

E-Commerce In Algeria Between Legislation And Implementation

التجارة الإلكترونية في الجزائر بين التشريع والتطبيق

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this study aims to evaluating the reality of electronic commerce in Algeria, the technological progress that the world is witnessing today made the countries of the world not benefit from electronic commerce to the same degree. Algeria's experience in implementing this type of trade has not achieved in the desired revival, and the adoption of this exchange is still modest and in its early stages. However, this does not mean to question the intentions at all and diminish the efforts made. Algeria has recently taken several measures in all fields specifically the commerce, in order to support the use of information, communications technology and keep pace with technological transformations and their adoption, and this can only be by focusing on a group of ingredients and bringing about fundamental changes in various fields to overcome the obstacles hindering the start the of this trade in Algeria.

The Algerian legislator has promulgated several regulations and laws to regulate, insure and protect the merchant and the consumer in order to ensure the evolution and continuation of this type of electronics' trade in Algeria

Keywords: Electronic trade, Websites, business organizations, Legal controls, Algerian legislator

JEL Classification Codes : K120 , K23

ملخص:

تهدف من وراء هذه الورقة البحثية إلى تقييم واقع التجارة الإلكترونية في الجزائر؛ فالتقدم التكنولوجي الذي يشهده العالم اليوم جعل من دول العالم لا تستفيد من التجارة الإلكترونية بنفس الدرجة، فتجربة الجزائر في تطبيق هذه التجارة لم تحقق النهضة والانطلاقة المرجوة، ولا يزال اعتماد هذا النمط من المبادلات محتشما وفي مراحله الأولى، غير أن ذلك لا يعني التشكيك مطلقا في النوايا والإنقاص من الجهود المبذولة. فالجزائر اتخذت مؤخرا إجراءات عدة في جميع الميادين بغية تدعيم استخدام تكنولوجيا المعلومات والاتصالات ومسايرة التحولات التكنولوجية وتبنيها؛ وهذا لا يكون إلا بالتركيز على مجموعة من المقومات وإحداث تغيرات جذرية في شتى المجالات لتذليل العقبات المعقدة لانطلاق هذه التجارة في الجزائر. ومن جملة النتائج التي توصلت لها هذه الورقة البحثية أن التجارة الإلكترونية عبارة عن منهج

كلمات مفتاحية: تجارة الإلكترونية، مواقع الكترونية، منظمات اعمال، ضوابط قانونية، مشرع جزائري

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INTRODUCTION:

The adoption of electronic management of countries and governments is one of the important bases, especially in light of the far-reaching developments and transformations that the world has become alive with their impact and their content, due to their speed and quality in execution and the embodiment of transparency and wide dissemination of information in addition to the simplification of procedures and transactions are both between states and governments and even between individuals, and this type of management has tangible advantages, first and foremost the transparency of transactions and the absence of corruption and bureaucracy, which are the main scourges from which traditional management suffers, so that one of the most important secretions of e-management is what is commonly referred to as electronic commerce. Registers in the field of e-commerce, which has become a competitor of traditional commerce in terms of size and which continues to grow and expand, especially in view of the high growth rates recorded by e-commerce in various countries of the world, but Algeria remains a country that has less experience in the embodiment of land commerce, we ask that the Algerian government has not yet promulgated a specific law this is a private and extensive electronic commerce organization despite the rhetoric about the recovery of this matter in many stations by state bodies and agencies, so that the Algerian government finds itself in the light of this reality obliged to have no information without the least monopoly on this one.

Based on the above, the problem can be formulated as follows:

What is the state of electronic commerce in Algeria between legislation and implementation?

Hypotheses:

- There are several websites regulating electronic commerce in Algeria.
- The Algerian legislator has set several legal texts and rules to regulate electronic commerce.

The importance of the study: This study is based on its importance by considering e-commerce as one of the new and important topics that has opened its doors to individuals and establishments. Therefore, keeping pace with recent developments and integration into the global economy can only be achieved with sufficient knowledge of e-commerce techniques.

Objectives of the study: This study aims to try to shed light on the reality of electronic commerce in Algerian legislation.

Study Departments:

To answer this problem, we will try to approach this research paper according to a two axis plan, as follows:

First axis: General information on e-commerce.

Second axis: E-commerce in Algeria.

1- General information on e-commerce in Algeria

2.1. The concept of e-commerce:

The electronic commerce is one of the priorities of countries and governments in contemporary times, and one of the concerns of researchers and specialists in this field in the world. Due to its great importance for facilitate the various processes related to the reality of commercial exchanges between individuals, companies, states and governments, so that in the light of this growing and developing reality, there is a wide demand and great interest on the part of researchers and specialists, which makes the possibility of standing on a definition of

electronic commerce impossible, but we are looking for the multiplicity and diversity in the concept of e-commerce among researchers and specialists, which makes us we stick to some basic definitions of this type of trading as follows:

E-commerce is all of the buying and selling of goods and services carried out on the basis of computer networks using specially designed methods. (Yassin and Al-Alaq, 2006, p. 209)

Also, e-commerce represents a form of business transaction that involves the interaction of parties so that the exchange is electronic rather than physical. (Al-Najjar et al., 2006, p. 89)

It can also be defined as e-commerce as the use of the internet and the World Wide Web to exchange transactions in all their forms between different companies, with emphasis on the use of digital technology in business processes between businesses and individuals, or it is the Internet and the global network for buying and selling goods. (Abu al-Qasim, 2000, p. 17)

In addition to the above, the World Trade Organization defines electronic commerce as an integrated group of production, distribution, promotion and sale of products through communication networks. (www.wto.org/fr/e-commerce)

Electronic commerce is the implementation of all that relates to the buying and selling of goods, services and information through the Internet and other global networks. This implementation includes the following operations: (Hammad, 2003 , page 08)

- Advertisements for goods, merchandise and services.
- Provide information on goods and services.
- Customer relationships that support buying, selling and after-sales services.
- Interaction and negotiation between seller and buyer.
- Doing business and concluding contracts.
- Settlement and payment of financial obligations.
- Merchandise distribution and delivery operations and tracking procedures.

Learn more about department

- Technical support for goods purchased by customers.
- Electronic data interchange, including: price catalogs, automated correspondence related to buying and selling transactions, product inquiries and electronic invoices.

2.2. The importance of electronic commerce:

Talking about e-commerce in light of the changes and developments the world is witnessing, especially in the context of economic globalization, is one of the most important achievements through which it is possible to make profits that could not be previously made by traditional methods. The reason for this is due to the importance of this type of commerce compared to traditional commerce, where the importance of electronic commerce crystallizes in the following points: (Falaq and Bolsnam, 2012, p. 04)

Low cost, as the process of bringing the product to market was very costly in the past.

It is considered as an effective way to conclude agreements between dealers through direct electronic communication between them, and thus it dispenses with paper documents and necessary expenses, and it also saves administrative expenses and others, where the percentage of savings is at least 80%.

Lack of restrictions because the business needed a specific license and was subject to many laws and incurred the cost of establishing a new branch or assigning a third party to the foreign country to so that she can sell her products, but now none of these steps are necessary.

2.3. **electronic commerce requirements:**

The adoption of e-commerce in any human society is an effective step to keep pace with the various developments and developments that the world experiences from time to time in addition to the degree of openness that this society demonstrates to various countries of the world, so that the realization and activation of electronic commerce is subject to and limited by a set of conditions and requirements or what is called the appropriate environment for it, where these requirements are as follows: (Belsaker, 2015, pp. 14-15)

Electronic infrastructure: It includes wired and wireless communication networks (fax, telephone, Internet, computers, application and operating programs, technical support services, human capital, etc.), these infrastructures contribute to the development and the growth of electronic commerce, as well as On the other hand, it helps to spread the use of the Internet, which in turn is the electronic market through which transactions and commercial exchanges take place.

Legislation and regulation of electronic commerce: it is represented in the legal framework that guarantees the continuity of electronic commerce and the protection of the rights of the parties who carry out transactions in it, and therefore by finding the appropriate legal tools for electronic transactions

Such as the means of contracting via the Internet or by e-mail and the conditions necessary for this and to settle electronic commercial disputes, whether intra-Community or between parties of different countries.

Availability of human executives: where this aspect represents one of the ingredients for the success of e-commerce in any society, include those human executives specialized in the sector of information technology, communication networks, Internet and computer programs. commerce-related application which The electronic community, i.e. the electronic community which is able and has the desire to use and practice commerce via the Internet, to increase the electronic readiness rate of any company by developing the quality of education systems and widening the circle of opportunities for members of society to benefit from the knowledge of society with a view to profiting from it For educational establishments, institutes and schools to use technologies of information and communication and to adapt educational programs to technical knowledge in a way that serves this type of trade and ensures its survival. e and its continuity.

2.4. Forms of electronic commerce: In view of the evolution that the world is experiencing day by day, particularly in the field of technology and digitization, and in the light of the expansion that the world has experienced in growth of business organizations and the increase in needs and the large number of demands, whether between organizations among themselves or between them and individuals, e-commerce has taken Many forms and types can be displayed in the pictures following:

2.4.1. Electronic commerce between business organizations and consumers: Electronic commerce that connects organizations and consumers (customers), called e-commerce or e-shopping, expresses the relationship between organizations that offer different types of goods and services they wish to market via the Internet. And the consumer who reviews the goods available and buys from them his needs to satisfy his desires, e-commerce in the retail trade is experiencing a large development due to the diffusion of what could be called the Internet culture between individuals in different countries, where the great progress and growth of

information technology and the spread of personal computers and cellular technology in the mobile phone, the consumer Whoever wants to obtain a product visits the website of the company exhibiting their products and searches the booth for the type of merchandise needed to show them the final list. There he chooses the goods with the specifications he wants, then puts the purchases he wants in the goods basket, then adjusts the quantity and his final price to pay in different ways, most of them usually using credit cards, electronic checks or cash On delivery or by any other means, as for the mechanism by which the consumer obtains his purchases, it is either by one of the two means, or by direct delivery on the network if it is of a type allowing digital recognition and remote copying, or the dispatch of the goods and goods purchased by sales representatives, express couriers or transport companies. (Abdul-Khaleq, 2006, pp. 46-47)

2.4.2. Electronic commerce between a commercial organization and another commercial organization: This type of electronic commerce refers to the purchase and sale between commercial organizations among themselves, whether they are parties to a commercial operation, or partners or under form of electronic data The type of trade where the organization uses the communication network to obtain its requests from suppliers and receive invoices in order to settle this type by electronic payment, (Kandil, 2006, page 24).

Vertical Business-to-Business E-Commerce: This type of e-commerce is for a specific type of services for many industries and domains, as there are sites that create specialized service units or groups.

Horizontal e-commerce between companies: these are e-commerce sites that concern all services related to a particular industry.

2.4.3. electronic commerce between projects and local government: This type of e-commerce covers all transactions that exist between commercial organizations and government organizations, where the government displays procedures, regulations, fees and the transaction forms on the internet so that businesses can view them electronically and he completes the transaction electronically without the need to deal with a government office, so this type of e-commerce is still new or emerging, but it is receiving increasing attention from various governments desiring to use electronic means in their various transactions under the so-called e-government. (Demash, 2011, p. 48)

2.4.4. electronic commerce between the consumer and government organizations: It designates all the transactions that bring the consumer and the administration closer together, the administration seeking to develop the services it provides to the masses, whether either in terms of obtaining information and data or responding to certain requests at a lower cost, to be an example, for example, obtaining car permits and licenses to practice professions, paying taxes and bills by way electronics, as well as airport services. (Abdul-Khaleq, p. 48)

2.4.5. Non-profit electronic commerce: This type of commerce concerns religious and social institutions and charitable societies whose objectives are humanitarian, because they focus on service to the general community or to specific segments, and these non-profit organizations transform their activities through the network with the aim of reducing administrative costs or improving the image of the organization or as a kind of keeping pace with technological developments. (Dimesh, p. 49)

2..5. Characteristics of electronic commerce: Considering the importance of authorized electronic commerce, its stages and achievements on the Internet, it is characterized by a number of characteristics which can be listed as follows: (Radwan, 1999)

The convergence between the two sides of the trade is remote, as there is no direct relationship between them because the convergence takes place through the communication network.

Rely on electronic pillars in the implementation of transactions, as all transactions are carried out between the two parties to the transaction electronically, without any paper documents exchanged in the parties of the transactions.

- Finding an obstacle to its growth is the legal proof and its effects.

Parallel interaction at the same time between parties to transactions, where a large number of subscribers may congregate at one site at the same time, or one person may send the same message, advertisement, or request to multiple recipients at the same time.

The ability to implement all components of the business process, including the delivery of intangible goods over the network, unlike other means of communication which are unable to perform delivery.

- The possibility of direct influence on the company's IT systems through the so-called electronic exchange of data and documents, which realizes the flow of data and information between the parties involved in the commercial process without human intervention and at the lowest cost.

2.6. Benefits and yields of e-commerce: Given the importance of this e-commerce and the characteristics that distinguish it from others, especially compared to traditional commerce, it is capable of achieving returns and recording many benefits that can crystallize as follows: (Balsaker, page 13)

Better returns: electronic commerce increases the financial returns of businesses because it saves time, cost and effort in carrying out manual movements and operations that require more employees and management, and all this done automatically in electronic commerce via the Internet and electronic means. Communication.

Speed of purchase and comparison of prices: electronic commerce makes it easier for the customer and the seller to search for products, compare prices and find the best products or services with high quality, unlike traditional commerce, which needs hard work. competition in other markets.

Teamwork: electronic commerce has facilitated, aided and enabled teamwork through data sharing via the internet or email, which has facilitated the development of quick solutions for information exchange and decision-making. effective decision making.

Freedom of choice: where e-commerce offers the opportunity to increase the different types of stores on the Internet and provide customers with complete product information without any pressure from sellers, because e-commerce is one of the least expensive to shop because the seller can easily buy from many websites compared to your online store with others.

electronic commerce

1.1. Some electronic commerce practices in Algeria:

The concept of electronic commerce does not reflect the process of owning a website on the World Wide Web, concluding business and establishing commercial links through this network, but rather this commerce uses a variety of applications, which are represented in the

various activities carried out by companies through electronic means of communication, similar to the processes of advertising products and services and providing information on different products through telephone lines and others, so that the state of electronic commerce in Algeria in the light of this reality is witness to certain various practices, whether in the field of advertising, promotion, or even the conclusion of transactions through websites, to find that it is one the most prominent images or shapes To practice e-commerce in Algeria, the following:

1.1.1. Internet advertising: Internet advertising is considered one of the most attractive and widespread means of promotion given the development of electronic commerce and the marketing of products and services on the Internet. Internet, so that e-commerce advertising contributes to the development and development of e-commerce in Algeria by providing an interactive environment to provide a specific segment of society, namely Algerian Internet users, with the necessary information on goods and services , with the ability to ask questions directly and get immediate answers On the other hand, this type of advertising helps Algerian institutions of all sizes without exception to attract the greatest number of consumers through the use of high technology and its specificity with amazing visual and sound effects that attract attention and at the lowest cost compared to d other means of advertising and therefore the possibility of a direct dialogue with customers

Learn more about this source text You must indicate the source text for additional information Knowing their requirements and desires, which will help in providing services according to their desires. (Khuwailid, 2010) (Falaq Sh., 2018, p. 38-39)

1.1.2. Call Centers: E-commerce in its broad form is represented by the use of various electronic means brought about by the information and communications revolution for the purpose of carrying out commercial transactions. Among the means used is the telephone. To be done by phone. Dealing with call centers is one of the applications of e-commerce, and these centers are a remote service company, and in the past, call centers tried to attract and retain the customer by interacting with him through telephone services only to provide him with sales and after-sales services. The sale, because the call centers in Algeria understand the thinking of customers and analyze their needs and help companies meet the challenges of providing a distinguished service to customers by providing databases on current and potential customers and the extent of their response to the services provided, which positively reflects on the development of Algerian e-commerce.

2.1. The most important electronic commerce sites in Algeria:

Algeria is making efforts to modernize public facilities and facilitate procedures and services for citizens. It has adopted many reforms due to the great benefits of this digital technology on the national economy, because in the light of the tangible efforts of the state in this field, we see that there is a significant record of some websites that take place at the level of many transactions included in the forms of e-commerce in the country, to be found with the most important of these sites, which are experiencing growth in their performance and expansion of their activities, in addition to the widespread demand of resellers, are the following: (Bouderbala, 2016, pages 56-60) and (Khuwaylid, page 40)

Dar Al-Shehab for publishing and distribution: Dar Al-Shehab is considered one of the most important Algerian institutions that realized early on the need to make the most of the

information technology revolution and communication to market its products. This site contains an electronic index that provides detailed and accurate information on the available books, the number of which is estimated at around twelve thousand books in many disciplines. Acquire by clicking on the shopping cart icon to automatically add the product to the list purchases, and after validation of the order, the consumer has the right to choose his payments, either by sending a check by mail, or by transferring the amount to the bank account of the publishing house, and finally the edition sends the book to the address indicated, either inside or outside Algeria.

2.2.1 Algerian market:

Algerian market The Algerian market is interested in auctions and electronic transactions between individuals. It seeks to establish communication between individuals wishing to buy and sell a specific product on the web for a specified fee. For this, the buyer with the highest price can win the auction, and win the object, the site then allows him to communicate with the seller to agree on the method of payment for the value of the goods and the method of payment. shipment thereof, as well as Learn more about knowing.

The buyer can buy the goods directly, if the seller uses the direct sales option, and this site also offers several ways to pay the value of the purchases and pay the fees to the site. As for the payment of the site fees, there is made by direct payment, i.e. paying the amount to the owners of the Internet clubs contracting with the Algerian market, who debit the browser's account with the site with the amount paid Bank accounts via its network of cybercafés, and the The last method is to pay using the international card, which can be requested and obtained on the Algerian market website.

2.2.2. Oued Kniss Market:

It is considered the first online shopping site in Algeria and deals with placing commercial ads. It is a real link between the owners of classified ads wishing to sell, buy or exchange various products. This site has known a remarkable success since its creation if it has attracted a very large number of visitors since its creation in 2007, to win the second prize for the best online sales site in Algeria in 2009.

2.2.3. Site Made in Algeria:

In recent times, many Algerian institutions have not missed any opportunity to increase exchange and sales channels. So I resorted to the internet to use it for the business aspect. In order to help these institutions reach global markets on the Internet, the site has been developed, which is an Algerian virtual market in which companies are allowed to present their goods or services in a modern way, which provides a basis for trade electronics between businesses Offering the possibility of communication between bidders and applicants, and the site is divided into two main parts: a special section to display available goods and services, which generally include textile products, food products, parts mechanics...etc, and the other section is dedicated to tenders, which are not allowed to view and It is reserved for registered members of the site. (www.made-in-algeria.com)

2.2.4. Site of the House of Algeria

The process of designing and hosting websites and selling software is one of the most widespread forms of e-commerce in Algeria, such as the Algeria House website, which provides integrated services that include all aspects of processing , operation and websites for

businesses and individuals. It helps those who want to build e-shops by designing websites with latest technologies and providing them with easy programs to manage shopping sites besides hosting these sites on powerful services. Payment settlement process is done by transferring to the current site postal account and sending a copy of the transfer receipt to the site's email to complete the service activation process. (Bouderbala, p. 61)

3.3. Legal controls of electronic commerce in Algeria:

The e-commerce activity in Algeria is one of the newly established activities in the country's history, and some of its practices have not passed for two decades (that is, since the beginning of the 21st century only), but this does not mean its absence previously at the level of the economic arena, but there were some images And the forms of transactions expressing electronic commerce, because in this regard the Algerian legislator did not isolate himself from following and to accompany such developments and developments that the Algerian economy the arena has become familiar with, so that this legislator enacts laws and legislation that guarantee the control and protection of these transactions, which are a form of electronic commerce in the country, as Law 15-03 (Official Journal of the Democratic and Popular Republic of Algeria, No. 52) approving in Ordinance 03-11 relating to cash and credit is considered the first first Algerian law to include modern e-commerce in the banking sector, as specified by article 69. payment are all the tools that allow everyone to transfer money, regardless of the document or the means technique used. This text translates the intention of the Algerian legislator. Switch from traditional means of payment to modern electronic means of payment. (Official Journal of the People's Republic of Algeria, No. 64)

Take after this decree 05-06 of August 23, 2005 relating to the fight against smuggling, and in article 3 of which we find an explicit and clear use of the term "electronic means of payment", as the legislator considered it among the preventive measures and measures to combat smuggling, such as law n° 05-02 of February 06, 2005 added a third paragraph to article 414 which specifies "...the deposit can also be made by any means of electronic exchange provided for by the applicable laws and regulations". The plotter also notes that the legislator under this law has created and organized a new means of payment, which is debit and payment cards, and that in article 543 bis 23 of the merits of the dispute, the Algerian legislator considered these cards as new commercial papers in addition to the classic commercial papers such as bills, checks and promissory notes. (Official Journal of the People's Democratic Republic of Algeria, No. 59)

In 2009, Executive Decree 09/65 of 02/07/2009 was published specifying the methods of information on the prices applied in certain sectors of activity or certain specific goods and services. Prices and the definition of goods and services which depend on the use of certain means, in particular technical and technological supports for advertising and communication, then the promulgation of Law 15/04 defining the general rules relating to electronic signature and certification, promulgated on the first February of the year 2015, in order for Algeria to try after that, to adopt a project that was proposed by the Ministry of Posts, Telecommunications and Digitization Technologies, which included frameworks on the adoption of e-commerce in Algeria , where this proposal was in 2017. (Mashti, 2015, pp. 252-254).

After this brief explanation of the different forms and forms of transactions related to e-commerce in Algeria, we finally come to the law that explicitly talks about e-commerce in Algeria, which is found in Law 05/18 relating to electronic commerce in Algeria.

Electronic commerce in Algeria and after the campaign of laws mentioned above, it is clear that this activity existed alongside normal commerce, and testifies to this the presence of many sites specializing in electronic marketing, which was discussed previously, but c was before the promulgation of the Algerian law on electronic commerce n ° 05/18 It lacks regulation and rationing, which was delayed in the promulgation, and despite this, the latter has a role in the regulation of electronic commercial transactions and the foundations on which the latter is based, since its first chapter included the general provisions regulating this trade, in the forefront of which electronic commerce, where it came to article 6 of law n ° 05/18 "the trade electronic is the activity in which an electronic supplier offers or guarantees the supply of goods and services at a distance to the consumer electronic trader, through electronic communications", so that it becomes clear that the Algerian legislator has clarified the parties to the electronic commercial transaction and has provided the legal framework and the necessary protection for its parties in line with the developments of the information revolution that changed the nature of conventional business transactions, and created the so-called electronic transactions, and What is a form of transaction, and government electronic transactions can be defined as "the effective integrated use of all information and communication technologies to facilitate and accelerate transactions with high accuracy within and between government agencies and those that connect them to individuals". referred to in this law are the part of the Algerian legislator may include all services provided by the public establishment via the Internet, whether they are services intended for individuals or commercial units. In this respect, we note that the Algeria has made efforts to modernize public facilities and facilitate procedures and services for citizens. It has adopted many reforms due to the great benefits of this digital technology for the national economy. (Official Journal of the People's Republic of Algeria, No. 28).

Conclusion:

In a world where the language of knowledge has prevailed, technological progress has become the main engine of the world economy, and the development and prosperity of nations have become linked to the extent to which they adopt this technology, Which made most countries in the world give great importance to this type of technology, In this context, Algeria seeks to catch up with the developed countries that used this technology to develop its economy, so e-commerce is no longer a topic of discussion in the Algerian government between acceptance or rejection, but rather a realistic and inevitable model that has imposed itself today with its presence in all businesses and economic institutions in the world, Algeria should therefore try harder to keep pace rapid developments in the field of information and communication technologies, which affect all economic and social players in the fields and even policy, and therefore also affected production, employment opportunities and the increase in national income, and based on this study, the results were as follows:

Read more about after

policy, and therefore also affected production, employment opportunities and the increase in national income, and based on this study, the results were as follows:

E-commerce is a modern approach to business based on information and communication technologies, especially the Internet.

- The Algerian legislator has promulgated several regulations and laws to regulate e-commerce in Algeria.

Suggestions that may be included in this research paper are:

Support the e-readiness of all segments of society and encourage them to switch to e-commerce, by developing the human element and launching an extensive media campaign through various channels and newspapers.

Provide a solid infrastructure consisting of modern high-speed communication networks and a great capacity to protect information.

- Ensure the creation of the legal and legislative regulations necessary for the establishment of electronic commerce in Algeria, which protects the rights of consumers and sellers.

- Conclude agreements with leading countries in the field of electronic commerce and benefit from their expertise in this field.

- Give importance to the sector of scientific research by promoting studies and creating centers and organizations specialized in this field.

- Open the way to investment in the electronics sector for private and foreign companies, especially with regard to technical infrastructure projects.

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