

The Impact of Economic Transformations on the Evolution of Moroccan Legislation: A Study in Light of the Economic Analysis of Law

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Abstract

Over the past decades, economic transformations have become one of the most influential factors shaping legal systems. Globalization, trade liberalization, digitalization, and increasing international competition have compelled states to reconsider their legislative frameworks in order to strike a balance between economic development and legal certainty. Morocco has not been immune to these transformations. Instead, it has undertaken a series of legislative reforms aimed at improving the business climate, attracting investment, and enhancing the competitiveness of the national economy through the modernization of laws governing investment, competition, public procurement, electronic commerce, and commercial dispute resolution.

This paper examines the impact of economic transformations on the evolution of Moroccan legislation from the perspective of the Economic Analysis of Law. It explores the extent to which economic considerations have influenced legislative policymaking and assesses whether the Moroccan legislature has succeeded in reconciling economic efficiency with the protection of rights, legal certainty, and the rule of law. The analysis is tested against a case study of competition enforcement in the fuel market, situated in comparative perspective alongside regional and OECD experiences, and confronted with the socio-economic ambitions of the New Development Model.

The study concludes that Moroccan legislation has become increasingly responsive to economic change. Nevertheless, the effectiveness of these reforms remains dependent upon improving legislative quality, strengthening legal and judicial certainty, and ensuring greater coherence among legal rules — and, ultimately, upon reconciling economic efficiency with the social justice objectives placed at the heart of the New Development Model.

Keywords: Economic Transformations; Moroccan Legislation; Economic Analysis of Law; Legal Certainty; Investment; New Development Model; Economic Development