

PUBLIC LAW · JUDICIAL ORGANIZATION

The Architecture of Moroccan Justice

How the Kingdom's courts are organized under Law 38-15

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Morocco runs its entire justice system through a single hierarchy of courts, yet specialized commercial, administrative, and proximity jurisdictions sit inside it. This guide explains how those courts are built, who prosecutes and who judges, and how a case travels from a first hearing to the Court of Cassation.

A reform that reorganized without rebuilding

Every legal system needs a map of its own courts: a clear answer to which body hears a given dispute, in what order cases move upward, and who speaks for the public interest along the way. In Morocco, that map was redrawn on 30 June 2022, when Law 38-15 on judicial organization came into force. Running to 111 articles across four titles, it replaced the founding text that had governed the courts since the early years of independence, the *dahir* bearing Law 1-74-338 of 15 July 1974. (A *dahir* is a royal decree, historically the Kingdom's highest form of legislative act.)

What Law 38-15 did, and did not do, is the first thing to grasp. It is an organic statute: it builds the courts, sets out their internal structure, and states the principles that bind them. It is not, however, the only law that matters. Morocco's specialized courts were each created by their own special statute: commercial courts by Law 53-95, administrative courts by Law 41-90, administrative courts of appeal by Law 80-03, and proximity courts by Law 42-10. Law 38-15 repealed only the parts of those special statutes that dealt with organization — the provisions that had become redundant once a single framework existed. The rules in those statutes that govern jurisdiction (which court

hears what) and procedure (how it does so) remain fully in force.

The practical lesson is that Moroccan judicial organization is layered. To know how a court is built, the reader looks to Law 38-15; to know the limits of what it may hear and how a case proceeds, the reader looks to the relevant special law and to the procedure codes. Keeping those two questions apart is the key to reading the system correctly.

The principles the system rests on

Title I of Law 38-15 opens with a short set of guiding principles. They are not decoration: each one shapes how the courts below operate.

The first is the **independence of the judicial power** (art. 4), which separates the courts from the legislative and executive branches and gives weight to the idea that judges decide free of outside instruction.

The second is the **unity of justice** (art. 5). Morocco has a single judicial order, not the dual system found in France, where ordinary and administrative courts answer to separate supreme courts. Here every chain of appeal — whether civil, criminal, commercial, or administrative — leads in the end to one apex court, the Court of Cassation. That single summit is what allows the law to be read the same way across the whole country.

The third principle, **functional specialization** (arts. 1 and 5), sits in productive tension with the second. Unity does not mean uniformity: within the single order, the system maintains distinct commercial and

administrative courts, and inside the ordinary courts it maintains specialized sections for civil, criminal, family, and social matters. Specialization delivers expertise; unity keeps the whole coherent.

"Unity does not mean uniformity: within a single judicial order, Morocco keeps distinct commercial and administrative courts and specialized chambers inside the ordinary ones."

Three further principles round out the foundation. **Access to justice** is protected by a guarantee of legal aid for litigants without sufficient means (art. 6, echoing art. 121 of the Constitution). The **rights of litigants** are spelled out as a right to a fair trial, access to information, and a ruling within a reasonable time (arts. 35 to 38). And the statute confirms the structural division between **those who judge and those who prosecute** (arts. 52 and 53), a distinction important enough to deserve its own treatment below.

A single hierarchy in three degrees

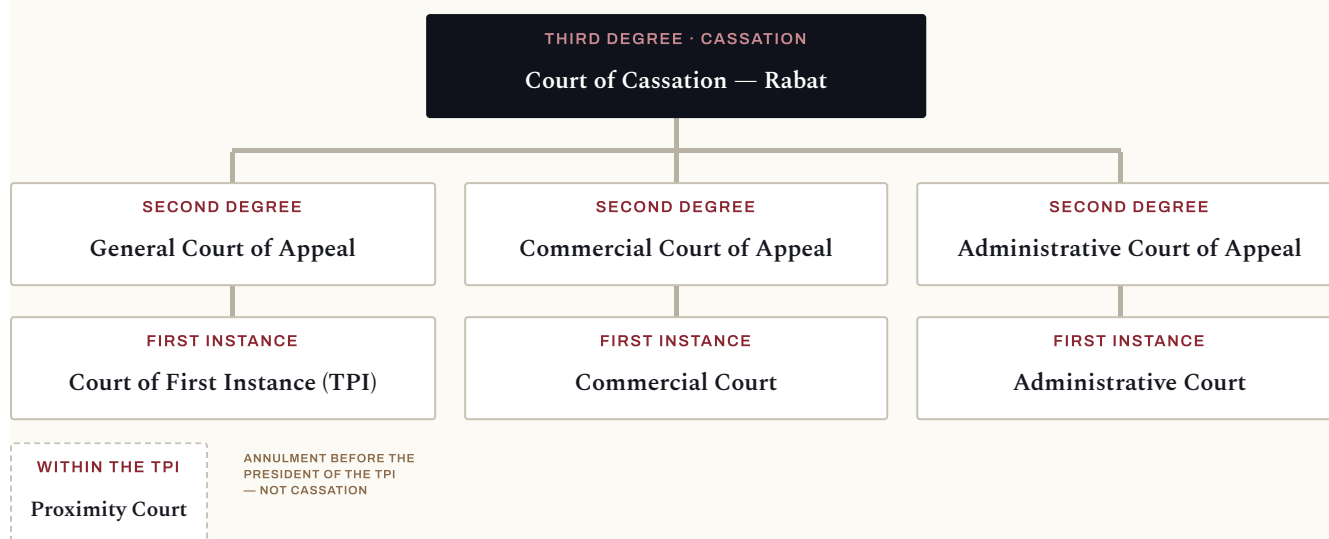
Article 1 of Law 38-15 organizes the entire system into three degrees, a vertical ladder every case potentially climbs.

At the base sit the **courts of first instance**, where disputes are first heard and decided. There are three kinds: the ordinary courts of first instance (in French, *tribunaux de première instance*, abbreviated TPI), the commercial courts, and the administrative courts.

Above them sit the **courts of the second degree**, the courts of appeal, which come in general, commercial, and administrative varieties. An appeal in Morocco is not a narrow review. By what lawyers call the *devolutive effect of the appeal*, the court of appeal re-hears the case in both fact and law, re-examining the evidence and the trial court's reading of it.

At the summit sits the **Court of Cassation** in Rabat. As explained below, it is not a third trial; it is a court that polices the correct application of the law and, in doing so, keeps the country's case law unified.

FIGURE 1 · THE JUDICIAL HIERARCHY



The three degrees of the single judicial order. Each first-instance court rises to its matching court of appeal and on to the one Court of Cassation. The proximity court sits inside the TPI and branches off sideways — its only challenge is annulment before the president of the TPI, never reaching cassation.

Who prosecutes and who judges: the standing magistracy

Before describing the individual courts, one institution must be understood, because it appears, in different guises, at almost every level: the *ministère public*, the body of magistrates that represents society and the general interest. Foreign readers should resist translating it simply as "the prosecution," because its role is broader and more variable than that label suggests.

One institution, two roles

The *ministère public* acts differently depending on the matter before the court.

In **criminal cases** it is a principal party. It triggers and conducts the public action (the prosecution) in the name of society, and its presence at the hearing is mandatory, on pain of nullity: a criminal judgment reached without it is void.

In **civil, commercial, and family matters** its usual role is that of a *joined party* (*partie jointe*). Here it does not drive the case. Instead, in the categories the law designates as "communicable," the file is passed to it so that it may give its formal opinion or conclusions. Those categories cover matters where a public interest is at stake: the protection of minors and persons under legal incapacity, questions of personal status, and issues touching public order. A statute may exceptionally make it a principal party even in these fields, but outside the communicable matters its presence at a civil hearing is optional.

"Same training, same profession, opposite postures: the bench sits to judge, the parquet stands to speak for the public."

Three terms that are easy to confuse

Newcomers, and translators, routinely blur three expressions that Moroccan lawyers keep distinct.

Ministère public and *parquet* name the same institution. Both refer to the corps of magistrates known as the "standing" magistracy (*la magistrature debout*), so called because they rise to address the court, as opposed to the "seated" magistrates of the bench (*le siège*) who remain

seated to judge. *Ministère public* is the functional, official label, the role; *parquet* is the concrete, collective name for that team attached to a particular court. To say "the *ministère public* requests" or "the *parquet* requests" is to say the same thing.

The *procureur du Roi* (the King's prosecutor) is something narrower: a specific office, not a synonym for the institution. The title belongs to the head of the *parquet* at the level of the court of first instance, who directs it with the help of his deputies (*substituts*). He is the chief of the *parquet*, but the *parquet* is not reduced to him, and the title changes as one climbs:

- at the **court of first instance**, the *procureur du Roi*, assisted by deputies;
- at the **court of appeal**, the *procureur général du Roi* (the King's general prosecutor), assisted by advocates-general (*avocats généraux*);
- at the **Court of Cassation**, the *procureur général du Roi* at the Court of Cassation, assisted by a first advocate-general and advocates-general.

TWO KINDS OF MAGISTRATE, ONE COURTROOM — *siège* VS *parquet*

Moroccan judges fall into two corps. The *siège* (the "bench," literally the "seat") is made up of the seated magistrates who hear and decide cases; they are independent and answer to no hierarchy in their judging. The *parquet* (the "standing" magistracy, also called the *ministère public*) is made up of the magistrates who rise to represent society and the general interest; they prosecute in criminal cases, give opinions in designated civil ones, and answer up a chain of command to the *procureur général du Roi* at the Court of Cassation. Same training, same profession, opposite postures: one sits to judge, the other stands to speak for the public.

Present in most courts, absent in one

The standing magistracy is present throughout the ordinary judicial order — at the courts of first instance, the courts of appeal, and the Court of Cassation — and it is present in the commercial courts, where a *procureur du Roi* and a dedicated secretariat operate. The military tribunal has its own *ministère public* under Law 108-13.

The major exception is the administrative courts. The administrative tribunals and administrative courts of appeal have no *parquet* at all. The function is performed instead by a different officer, the *commissaire royal de la loi et du droit* (the Royal Commissioner for Law and Justice), provided for in art. 3 of Law 80-03. The difference is one of nature, not merely of name. The *commissaire royal* does not prosecute and is not a party to the case. He intervenes independently to deliver a reasoned legal opinion that helps the court reach its decision. His nearest functional cousin is the French *rapporteur public*, an impartial adviser to the bench, and not a prosecutor at all.

TABLE 2 · THE STANDING MAGISTRACY ACROSS THE COURTS

COURT	PARQUET PRESENT?	HEAD OF THE PARQUET AND DEPUTIES
Court of first instance (TPI)	Yes	<i>Procureur du Roi</i> , assisted by deputies (<i>substituts</i>)
Court of appeal	Yes	<i>Procureur général du Roi</i> , assisted by advocates-general
Court of Cassation	Yes	<i>Procureur général du Roi</i> at the Court of Cassation, assisted by a first advocate-general and advocates-general
Commercial courts	Yes	<i>Procureur du Roi</i> with a dedicated secretariat
Military tribunal	Yes	Own <i>ministère public</i> (Law 108-13)
Administrative courts and courts of appeal	No	None; a <i>commissaire royal de la loi et du droit</i> delivers independent legal opinions (art. 3, Law 80-03)

The courts of the common order

With the standing magistracy in view, the three ordinary courts can be described in turn.

Courts of first instance (TPI)

The court of first instance is the workhorse of the system. It is staffed by a president and one or more vice-presidents, by the bench magistrates who judge, by the *parquet* magistrates (the *procureur du Roi* and deputies) who stand, and by a registry (*greffe*) with separate chiefs of registry for the bench and for the *parquet* (Law 38-15, Title II).

Internally, each court of first instance is required to contain a full set of divisions: a family section, and civil, criminal, real-estate, commercial, social, and proximity-justice chambers. This internal specialization is how the principle of unity coexists with the need for expert benches: most types of dispute have a dedicated chamber under the same roof.

As a rule, a single judge decides. For certain sensitive categories, however, the law requires a collegial bench of three magistrates: real-estate disputes, matters of personal status other than divorce by mutual consent, and cases that may result in detention, among others.

On jurisdiction, the court of first instance holds the residual or general competence of the system: it hears any matter not assigned by law to another court (art. 54). It is, in other words, the default forum.

Two value thresholds matter here, and a reform is about to move one of them. Law 38-15 itself fixes no monetary limits; it refers the question to the procedure codes. Under the Code of Civil Procedure currently in force, a court of first instance rules in first and last instance (that is, with no appeal) up to 3,000 MAD, the threshold set by art. 19 of the 1974 code. That figure holds until 24 August 2026. On that date the new Code of Civil Procedure enacted as Law 58.25 takes effect and raises the civil first-and-last-instance threshold to 10,000 MAD.

Inside each court of first instance, the proximity-justice sections handle the smallest disputes. Under art. 10 of Law 42-10 they hear personal and movable claims worth 5,000 MAD or less, but they are barred from personal-status matters, real estate, social cases, and evictions.

On the criminal side, the court of first instance is the trial court for the lower bands of offense — *contraventions* (petty offenses) and *délits* (mid-level offenses) — with the precise allocation governed by the Code of Criminal Procedure (CPP) and art. 51 of Law 38-15.

Courts of appeal

The court of appeal is the second degree. Because of the devolutive effect noted earlier, it does not merely check the first judgment for error; it tries the case again on the facts and the law.

Each court of appeal may be divided into civil, criminal, social, and personal-status chambers, and it may also contain a financial-crimes section and a terrorism section (arts. 68 and 69 of Law 38-15), reflecting the reform's decision to house these sensitive specialties at appeal level. Ordinary judgments are rendered by a bench of three counselors unless a specific text provides otherwise, as it does for serious crimes and the specialized sections; separate rules (art. 79 onward) apply to the commercial and administrative courts of appeal (art. 78).

The court of appeal hears appeals against the decisions of the courts of first instance and of the other courts within its territorial reach (art. 73).

The criminal ladder deserves a note, because it has more rungs than the civil one. Petty offenses (*contraventions*) are tried by the criminal formation of the court of first instance, with a small, exhaustively listed set of minor fine-only offenses falling to the proximity courts under Law 42-10. Mid-level offenses (*délits*) are tried by the correctional chamber of the court of first instance. The most serious offenses (*crimes*) are tried at first instance by a criminal chamber at the court of appeal, with a further appeal to a criminal appeal chamber within the same court. This second criminal degree, first introduced by Law 35-11, is confirmed by the new Code of Criminal Procedure (Law 03-23, in force since September 2025).

The Court of Cassation

At the top sits the Court of Cassation, and the most important thing to say about it is what it is not: it is not a third degree of trial. It does not re-hear the facts. It is a judge of law, reviewing only the legality of the decision below — meaning whether the trial judges applied and interpreted the law correctly. When it finds

that they did not, it quashes the decision and, as a rule, refers the case to a trial court to be heard again (except in the cases where it quashes without referral). This is

the mechanism by which a single court keeps the country's case law consistent.

"The Court of Cassation is not a third trial. It is a judge of law, and that is what keeps the country's case law consistent."

Sitting in Rabat under a First President and a *procureur général*, the Court is organized into seven chambers: a first civil chamber, and chambers for personal status and succession, real estate, commercial matters, administrative matters, social matters, and criminal matters. Its standing magistracy comprises the *procureur général* assisted by a chief advocate-general and advocates-general. A valid judgment requires a public hearing, a bench of at least five counselors, and the presence of the *parquet* (art. 87). The Court rules on appeals in cassation (*pourvois en cassation*, appeals confined to points of law), reviews the correct application of the law, and hears claims of excess of power and the other recourses the procedure codes assign to it (art. 89).

The specialized jurisdictions

Alongside the ordinary courts, four specialized tracks handle defined categories of dispute. Each was created by its own statute, and each, except the proximity courts, ultimately feeds into the Court of Cassation.

Commercial courts

The commercial courts hear commercial acts and contracts, disputes between merchants, questions of commercial paper, company-law matters, and disputes over business assets (*fonds de commerce*), under art. 5 of Law 53-95. Their reach is defined by value: they are competent only for claims whose principal exceeds 20,000 MAD (art. 6 of Law 53-95, as amended by Law 18-02). Below that figure a commercial dispute is not heard by a commercial court at all; competence falls, by reason of value (*ratione valoris*), to the ordinary court of first instance through its commercial chamber. From 24 August 2026, Law 58.25 adds a further rule for areas that have no commercial court: there, the court of first

instance will hear commercial disputes up to 80,000 MAD (art. 31). Appeals go to the commercial court of appeal within 15 days (art. 18 of Law 53-95), which sits as a bench of three (art. 4), and from there a cassation appeal lies under the Code of Civil Procedure.

Administrative courts

The administrative courts hear the litigation of the state and public bodies: actions to annul administrative acts for excess of power (the *recours pour excès de pouvoir*, the central remedy of Moroccan administrative law), disputes over administrative contracts, pensions, tax, expropriation, Treasury debts, and the status of civil servants (art. 8 of Law 41-90). Their subject-matter competence is unlimited in value, and they rule at first instance. Appeals go to the administrative court of appeal within 30 days (art. 9 of Law 80-03), where a bench of three counselors sits alongside the *commissaire royal* (art. 3), with a further cassation appeal available (art. 12).

Proximity courts

The proximity courts are built for speed and access. Their procedure is oral and free of charge, and they decide the smallest claims — personal and movable actions of 5,000 MAD or less, along with a defined set of minor petty offenses (arts. 10 and 14 to 18 of Law 42-10). They rule in first and last instance, which means there is no ordinary appeal. The only route of challenge is a narrow application to set the judgment aside (a recourse for annulment), brought before the president of the court of first instance within 8 days (arts. 8 and 9). This is the one branch of the system that does not lead to the Court of Cassation.

The military tribunal

The permanent military tribunal exercises criminal jurisdiction over military personnel for military

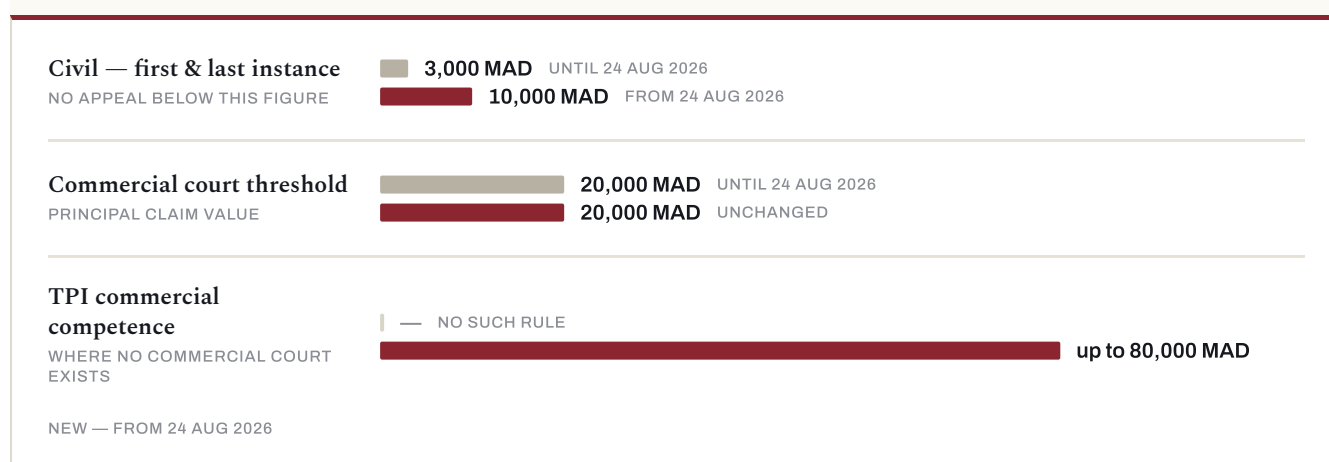
offenses, under Law 108-13 on military justice (2014). Its procedure departs from the ordinary rules, and it sits as

a mixed bench of magistrates and officers, with a cassation appeal provided by the same statute.

TABLE 1 · THE SPECIALIZED JURISDICTIONS

JURISDICTION	SUBJECT MATTER	VALUE / THRESHOLD	RECOURSE & DEADLINE
Commercial courts	Commercial acts and contracts, disputes between merchants, commercial paper, company law, business assets (art. 5, Law 53-95)	Principal above 20,000 MAD (art. 6, am. Law 18-02). From 24 Aug 2026: TPI hears commercial claims up to 80,000 MAD where no commercial court exists (art. 31, Law 58.25)	Appeal to commercial court of appeal within 15 days (art. 18); then cassation
Commercial courts of appeal	Review of commercial-court judgments (art. 18, Law 53-95)	Bench of three (art. 4)	Cassation under the Code of Civil Procedure
Administrative courts	Excess of power, administrative contracts, pensions, tax, expropriation, Treasury debts, civil-servant status (art. 8, Law 41-90)	Unlimited in value; first instance	Appeal to administrative court of appeal within 30 days (art. 9, Law 80-03)
Administrative courts of appeal	Appeals from administrative courts, including interim relief and legal-aid rulings (arts. 2 and 9, Law 80-03)	Bench of three counselors plus the <i>commissaire royal</i> (art. 3)	Cassation (art. 12)
Proximity courts	Personal and movable actions of 5,000 MAD or less; minor petty offenses (arts. 10 and 14-18, Law 42-10)	First and last instance; oral and free procedure	No appeal; annulment before the president of the TPI within 8 days (arts. 8 and 9)
Permanent military tribunal	Military offenses by military personnel (Law 108-13, 2014)	Derogating procedure; mixed bench of magistrates and officers	Cassation (Law 108-13)

FIGURE 2 · VALUE THRESHOLDS BEFORE AND AFTER 24 AUGUST 2026 — LAW 58.25



Law 58.25 lifts the civil first-and-last-instance ceiling from 3,000 to 10,000 MAD and creates a new 80,000 MAD commercial competence for courts of first instance in areas that have no commercial court. The 20,000 MAD commercial-court threshold is unchanged. Bars are scaled to value.

A system is only as independent as the people who staff it, and Law 38-15 is reinforced by a separate body of

Inspection and the status of judges

organic law that governs how judges are supervised, advanced, and disciplined.

Two levels of inspection

Supervision operates on two tracks. The first is institutional. The General Inspectorate of Judicial Affairs (IGAJ), established by Law 38-21 (2021) and anchored in the organic law on the Superior Council of the Judicial Power (arts. 51 and 53 of organic Law 100-13), is the permanent inspection service of that Council. It is led by an inspector general, a magistrate of the highest rank appointed by *dahir* for five years, renewable once. Its mandate (art. 10 of Law 38-21) covers the inspection and oversight of all courts of the Kingdom together with the institutions of the court presidency and the standing magistracy; the coordination of inspections; the handling of complaints referred to it; disciplinary inquiries into magistrates; the monitoring of magistrates' wealth declarations; the production of studies and reports on the state of justice; and the delivery of the Council's international cooperation programs in the field of inspection.

The second track is hierarchical. Under the organic law on the status of magistrates (Law 106-13, by *dahir* of 2016, as amended by organic Law 14-22, by *dahir* of 2023), magistrates are evaluated annually by their superiors in a cascade: the First President and *procureur général* of the Court of Cassation at the top, then the first presidents and general prosecutors of the courts of appeal, then the presidents and King's prosecutors of the courts of first instance.

The status of the magistracy

The same organic laws fix the terms of a judicial career. Judicial independence is given a constitutional guarantee (organic Law 100-13), reinforced by a duty on every judge to report any attempt at interference (organic Law 106-13). Judges enjoy freedom of expression, but bounded by a duty of restraint (the *devoir de réserve*). They belong to a single corps with four grades plus an out-of-grade tier, and their advancement is set by the Superior Council of the Judicial Power (*Conseil Supérieur du Pouvoir Judiciaire*, the CSPJ, the constitutional body that governs the careers and discipline of judges). Disciplinary fault is defined by the status law, while investigation and graduated sanctions are decided by the Council.

Conflicts of interest

The reform also guards against family influence on the bench. Magistrates related or allied up to the third degree may not sit together on the same bench (art. 40 of Law 38-15), and a magistrate must step aside (recuse himself) where a relative or ally up to the fourth degree is a party or acts as counsel (art. 41). Political and trade-union engagement is prohibited, and any outside professional activity requires authorization (organic Law 106-13).

The Council and the standing magistracy

Two final pieces complete the picture. The CSPJ holds the powers of appointment, discipline, and career management, and issues the judiciary's code of ethics (organic Law 100-13). And since the reform of the standing magistracy, the prosecutors answer up their own chain: the magistrates of the *ministère public* are placed under the hierarchical authority of the *procureur général du Roi* at the Court of Cassation (Law 33-17, which transferred this authority from the Minister of Justice), with administrative coordination between the Council and the Ministry of Justice preserved.

One order, many doors, a single reading of the law

The architecture that emerges is easier to navigate once its logic is clear. Morocco runs a single judicial order, so that however a case begins — in a civil chamber, a commercial court, or an administrative tribunal — it climbs a hierarchy that converges, with the lone exception of the proximity courts, on one apex. Specialization is achieved not by splitting the system but by distributing expertise: through separate statutes for commerce, administration, and proximity, and through specialized chambers and sections within the ordinary courts, including the financial-crimes sections that the 2022 reform placed at appeal level.

Value thresholds mark the internal borders. The 20,000 MAD line of art. 6 of Law 53-95 separates the commercial courts from the ordinary courts; below it, even a commercial dispute belongs to a court of first instance. And the procedural reform of Law 58.25, effective 24 August 2026, will redraw two of those lines at once, lifting the civil first-and-last-instance threshold to 10,000 MAD and giving courts of first instance in

areas without a commercial court a new commercial competence up to 80,000 MAD.

Above all of it stands the Court of Cassation, not as a third chance to win on the facts but as the guarantor of

a single, consistent reading of Moroccan law. Every road except the proximity track leads there, and that is precisely the point: one order, many doors, one law.

KEY TAKEAWAYS

- **Law 38-15 (2022) reorganized the courts** but left the special laws' jurisdiction and procedure rules in force. Read organization in Law 38-15; read competence and procedure in the special laws and the codes.
- **One judicial order, three degrees:** courts of first instance, courts of appeal, and the Court of Cassation — which judges the law, not the facts.
- **The *ministère public* (the *parquet*)** prosecutes in criminal cases and gives opinions in designated civil ones, across most courts. The administrative courts have none, relying on a *commissaire royal* instead.
- **The 20,000 MAD line** divides commercial courts from ordinary courts; below it, commercial disputes go to a court of first instance.
- **From 24 August 2026**, Law 58.25 raises the civil first-and-last-instance threshold to 10,000 MAD and lets courts of first instance without a commercial court hear commercial claims up to 80,000 MAD.

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