Law No. 38-15 on judicial organisation

Reference: Law No. 38-15

Practice areas: Administrative law, Business and company law, Divorce and family law

This is an unofficial explanatory note; only the Arabic text published in the Bulletin officiel is authoritative. Law No. 38-15, adopted in 2022, sets out the structure of Morocco's courts and the principles governing how they work. It organises the courts of first instance, the specialised courts, the courts of appeal and the Court of Cassation.

Who this law applies to

The law concerns all litigants, individuals and businesses alike, as well as judges, court clerks and officers of the court. It explains which court hears a case depending on the type of dispute, how it is composed and what safeguards apply during the trial.

Key rules

- The law reaffirms the independence of the judiciary, equality before the courts and the right to a fair trial within a reasonable time.
- Courts of first instance include family sections, and certain courts or sections specialise in commercial and administrative matters.
- The courts of appeal provide the second tier of jurisdiction, and the Court of Cassation ensures the uniform application of the law.
- Proceedings and judgments are in Arabic, with recognised status for Amazigh; a party who does not master the language of the hearing may be assisted by an interpreter.
- Hearings are in principle public and judgments must state reasons.

Key deadlines and figures

- The law was adopted in 2022, after review by the Constitutional Court.
- Depending on the subject matter, the case is heard by a single judge or a panel.
- The two-tier system allows a first instance judgment to be challenged before the court of appeal.
- An appeal to the Court of Cassation is limited to reviewing how the law was applied.

What this means in practice

For litigants, knowing which court to approach and which section has jurisdiction avoids procedural mistakes. Specialisation aims to assign technical cases to judges familiar with the subject.

The law encourages the modernisation of court administration, including the gradual use of electronic procedures and notifications, which changes how a case is filed and followed.

Reforms and recent developments

Law No. 38-15 is part of the justice reform launched after the 2011 Constitution, which led in particular to the creation of the Supreme Council of the Judiciary and, in 2017, to the transfer of the leadership of the public prosecution service to the Prosecutor General at the Court of Cassation. It replaced the judicial organisation framework dating from 1974.

When to consult a lawyer

Before taking legal action, a lawyer checks which court has jurisdiction, the applicable procedure, whether representation is mandatory and the time limits for appeal, and then assists or represents the client at each level of the court system.

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