadlines as well as saves time, as the process of messaging takes only a few seconds for the declaration to reach the addressee, no matter how far away. the electronic judicial declaration is characterized by the preservation of the privacy of the parties to the proceedings, where electronic means provide the preservation of the information transmitted through it, as only the sender and the addressee " Jomayee ,. (2000).

This is unlike the traditional means of advertising, which often lose much of their confidentiality.

In addition to the foregoing, an e-mail in an electronic judicial declaration becomes the basis for the parties to a dispute to adopt if it arises. The application of electronic procedural treatment as an alternative to traditional treatment in which a litigant has to deal with human beings contributes to the achievement of equality between litigants and non-differentiation between litigants, as well as to the avoidance of all forms of favouritism or comity. It also leads it also reduces opportunities for manifestations of corruption and prevents its consequences Mohammed Mahmoud,. (2020).

Legislative Organization of The Electronic Judicial Declaration

The Omani legislature has endeavoured to regulate the judicial declaration and to inform it of the legislative safeguards and controls in order to ensure its integrity in order to bring the declaration paper to the notice and inform it of its contents. The purpose of the declaration of litigants in the proceedings is to inform them of the elements of the prosecution and the court before it to prepare and prepare their defence; this - as already stated - to achieve the principle of confrontation between adversaries and respect for the rights of the defence and the content of the Declaration responds to this objective. al-Batanouni,. (2010). the Omani legislature regulated the electronic judicial declaration by Royal Decree No. 125/2020 promulgating the Law on Simplification of Litigation Procedures in Respect of Certain Disputes Omani Ministry of Justice,. (2020).

Article 18 of the Code states: "An exception to the Electronic Transactions Act, taking into account the provisions of the Code of Civil and Commercial Procedure concerning the declaration of judicial papers, may be made by written telephone message, or by any electronic means of communication capable of preservation and extraction, determined by a decision of the President of the Council of Administration of the Judiciary. Royal Decree,. (No. 35/2022).

This provision applies to the procedure for declaring judicial papers in proceedings not provided for in this chapter, the procedure for declaring, enforcing and appealing judgements handed down therein. "

Article 18 of the Law on the Simplification of Judicial Advertising Litigation is an exception to the Law on Electronic Transactions, which stipulates that the Law on Electronic Transactions shall not apply to judicial declarations. Article 3 of Sultani Decree No. 69/2008 promulgating the Electronic Transactions Act provides that "the provisions of this Act shall apply to electronic transactions, records and signatures as well as to any electronic information message. The Act does not apply to: (a) transactions and matters relating to the Personal Status Code, such as marriage, divorce, wills and donations. Court proceedings, judicial declarations, summonses, search warrants, arrest warrants and judicial decisions. any document that the law requires to be documented by the notary at justice ". Omani Ministry of Justice,. (2008).

The Law on Simplification of Litigation Procedure has been introduced by modern means in litigation proceedings and applied to judicial declaration under Article (18) - The above-mentioned - where litigants receive litigation newspapers in the form of letters bearing links or photographs containing the content of judicial newspapers, that issue is currently technically and technically achievable and is a valid idea on the legal side, in accordance with the provisions of the Law on Simplification of Litigation Procedure which adopts any means of electronic transactions whenever they are used via electronic media or features, as well as the ability to save and extract them, especially since modern mobile phones have electronic characteristics, and have the ability to save and extract.

Where the practical importance of the use of immediate means of communication in the process of judicial declaration is demonstrated in the speeding up of proceedings, saving time and effort, and maintaining the confidentiality of correspondence, this makes it achieve the principle of economy in actions with minimal effort, minimal time and minimum possible expenditure. al-Batanouni,. (2010).

In our view, the Omani legislature has done well by providing in the Law on Simplification of Litigation Procedures that judicial advertising is done by telephone or electronic, since all individuals and institutions are using modern means of communication, such as e-mail and social media platforms, and the use of modern and electronic means of litigation will save the effort, time and cost of litigants. And the competent authority for litigation and article 18, preceding the statement, of the use of modern and electronic means in judicial advertising are consistent with the Government of the Sultanate's orientation towards digital government.

The adoption of the judicial declaration through modern technological media is thus an important step in reducing the length of litigation in the Sultanate's courts.

When applying the declaration referred to in article 18 of the Law on Simplification of Litigation in Respect of Certain Disputes, the provisions of the Code of Civil and Commercial Procedure concerning the declaration of judicial papers must be taken into account. the Law on the Simplification of Litigation in Certain Disputes was promulgated by the President of the Judicial Administrative Council by Resolution No. 104/2021, chapter IV of which is devoted to electronic advertising in articles (32) to (39).

Electronic Judicial Declaration Procedures

Originally, it is the duty of the record to initiate the declaration proceedings as soon as it is requested by stakeholders, the Secretariat of the Court or the Court Order. The applicant submits the declaration to the Secretariat of the Court with the original and images of the declaration in the traditional judicial declaration. The electronic judicial declaration is a very different means. This is what we will indicate in the following claims:

Direct Version and Time of The Electronic Judicial Declaration

The Electronic Judicial Declaration's Version (S):

There is no doubt that there is no binding version of a judicial declaration, whether traditional or electronic, although work has been done in the courts to follow a particular form of notification as required by the Civil and Commercial Procedure Code. However, although judicial papers differ according to the object to be declared, they do not differ in terms of their wording: where it may be an advertisement of the defendant's case sheet in the event of a new action by the plaintiff or, in the event of the defendant's absence from the hearing, a hearing is scheduled for hearing; The defendant's unaware of the next date, or a summons from the Chamber if it considers that any party to the proceedings should be included, or the pronouncement of a judicial judgement, and in any event, what is required by law in the form of a judicial declaration shall be considered in the court's declaration the Code of Civil and Commercial Procedure specifies in article 8 that the declaration paper (traditional and electronic) must contain the data specified in the declaration in the lawsuit Matroudi,. (2021).

Article 8 of the Code of Civil and Commercial Procedure stipulates: "The papers made public by the record shall include the following statements: a. The date of the day, month, year and hour at which the declaration was made. B. The applicant's triple name, tribe, surname, occupation, job, domicile and triple name of the representative, tribe, surname, occupation or job, description and domicile. c. Subject matter of the Declaration. D. Triple name and signature of the record and the court in which it operates , the name, tribe, surname, occupation or occupation of the advertised person, and, if he has no known domicile at the time of the announcement, his last home. The tripartite name of the person to whom the copy of the declaration is delivered, and its description, signature or imprint on the origin of the receipt or proof of its refusal to receive and its cause. "

Electronic Judicial Declaration Paper data in accordance with the Regulation of the Law on Simplification of Litigation Procedures:

Article 37 of the Regulation of the Law on Simplification of Litigation

Article 37 of the Regulations of the Law on the Simplification of Litigation stipulates that the electronic judicial declaration paper shall include the following data:

The date of the day, month, year and hour when the declaration paper is sent.

The competent court's statement.

Subject matter of the Declaration.

The employee who made the announcement.

The name, surname, occupation, job, home, telephone number, facsimile numbers and electronic addresses of each applicant, agent and applicant.

Type of attached documents.

When sending the judicial declaration paper to the requested telephone number or e-mail, it shall be accompanied by an electronic message indicating the date and subject matter of the declaration and the name of the competent court and alerting the author to open or consult the attached documents by clicking on the link leading to the case's electronic file.

In cases where the declaration is made by means of an electronic message, the letter shall indicate the date, subject matter and name of the competent court.

The Impact of The Failure of An Electronic Judicial Declaration:

The absence of a statement from the electronic judicial declaration paper nullifies it, and the nullity of the judicial declaration is a special nullity, in the interest of the adversary who initiated the procedure in his own interest, and the requirement that the invocation of the null and void is the right of the adversary to have the right to waive it, and is not compelled to use this right; in the interest of the legislator to limit the cases of established invalidity of the failure to follow the form, procedures or dates established for the judicial declaration and other proceedings, article 22 of the Civil Procedure provides that "... The invalidity is null and void if the lawful person expressly or implicitly declines his or her interest. with this provision, the Omani legislator decided that the declaration on the private interest of the adversaries would be invalid. invalid in the interests of the person expressly or implicitly invoking it, Provided that implicit descent by saying, acting or proceeding in its own right to leave the right is unquestionable and that the stakeholder had taken into account the fact that the declaration he was facing had been valid or considered to be so. Abdul Hay, (2018).

Correction of invalid declaration: The invalid action (declaration) may be corrected even after the invalidity has been invoked on the date prescribed by law for the action. If the action does not have a date prescribed by law, the court shall set an appropriate date for its correction and the action shall not be considered until the date of its correction. Omani Ministry of Justice,. (2002).

Second: The Time When the Electronic Judicial Declaration Is Allowed:

In accordance with article (7) of the Code of Civil and Commercial Procedure, for the time of commencement of the traditional judicial declaration, no announcement or execution may be made before 7 a.m., not after 5 p.m. or on public holidays. The reason for this determination is that persons whose declaration is made shall not be disturbed by the admission of the public official (s) to their place of

residence at their rest or holiday time. Waliy,. (2008). also, late-night proceedings give an opportunity for control and authoritarianism, which is what the legislator always distances. Mabrouk,. (2010). For traditional judicial declarations, could this provision be applied to electronic judicial declarations?

We are of the view that article 7 of the Code of Civil and Commercial Procedure does not preclude the application of the text to the electronic judicial declaration. In the event of a violation of the deadlines contained therein, there shall be no procedural sanction for such violation. some of the jurisprudence considers that an electronic judicial declaration may be made at all times. Al-Matroudi,. (2021). for our part, we do not subscribe to this view. Sending telephone and electronic messages may cause inconvenience to the majority of people, especially their rest times and holidays. We therefore believe that the authors of an electronic judicial declaration must abide by the deadline set out in article 7 of the Code of Civil and Commercial Procedure.

Permission To Declare at Times Other Than Permitted

As the urgency sometimes requires speedy advertising, and not waiting until the morning or the official holiday expires, the law authorizes the declaration at a time not permitted in case of necessity, upon written authorization of the judge of time matters, and the applicant obtains such permission to order the petitions. in his request it, he sets out the circumstances justifying the speed of the declaration, and orders the judge to declare it in a timely manner when he deems it necessary. He announces the order with the advertising paper so that the advertiser can verify the authenticity of the declaration in a timely manner Fahmi ,. (204).

The necessity of allowing the declaration to be made at times other than permissible is left to the judge's discretion. If authorization is granted, the advertiser must inform him at the time of the declaration to determine the reason for the declaration at the time not permitted. Sawy,. (2010).

Home of the Advertiser in the Electronic Judicial Declaration

Home "is where a person normally resides" Omani Ministry of Justice,. (2013).

It is clear from this text that the Omani legislator has introduced a realistic depiction of the home. This depiction of reality at work is based on the existence of a person's actual stable residence, and defines the domicile as the habitual stable residence Saad,. (1973).

The home in the traditional judicial declaration is important in that it is the place where a person is presumed to be engaged in his or her legal activity and to be addressed by others in respect of all matters relating to such activity, whereby any declaration, warning, statement of claim or other papers with legal effect is addressed to the person. Knowledge of a person's home is important in many cases provided for by law. For example, Faraj ,. (1975).

The law stipulates that the papers to be declared to the person shall be handed over to the person himself or in his or her home country (M 9 civil proceedings). 2. For the jurisdiction of the courts, the jurisdiction of the court may be determined on the basis of the person's domicile in the chamber of this court Article 44 of the Code of Civil and Commercial Procedure provides that "The jurisdiction of the court in which the respondent is located shall be the home of the respondent unless otherwise provided by law, if the respondent is not a home in the Sultanate, the jurisdiction of the court in which the respondent is located shall be the residence of the respondent.Omani Ministry of Justice,. (2002). Code of Civil and Commercial Procedure.

"Performance of obligations that are not of particular place in the place where the debtor's home is at the time of performance, unless there is an agreement or provision to the contrary Omani Ministry of Justice,. (2013).

This is the home for a traditional judicial declaration, and it is not entirely suitable for an electronic judicial declaration made through electronic means that do not adhere to a particular place. The home here is the

means to which the declaration is sent wherever it may be. Article 35 of the Regulations stipulates that: "The secretariat of the competent court shall proceed with electronic advertising proceedings, even if it is declared outside its domestic jurisdiction or outside the Sultanate. if the opponent's home is outside the Sultanate, the applicant must submit an approved translation of the declaration paper into the official language of the foreign State in which the applicant's home is located. The declaration of military, seafarers and prisoners shall take into account the rules of the declaration provided for in the Code of Civil and Commercial Procedure. article 13 of the Code of Civil and Commercial Procedure stipulates that: "In the absence of a special provision, the declaration shall be reproduced as follows:..... In respect of members of the armed forces, the police and the Royal Guard, the person requested shall be handed over to the commander of its contingent. G. In respect of prisoners, they shall be handed over to the prison superintendent or his representative. H. In respect of seafarers or employees of merchant vessels, they shall be handed over to the masters. " Omani Ministry of Justice, (2002). Code of Civil and Commercial Procedure.- Phones, fax numbers and electronic addresses are home to their owners:

Courts bring telephone number data, fax number and electronic addresses of natural and legal persons according to the latest update, through the electronic system electronically connected to the competent authorities in the units of the State administrative organ and other public legal persons the applicant may request the President of the competent court or the President of the Trial Chamber to address the competent authorities for enquiries about the defendant's telephone number, fax number or e-mail address. The competent authorities shall be obliged to provide the competent court with all data they request. .Omani Ministry of Justice, (2021).

telephone numbers, facsimile numbers and electronic addresses are used as their owners' home for electronic advertising of papers and other judicial proceedings.

The advertiser's chosen home electronically:

It is originally the law that determines each person's domicile and takes as the basis for this determination a stable and fixed residence. However, a person may choose for himself a private home for certain legal work, which is the chosen home. Saad,. (1973). the chosen domicile is the domicile chosen by the person for the commencement of a particular business - besides his or her general domicile - and if the person chooses a home for which he or she chooses a lawyer's office, this is for the chosen domicile in the traditional judicial declaration. in the Electronic Judicial Declaration, the Regulation of the Law on Simplification of Litigation Procedure stipulates that: "The agent's telephone number, e-mail address, fax number, etc. shall be considered to be a chosen home in which the client's electronic declaration shall be valid for all proceedings, appeals against judgement and execution procedures. Omani Ministry of Justice, (2021).

Thus, the telephone number is considered to be a chosen home for the advertiser, and may be taken by litigants as a home for receipt of judicial journals, because it is not inconsistent with the provisions of the law, which authorized the introduction of telephone and fax numbers as a chosen home, as well as the e-mail, and did not limit it to landline phones, for example, with no mobile ", the criterion of which was that it contained written messages of its document attainment, which could be achieved by computer devices that sent such written messages proving the fact that they had been sent on mobile phones, especially since such messages were authoritative adopted by the Law on Simplification of Litigation Procedures.

Third requirement

Proof of Actual Receipt of Electronic Advertising

The law requires the employee who performed the advertising procedure to save it in the electronic file of the case, and to extract the advertising paper, the e-mail and the proven electronic report for the successful transmission of the advertising to the advertiser, its watch and date, and attach it to the paper file of the case .Omani Ministry of Justice,. (2021).

First: Proof of Actual Receipt of the Declaration:

By sending the judicial declaration paper or an e-mail or both, the electronic declaration shall be verified to the e-mail address or fax number to be declared, or to his telephone number using the SMS and other communications systems approved by the Board, and an electronic report shall be returned to the staff member who has performed the procedure, which shall be considered a declaration to the person whose home the declaration is requested; its effects result from the successful date of sending the electronic advertisement. Omani Ministry of Justice,. (2021).

When sending the judicial declaration paper to the requested telephone number or e-mail, attach it to an e-mail indicating the date, subject matter and the name of the competent court and alert the advertiser to open or consult the attached documents by clicking the link leading to the case's electronic file. .Omani Ministry of Justice,. (2021). in cases where the declaration is made by means of an e-mail, this letter shall indicate the date, subject matter and name of the competent court. Omani Ministry of Justice,. (2021).

It should be noted that, in any event, the court may order on its own motion the presentation of the assets of the documents, and it shall not be deemed to deny the photographs of the documents stored electronically in the competent court, unless the person denying them maintains that the documents are invalid or have not been issued by whomsoever attributed to them, and the competent court shall on its own initiative award him a fine of no less than (50) Fifty OMR, not more than three hundred OMR (300) if the denial is deliberate and proven invalid Omani Ministry of Justice,. (2021).

Legal Implications of An Electronic Judicial Declaration

Once the electronic judicial declaration has been made in its previous form, the advertiser shall be deemed to be aware of the judicial paper and its content, and shall not claim to be unaware of it for any reason whatsoever. That is, the judicial declaration of the procedure, like the publication of legislation in the Official Gazette, constitutes an unequivocal presumption of knowledge that does not accept the invocation of ignorance. the law did not require the certainty of the paper's contents, but merely of judgement. Accordingly, in regulating the judicial declaration, the Act ensures that detailed rules are in place to ensure that the paper actually reaches the advertiser. It therefore requires in the declared paper certain data called the Declaration's wording, and accurately charts the steps to be taken to complete the Declaration. Fahmi,. (204).

It is necessarily known that an electronic judicial declaration, if properly made, produces its effects. This is provided for in article 10 of the Code of Civil and Commercial Procedure, which affirms that the declaration shall produce its legal effects from the time it is handed over to the person to whom it is legally handed over. in the case of an electronic judicial declaration, the rationale for achieving the effect of the Declaration is to achieve its objective of having knowledge of the Declaration; to be a product of its effects, and to be an argument to whom it was directed by electronic means established by the legislator Al-Matroudi,. (2021).

The electronic judicial declaration produces its effects in accordance with article 38 of the Regulations of the Law on the Simplification of Litigation Procedure, after the employee who performed the advertising proceedings must file it in the electronic file of the case, and extract the advertising paper, the electronic message and the electronic report proving the successful transmission of the declaration to the advertiser, its hour and date, and attach it to the paper file of the case. the electronic judicial declaration varies depending on the effect of the electronic declaration to be made. The electronic declaration may be an announcement and is mandated to appear to court. This entails the convening of judicial litigation. The electronic judicial declaration may be notified of the judicial judgement (it may be present, it may be in absentia), thereby giving effect to the dates of appeal. Al-Matroudi,. (2021).

Electronic Declaration and Its Inability

Electronic judicial advertising is a modern system in terms of realistic application, so it may face difficulties such as weak mobile telephone networks, weak Internet penetration in remote areas, the appearance of piracy on computers, viruses on electronic devices, and the presence of information illiteracy among some people. The Omani legislature has developed solutions to address these difficulties in article 34 of the Regulation of the Law on Simplification of Litigation in Respect of Certain Disputes: "The Secretariat of the Competent Court shall, on its own initiative or at the request of the relevant parties and in any case in the proceedings, publish the papers and other judicial proceedings electronically whenever it finds the data necessary for electronic advertising, and the declaration of natural persons shall be taken into account by ordinary means in accordance with the Code of Civil and Commercial Procedure referred to when the home of the person whose declaration is requested is known, and such declaration shall not delay the adjudication of the case

If the declaration cannot be made by electronic means, in the event of inaccessibility, the programme shall inform the sender so that it may be made public in accordance with the methods prescribed in the Code of Civil and Commercial Procedure referred to, in which case the applicant must submit to the secretariat of the competent court the origin of the papers and copies of them to the extent that their declaration and a photograph of the secretariat of the secret are required. "

The Courts' Oversight of The Validity of The Declaration Procedure

Under article 78 of the Code of Civil and Commercial Procedure, the Omani legislator conferred on the courts the power to supervise the advertising proceedings, in order to ascertain whether the declaration was lawfully valid, or otherwise returned. It states: "If, in the absence of the defendant, the court finds his declaration to be null and void in the newspaper, it must adjourn the proceedings to a subsequent hearing and make a valid declaration". This provision is in line with the idea of remedying the invalidity widely adopted by the Code of Civil Procedure (art. 23).

In such a case, postponement was not intended to make the litigation a presence against the defendant, but rather to remedy the invalidity, and the proceedings must therefore be adjourned with the defendant's reinstatement, even if the proceedings were urgent and the case sheet had been made public to the defendant.

It follows that if the defendant was absent at the first hearing, the court found his declaration invalid in the case sheet the proceedings were adjourned to a subsequent hearing to which the defendant made a valid declaration and the defendant was subsequently absent at the second hearing. In the absence of urgent proceedings, the court was obliged to adjourn the proceedings to another hearing to which the defendant would declare it if the case sheet had not been made public to the defendant and he had not filed a defence brief. the second hearing is considered to be a first hearing and the rule applicable in the event of the defendant's absence at the first hearing applies article 23 of the Code of Civil Procedure provides that "the null and void procedure may be remedied even after the invalidity has been invoked, provided that it is done within the time prescribed by law for the action to be taken. If the procedure does not have a date prescribed by law, the court shall set an appropriate time limit for its correction and the procedure shall be valid only from the date of its correction". Omani Ministry of Justice, (2002).

Authenticity of the Electronic Judicial Declaration

We consider that the authenticity of an electronic judicial declaration is the same as that established for the original document, and that the declaration is a product of its effects from the time it is received rather than the time it is sent, provided that any such transmission can be obtained from the competent contact point. This can be achieved in the text messages, " in particular, it may be proven by the extraction of a certificate from a telecommunications company indicating the fact that the recipient received text messages from telephone numbers approved by the General Directorate of Courts of the Council of Administration of the Judiciary, which are intended to send announcements of judicial journals and notifications of hearings. " Saif, (1970).

Research Electronic Judicial Declaration in Criminal Cases

The Regulation of the Law on the Simplification of Litigation Procedures is designed to regulate such proceedings, and to expedite their determination, in civil and commercial articles, as well as in criminal cases, providing for the application of the rules of electronic judicial declaration in the electronic declaration by the Public Prosecutor's Office. Accordingly, this study will be dealt with in two requests. The first is to entrust the presence of the accused and witnesses in accordance with the Code of Criminal Procedure. The second is to mandate the presence of the accused and witnesses electronically from the Public Prosecutor's Office in criminal cases: civil and commercial articles contained in chapter IV thereof, the above-mentioned article.

Mandate the presence of the accused and witnesses in accordance with the Code of Criminal Procedure

The Code of Criminal Procedure regulates public proceedings from the outset until the execution of the judgement handed down therein. This organization takes several stages in the proceedings and includes numerous judicial declarations addressed to the parties, including the announcement of the accused to be present at the hearing the declaration of witnesses and the rest of the parties; The complaint against the decisions to suspend the investigation from the public prosecutor's office, the problems with the execution of the penal provisions and the announcement of the penal provisions for the entry into force of the appeal dates. From all this, we address some examples, including:

Entrusting The Accused's Presence

The Code of Criminal Procedure regulates the assignment of attendance, arrest warrants, arrest and habeas corpus in articles 69 to 75. In order to ascertain the truth of the incident reported or complained of, a member of the Public Prosecution Service may request the presence of any person before the Public Prosecutor's Office by order requiring the person to attend. The order must include the person's name, surname, profession, nationality and place of residence. the charge against him if he is accused, the date of the order, the place and time of attendance, the name, signature and official seal of the prosecutor's office (1). Mandating attendance is an invitation to the accused or other persons to attend at the designated time and place. Of the nature of the mandate to attend is that the force is not used in its implementation and that it is not binding on those who have directed it, he is free to respond, to attend, to refuse and to refuse to attend. Omani Ministry of Justice,. (1999).

The order to be present is to invite the accused to appear before the investigator at the time he is assigned to him, in order to be interrogated or to take further investigative action against him. The most important characteristic of this is that it does not involve subjugation or coercion. Its execution is left to the accused's will: if he wishes to respond to the call, if he wishes not to respond. Obaid,. (2004). The subject matter of this order is often the interrogation of the accused after his presence, but the subject may be any procedure of investigation that the investigator may assess as appropriate, such as confrontation or the conduct of work of experience in the accused's presence. Hosni ,. (2017). However, the legislator authorized the member of the Public Prosecutor's Office to issue a warrant for the arrest of a person declared to be present if he was accused, complainant or witness, and failed to do so without an admissible excuse, even if the incident was incidentally incapable of preventive detention. any of these officers may be arrested by the police and brought before the Public Prosecutor's Office if he voluntarily refuses to appear immediately. He may also request the competent court to sentence a witness who fails to attend to the penalty for failure to testify. Attendance is permissible for all offences, whether the offence is a felony, a misdemeanour or an offence. Obaid,. (2004).

Data to Be Included in the Order to Attend

Article 69 of the Code of Criminal Procedure provides that " The order shall include the person's name, surname, profession, nationality, place of residence, the charge against him if he is accused, the date of the

order, the place and time of attendance, the name, signature and official seal of the public prosecutor. " This means that these orders must be fixed in writing. Pursuant to the general rule of criminal procedure, in order to ensure that the order is established and invoked, and in addition, it is more likely that the order will be executed by a person other than the author, it must be fixed in writing in order to be informed of the limits of his assignment. If urgent circumstances require that the order be communicated by telephone, mail or wireless, the order must have a fixed origin in writing, some of the statements required by the law are aimed at the exact identification of the accused's personality in order not to confuse him or others and enforce the order, namely those concerning his name, surname, industry and place of residence. The statement of charge is requested so that the accused knows about it, prepares his defence in advance, and the investigator recalls the subject matter of his interrogation. Requiring history, lighting and sealing, this is the general rule in official papers the reason for the date is to verify that the order is issued at the time when it can produce its effect. The rationale requiring lighting and sealing is to ascertain that the source of the order and the person following it are in a position to issue an order. Hosni ., (2017).

Announcement of the Order to Attend

It has already been said that the order to attend is an invitation to attend, and does not include any kind of coercion or coercion to attend. If the person responds to it, the investigator is able to initiate an investigation with him, although the investigator does not have to order that he be brought in by force, which is to order that he be seized and brought in. The investigator can also reorder the accused's presence without ordering that he be seized and brought in. Mahdi,. (2018).

The law requires that a person wanted to be present or in his or her place of residence be made public by the police, that a copy of the person be handed over to him or her and that another person be signed by receipt. In the absence of the person responsible for attending the person's place of residence, the copy of the order may be handed over to a relative residing with him or any of his followers and the copy of the order may be signed. as for the time permitted to proceed with the declaration: according to article (70/2) of the Code of Criminal Procedure, no declaration or execution may be made before 7 a.m. or after 6 p.m. or on public holidays. The reason for this determination is that persons who are declared to have entered the public official (police officer) at their place of residence shall not be disturbed at their respective time of rest or holiday.

Legal Declaration of The Order to Attend

The legal declaration of the order to attend is made in accordance with the manner established by law and provided for in article 70 of the Code of Criminal Procedure, but has not been made aware of the person responsible for the appearance (declared) for any reason whatsoever, or for not knowing the person's place of residence after a search by the author of the declaration in this case, in accordance with article 71 of the Code of Criminal Procedure, the order to be brought to the guardian, elder or Rashid in the area shall be handed over. The last place where the accused resides or where the crime occurred shall be considered as the defendant's last place of residence. Such extradition shall be regarded as a declaration to the person whose presence is sought unless otherwise established. Thus, the law considers the declaration to have been made, unless the person whose presence is requested proves to be incomplete.

Entrusting Witnesses to Attend (Their Declaration)

The rules for the declaration of witnesses set forth article 106 of the Code of Criminal Procedure, stating that "a member of the Public Prosecution Service shall assign witnesses to be heard by the police and may hear the testimony of any witness attending on his or her own initiative and prove it in the record". It is clear from this text that the witness's declaration is preceded by the investigator's decision to call him to testify, whether decided on its own or at the request of the litigants. The witness is assigned to attend by the police. The witness may appear on his or her own initiative. If the investigator decides to hear him prove his automatic presence in the record, so as to be an element in the valuation of his testimony (1). The Court's reluctance to hear witnesses had not been declared in accordance with the law. Hosni ., (2017).

These are the traditional procedures for mandating attendance in penal materials

Mandating The Presence of The Accused and Witnesses Electronically

Pursuant to the Regulation of the Law on the Simplification of Litigation Procedures, in particular article (2), which stipulates that: "The Public Prosecutor The Basic Law of the State (No. 6/2021), in article 86, affirms that "the Public Prosecutor is part of the judiciary, conducts public proceedings on behalf of society, supervises matters of judicial control, supervises the application of penal laws, prosecutes offenders and enforces sentences, as prescribed by law. Omani Ministry of Justice,. (2021). (39) shall continue to pursue the speed of litigation and the quality of judicial work. the provisions of the electronic declaration of judicial papers contained in chapter IV of the Regulations shall apply to the electronic declaration by the Public Prosecutor of the papers and other judicial declarations provided for in the Code of Criminal Procedure promulgated by Royal Decree No. 97/99, including the declaration of the accused to be present at the hearing, the declaration of witnesses and other parties, and shall be taken into account in the electronic transmission of the declaration. the order of its legal effect would satisfy the Declaration's legally established substantive statements and comply with the established procedures for declaring prisoners and military personnel.

It also applies to the electronic declaration of judicial proceedings in complaining about decisions to keep the investigation from the public prosecutor and to problems in the execution of criminal sentences, and to the electronic declaration of penal provisions for the effective dates of appeal. " under the terms of article 39 of the Regulations of the Law on the Simplification of Litigation, the rules of electronic advertising set forth above in civil and commercial articles apply to advertising by the Public Prosecutor's Office of papers and other judicial declarations provided for in the Code of Criminal Procedure, taking into account the nature of the rules of criminal procedure.

Electronic Judicial Declarations and Remote Litigation in Cheque and Other Criminal Cases

Article 30 of the Law on the Simplification of Litigation in Respect of Certain Disputes states: "An exception to the Law on Electronic Transactions shall be determined by a decision of the President of the Council of Administration of the Judiciary on the methods and procedures of Electronic declarations in cases provided for in this chapter. Chapter II of the Law on Simplification of Litigation, "Criminal Cases Relating to Cheques", Articles (22 - 30). Omani Ministry of Justice,. (2021).

The data it must contain, and the procedures for holding trial hearings using visual and audio-remote communication.

The provision of this article shall apply to all other criminal cases. "

Under the terms of article 30 of the Law on Simplification of Procedures for the Adoption of the Electronic Address by the Omani Legislature as a means of informing the person of legal and judicial procedures, we consider that under this provision the lawmaker has conferred procedural legitimacy on electronic judicial declarations in cases of complaint and other criminal cases. decision No. 104/2021 promulgating the Regulation of the Law on the Simplification of Litigation in Respect of Certain Disputes issued by the President of the Council of Administration of the Judiciary sets out the methods and procedures for electronic declarations in cheque cases, the data they must contain, and the procedures for holding court hearings using visual and audio teleconference technology.

In view of the Omani legislator's desire to apply the electronic judicial declaration and remote litigation in all criminal cases, the last paragraph of article 30 of the Law on Simplification of Litigation stipulates that "the provision of this article shall apply to all other criminal cases".

We disadvantage the legislator in this paragraph under the Law on Simplification of Litigation, and we wonder whether that paragraph is an omission from the legislator or a rush? The paragraph seems to have come as a matter of urgency because the law is called "simplification of litigation procedures in some

disputes", and in our view it would have been preferable to enact legislation on remote litigation, or to amend the Code of Criminal Procedure. and we recommend that the Omani legislature intervene to explicitly stipulate this in the Code of Criminal Procedure.

It should be noted that, according to article 48 of the Regulation of the Law on Simplification of Litigation,

The presence of the accused and the rest of the parties at the hearing shall be deemed to be using a remote visual and audio communication technique, even if they are outside the domestic jurisdiction of the court or outside the State. The hearing shall be in the presence of the accused or any party who appears remotely by visual and audio communication and shall apply to his or her successor the same rules as those set out in the Code of Criminal Procedure promulgated by Royal Decree No. 97/99. article 166 of the Code of Criminal Procedure, promulgated by Royal Decree No. 97/99, stipulates: "If the accused or other adversaries fail to appear, the court shall ensure that he has made a valid declaration and may defer the hearing of the case to another hearing to be re-declared. If the accused does not appear without an admissible excuse after being personally declared, the accused may examine the case in his absence and the judgement rendered shall be deemed to constitute a summary judgement. "

Article 167 of the Code of Criminal Procedure, promulgated by Royal Decree No. 97/99, stipulates: "A judgement shall be deemed to be in the presence of any adversary upon appeal to the proceedings, even if he subsequently leaves the hearing or fails to appear at the hearings to which the proceedings are adjourned without making an admissible excuse. Omani Ministry of Justice,. (1999).

Conclusion

Through the presentation of the study and after introducing the process of electronic judicial declaration, the researcher has reached a number of conclusions and recommendations as follows:

Results

The addition of technical means in judicial declarations contributes to the speed of proceedings in proceedings, facilitates the judicial process and limits the effort and time to the courts and their personnel.

The electronic judicial declaration has positive effects, the most important of which is to dispense with the paper system, replace electronic editions with paper documents and expedite the completion of litigation proceedings.

The procedure of traditional judicial declarations of today's times is incompatible with the principle established by the Statute of the State of the obligation of the State, to the extent possible, to bring the judiciary closer to the litigants and to expedite the disposition of cases as set out in article 30 of the Statute.

Electronic judicial declaration contributes to shortening the duration of litigation for most cases and is based on the principle of automatic storage, so that the correspondence contained in the users' boxes is stored for information at the time they wish.

Recommendations

We recommend that the Omani legislator intervene to amend the Laws of Civil and Commercial Procedure, which still regulates litigation proceedings by traditional means. Therefore, many of its provisions on the journal of the case must be amended and made public and the statutory deadlines to coincide with the organization of litigation procedures using technical means.

We recommend the Vice-President of the Supreme Council of the Judiciary to issue an e-mail resolution known as E-mail, which is one of the methods of sending and receiving messages via electronic systems, as well as advertising via mobile phones until the amendment of the Civil and Commercial Procedure Law in order to achieve more guarantees for the parties to the litigation. this means that every citizen and resident

of the Sultanate has a special e-mail address, as his or her identity number, through which all e-mails are sent from notifications, notifications and decisions, thereby contributing significantly to the resolution of the issue of electronic judicial declaration and that the competent government agencies supervise such e-mails for security protection.

We recommend that the State promote the culture of e-litigation by conducting educational and practical training courses aimed at clarifying its concepts, advantages, mechanisms, means and procedures, in the judiciary, and its clients, whether judges and their associates, or litigants.

We recommend that law professors in the law faculties of the Sultanate of Oman develop educational curricula and curricula dealing with electronic litigation and its procedures.

We recommend that the Omani legislature amend the Code of Criminal Procedure by adding in detail a special section "Remote litigation".

References

- Al-Jarji,. (204). Judicial Declarations and its role in settling the civil lawsuit, Al-Ma 'raf facility, Alexandria edition 2007.
- Al-Shara 'a,.(2010). Electronic Litigation and Courts, Jordan: Culture Publishing and Distribution House, Amman, edition 2010.
- Al-Matroudi,. (2021). Judgements of electronic judicial notification. Journal of Islamic University of Shari 'a Sciences, Mg55, 198, 685 – 738.
- al-Batanouni,. (2010). Judicial Declaration and Guarantees, Libya: Publications of the University of October 7, Misrata, first edition.
- al-Dabbas,. (2020). Judiciary Electronic Reporting Provisions in Jordan's Code of Civil Procedure, Al-Balqa Journal of Research and Studies, Amman A.H. University, vol. 23, No. 2, 143-178.
- Alkharusi,. (2021). Explanation of the Law on Simplification of Litigation in Certain Disputes, Egypt: Cairo, First Edition.
- Al Mahdi ,. (2007). Evidentiary Force for Electronic Transactions, Journal of Judicial Research, Technical Office of the Supreme Court of Yemen, No. (7) June 2007,7-76.
- Awad,. (2012). the privacy of the judiciary through electronic means, PhD degree, Ain Shams University, Faculty of Law. Cairo.
- Ali al-Qasimi al Review of Judge Dr. Mohamed Saleh Ali's virtue, Judge Osman Metwali Hassan's virtue.
- Abdul Hay,. (2018). Defects in judicial declarations and their impact on civil proceedings: an analytical study in the Egyptian Code of Pleadings. Shari 'a and Law Sector Journal, 10, 485 – 657.
- Directory of Court Litigation Procedures,.(without a year of publication). Ministry of Justice, Sultanate of Oman, Supreme Court, Technical Office Issues, Preparation of Judge/Halal bin Mohammed Al-Rashdi's virtue, Judge/Tawfiq Hassan Mohammed Al-Nur's virtue, Judge Qais bin
- Faraj ,. (1975). Entrance to Legal Sciences (General Theory of Law, General Theory of Right), Lebanon; Makawi Library, Beirut, edition, 1975.
- Fahmi ,. (204). Principles of Civil Justice Egypt :Dar Al-Ennahda, Cairo, 4th Edition.
- Hosni ,. (2017). Explanation of the Code of Criminal Procedure in accordance with the latest legislative amendments, Egypt: revision ,Fawzia Abdul Sattar, University Publications House, Alexandria, fifth edition.
- Jomayee ,. (2000). Proof of Online Conduct, Egypt: Dar Al-Ennahda, Cairo, Edition 2000.
- Mansour,. (2006). Traditional and Electronic Proof ,Egypt: Dar al-fikr Algamee, Alexandria, edition 2006.
- Mahmoud ,. (2007). Computer role before the judiciary (Egyptian and Kuwaiti): Towards the electronic judiciary and judiciary, Egypt: Arab Dar Al-Ennahda, Cairo, edition 2007.
- Mahmoud,. (2018). Judicial protection through judicial advertising through social media: a study in the light of some international jurisprudence and the legislation of the Arab Gulf States. Kuwait Law College International Journal, Volume 6, Supplement, 445 – 506
- Mabrouk,. (2010). Judicial Declaration between Real Science and Legal Science, UAE, Dubai Police Academy ,Postgraduate Department, Dubai, First Edition.
- Mohammed Mahmoud,. (2020). Electronic Courts in Light of Contemporary Procedural Reality, Journal of the Faculty of Shari 'a and Law, Al-Azhar University, Damanhur (35) 3.1-116.
- Mahdi,. (2018). Explanation of General Rules of Criminal Procedure, Egypt: Dar Al-Ennahda, Cairo edition 2018.
- Omani Ministry of Justice,. (2021). Regulation of the Law on Simplification of Litigation Proceedings in Respect of Certain Disputes.
- Omani Ministry of Justice,. (2008). Electronic Transactions Act.
- Omani Ministry of Justice,. (2022). Law on Simplification of Litigation in Certain Disputes.
- Omani Ministry of Justice,. (2002). Code of Civil and Commercial Procedure.
- Omani Ministry of Justice,. (2013). Code of Civil Transactions
- Omani Ministry of Justice,. (1999). Code of Criminal Procedure.
- Omani Ministry of Justice,. (2021). The Basic Law of the State.

- Obaid,. (2004). Explanation of the Code of Criminal Procedure,Oman: Sultan Qaboos Academy of Police Sciences,Mascut first edition.
- Royal Decree,. (No. 35/2022). on the organization of the administration of justice."Supreme Council of the Judiciary.
- Sawy,. (2010). Mediator in Explanation of the Law of Commercial and Civil Pleadings Egypt: , Dar Al-Ennahda Al Arab, Cairo edition 2010.
- Saad,. (1973). Private Judicial Law, Egypt: Al-Ma 'RAF Facility, Alexandria, edition 1973.
- Saif,. (1970). Mediator in the Commentary on the Law of Civil and Commercial Proceedings, Egypt: Dar Al-Ennahda, Cairo, ninth edition.
- Wali,. (2008). Mediator in Civil Justice Law, Egypt: Cairo University Press and University Book, Cairo.edition 2008.