

E-Commerce as an application of E-Government**التجارة الالكترونية تطبيق من تطبيقات الحكومة الالكترونية**

kawtar kantar *

University of 20 August 1955 Skikda (Algeria)

E-mail: k.kantar@univ-skikda.dz

Amjed Muflih Ghanem Alhamad

Irbid National University (Jordan)

E-mail: a.rheme@inu.edu.jo

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Abstract:

Governments, with the technological advancements, have come to rely on the internet in various fields. This has led to the emergence of what is known as e-government, and its applications have had an impact on the economic and commercial sector. E-commerce is considered one of the most important applications of e-government, especially in terms of mechanisms and methods for concluding electronic contracts between the administration and government bodies on one side, and the private sector on the other. Despite the significant development in the internet field, its use in e-commerce generates several risks, necessitating the protection of the interests of various parties. It also poses a set of challenges that countries must overcome by providing a strong infrastructure, ensuring sufficient information security, and offering a cohesive electronic environment for conducting e-commerce

Keywords : E-commerce, E-government, Application**الملخص:**

أوضحت الحكومات مع التطور التكنولوجي الحاصل تعتمد على شبكات الإنترنت في مختلف المجالات. فظهر ما يعرف بالحكومة الالكترونية وانعكست تطبيقات هذه الأخيرة على المجال الاقتصادي والتجاري. وتعتبر التجارة الالكترونية اهم تطبيقات الحكومة الالكترونية خصوصا ما تعلق باليات وطرق ابرام العقود الالكترونية بين الإدارة وهيئات الحكومة من جهة والقطاع الخاص من جهة أخرى، ورغم التطور الكبير في مجال الأنترنت، إلا أنّ استعماله في التجارة الالكترونية يتولد عنه العديد من المخاطر مما يستدعي حماية مصالح مختلف الأطراف كما أنه يفرض على الدول جملة من التحديات يجب أن تتغلب عليها وتوفر بنية تحتية قوية وتحقق امن معلوماتي الكافي وتوفر بيئة الكترونية متناسقة للقيام بالتجارة الالكترونية.

الكلمات المفتاحية: التجارة الالكترونية، الحكومة الالكترونية ، تطبيق .

* kawtar kantar.

Introduction:

The technological development in the field of technology, the emergence of computers, and the expansion of the Internet network and its advantages have led governments to shift from providing public services and transactions from traditional methods to electronic methods through the Internet. This is known as e-government, which means providing administrative work in an electronic technical form by connecting government administration with each other and providing services, information, and accomplishing government tasks in electronically available ways for everyone. We are facing an e-government when the government decides to adopt computer applications and Internet technologies and use them in executing their routine work and providing services to the public, where government institutions are connected with each other and provide an electronic window available to all⁽¹⁾.

The applications of e-government have expanded and invaded various economic, social, and cultural fields, expanding as the segment of people dealing with communication and information technologies expanded. From here, it reflected on e-commerce, becoming one of the applications of e-government.

The importance of researching e-commerce as an application of e-commerce lies in the current widespread use of e-commerce and governments' desire to transition to e-government and e-administration due to the significant advantages it offers.

The research aims to highlight the legal and technical environment that must be available to establish e-commerce and to know the difficulties and obstacles that hinder its establishment.

E-commerce is considered one of the most important applications of e-government, especially in terms of mechanisms and methods of concluding various electronic contracts. The government's desire to achieve better results in less time and transition to an e-government has played a significant role in developing the e-commerce field.

Study problem:

The problem of this study can be formulated in the following main question:

How does e-commerce contribute to the development of e-government?

To answer the above problem, we followed an analytical and descriptive approach. The analytical approach is based on interpreting information and the current situation and is most suitable for this study. We also used the descriptive approach, which relies on describing the phenomenon or incident and extracting conclusions of significance and meaning concerning the research problem.

In line with the research methodology, we divided the plan into two sections. The first section dealt with the relationship between e-commerce and e-government. The second section addressed the obstacles to practicing e-commerce between the environment and e-government.

1. The relationship between E-Commerce and E-Government

E-commerce emerged in the mid-19th century when the first contract was made via telegraph or telephone. However, the term e-commerce is used when relying on computers and modern communications, especially the Internet and the digital space⁽²⁾. E-commerce has

⁽¹⁾ Osama Al-Munaassa, Jalal Mohammed Al-Zu'abi, Electronic Government: Between Theory and Practice, Dar Al-Thaqafa, Jordan, 2013, pp. 22-23.

⁽²⁾ Alan Davidson, The Law of Electronic Commerce. Cambridge University Press, United Kingdom, 2009, p. 1.

spread and is considered one of the most important applications of e-government, especially in terms of mechanisms and methods of concluding electronic contracts between the administration and government bodies on one side and the private sector on the other. The process relies on technical means that take computer applications and other communication systems as a means of execution, unlike the traditional trade situation previously relied upon. The government's reliance on the newly introduced technical transformation to execute and provide its services via communication system technology makes the transition to electronic contracting through the same means of communication with the public a clear necessity. To clarify the relationship between e-commerce and e-government, this section will address:

1.1- The Nature of E-commerce

E-commerce refers to all commercial transactions based on electronic transactions and the processing and transfer of data, including text, images, and sound. It includes internet transactions, electronic fund transfers, and electronic data exchange at one level. To understand the nature of e-commerce, this requirement will discuss the concept of e-commerce and its characteristics.

1.1.1- The Concept of E-commerce

To grasp the concept of e-commerce, we will look into its definition and its importance.

1.1.1.1- Definition of E-commerce

E-commerce is the practice of all commercial transactions, including buying, selling, exchanging products, services, and information, financial settlements, banking transactions, and delivery using electronic media and commercial networks⁽¹⁾. Thus, it is an electronic system that allows dealing in various products and services digitally and executing various contracts related to these products and services.

Through this definition, it becomes clear that e-commerce contains the following elements:

- Electronic means, as there can be no e-commerce without electronic means.
- In addition to products and services, the field of e-commerce includes the processes of designing, producing, presenting, distributing products, and settling payment operations.
- E-commerce, like traditional commerce, is conducted both domestically and internationally.

1.1.1.2- The Importance of E-commerce

E-commerce is of great importance in the transition to an e-government, summarized as follows⁽²⁾:

- Reducing inventory of goods as production can be organized to match purchase offers, thereby reducing production costs.
- Reducing the volume of paperwork and office work by using computers to store information, monitor production, warehouse operations, and provide commercial records and books, which allows for better labor direction.

⁽¹⁾ Mohammed Said Ahmed Ismail, Legal Protection Methods for Electronic Commerce Transactions: A Comparative Study, Al-Halabi Legal Publications, Beirut, 2009, p. 38.

⁽²⁾ Osama Abu Al-Hassan Mujahid, Legal Aspects of Electronic Commerce, Supreme Council of Culture, Cairo, 2003, p. 102.

- Connecting devices and branches of various institutions and bodies at lower cost through establishing a communication system for issuing decisions and monitoring execution between the main company and its branches or among various government devices, leading to faster decision-making and execution.

1.1.2- Characteristics of E-commerce

E-commerce is characterized by a set of features that differentiate it from traditional commerce and give it a unique aspect. These characteristics can be summarized as:

-Lack of direct relationship between the parties to the contract: The meeting of contract parties occurs through the communication network⁽¹⁾, and this feature facilitates and simplifies the trading process.

- Reduction of expenses, costs, and effort: The merchant, consumer, intermediary, and goods are located in one place and through one gateway, creating new patterns of inspection and payment to complete the transaction or obtain the goods or service without significant effort, costs, or time wastage. Moreover, the expenses of opening markets and establishing electronic stores are less than those of traditional markets and stores⁽²⁾.

- Speed in accomplishing business and eliminating many of the office papers that accompany the process of selling, buying, and shipping goods. However, the security element in sending messages is still a problem that has not been completely overcome⁽³⁾.

- Expansion of the e-commerce field: E-commerce includes all operations that occur between companies with each other, between companies and their customers, and between companies and governments⁽⁴⁾.

- Globality: E-commerce is conducted on a scale that exceeds the boundaries of a single state, surpassing geographical borders. Hence, its importance for both the merchant and the consumer. The merchant presents his goods through the electronic market to the entire world, not just to the audience of a specific country. The consumer can purchase any goods or product from any merchant, even if they are outside the borders of their country⁽⁵⁾. Due to the global nature of e-commerce, the information provided to the public is dense because it targets a wide audience with different habits, beliefs, and tastes, unlike traditional commerce, which is less dense and its audience shares habits and beliefs because they belong to the same geographical area.

1.2- Categories of E-commerce

Due to the nature of e-commerce, it can be divided into several categories based on the perspective from which it is viewed. It can be divided according to the type of transaction and according to the contracting parties.

1.2.1- Division of E-commerce According to the Type of Transaction

There are several forms of e-commerce, depending on the type of product, the process, and the intermediaries. Any good can be tangible or digital, and any agent can be tangible or digital; any process can be tangible or digital. Accordingly, e-commerce can be divided into

⁽¹⁾ Abu Al-Ala Ali, Abu Al-Ala Al-Namr, Practical and Legal Issues in Electronic Commerce, Dar Al-Nahda Al-Arabiyya, 2004, p. 22.

⁽²⁾ Osama Al-Munaassa, Jalal Mohammed Al-Zu'abi, Op. Cite, pp. 125-126.

⁽³⁾ Osama Abu Al-Hassan Mujahid, Op. Cite, p. 100.

⁽⁴⁾ Abu Al-Ala Ali, Abu Al-Ala Al-Namr, Op. Cite, p. 25.

⁽⁵⁾ Jabal Freeze, Smart Shopping Online, Arab Scientific Publishers, Lebanon, 2001, p. 21.

pure e-commerce and partial e-commerce. We are facing the first category when the agent is digital, the good is digital, and the process is digital. We are facing the second category if one of the three elements is digital and the rest are tangible, resulting in a mix between traditional commerce and e-commerce. For example, if you buy a book from Amazon, the type of commerce is partial e-commerce because the company will send you the book by mail. However, if you buy software from Amazon, the type of commerce is pure e-commerce because the company will send you the software via the Internet⁽¹⁾.

1.2.2- Division of E-commerce According to the Contracting Parties

E-commerce can be classified according to its parties into transactions between government agencies, transactions between government agencies and companies, transactions between government agencies and citizens, transactions between companies and government agencies, transactions between companies and consumers, and transactions between companies.

1.2.2.1- Transactions Between Government Agencies

Transactions between government agencies include information exchange and coordination, as well as commercial operations like leasing land and apartments by one ministry to another⁽²⁾.

1.2.2.2- Transactions Between Government Agencies and Companies

In transactions between government agencies and companies, the government uses the internet to send and receive information from and to companies, such as tax and customs information⁽³⁾.

1.2.2.3- Transactions Between Government Agencies and Citizens

In transactions between government agencies and citizens, the citizen is enabled to request and receive services, goods, and information provided by the government at any time and from any place⁽⁴⁾, including participating in auctions, tenders, and concluding electronic administrative contracts⁽⁵⁾.

1.2.2.4- Transactions Between Companies and Consumers

Transactions between companies and consumers are conducted through various offers provided by the institution to consumers on the internet⁽⁶⁾, what is known as internet marketing centers, where all kinds of goods and services are offered, and payment is usually made through the network, while receipt depends on the nature of the goods and the terms of the agreement.

1.2.2.5- Transactions Between Companies

In transactions between companies, these companies use communication networks and information technology to settle their transactions, such as placing purchase orders with their suppliers, delivering invoices, and making payments through various electronic financial transfers, in addition to the electronic transfer of information. This form is the most common

⁽¹⁾ Fatima Zahra Gendouz, E-commerce: Its Challenges and Prospects in Algeria. Thesis submitted for the degree of Doctor of Economic Sciences and Management Analysis. Faculty of Economic Sciences, Management Sciences, and Business Sciences, Algeria: University of Algiers 3, p. 49.

⁽²⁾ Mustafa Youssef Kafi, Electronic Commerce. Dar and Raslan Foundation, Damascus, 2010, p. 13.

⁽³⁾ Ibid, p 13.

⁽⁴⁾ Osama Al-Munaassa, Jalal Mohammed Al-Zu'abi, Op. Cite, p. 123.

⁽⁵⁾ Mustafa Youssef Kafi, Op. Cite, p. 14.

⁽⁶⁾ Fatima Zahra Gendouz, Op.Cit, p 40.

type of e-commerce in the world, accounting for about 30 percent of the total volume of e-commerce⁽¹⁾

2. Obstacles to practicing E-Commerce between the environment and E-Government

Practicing e-commerce faces many obstacles, some of which originate from the nature of e-commerce and its fundamentals, while others originate from e-government and its novelty and the principles it is based upon. To clarify these obstacles, this section will discuss the issues raised by e-commerce in the first requirement, and then the challenges faced by e-commerce in the second requirement.

2.1- Issues Raised by E-commerce

Due to its nature, e-commerce presents several issues, leading to various risks which necessitate governments and states to provide appropriate mechanisms to protect the interests of parties involved in the electronic market.

2.1.1- Risks of E-commerce

Practicing e-commerce entails a series of risks and problems not present in traditional commerce. These risks include intellectual property infringement, information security, threats to company security systems, global competition in the local market, difficulty in integrating the physical and electronic site of the company, and finally, the lack of seriousness in transactions.

2.1.1.1- Intellectual Property

Infringement Electronic companies use digital economy methods and capabilities based on zero or near-zero cost to reproduce digital informational products, thus expanding free versions as a means of promotion and penetration⁽²⁾, which means bypassing intellectual property rights in patents and copyrights and facing the risk of violations and piracy.

2.1.1.2- Information Security

Security, trust, transparency, and credibility are the foundations of transactions. Customers and consumers are asked to provide information related to their credit cards or bank accounts, etc., which, if misused, can lead to significant losses. Then, there are requirements to protect electronic sites conducting electronic market transactions from hacking or technical assault of any kind, falling within legal issues related to identifying unlawful behaviors and devising criminal templates for them through clear criminal texts and imposing deterrent penalties⁽³⁾.

2.1.1.3- Threats to Company Security Systems

Using e-commerce exposes companies to many serious threats, including hackers trying to infiltrate the company's information bases and tamper with its resources, such as in financial companies and banks. Unauthorized individuals may penetrate the electronic systems of the electronic company to access and exploit customer information or plant viruses that could

⁽¹⁾ Ibid, p 50.

⁽²⁾ Najm Aboud Najm, Management and Electronic Knowledge, Dar Al-Yazardi, Amman, Jordan, 2019, p. 56.

⁽³⁾ Osama Al-Munaassa, Jalal Mohammed Al-Zu'abi, Op. Cite, p. 131.

threaten to stop the core software that allows the company to connect with its customers and partners⁽¹⁾.

2.1.1.4- Global Competition in the Local Market

E-commerce has removed geographical boundaries and restrictions in front of various businesses, thus turning competition to a global level and placing companies before challenges of global quality and competitive pricing. Consumers can compare various offers, favoring the buyer over the seller⁽²⁾, causing companies to struggle with achieving real returns and actual profitability.

2.1.1.5- Difficulty in Integrating the Physical and Electronic Site of the Company

With the emergence and spread of e-commerce, some companies remained either traditional physical or digital, while others attempted to combine the two. Some companies failed to merge the two, as such a combination requires significant efforts in managing the electronic site for traditional business and substantial efforts in employing web capabilities in interacting with suppliers and customers to reduce costs and expand markets for electronic business⁽³⁾. This incapacity to reconcile and merge the two systems exposes the company to significant losses.

2.1.1.6- Lack of Seriousness in Transactions

Transactions in e-commerce occur between parties who do not know each other, without the need for direct contact, creating the possibility of non-serious transactions in terms of spreading incorrect information by the seller or customer. Transactions are merely electronic data exchanged between parties without any means to verify their accuracy or the identity of the parties.

2.1.2- Protecting Interests in E-commerce

Governments and states must ensure the safe practice and development of e-commerce, which reflects positively on e-government and its development, by providing sufficient legal and technical mechanisms to protect the interests of the electronic consumer, electronic signature, domain names, and data encryption.

2.1.2.1- Protecting the Electronic Consumer

To realize the dream of e-commerce, sellers and buyers must trust that the products they purchase and the companies they deal with online are represented honestly, that they will receive what they pay for, and that they can resort to legal action if not. Governments have worked to encourage consumer confidence through necessary laws and regulations to protect consumers from fraud in the tangible world, but developing policies for the electronic world has become an increasingly important priority. To address consumer protection issues, the European Union issued a directive on information society services, which addresses e-commerce and clarifies the regulatory framework, protects consumer rights, and harmonizes rules to ensure that citizens can⁽⁴⁾.

⁽¹⁾ Samia Demash, Electronic Commerce: Reality and Practice in Algeria, A thesis submitted as part of the requirements for obtaining a Master's degree in Economics, Faculty of Economics and Management Sciences, Mentouri University Constantine, 2010-2011, p. 62.

⁽²⁾ Ibid, p 63.

⁽³⁾ Najm Aboud Najm, Op. Cite, pp. 56-57.

⁽⁴⁾ Fatima Zahra Gendouz, Op. Cite, pp. 78-79.

2.1.2.2- Protecting the Electronic Signature

The technology of electronic signatures has been adopted to enhance security and privacy for internet users. Through electronic signatures, the identity of the sender and receiver is verified electronically, ensuring the authenticity of people and information, that it remains unchanged, and is not tampered with by professionals or amateurs in network hacking. This signature also maintains the confidentiality of information and prevents its circulation, especially concerning competing companies.

2.1.2.3- Protecting the Domain Name

The domain name holds significant importance in the internet world as the key and cornerstone for any activity on the internet. To ensure the stability and development of e-commerce, it is essential to protect it from infringement and piracy. With the beginning of e-commerce in the late 20th century (1996), some companies were surprised to find their electronic trademarks used by others, known as electronic pirates, who realized the significant role the internet would play in e-commerce and saw this as an opportunity for profit without effort⁽¹⁾. Since electronic piracy is an international problem, protecting the domain name is not only a domestic issue but also an international one. For this purpose, governmental bodies and international organizations have aimed to address and find suitable solutions.

2.1.2.4- Data Encryption

Encryption is an effective and successful means of protecting the e-commerce system, which relies on information systems that exchange processed data and information of significant economic value, in addition to the commerce funds themselves being exchanged through an information system that can be breached⁽²⁾. Hence, encryption is crucial as a protective measure for the funds of e-commerce.

2.2- Challenges Faced by E-commerce

The implementation and development of e-commerce face several challenges, including technological, security, and legal challenges.

2.2.1- Technological Challenges

The spread of e-commerce is surrounded by numerous technological obstacles, which stem from various reasons such as the weakness of electronic communication means like the quality and speed of telecommunications and the transfer of electronic information, and the availability of information technology tools like computers, magnetic chips, digital phones, etc. These tools are essential for accessing the internet and practicing e-commerce. Moreover, many individuals in society lack the financial capability to provide the necessary infrastructure for e-commerce, such as purchasing electronic devices, updating software, and connecting to the internet. Additionally, electronic communication means can suffer from technical malfunctions, or those engaging in e-commerce might commit unintended errors, or e-commerce means may become targets for cybercrimes⁽³⁾.

⁽¹⁾ Khaled Al-Talahmah, Conflicts Between Trademarks and Domain Names on the Internet, An-Najah University Journal for Research, Volume 9, Issue 02, 2005, p. 567.

⁽²⁾ Abdul Fattah Bayoumi Hajazi, Legal System for Protecting Electronic Commerce, Dar Al-Fikr Al-Jami, Alexandria, 2002, pp. 210-211.

⁽³⁾ Mohamed Majid Karim Al-Ibrahimi, Obstacles to Electronic Commerce and the Legal System Requirements to Confront Them: A Comparative Study, Al-Muhakkak Al-Hali Journal of Legal and Political Sciences, Faculty of Law, University of Babylon, Volume 09, Issue 02, 2017, p. 679.

2.2.2- Security Challenges

Despite the availability of security and protection programs for information systems and e-commerce, such as encryption and digital certificates, this has not prevented the occurrence of fraud, extortion, account hacking, money laundering, and counterfeit goods, which increases the apprehension of both consumers and institutions alike⁽¹⁾, weakening e-commerce.

2.2.3- Legal Challenges

Although Algeria enacted an e-commerce law in 2018, which included issues of cross-border commercial transactions⁽²⁾, regulation of e-commerce practice, payment methods in e-commerce, and defined behaviors considered as crimes and their punishments, Jordan had preceded Algeria in this field by issuing the Electronic Transactions Law in 2011⁽³⁾, which was repealed in 2015 and replaced with Law No. 15 of 2015⁽⁴⁾. This law included contracting and electronic signature, the establishment of a specialized authority for documentation, and the legal validity of electronic documents, as well as defining behaviors considered as crimes and their due punishments. However, these laws are still incomplete and do not keep pace with the ongoing and rapid developments in the field of e-commerce.

Conclusion:

Through our study of e-commerce as an application of e-government, we have reached a number of results and suggestions summarized as follows:

Results

- Electronic transactions conducted between administrations, between administrations and companies, between administrations and citizens, and between companies and administrations are the most reflective categories of e-commerce of the concept of e-government.
- Despite the developments in the field of e-commerce, it still faces many risks that affect its development.
- The difficulty in taxing e-commerce prevents determining the real size of e-commerce and inhibits its expansion and development.
- The lack of appropriate mechanisms to verify the seller's identity.
- The lack of consumer awareness on how to deal in e-commerce.

Suggestions

- Amend the Jordanian Electronic Transactions Law and the Algerian E-commerce Law to align with the developments in e-commerce.
- Establish a legal electronic environment that suits and responds to technological developments.
- Achieve high information security to gain the trust of stakeholders.
- Provide a strong infrastructure for e-commerce, which allows for the development of e-government.

⁽¹⁾ Karima Seraa, The Reality and Prospects of Electronic Commerce in Algeria, A thesis submitted as part of the requirements for obtaining a Master's degree in Commercial Sciences, Faculty of Economics and Management Sciences and Business, University of Oran, 2013-2014, p. 176.

⁽²⁾ Law No. 18-05 dated May 10, 2018, concerning the Electronic Commerce Law (Algeria).

⁽³⁾ Law No. 85 of 2001 concerning Electronic Transactions (Jordan).

⁽⁴⁾ Law No. 15 of 2015 concerning Electronic Transactions (Jordan).

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