Code of Civil Procedure

Reference: Dahir having force of law No. 1-74-447 of 28 September 1974 approving the Code of Civil Procedure

Practice areas: Debt recovery, Business and company law, Divorce and family law

> The Code of Civil Procedure sets out how civil cases run: how to bring a claim, how the parties exchange arguments, and how a judgment is served, challenged and enforced. It also contains fast-track procedures such as summary proceedings and payment orders. This is an unofficial explanatory note; only the Arabic text published in the Official Bulletin is authoritative.

Who this law applies to

The Code applies to any individual or legal entity bringing or defending a civil, commercial, employment or family case, except where special rules apply (for instance before the commercial or administrative courts, which nonetheless refer back to this Code extensively).

The key rules

- A case is brought by a written application (or, in some cases, an oral declaration) setting out the facts, the claims and the supporting documents.
- The adversarial principle requires that each party can see and respond to the other side's arguments and documents.
- The summary proceedings judge can order urgent interim measures without deciding the merits of the dispute.
- A payment order provides a quick way to obtain an enforceable title for an established debt based on a written document.
- A judgment can be challenged by opposition (if given in default), then appeal and an appeal to the Court of Cassation, before being enforced with the help of a judicial officer.

Key deadlines and figures

- Appeal: as a rule 30 days from service of the judgment (Article 134).
- Appeal to the Court of Cassation: 30 days from service of the decision challenged.
- Opposition to a default judgment: 10 days from service.
- Time runs from valid service: defective service may change the starting point.

What it means in practice

Winning a case is not enough: the judgment must be served, the time for appeal must expire (or provisional enforcement be granted), and enforcement must then be started. Each step has its own form and deadline.

Conversely, receiving notice of a judgment starts the clock. Missing the appeal deadline generally makes the decision final.

Reforms and recent developments

The 1974 Code has been amended several times, notably to introduce electronic communication with the courts. A new Code of Civil Procedure (Bill No. 58-22) has been passed by Parliament, and the Constitutional Court ruled in 2025 on the constitutionality of several of its provisions. It is therefore necessary to check which text applies at the date of the proceedings.

When to consult a lawyer

As soon as you receive a summons or notice of a judgment, or before bringing a claim. A lawyer checks the court's jurisdiction, the deadlines, whether the claim is admissible and the evidence strategy, which often determine the outcome.

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