

Mechanisms for Economic Regulation of Electronic Commercial Transactions: A Study of the Legal Regulation of Electronic Commerce in Light of Algerian Law 18-05

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Abstract :

In light of the technological development and the informational and technical explosion witnessed by the world today, new transactions have emerged closely and directly linked to the digital environment and the Internet, known as electronic commercial exchanges or what is commonly referred to as e-commerce. The latter is characterized by flexibility and speed in execution compared to traditional commercial transactions, as e-commerce has occupied a leading position in the field of commercial transactions and exchanges, thereby creating an electronic market among individuals, whether natural or legal persons, through offering services, goods, and products relying on modern technology and communication means, ensuring the easy acquisition of necessities and their delivery to the requester without the burden of traveling to the supplier.

Given the volume of transactions generated by e-commerce and the related concepts, most international and national

legislations have endeavored to regulate the field of e-commerce, define its scope, and apply it by developing its legal rules in line with the developments of the digital age. This study aims to shed light on the conceptual framework of e-commerce in light of Law 18-05 related to e-commerce, including the general concepts and legal controls governing this type of commercial transactions in Algeria.

Keywords: e-commerce _ electronic commercial exchanges _ modern technology and communication means _ digital environment _ electronic market.

Introduction :

As a result of the technological and informational revolution witnessed worldwide at the dawn of the third millennium, and the economic openness experienced by most countries, new concepts emerged in the commercial sphere, known as commercial exchanges or what is commonly referred to as electronic commerce. This type of

commerce has adopted the information network, various social media platforms, and communication technologies as its primary means of promoting these electronic transactions. This development has encouraged many businessmen and institution owners, regardless of their titles, to enter the electronic space to showcase their products and services on the Internet, not to mention contracting with clients using the latest, most advanced, and fastest electronic methods. All of this takes place in a virtual market comprising digital goods, which are purchased through electronic payment methods.

In light of the rapid development witnessed in electronic commerce, its expanding scope, and the qualitative leap it has created in the economic field due to the volume of exchanges and transactions conducted through it, it became necessary for international and national legislations to keep pace with these developments, update their legal frameworks, and enact laws containing provisions and regulatory rules for this new type of electronic commercial transactions.

Algeria was not immune to these changes and developments in the economic environment. The Algerian legislator, following the example of comparative legislations, sought to adopt electronic commerce and made its first legislative attempt in 2018 by enacting a special law on electronic commerce. Law No. 18-05 dated May 10, 2018, concerning electronic commerce, was issued, laying the

foundation for regulating this field. Based on the above, the study of this subject logically stems from a main problematic, which is:

To what extent has the Algerian legislator succeeded in defining the legal and conceptual framework of electronic commerce in light of modern technological changes?

To address this main issue, we divided our study into two sections: the first concerns the conceptual framework of electronic commerce, and the second deals with the legal regulation of electronic commerce at both the international and national levels.

1. The Conceptual Framework of Electronic Commerce:

The term "electronic commerce" is relatively new, emerging after 1994 alongside the establishment of the World Trade Organization. As electronic commerce became a reality imposed by technological developments, globalization, and the rapid communication and dissemination of information enabled by modern information and communication technologies, many organizations and international bodies worked to lay the foundational concepts, rules, and regulations related to electronic commerce. Accordingly, we first address the concept of electronic commerce in the first subsection, then move on to its legal nature in the second subsection.

1.1 The Concept of Electronic Commerce:

The term electronic commerce has been widely used in recent years, causing fundamental changes in legal concepts across various branches of law. This necessitated the imperative to define the meaning of electronic commerce, its dimensions, and any related connotations. Jurisprudence and judiciary have taken the lead in this field, which has led to the concepts of electronic commerce becoming diverse, overlapping, and sometimes conflicting. As a result, it has become difficult to establish a comprehensive and inclusive definition of electronic commerce due to the technical nature of the means used in its practice.

1.1.1 Definition of Electronic Commerce in Organizations and International Bodies

The term electronic commerce is considered a compound term consisting of two parts. The first part includes commerce, which in its concept refers to any economic activity carried out by a person anywhere in the world for the purpose of making a profit. This is done through the exchange of goods and services among individuals, institutions, and governments. The second part includes electronic, which is a type of description of the method of conducting economic activity, meaning performing commercial activity using electronic

media and methods, with the Internet and the World Wide Web being the most important of these media.¹

It is noticeable that the previous definition adopts a broad concept of both terms in circulation, focusing on commercial operations and the means used in their practice, while neglecting the essential components of electronic commerce, the participating parties, and its multiple functions. This prompts us to explore the narrower meaning of electronic commerce.

Jurisprudence defines electronic commerce as: "The process of buying and selling through electronic networks at both the goods and services levels, alongside information, computer programs, and other activities that facilitate commercial practices. Some or all commercial transactions in goods and services conducted between one business and another, or between a business and a consumer, are executed using information and communication technology."²

Referring to the United Nations Model Law on Electronic Commerce adopted on December 16, 1996, it does not provide a definition of electronic commerce but limits itself to defining the exchange of electronic data, describing it as: "The electronic transfer of information from one

¹- Bouras Boudalia, The Reality of E-commerce in Algeria, University of Ain Temouchent, Belhadj Chaib, Algeria, 2021.

²-Mokhtar Ben Kwiya, E-commerce Between Necessity and Risk, Maaref

Journal, University of Bouira, Faculty of Law, Vol. 16, No. 2, Algeria, December 2021, p. 291.

computer to another using an agreed system for preparing the information."¹

In the same context, the Organisation for Economic Co-operation and Development (OECD)² defines electronic commerce as encompassing all forms of commercial information exchanged between companies or individuals, based on electronic data interchange whether written, visual, or audio. Additionally, it includes the effects resulting from the process of exchanging electronic commercial data and information and the extent of its impact on institutions and processes that support and govern other commercial activities.³

Considering the World Trade Organization (WTO)⁴ as the primary reference for defining the regulatory frameworks for all forms of commercial transactions, the organization has defined electronic commerce as trade that encompasses the production, promotion, sale, and distribution of products through communication networks and their tools such as telephone, fax, electronic data interchange, email,

and the Internet via the World Wide Web (WWW).⁵

The World Trade Organization also defines electronic commerce in its simplest terms as an integrated set of processes for producing, distributing, marketing, and selling products through electronic means.⁶

Based on the previous definitions of electronic commerce, it can be said that it is a virtual market where the supplier and consumer meet "virtually," and products are displayed in the digital space by the supplier and attract the consumer's interest. These products are received either through various forms of promotion, digital advertisements across different social media platforms, or by searching for the desired product or goods. Communication between the parties involved in the commercial transaction occurs in the digital environment, with payment made through electronic payment methods. This means that the entire transaction is conducted remotely, unlike traditional commerce where products and goods are tangible and the

¹-Lazhar Ben Said, *The Legal System of E-commerce Contracts*, Dar Houma, Algeria, 2012, p. 20.

²-OECD = Organization for Economic Cooperation and Development

³-BenTerki Leila, *E-commerce and the Consumer (Reality and Challenges) under Law 18-05*, Research Paper Presented for Participation in the National Forum on Contractual Freedom in the Context of the Market Economy, October 30-31, 2018,

Organized by the University of Frères Mentouri Constantine 1, p. 06.

⁴-WTO = World Trade Organization

⁵-BenTerki Leila, *Op.Cit.*, p. 06.

⁶-Al-Amri Hashmi, Saleh Baza, *E-commerce in Algeria: Its Reality and Tax Challenges*, Journal of Research and Development Studies, University of Mohamed Bachir El Ibrahimi Bordj Bou Arreridj, Vol. 08, No. 02, Algeria, December 2021, p. 03.

transaction between supplier and consumer is direct.

1.1.2 Definition of Electronic Commerce in National Legislations:

Many legislations and national laws around the world have regulated the subject of electronic commerce. The French legislator defines it through Law No. 575 dated June 21, 2004, related to trust in the digital economy, as: "Electronic commerce is that economic activity through which an individual offers or guarantees the provision of goods or services remotely and by electronic means."¹

Meanwhile, the Saudi legislator defined it in the Saudi Electronic Transactions Law by stating: "Electronic transactions are any exchange, correspondence, or any other procedure concluded or executed wholly or partially by electronic means."²

The Lebanese Electronic Transactions and Personal Data Law also defines electronic commerce as: "The activity by which a person performs or offers remotely, by electronic means, the supply of goods

or the provision of services to others."³

As for the Arab Model Law on Electronic Transactions and Commerce, it defines it as any dealing, contracting, or agreement concluded or executed wholly or partially by electronic means.⁴

Referring back to the Algerian legislator, the term "electronic commerce" was initially mentioned through Executive Decree No. 98-257, amended by Executive Decree 2000-307 concerning Internet activity⁵, as a preliminary step to encompass various aspects of these commercial transactions coinciding with their emergence in Algeria. However, the Algerian legislator did not provide a definition of electronic commerce in the aforementioned executive decree and limited the reference to the electronic means used when addressing the electronic form within the rules of evidence in Articles 323 bis and 323 bis 1 of the Civil Code dated September 26, 1975, as amended and supplemented.

With the issuance of Law No. 18-05 dated May 10, 2018, related to electronic commerce, the Algerian legislator provided a definition of

¹-Yama Ibrahim, The Legal Regulation of E-commerce in Algeria: A Study in Light of Law 18-05, Journal of Law and Political Science, University of Ahmed Draia Adrar, Vol. 05, No. 02, Algeria, 2019, p. 03.

²-Abdul Aziz Gharamallah Jarallah Al Jarallah, Provisions and Controls of Electronic Contracts in Comparative Islamic Jurisprudence, First Edition, Dar

Al-Kitab Al-Jami'i, Saudi Arabia, 2017, p. 28.

³-Yama Ibrahim Op.Cit., p. 03.

⁴- BenTerki Leila, Op.Cit., p. 09.

⁵- Executive Decree 98-247 (Official Gazette 63), Executive Decree 2000-307 concerning Internet activity (Official Gazette No. 60).

electronic commerce through Article 6/1, which states:

"Electronic commerce is the activity whereby an electronic supplier proposes or guarantees the provision of goods and services remotely to an electronic consumer, through electronic communications."¹

From the Algerian legislator's definition of electronic commerce, it is noticeable that the electronic nature is required either on the part of the supplier, the consumer, or the means used for these commercial transactions to fall within the scope of electronic commerce. Conversely, the electronic supplier's activity is limited to proposing or guaranteeing the provision of goods and services remotely; however, in reality, the electronic supplier's transactions are not limited to this but also include other commercial transactions.

1.2 The Specificity of E-Commerce and Its Types:

The difference between e-commerce and traditional commerce gives the former certain characteristics and particularities due to the technical nature that predominates this type of commercial transactions conducted in a digital environment as an essential element.

At the same time, e-commerce takes various forms and types depending on the nature of the transaction and the parties involved. This requires us to clarify the features of e-commerce in the first subsection, then address its forms in the second subsection.

1.2.1 Features of E-Commerce:

E-commerce is characterized by a set of interconnected features that distinguish it from traditional commercial transactions, which can be summarized as follows:

1.2.1.1 Electronic supports replace paper-based supports:

E-commerce takes place without the physical presence of the parties involved in the commercial transaction, as it occurs between two contracting parties who are not gathered in a real contractual meeting but rather contract remotely using modern technological communication means. More precisely, the two parties of the transaction are connected through a virtual contractual forum², where no paper documents or exchanged physical records govern the transaction process. This raises several issues in case of a dispute between the parties, leading to discussions about the evidentiary

¹- Law No. 18-05 dated 24 Sha'ban 1439 corresponding to May 10, 2018, relating to electronic commerce, Official Gazette No. 28, issued on 30 Sha'ban 1439 corresponding to May 16, 2018.

²-Karzan Zain Al-Abidin Salah Al-Din, The Legal Nature of Electronic Commerce

Contracts and Their Challenges, Journal of Legal Studies, Imam Jaafar Al-Sadiq University, Kirkuk Branch, Law Department, Volume 07, Issue 01, January 2021, p. 210.

value of electronic messages before the competent judiciary.

1.2.1.2 Globalization of Sales:

E-commerce has eliminated both temporal and spatial restrictions, as large and small companies have emerged conducting their commercial activities in multiple countries without the need to establish branches in the countries where they wish to market. This also avoids the legal procedures, tax fees, and other costs that often burden suppliers. As a result, the digital environment encompasses all of this, in addition to the fact that distribution is handled by transportation companies of various types from the supplier's country to the consumer's country.

1.2.1.3 Personal Targeting:

E-commerce targets specific individuals by customizing advertisements across the network based on the desired individual's information, such as age, gender¹, and occupation. This feature is applied on social media platforms, especially Facebook (now Meta) and Instagram, where these sites offer significant services to suppliers, e-commerce practitioners, and consumers through internal digital platforms like Marketplace and Boutique Shopping, in addition to the sponsored ads feature. This allows targeting a specific group of people

according to residential area, age, gender, personal interests, and more.

1.2.1.4 Speed and Ease of Communication:

E-commerce allows for rapid response to market demands through quick interaction with customers². Once the supplier displays the products, the consumer receives them and, at the same time, can communicate via email with the supplier or through the contact information provided by the supplier or previously specified in sales advertisements.

1.2.2 Forms of E-commerce:

The types and forms of e-commerce vary according to the parties involved in the commercial transaction, namely the service provider (the supplier) and the beneficiary or consumer. Their forms are mainly represented as follows:

1.2.2.1 Business to Business (B2B)

Commonly abbreviated as B2B, this refers to transactions conducted between business entities using communication networks and information technology. It is considered the most common type and is often used at the international level³, especially in export and import operations. Email is the most widely used means of communication in this type of e-commerce. Examples include transactions between travel

¹- Yama Ibrahim, Previous Reference, p. 04.

²-Youssef Hassan Youssef, Electronic Economy, National Center for Legal

Publications, First Edition, Cairo, Egypt, 2012, p. 36.

³-Mokhtar Ben Qawiya, Op.Cit , p. 292.

agencies, airlines, hotels, and tourist transport companies.¹

1.2.2.2 Business to Consumer (B2C)

Also known as electronic shopping or electronic retail trade, it involves direct transactions with the consumer via the web through online shopping centers. It offers all goods and services.² This type of e-commerce is witnessing significant development due to the widespread internet culture among individuals across various countries, which has led to the emergence of personal computers, mobile phones, and others.³

1.2.2.3 Consumer to Government (C2G):

This type of e-commerce involves practices that the consumer adheres to towards their administration, such as

This type of commercial transaction has recently emerged, where goods are exchanged, bought, and sold directly between consumers. This can occur either through virtual meetings on leading platforms in this field, such as the global site eBay, the

paying taxes and fees, submitting declarations, and more.⁴ Examples include obtaining vehicle licenses, professional permits, disbursing salaries and pensions, paying taxes and bills electronically, as well as airport services.⁵

1.2.2.4 Business to Government:

This type of transaction includes all dealings between companies and the government using electronic means, allowing both companies and individuals to access regulations, fees, and transaction forms provided by government departments on the internet. They can also carry out these transactions online, in addition to government institutions making electronic purchases from commercial enterprises.⁶

1.2.2.5 Consumer to Consumer:

Algerian site Ouedknis, and the widely used French site Le Bon Coin, or through Play Store applications that also offer this service for electronic exchange and commercial transactions among consumers. Here, a consumer lists a specific product

¹- Essam Abdel Fattah Matar, *Electronic Commerce in Arab and Foreign Legislations*, New University House, Unnumbered Edition, Cairo, Egypt, 2015, p. 24.

²-Mokhtar Ben Qawiya, *Op.Cit*, p. 293.

³-Sayed Ahmed Abdel Khaleq, *Electronic Commerce and Globalization*, Publications of the Arab Organization for Administrative Development, Unnumbered Edition, Cairo, Egypt, 2006, p. 46.

⁴-Nabila Jaija, *Electronic Commerce in the Arab World and the Main Obstacles Limiting Its Development*, Journal of Management and Economic Sciences Horizons, University of M'sila, Volume 02, Issue 02, Algeria, 2018, p. 280.

⁵- Al-Omari Hashmi, Saleh Bazza, *Op.Cit*, p. 379.

⁶-ama Ibrahim, *Op.Cit*, p. 04.

accompanied by an advertisement that includes its specifications, contact information, and more. Another consumer receives this advertisement upon searching for a product or entering the digital platform, resulting in an electronic commercial transaction between them.

2. The Legal Regulation of Electronic Commerce at the International and Local Levels:

The rapid development of electronic commerce in its various forms has led to an increase in the volume of commercial transactions in the virtual space and the emergence of what is known as electronic commerce contracts. This was accompanied by legal issues that confronted this type of commerce, necessitating the establishment of legal regulations governing this kind of trade. In this section, we will address the legal regulation of electronic commerce at the international level, limiting the study to some international and regional organizations and bodies concerned with the legal regulation of electronic commerce in the first subsection. We will dedicate a separate subsection to the legal

regulation of electronic commerce in Algerian law.

2.1 The Legal Regulation of Electronic Commerce at the International and Regional Levels:

International and regional efforts have sought to create a balance between electronic commerce and traditional commerce in order to regulate the legal framework governing electronic commerce. Perhaps the most prominent of these efforts are embodied in the role of the United Nations Commission on International Trade Law (UNCITRAL), in addition to the European Directive issued by the European Union to regulate electronic commerce.

2.1.1 The Legal Regulation of International Trade in the United Nations Commission:

The United Nations Commission on International Trade Law (UNCITRAL)¹ is a pioneer in this field, having launched its Model Law on Electronic Commerce accompanied by a Legislative Guide under General Assembly Resolution No. 51/162 on December 16, 1996, which includes 17 articles.²

¹- UNCITRAL Committee: United Nations Commission on International Trade Law, established in 1966 by Resolution 2205 (D-21) dated December 17, 1966, considered the primary legal body within the United Nations system in the field of international trade law. It is a specialized global legal body tasked with reforming commercial

law worldwide, entrusted with the mission of modernizing and harmonizing rules related to international commercial transactions. / Article published on the official United Nations website: www.uncitral.un.org, accessed on June 3, 2022, at 19:25.

²- Yama Ibrahim, Op.Cit, p. 05.

Electronic commerce is considered one of UNCITRAL's most important activities. In 1982, the Commission decided to discuss aspects related to electronic funds transfers and resolved to include the topic of the legal effects arising from the use of automated data processing in international trade as a priority item on its agenda during its seventeenth session in 1984.¹

The Commission has also addressed many aspects related to electronic commerce in its sessions, such as issuing several recommendations later adopted by the General Assembly, and publishing a legal guide in 1987 concerning electronic funds transfers, which defines the legal issues arising from funds transferred by electronic means and discusses possible approaches to address these issues. In its twenty-fifth session in 1992, the Commission issued a recommendation to establish uniform legal rules on electronic commerce and entrusted the task of preparing the legal rules related to electronic commerce to the Working Group on Electronic Data Interchange.²

The committee's efforts culminated in the issuance of the 1996 UNCITRAL Model Law on Electronic Commerce, which aims to

facilitate the use of electronic commerce by establishing a set of internationally accepted rules that countries can adopt in their own legislation to overcome legal obstacles and other regulatory issues arising from electronic transactions.³

The committee also prepared a Model Law on Electronic Signatures due to their increasing use as a modern technology in various electronic transactions. The United Nations General Assembly adopted this law in 2001, which includes a set of specific rules to establish and understand electronic signatures and the fundamental codes of conduct for the various parties that may participate in using electronic signatures.⁴

2.1.2 The Legal Regulation of International Trade in the European Union:

Europe focused its attention on information technology starting in 1997, when electronic commerce contracts were first addressed in its joint regulations. European Directive No. 1997/7, dated May 20 of the same year, concerning "Consumer Protection in Distance Contracts," was issued. This directive applies to contracts for goods and services concluded between suppliers and

¹- Khalifi Mariam, Legal Stakes of Electronic Commerce, doctoral thesis in private law, University of Abou Bekr Belkaid Tlemcen, Faculty of Law and Political Science, Algeria, academic year 2011-2012, p. 47.

²- Abu Al-Ala Ali Abu Al-Ala Al-Nimr, Practical and Legal Issues in Electronic Commerce, first edition, Abu Al-Majd Publishing House, 2005, p. 408.

³- Khalifi Mariam, Op.Cit , p. 48 and following.

⁴- Ibid, p. 51.

consumers using means of remote communication.¹

In recognition of the significant efforts towards organizing electronic transactions, and acknowledging the European legislator's need to intervene to keep pace with the technological developments that gave rise to electronic commerce, the European Community issued Directive No. 1999/93 on December 13, 1999. This directive aims to harmonize the legislation of European countries regarding the acceptance of electronic documents as evidence and to create a balance between electronically signed electronic documents and paper documents.²

In light of the disparities in the legal rules applied to information society services, European Directive No. 2000/31 was issued on June 8, 2000, and published in the Official Journal of the European Union on June 17, 2000. The new directive adopted the necessity for EU member states to primarily establish a legal framework for electronic commerce contracts within Europe, in order to support electronic transactions to achieve their effectiveness, and thereby strengthen the internal digital market.³

However, it is observed from the legal rules contained in the European

directive that most of its focus was on the regulatory aspects of electronic commerce and the legal liability imposed on service providers, as well as regulating contracting and establishing legal provisions for resolving disputes arising in the field of electronic commerce. On the other hand, most of its provisions lack clarification regarding the competent judicial authorities to consider lawsuits related to electronic commerce, as well as the applicable law in the event of a dispute between the supplier and the consumer or between the parties to the electronic commercial transaction.

2.2 The Legal Regulation of Electronic Commerce at the National Level:

Like other legislations, the Algerian legislator sought to encompass various aspects of electronic commercial transactions, starting with the adoption of electronic evidence, passing through the adoption of electronic signature and certification systems, and culminating in the issuance of a specific law on electronic commerce.

2.2.1 Introduction of Mechanisms for Electronic Evidence, Signature, and Certification:

The Algerian legislator relied on the mechanism of electronic evidence

¹- Ahmed Sharaf Al-Din, Rules for the Formation of Electronic Contracts, a comparative study of model laws, international agreements, and local laws, unpublished, no edition, no country mentioned, 2008, p. 66.

²-Ihab Al-Sanbati, Encyclopedia of the Legal Framework for Electronic Commerce, Dar Al-Nahda Al-Arabiya, undated edition, Cairo, Egypt, 2007, p. 191.

³-Khalifi Maryam, Op.Cit , p. 57.

through Article 323 bis 1 of Law 05/10, amending and supplementing the Civil Code,¹ where the aforementioned article considered writing in electronic form equivalent to writing on paper under legal conditions.

The Algerian legislator also recognized the electronic signature system through Article 2/1 of Law No. 15-04, which defines the general rules related to electronic signatures and certifications.² The electronic signature takes various forms such as fingerprint, iris scan, voice tone, blood pressure level, and electronic pen signature that can be used on a computer screen via software.³

The electronic signature represents a legal and technical process aimed at verifying electronic messages and signatures issued by the attributed party without distortion, falsification, or forgery. This is carried out by an independent neutral party that issues an electronic certificate fulfilling the intended purpose.⁴ The Algerian legislator has adopted this alongside the electronic signature system.

Based on the above, it is clear that the Algerian legislator has regulated many aspects of electronic commerce, recognizing the

importance of electronic transactions in general and striving to achieve a qualitative leap in the transition to the information technology system.

In the same context, the Algerian legislator introduced the electronic payment system in commercial transactions. Law 03-14 dated August 26, 2003, concerning currency and credit, is considered the first Algerian law to include modern electronic dealings in the banking sector.⁵ The Algerian legislator moved towards approving modern electronic payment methods, which were later regulated by the legislator under Law 05-02 dated February 6, 2005, encompassing the Commercial Code, in the fourth chapter of the first book titled Commercial Papers. The third section includes withdrawal and payment cards.

2.2.2 Regulation of Electronic Commerce under Law 18-05:

In response to the recommendations of the United Nations Commission on International Trade Law, the Algerian legislator introduced a special law on electronic commerce, Law No. 18-05, issued on May 10, 2015, which comprises 50 articles divided into 4 chapters.

defining the general rules related to electronic signature and certification, Official Gazette No. 06, dated February 10, 2015.

³-Al-Mukhtar bin Qawiya, Op.Cit , p. 300.

⁴-Ibid, p. 301.

⁵-Khalifi Maryam, Op.Cit , p. 71.

¹-Law No. 05-10 dated 13 Jumada al-Awwal 1426 corresponding to June 20, 2005, amending and supplementing Order 75-58 dated 20 Ramadan 1395 corresponding to September 26, 1975, concerning the Civil Code, Official Gazette No. 44, dated June 26, 2005.

²-Law No. 15-04 dated 11 Rabi' al-Thani 1436 corresponding to November 1, 2015,

The first chapter of the aforementioned law contains general provisions related to the applicable law in the field of electronic commerce, in addition to defining some basic concepts associated with this field, which are addressed in Article 06.

Meanwhile, the legislator defined in the second chapter of Law 18-05 the legal modalities for practicing electronic commerce, dividing it into seven (7) sections. The first section of the second chapter deals with cross-border commercial transactions, and the second section addresses the conditions for practicing electronic commerce. The Algerian legislator subjected the electronic commerce activity to registration in the commercial register or the register of traditional industries and crafts. The legislator also mandated in the same article that every electronic commerce practitioner must open a supplier website hosted in Algeria with the domain extension ".com.dz".¹

As for the third section, it dealt with the requirements related to commercial transactions via electronic communication. The fourth section defined the obligations of the electronic consumer, while the fifth section regulated the duties and responsibilities of the electronic supplier. The sixth section was dedicated to payment in electronic

transactions, and the seventh section to electronic advertising.²

Chapter Three is dedicated to crimes and penalties, divided into two sections. The first section addresses the monitoring of electronic suppliers and the inspection of violations, while the second section pertains to the penalties prescribed for offenders in the field of electronic commerce.³

Chapter Four includes transitional and final provisions in Articles 49 and 50. Article 49 stipulates that natural and legal persons engaged in electronic commerce at the date of the publication of this law must comply with its provisions within a period not exceeding six months.

It is worth noting in this regard that the Algerian legislator, through Law 18-05, has made diligent legislative efforts to regulate and control all aspects related to electronic commerce in line with developments occurring in the electronic commercial field. This is especially important given the emergence of practices classified as criminal acts and the proliferation of electronic fraud and scams by fictitious institutions and commercial companies operating in the digital space, using network marketing as a means to achieve their goals and quick profits.

Conclusion :

¹-See Article 8 of Law 18-05 related to Electronic Commerce, previous source.

²-See Articles 7 to 29 of Law 18-05, previous source.

³- See Articles 35 to 48 of Law 18-05, previous source.

In conclusion of this study, it can be said that the technological and informational revolution experienced worldwide has directly and fundamentally contributed to achieving a qualitative leap in the field of economic openness, and the emergence of a new form of trade unknown to countries, known as electronic commerce. This has become a refuge for many traders, even those with low income and those without stable jobs, as the volume of electronic commercial transactions has increased. The aspects of speed and ease of communication have likely played a significant role in the spread of this trade and the expansion of its geographical scope. This situation necessitated the provision of an appropriate legal framework to define the methods of practicing it, ways to enhance it, and to address the problems it faces.

Based on the above, our study has reached a set of results that serve as a cornerstone for feasible and implementable recommendations:

1- Results:

— Electronic commerce is considered one of the most important commercial transactions in the current era, relying on modern communication technology means as a method for promotion, marketing, exchange, buying, and selling through the virtual environment as an essential element in the electronic commerce system.

— Electronic commerce is characterized by a global nature

justified by the presence of products and services from many young companies and commercial institutions that market their goods through digital platforms to other countries without the physical presence of suppliers in the consumer country.

— The forms of electronic commerce vary and multiply according to the parties involved in the electronic commercial relationship, between supplier and consumer, institution and another institution, consumer and another consumer, government and institution, or institution and government.

— The United Nations Committee is a pioneer in regulating the field of electronic commerce within its legal and regulatory framework. Many legislations have adopted its recommendations arising from its sessions by establishing legal rules that align with developments in the field of electronic commerce. The Algerian legislator has followed the example of other legislations by enacting Law 18-05 related to electronic commerce.

— Law 18-05 related to electronic commerce includes legal provisions that regulate electronic commerce from various aspects, including the methods and conditions of its practice, the duties and responsibilities of suppliers, and the penalties imposed for violations committed by those subject to this law.

2- Recommendations:

_ Support investment in the field of electronic commerce to achieve comprehensive development, as adopted by most countries worldwide.

_ The Algerian legislator should not be content with merely enacting legal provisions regulating electronic commerce; rather, it should establish structures and regulatory authorities whose primary tasks focus on finding solutions to the obstacles faced by suppliers, consumers, and electronic commercial institutions and companies.

_ The necessity to develop the filtering system for the internet network in Algeria, adopt high-throughput networks, and connect remote areas to the network, thereby facilitating the conclusion of electronic commercial transactions and achieving speed in doing so.

_ Establish an independent body comprising specialists to evaluate the strategy adopted by the Algerian state in the field of e-commerce regulation, submit periodic reports on the status of e-commerce in Algeria, and provide proposals capable of developing and enhancing Algeria's position regionally and internationally in the electronic commercial field.

_ Organize training courses and workshops for e-commerce practitioners on network marketing techniques and methods, supplier obligations, consumer rights, and raise awareness about violations

committed in the field of e-commerce.

References and Sources List :

1- Law No. 18-05 dated 24 Sha'ban 1439 AH corresponding to May 10, 2018, concerning electronic commerce, Official Gazette No. 28, issued on 30 Sha'ban 1439 AH corresponding to May 16, 2018.

2- Law No. 05-10 dated 13 Jumada al-Awwal 1426 AH corresponding to June 20, 2005, amending and supplementing Order 75-58 dated 20 Ramadan 1395 AH corresponding to September 26, 1975, which includes the Civil Code, Official Gazette No. 44, dated June 26, 2005.

3- Law No. 15-04 dated 11 Rabi' al-Thani 1436 AH corresponding to November 1, 2015, defining the general rules related to electronic signature and certification, Official Gazette No. 06, dated February 10, 2015.

4- Executive Decree 98-247 (Official Gazette 63), Executive Decree 2000-307 related to Internet activity (Official Gazette No. 60).

5- Lazhar Ben Said, The Legal System of Electronic Commerce Contracts, Dar Houma, Algeria, 2012.

6- Abdul Aziz Gharamallah Jarallah Al Jarallah, Provisions and Controls of Electronic Contracts in Comparative Islamic Jurisprudence, First Edition, University Book House, Saudi Arabia.

- 7- Youssef Hassan Youssef, Electronic Economy, National Center for Legal Publications, First Edition, Cairo, Egypt, 2012.
- 8- Essam Abdel Fattah Matar, Electronic Commerce in Arab and Foreign Legislations, New University House, Unpublished Edition, Cairo, Egypt, 2015.
- 9- Sayed Ahmed Abdel Khaleq, Electronic Commerce and Globalization, Publications of the Arab Organization for Administrative Development, Unpublished Edition, Cairo, Egypt, 2006.
- 10- Abu Al-Ala Ali Abu Al-Ala Al-Nimr, Practical and Legal Problems in Electronic Commerce, First Edition, Dar Abu Al-Majd, 2005.
- 11- Ahmed Sharaf Al-Din, Rules for Forming Electronic Contracts, A Comparative Study of Model Laws, International Agreements, and Local Laws, No Publisher, No Edition, No Country Mentioned, 2008.
- 12- Ihab Al-Sanbati, Encyclopedia of the Legal Framework for Electronic Commerce, Dar Al-Nahda Al-Arabiya, No Edition, Cairo, Egypt, 2007.
- 13- Khalifi Mariam, Legal Stakes of Electronic Commerce, Doctoral Thesis in Private Law, University of Abou Bekr Belkaid Tlemcen, Faculty of Law and Political Science, Algeria, 2011-2012.
- 14- Bouras Boudalia, The Reality of Electronic Commerce in Algeria, No Journal Name Mentioned, University of Ain Temouchent Belhadj Chaouaib, Algeria, 2021.
- 15- Al-Mukhtar Ben Qawiya, Electronic Commerce Between Necessity and Risk, Ma'arif Journal, University of Bouira, Faculty of Law, Volume 16, Issue 2, Algeria, December 2021.
- 16- Ben Turki Layla, Electronic Commerce and the Consumer (Reality and Challenges) Under Law 18-05, Research Paper Presented for Participation in the National Forum on Contractual Freedom in the Market Economy, October 30-31, 2018, Organized by the University of Frères Mentouri Constantine 1.
- 17- Al-Omari Hashmi, Saleh Bazza, Electronic Commerce in Algeria: Its Reality and Tax Challenges, Journal of Research and Development Studies, University of Mohamed Béchir El Ibrahimi Bordj Bou Arreridj, Volume 08, Issue 02, Algeria, December 2021.
- 18- Yama Ibrahim, Legal Regulation of Electronic Commerce in Algeria, A Study in Light of Law 18-05, Journal of Law and Political Science, University of Ahmed Draia Adrar, Volume 05, Issue 02, Algeria, 2019.
- 19- Karzan Zain Al-Abidin Salah Al-Din, The Legal Nature of E-Commerce Contracts and Their Challenges, Journal of Legal Studies, Imam Jaafar Al-Sadiq University, Kirkuk Branch, Department of Law, Volume 07, Issue 01, January 2021.
- 20- Nabila Jaija, E-Commerce in the Arab World and the Main Obstacles

Limiting Its Development, Journal of
Management and Economic Sciences
Horizons, M'sila University, Volume
02, Issue 02, Algeria, 2018.