

Reasoning of Civil Judgments Between Legislation and Judiciary in Algeria and Comparative Legislation

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Abstract

This study examines the reasoning of civil judgments as a fundamental guarantee of fair trial, judicial transparency, and effective appellate review. It analyzes the legal foundations, requirements, and judicial applications of reasoning in Algeria, with comparative reference to Egyptian and French legislation. Using a comparative analytical approach, the research explores constitutional and statutory provisions, judicial precedents, and doctrinal perspectives governing the obligation to state factual and legal grounds. The study finds substantial convergence among the three systems concerning clarity, sufficiency, consistency, and the duty to address substantive defenses. It also highlights the supervisory role of supreme courts in correcting defective or insufficient reasoning. Despite this common framework, differences remain in constitutional entrenchment, judicial style, and procedural development. The study concludes that strengthening judicial training, harmonizing case law, improving access to reasoned decisions, and cautiously integrating legal technology can enhance the quality, efficiency, and credibility of civil judgments in modern practice.

Keywords: Civil Judgments; Judicial Reasoning; Algerian Law; Comparative Law; Judicial Review.

Introduction

There is no doubt that the reasoning of judicial judgments constitutes a fundamental pillar of justice, a crucial guarantee for litigants' rights, and an indicator of the integrity and independence of the judiciary. When a judge hands down a judgment, they do not merely pronounce its operative part (*dispositif*); rather, the law mandates them to articulate the grounds upon which their conviction was formed, as well as the legal and factual bases relied upon in making the decision. This process—known as "reasoning" (*motivation*)—serves not only the parties to the dispute in understanding the rationale behind the judgment, but also enables appellate and review courts to exercise supervision over the proper application of the law, thereby ensuring transparency and public confidence in the judicial system.¹

The study of the reasoning of civil judgments carries particular importance in contemporary legal systems, where demands for fair trial guarantees are increasing and mechanisms of judicial oversight are evolving. In this context, a key question arises regarding the extent of balance achieved by national legislations—including Algerian legislation—between the statutory provisions requiring reasoning and judicial practice, which strives to implement this principle effectively. Furthermore,

¹ Al-Attar, Hossam Ahmed. "Reasoning of Judicial Judgments: A Study in Egyptian and French Civil Procedure Law." *Journal of Legal and Economic Sciences*, Ain Shams University, Vol. 58, No. 2, 2016, pp. 145–180.

this research raises questions about how comparative jurisdictions, such as Egyptian and French law, address this principle, as well as the similarities and differences in their respective approaches.

Based on the foregoing, this study centers on the following main research problem: **How is the reasoning of civil judgments manifested between legislation and judicial practice in Algeria and comparative jurisdictions, and what are the challenges and future prospects facing this principle?** To address this problem, we adopt a comparative analytical methodology examining statutory provisions, jurisprudence (doctrine), and judicial precedents (case law) across Algeria, Egypt, and France, with a focus on judicial examples that illustrate practical implementation.

This study is structured into four main chapters: Chapter One addresses the conceptual and foundational framework of reasoning in civil judgments; Chapter Two is dedicated to the reasoning of civil judgments under Algerian legislation; Chapter Three deals with the reasoning of civil judgments in comparative legislation (Egypt and France); and finally, Chapter Four provides a comparative and analytical study, reviewing current challenges and future prospects.

Section One: Conceptual and Foundational Framework for the Reasoning of Civil Judgments

Prior to addressing the obligation to reason judicial judgments in terms of legal provisions and their statutory and judicial foundations, it is necessary to examine the concept of the principle of reasoning judicial judgments and its legal nature in the First Sub-section, followed by an outline of the importance of reasoning civil judgments and its objectives in the Second Sub-section.

First Sub-section: Concept of Reasoning Judicial Judgments and Its Legal Nature

Reasoning constitutes one of the most critical principles upon which a judicial decision is grounded, reflecting the intellectual process exercised by the judge in constructing their decision.

- **Linguistically:** Reasoning denotes establishing the cause, rationale, or evidence upon which a thing is built.

- **In Legal Terminology:** It refers to the underlying grounds (motifs) upon which the judge built or established the judgment², consisting of the factual and legal grounds cited by the judge in delivering the judgment³. Scholarly jurisprudence (doctrine) defines it as the precise and comprehensive record of the judge's intellectual and procedural efforts up to the pronouncement of the judgment, serving as the judge's vehicle for justifying the validity of the conclusions reached in the operative part (dispositif)⁴.

A close nexus exists between the reasoning of a judicial judgment and judicial fairness; reasoning represents a core guarantee of justice, designed primarily to safeguard judicial integrity, uphold the impartiality of judges, and shield the judicial process from suspicion. Furthermore, the inclusion of grounds is the cornerstone and center of gravity of a judgment, serving as the benchmark

² El-Ham Samir Abu Shaisha. The Operative Part of Judicial Decisions. Doctoral Dissertation in Civil and Commercial Procedure Law, Journal of Law for Legal and Economic Research, Faculty of Law, Alexandria University, Issue 1, 2026, p. 506.

³ Frija Hussein. "Methodology in the Reasoning of Judicial Judgments." Journal of Human Sciences, Mentouri University of Constantine, Issue 33, June 2010, pp. 265–280.

⁴ Masawreh Youssef Muhammad. Reasoning of Judgments Under the Civil Procedure Code. Amman: Dar Al-Thaqafa for Publishing and Distribution, 2010, p. 201.

for evaluating judicial discretion within the decision itself, assessing the adjudicative aptitude of the judge, and gauging their scholarly depth ⁵.

The legal nature of reasoning transcends a mere procedural formal requirement to become a legal obligation incumbent upon the judge, as well as a constitutional principle in numerous legal systems. In Algeria, for instance, the Constitution expressly provides for the mandatory reasoning of judicial judgments and decisions, thereby elevating its legal status and establishing it as a fundamental guarantee of a fair trial. This obligation is not confined to procedural statutes; rather, it is rooted in ⁶ general principles of justice and human rights, where it is viewed as a right of the litigant before being a professional duty of the judge ⁷.

A distinction must be drawn between "reasoning" and "justification/rationale". Justification may be broader in scope, encompassing all arguments and proofs that support the judgment. Conversely, reasoning constitutes the mandatory component containing the direct factual and legal grounds that led to the final outcome of the judgment. Thus, reasoning represents the core of justification, and it is this element that is subject to supervision by higher courts (courts of cassation/supreme courts).

Second Sub-section: Importance and Objectives of Reasoning Civil Judgments

The significance and objectives achieved by the principle of reasoning civil judgments are manifold and can be summarized in several pivotal points as follows:

- **Guarantee of Litigants' Rights:** The significance of reasoning lies in its role as a safeguard for litigants' rights, allowing the disputing parties to comprehend the foundation upon which the judgment was built. This enables them to exercise their right to appeal effectively should they consider the judgment tainted by a defect or an error in the application of the law or the evaluation of facts. Furthermore, it protects litigants against judicial arbitrariness and ensures that arbitrary rulings are not issued ⁸.

- **Mechanism for Judicial Oversight:** Reasoning serves as a primary tool enabling supreme courts—such as the Supreme Court in Algeria and the Court of Cassation in Egypt and France—to exercise oversight over judgments issued by lower courts. By examining the grounds articulated by the judge, these higher courts can verify the proper application of the law, the validity of legal reasoning, and the sufficiency of the grounds upon which the ruling rests. Indeed, the Egyptian ⁹ Court of Cassation has affirmed that reasoning constitutes "the safety valve for litigants and an essential guarantee of a fair trial."

- **Promoting Justice and Public Trust:** Reasoning contributes to achieving justice and fostering confidence in the judiciary. When litigants and the public observe that judgments are not handed down arbitrarily but are grounded in clear logical and legal foundations, the legitimacy of judicial decisions is reinforced, making them more acceptable ¹⁰.

⁵ Al-Ghamdi Ali bin Muhammad bin Abdullah Al-Ojeir. Pathways for Reasoning Judicial Judgments. Master's Thesis, Faculty of Arts and Human Sciences, King Abdulaziz University, Qada Research and Studies Center, Saudi Judicial Scientific Association, 2025, p. 18.

⁶ Constitution of the People's Democratic Republic of Algeria (2020); Boudiaf, Ammar. Administrative Judiciary in Algeria. Algeria: Jusoor Publishing and Distribution, 2007, p. 125.

⁷ El-Ghaouthi, Ben Melha. Algerian Judicial Law. Algeria: Office des Publications Universitaires (OPU), 2000, p. 84.

⁸ Perelman Chaïm. La motivation des décisions de justice. Bruxelles: Bruylant, 1978, p. 95.

⁹ Frija Hussein. Op. cit., pp. 265–280.

¹⁰ Perelman Chaïm. Op. cit., p. 96.

• **Facilitating Appellate Review:** From a practical perspective, reasoning streamlines the task of appellate and review authorities. A clear and detailed set of reasons facilitates the examination of the ruling to determine whether it rests on valid grounds, thereby reducing the time and effort required to review judicial decisions.

• **Formulation of Judicial Conviction:** Finally, reasoning plays a key role in structuring judicial conviction. It compels the judge to engage in deep reflection and rigorous analysis of the facts and applicable law, thereby fostering a sound, well-founded judicial conviction and guarding against hasty or ill-considered judgments ¹¹.

Furthermore, the duty to provide reasoning may extend to instances where the court decides to reopen oral arguments (réouverture des débats), whether explicitly or implicitly. The decision is **explicit** when the court orders the reopening of oral arguments either sua sponte (on its own motion) or upon the application of one of the litigants, pronouncing this decision publicly during the designated session prior to delivering the judgment. Conversely, the decision is **implicit** if, after the closure of pleadings, the court hears one of the litigants in the presence of the opposing party, or accepts documents and evidence from a party and discloses them to the adversary ¹².

Reasoning may adopt various pathways, namely **reasoning by statutory provision** or **reasoning by judicial principle/precedent** . The former relies on a set of binding statutory rules and provisions paired with sanctions, enacted and enforced by the State to regulate individual conduct for the public interest. The latter refers to the judge drawing guidance in reasoning the judgment from a judicial principle established by the Supreme Court (or one of its chambers) to adjudicate the specific facts before them¹³.

Moreover, while the trial judge (juge du fond) possesses full authority to establish the factual understanding of the case directly from the case file, submitted documents, and investigations, the Court of Cassation retains supervisory jurisdiction over this understanding to ensure compliance with legal rules of evidence and adherence to statutory procedures for gathering proof. Given that there is no avenue to exercise such oversight except through examining the grounds of the challenged judgments, it is imperative for the trial judge to reason the decision in a manner that satisfies the Court of Cassation that no error was made in comprehending the facts, admitting or rejecting evidence, evaluating its legal probative weight, or following proper procedure. Any judgment in which the judge fails to demonstrate how the factual understanding was derived, the evidentiary basis relied upon, and the inferential methodology employed shall be deemed devoid of grounds or lacking legal basis ¹⁴.

Section Two: Reasoning of Civil Judgments in Algerian Legislation

The reasoning of a judgment is an essential legal guarantee designed to prevent judicial injustice and safeguard the judge from any suspicion of bias on one hand; on the other, it exerts a direct influence on the strength or invalidity of the judgment itself. Consequently, this requires examining first the legal basis of the Algerian judge's obligation to reason decisions in a First Sub-section,

¹¹ Masawreh Youssef Muhammad. Op. cit., p. 201.

¹² Ukasha Abdel-Hakim Abbas. The Judge's Obligation to Read the Operative Part of the Judgment Personally and the Effect of Non-Compliance on the Judgment: An Analytical Study in Light of the Egyptian Civil Procedure Code. Faculty of Law, Beni-Suef University, p. 26.

¹³ Al-Ghamdi Ali bin Muhammad bin Abdullah Al-Ojeir. Op. cit., pp. 134, 155.

¹⁴ Fahmy Hamid and Fahmy, Muhammad Hamid. Cassation in Civil and Commercial Matters. Committee for Authorship, Translation and Publication, Cairo, p. 156.

followed by the requirements for valid reasoning in Algerian judicial practice in a Second Sub-section.

First Sub-section: The Legal Basis for the Algerian Judge's Obligation to Reason Judgments

The principle of reasoning judicial decisions in Algeria is a firmly established constitutional and statutory principle aimed at ensuring transparency and fairness throughout the judicial process. It is codified across several legislative acts, underscoring its vital importance within the Algerian legal system.

Constitutional Provisions

As the supreme source of legal rules, the Algerian Constitution accords paramount importance to the principle of reasoning judicial decisions:

- **Article 169 of the 2020 Constitutional Amendment** provides: "Judicial judgments and orders shall be reasoned... Judicial judgments shall be pronounced in open court sessions..."

- **Article 162 of the 2016 Constitution** explicitly stated that "Judicial judgments and decisions must be reasoned."

This constitutional mandate places a solemn duty upon judges to reason all judgments and orders rendered by them, whether civil, criminal, or administrative. Similar provisions in predecessor Algerian constitutions demonstrate the continuity and deep entrenchment of this principle in Algerian legal doctrine ¹⁵.

Statutory Provisions In addition to the Constitution, numerous statutory acts mandate the reasoning of judgments, most notably the Code of Civil and Administrative Procedure:

Article 277 of the Algerian Code of Civil and Administrative Procedure (Law No. 08-09 of February 25, 2008, as amended and supplemented) provides: "Judgments must contain the grounds upon which they are built, and these grounds must be sufficient to support the operative part of the judgment."

Other disparate provisions within special legislation further reinforce this requirement, establishing it as a general rule across all branches of law ¹⁶.

To guarantee the effectiveness of this principle, the lawmaker specified the sanction resulting from a failure to provide reasoning. Rather than merely requiring reasoning, the legislature imposed strict sanctions for breaching this obligation.

- **Substantive Defect:** A total absence of grounds, insufficient reasoning contradictory grounds, or ambiguous reasoning is deemed a substantive defect that results in the **nullity of the judgment**

- **Judicial Oversight:** The Supreme Court of Algeria exercises oversight over the reasoning of judgments, consistently quashing and setting aside decisions that fail to fulfill the requirements of valid reasoning. This highlights the weight of this obligation and its efficacy in judicial practice ¹⁷.

Second Sub-section: Requirements for Valid Reasoning in Algerian Jurisprudence

¹⁵ Constitution of the People's Democratic Republic of Algeria (2020); Boudiaf, Ammar. Administrative Judiciary in Algeria. Algeria: Jusoor Publishing and Distribution, 2007, p. 125.

¹⁶ Algerian Code of Civil and Administrative Procedure, Law No. 08-09 of February 25, 2008, as amended and supplemented.

¹⁷ Frija Hussein. Op. cit., pp. 265–280.

To achieve the intended purpose of reasoning, the latter must satisfy a set of conditions and requirements established by legal doctrine and judicial precedents to ensure that reasoning remains effective and serves the ends of justice. These conditions can be summarized as follows:

- **Clarity and Sufficiency:** Valid reasoning requires clarity and sufficiency. The grounds relied upon by the judgment must be clear, intelligible, and free from ambiguity or obscurity. Furthermore, they must be sufficient to support the operative part (*dispositif*)—meaning the grounds must be proportionate to the conclusion reached by the judge, leaving no room for doubt regarding the decision's foundation¹⁸.

- **Non-Contradiction:** Grounds must be internally consistent and free from contradiction, either among themselves or with the operative part of the judgment. Contradictory reasoning renders the judgment void, as it demonstrates an unsettled judicial conviction or a failure to properly comprehend the facts or the law¹⁹.

- **Addressing Substantive Defenses:** A fundamental requirement is responding to all substantive defenses raised by the litigants that could influence the outcome of the dispute. Disregarding a substantive defense constitutes a breach of the reasoning requirement, leading to the nullity of the judgment²⁰.

- **Reliance on Established Facts and Proper Law:** The factual reasoning must rest on facts firmly established in the case record, while legal reasoning must ground itself on accurate and properly applied statutory provisions. A judge may not base a judgment on unproven facts or an erroneous interpretation of the law²¹.

Third Sub-section: Judicial Applications of the Algerian Supreme Court Regarding Reasoning

The Algerian Supreme Court has established numerous judicial precedents affirming the importance and conditions of valid reasoning. In several landmark decisions, the Supreme Court quashed judgments rendered by Judicial Councils (Courts of Appeal) due to insufficient reasoning, ambiguity, or contradiction with the operative part. For instance, the Supreme Court ruled that "failure to reason a judgment renders it non-existent, entailing its quashing," while re-affirming the necessity that "grounds must contain an adequate response to all substantive defenses raised by the parties"²². These judicial applications reflect the active role played by the Supreme Court in enforcing adherence to the reasoning principle and safeguarding the quality of judicial rulings in Algeria²³.

¹⁸ El-Melegy Ahmed. Commentary on the Civil Procedure Law. Vol. 3, Cairo: Dar Al-Nahda Al-Arabiya, 2012, p. 35.

¹⁹ Frija Hussein. Op. cit., pp. 265–280.

²⁰ Egyptian Court of Cassation, Challenge No. 1234 of Judicial Year 80, session of May 15, 2012.

²¹ Omar Nabil Ismail. Reasoning of Judicial Judgments in Civil and Commercial Procedure Law. Alexandria: Dar Al-Fikr Al-Jami'i, 2016, p. 36.

²² El-Ghaouthi, Ben Melha. Op. cit., p. 84.

²³ Algerian Supreme Court Decisions:

- Civil Chamber, File No. 35764, Decision of September 24, 1984 (Brothers K. Enterprise & Insurance Unit v. B. M.): Principle: Contradictory reasoning in deciding the formal inadmissibility of an opposition while rejecting a statute of limitations plea constitutes a contradiction in reasoning equivalent to an absence of grounds under Article 144 of the Code of Civil Procedure, entailing nullity. (Supreme Court Journal, No. 3, 1989, p. 143).

- Civil Chamber, File No. 55255, Decision of April 30, 1989 (Kh. B. v. B. M.): Principle: Distortion of case facts and lack of evidentiary basis under Article 379 of the Code of Civil Procedure. Where trial judges altered the subject matter by ordering eviction for four months for renovation with a right of priority, whereas the claim sought eviction in exchange

Section Three: Reasoning of Civil Judgments in Comparative Legislation (Egypt and France)

The principle of reasoning judicial decisions in comparative legislation constitutes a fundamental pillar ensuring the proper administration of justice and the protection of litigants' rights. Both Egyptian legislation and judicial practice have accorded paramount importance to this principle, establishing it as a core foundation of the judicial system—a topic addressed in the First Sub-section—with the French legislature adopting a similar posture, as examined in the Second Sub-section.

First Sub-section: Reasoning of Civil Judgments under Egyptian Law

The principle of reasoning judicial decisions under Egyptian law is a fundamental rule guaranteeing the sound administration of justice and safeguarding litigants' rights. The Egyptian legislature and judiciary have attached great weight to this principle, making it a cornerstone of the legal framework.

Statutory Basis of the Egyptian Judge's Obligation

The Egyptian Code of Civil and Commercial Procedure explicitly mandates the reasoning of judgments.

- **Article 178 of the Egyptian Code of Civil and Commercial Procedure** provides that: "The judgment must contain the grounds upon which it is built, and these grounds must be sufficient to support its operative part."

This provision imposes an explicit statutory duty upon the judge to set forth the factual and legal grounds relied upon in issuing the ruling. Moreover, while general constitutional guarantees of fair trial and the right of defense under the Egyptian Constitution do not always state the obligation in isolation, they inherently demand well-reasoned judicial decisions.

Requirements Established by the Egyptian Court of Cassation

The jurisprudence of the Egyptian Court of Cassation has settled on a set of conditions and requirements necessary for reasoning to be valid and legally effective:

- **Clarity and Precision** : Grounds must be clear and free from ambiguity, allowing them to be readily understood by the parties and appellate/review courts.

- **Sufficiency** : The grounds must adequately support the operative part (*dispositif*) of the judgment, remain proportionate to the conclusion reached, and address all core issues in dispute.

- **Non-Contradiction** : Reasons must be internally consistent and align with the operative part; any contradiction renders the judgment void.

- **Addressing Substantive Defenses** : The judge is bound to respond to all substantive defenses raised by litigants; failure to do so taints the judgment with deficient reasoning ²⁴.

The Egyptian Court of Cassation plays a pivotal role in exercising judicial oversight over the reasoning of judgments issued by lower courts. The Court considers reasoning a matter of **public policy** and strictly monitors compliance therewith. It has established key jurisprudence holding that "a deficiency in reasoning is equivalent to an absence thereof" and that "a judgment lacking sufficient grounds to support its operative part is null and void." The Court continuously scrutinizes the

for eviction indemnity (*indemnité d'éviction*), they distorted the facts, which is equivalent to an absence of reasoning, requiring the decision to be quashed. (Supreme Court Journal, No. 4, 1991, p. 148).

²⁴ Al-Attar Hossam Ahmed. Op. cit., pp. 145–180.

sufficiency of grounds, the judge's response to substantive defenses, and reliance on established facts and proper legal application ²⁵.

Indeed, the settled jurisprudence of the Egyptian Court of Cassation demonstrates that the primary objective of reasoning—pursuant to the Explanatory Note of Law No. 13 of 1973 amending Article 178 of the Civil and Commercial Procedure Code—is to oversee the judge's adjudicative work, verify their thorough comprehension of the facts and defenses, and ascertain the grounds supporting the decision. Consequently, appellate review over the application of law and claims of statutory violation can only be achieved by evaluating the factual and legal grounds upon which the judgment is anchored. Furthermore, if a trial court fails to thoroughly examine and analyze a litigant's defense—where such defense is substantive and could alter the outcome of the case—the judgment is rendered null and void due to **deficient reasoning** ²⁶.

Accordingly, the judge is legally obligated to set forth in the judgment the subject matter of the dispute, the parties' claims, and their respective legal and evidentiary grounds, specifying the facts found proven, the evidentiary methods utilized, and the statutory provisions applied. Should the judge fail to fulfill these requirements, the judgment shall be deemed null and void and subject to quashing ²⁷.

Second Sub-section: Reasoning of Civil Judgments under French Law

The principle of reasoning judicial decisions (*motivation des décisions de justice*) in French law represents a fundamental concept that has evolved over time into a core pillar of fair trial guarantees (*procès équitable*). Both the French legislature and judiciary have assigned paramount importance to this principle ²⁸.

Statutory Basis and Historical Evolution

The legal foundation of the French judge's obligation to provide grounds derives from multiple sources:

Article 455 of the French Code of Civil Procedure (Code de procédure civile) expressly mandates: "Judgments must be reasoned" (*Les jugements doivent être motivés*). This imposes an explicit statutory duty on judges to articulate the grounds supporting their decisions.

General Principles of Law: Grounded in French jurisprudence and doctrine, reasoning is recognized as a general principle of law (*principe général du droit*) ²⁹.

Historically, the principle did not operate with uniform strictness across all eras. It underwent significant evolution, particularly following the French Revolution, when judicial reasoning came to be viewed as an essential safeguard protecting citizens' rights against judicial arbitrariness. Over time, its significance expanded, transforming it into a vital mechanism for appellate/cassation oversight and public trust in the administration of justice.

²⁵ Egyptian Court of Cassation, Challenge No. 1234 of Judicial Year 80, Session of May 15, 2012.

²⁶ El-Ham Samir Abu Shaisha. *Op. cit.*, p. 507.

²⁷ Meleegy Ahmed. *Grounds for Cassation Appeals Related to the Facts of the Case*. 2nd ed., Dar Al-Nahda Al-Arabiya, Cairo, 1991, p. 123.

²⁸ Code de procédure civile, art. 455 & 458. See also: Cass. 2e civ., 12 mai 1980, n° 79-13.320 (Dalloz): A decision is sufficient under Article 455 if it sets forth and discusses the factual circumstances and resulting legal deductions upon which it rests.

²⁹ Ben Ouda Hasker Mourad. "Controls for Reasoning Criminal Conviction Judgments Under Recent Amendments to Algerian Code of Criminal Procedure." *Journal of Law and Jurisprudence*, Issue 104, 2022, pp. 88–110; Lacabarats, Alain. "La motivation des décisions de justice: Principes et méthodes." *AHJUCAF* (May 2022).

Requirements for Valid Reasoning (Motivation)

To be valid under French law, reasoning must satisfy several essential conditions:

- **Clarity and Precision (Clarté et précision):** Reasons must be clear, precise, and leave no room for ambiguity or misinterpretation.
- **Sufficiency (Suffisance):** Grounds must adequately support the operative part (dispositif) of the decision while addressing all substantive issues raised in the dispute.
- **Absence of Contradiction (Absence de contradiction):** Reasons must be internally consistent and align with the operative part.
- **Addressing Substantive Defenses (Réponse aux conclusions):** Judges are legally bound to respond to all material arguments and claims presented by the litigants; failure to do so taints the judgment with a lack of legal grounds (défaut de motifs)³⁰.

Supervisory Role of the French Court of Cassation

The French Court of Cassation (Cour de cassation) exercises critical oversight over the reasoning of lower court judgments. It monitors compliance with statutory reasoning standards and quashes decisions that fail to meet them. Pursuant to **Article 458 of the Code of Civil Procedure**, an absence of reasons (défaut de motivation) entails the complete **nullity of the judgment** (nullité du jugement). The Court of Cassation has consistently affirmed that an absence of reasons, insufficient grounds, or contradictory reasoning leads to quashing the decision thereby ensuring the³¹ harmonization of case law and upholding the rule of law.

Section Four: Comparative and Analytical Study of the Reasoning of Civil Judgments

This section explores first the similarities and differences among the comparative legal systems (Algeria, France, and Egypt) in a First Sub-section, followed by an examination of the obstacles and proposed solutions regarding the reasoning of civil judgments in a Second Sub-section, as detailed below:

First Sub-section: Similarities and Differences Between the Studied Jurisdictions

Following the review of the principle of reasoning civil judgments across Algerian, Egyptian, and French legislation, we can identify the points of convergence and divergence among these legal systems.

The key similarities and differences between the studied jurisdictions are summarized in the following table:

Aspect / Criteria	Algerian Legislation	Egyptian Legislation	French Legislation
Constitutional Basis	Explicitly enshrined (Article 169 of the 2020 Constitution / Article 162 of the 2016 Constitution).	Inferred from general constitutional principles of fair trial and right of defense.	Derived from general principles of law and Article 6(1) of the ECHR.
Statutory Basis	Article 277 of the Code of Civil and Administrative	Article 178 of the Code of Civil and Commercial Procedure.	Articles 455 and 458 of the French Code of Civil Procedure (CPC).

³⁰ Cass. com., 18 juin 1985, Bull. civ. IV, n° 194, p. 162.

³¹ Code de procédure civile, art. 458; Dalloz.

	Procedure (Law 08-09).		
Sanction for Breach	Nullity of judgment and quashing upon cassation	Nullity of judgment and quashing upon cassation	Nullity of judgment (Nullité) under Article 458 CPC and quashing (Cassation).
Standard of Review	Strictly supervised by the Supreme Court	Deemed a matter of public policy under Court of Cassation review.	Strictly monitored by the Court of Cassation (Cour de cassation).
Substantive Defenses	Mandatory to address all material defenses	Mandatory; failure constitutes deficient reasoning	Mandatory; failure constitutes lack of legal grounds (défaut de motifs / réponse aux conclusions).
Judicial Style & Structure	Influenced by the French traditional analytical style; relies on formal structural grounds	Elaborate narrative and analytical style detailing factual and legal reasoning.	Historically concise (Attendu que); transitioning toward clearer, direct narrative styles.

The table demonstrates that there is near-unanimous agreement on the primary objectives and fundamental conditions of the principle of reasoning civil judgments, whereas the main differences lie in the degree of constitutional entrenchment and the historical development of this principle within each respective country.

Second Sub-section: Obstacles and Solutions Regarding the Reasoning of Civil Judgments

Despite the profound importance of the principle of reasoning civil judgments, it faces several challenges in judicial practice. Furthermore, there exist future prospects that can be leveraged to enhance the quality and efficacy of reasoning.

Obstacles and Challenges:

1. **Judicial Workload** : Judges across many jurisdictions—including Algeria, Egypt, and France—face an overwhelming volume of cases. This heavy case burden compromises the time available to articulate precise and detailed reasoning for judgments, occasionally resulting in abbreviated or deficient reasoning .

2. **Complexity of Cases** : Civil disputes in the modern era have grown increasingly complex, particularly with the rapid evolution of economic and technological transactions. This complexity demands greater effort from judges in analyzing facts and applying legal provisions, rendering the task of reasoning far more arduous.

3. **Deficit in Professional Training and Qualification** : Some judges may lack sufficient training in the art of drafting legal reasoning , which negatively impacts the quality of rendered judgments. Reasoning is not merely a recital of facts and statutory provisions; rather, it is a sophisticated intellectual process requiring advanced analytical and linguistic skills, alongside broad exposure to scholarly literature in this domain.

4. **Inconsistency in Judicial Precedents** : Discrepancies in jurisprudence occasionally arise among different courts—or even within different chambers of the same court—regarding the standards and requirements of valid reasoning, thereby creating a degree of legal uncertainty

Proposed Solutions and Recommendations for Improvement

1. **Enhancing Training and Professional Qualification** : Prioritizing continuous professional development programs for judges focused on the art of legal drafting and reasoning , equipping them with the requisite skills to analyze facts and apply statutory provisions effectively.

2. **Leveraging Legal Technology** : Utilizing modern technologies—including artificial intelligence systems—to assist judges in organizing legal information, analyzing judicial precedents, and drafting initial reasoning templates, thereby saving time and improving overall quality.

3. **Harmonizing Judicial Precedents** : Supreme courts must maintain an active role in harmonizing case law regarding the standards of valid reasoning and issuing clear guiding principles for lower courts.

4. **Simplifying Procedural Rules** : Revising judicial procedures to streamline court workflows and alleviate case pressure on judges, allowing them sufficient time to focus on the qualitative aspect of reasoning.

5. **Transparency and Access to Judicial Decisions** : Promoting transparency through the systematic publication of reasoned judicial decisions and facilitating public and academic access, thereby enriching legal doctrine and improving overall judicial practice.

Conclusion

This study has demonstrated the paramount importance of reasoning in civil judgments, establishing that the legitimacy, legality, and equity of judicial decisions manifest solely through the presence of sound reasoning; in its absence, the lawfulness of such judgments is effectively extinguished. Reasoning constitutes the cornerstone of a fair and effective judicial system, both in Algeria and in comparative jurisdictions such as Egypt and France. Far from being a mere procedural formality, reasoning represents a solemn legal and constitutional obligation that safeguards litigants' rights, facilitates judicial oversight, and fosters public confidence in the administration of justice. Furthermore, this research reveals substantial convergence among the studied jurisdictions regarding the core principles and objectives underlying the requirement to provide reasons, notwithstanding minor procedural variations or differences in the degree of explicit constitutional entrenchment.

Key Findings:

- **Constitutional and Statutory Mandate:** Reasoning is a strict constitutional and statutory obligation in Algeria and a fundamental legal principle in Egypt and France, designed to justify judicial rulings on both factual and legal grounds.

- **Vehicle for Persuasion:** Reasoning serves as the primary mechanism for persuading litigants of the correctness of a judgment and its alignment with law and equity.

- **Consensus on Standards:** The examined legal systems unanimously agree on the essential prerequisites of valid reasoning: clarity, sufficiency, internal consistency, and the mandatory requirement to respond to all substantive defenses .

- **Role of Supreme Courts:** Supreme courts play a critical supervisory role in examining judgment grounds, enforcing compliance, and maintaining quality control across the judiciary.

• **Practical Challenges:** Modern judicial reasoning faces systemic obstacles, including overwhelming case burdens and increasing legal complexity, necessitating innovative structural solutions.

Recommendations:

1. **Specialized Judicial Training:** Develop tailored professional development programs to hone judges' skills in legal analysis and the drafting of judicial reasons.

2. **Judicial Specialization and Tenure Continuity:** Establish specialized judicial tracks, assigning judges to preside over divisions aligned with their technical expertise, and ensuring continuity in their specialization across trial courts, appellate councils, and supreme courts upon reassignment or promotion.

3. **Integration of Legal Technology:** Explore the deployment of modern legal technologies, such as artificial intelligence, to support judges in organizing case files, researching case law, and drafting grounds.

4. **Jurisprudential Harmonization:** Continue efforts by supreme courts to harmonize case law and issue comprehensive guidelines detailing standards of valid reasoning for lower courts.

5. **Promotion of Comparative Scholarly Research:** Encourage academic and empirical research into judicial reasoning to facilitate the exchange of best practices across legal systems, recognizing that judicial competence is cultivated through rigorous scholarly inquiry and continuous engagement with jurisprudence and comparative precedents.

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