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### **Control of electronic business transactions**

# - between the enshrinement of safeguards and the establishment of ethics —

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#### Abstract.

Algerian legislator, like the comparative legislation on electronic commerce in Act No. 18-05, has regulated electronic business transactions. In this study, we explained the legal protection of the electronic consumer while highlighting the rules of ethics of electronic commerce, and then we mentioned the various legal safeguards dedicated to consumer protection before and after the implementation of the electronic contract, focusing on the importance of control in various forms of such practices. We have reached several results, the most important of which is the lack of awareness of the electronic consumer given that the responsible agencies that deal with the issue of his protection have not yet risen to the seriousness of their role, and their programs and methods of awareness and education have not reached the level of importance of this issue.

**Keywords**: Electronic Commerce - Legal Protection - Electronic Consumer - Ethical Rules - Control bodies.

#### 1. Introduction

E-commerce is one of the concepts resulting from the term "e-government" as a result of the rapid development of information and communication technologies as well as the extensive use of the Internet. Hence, commercial transactions have become made in a

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virtual environment using means of communication and the Internet without the need to meet where electronic contracting is done remotely, and payment through electronic payment methods such as credit cards and electronic money. The electronic contracting parties in the field of e-commerce are both the electronic supplier and the electronic consumer and, as the latter is the weak party in the contractual relationship, the comparative legislation has approved special protection in addition to the ordinary consumer's prescribed protection. However, Algerian legislation has recently enacted Act No. 18-05 on electronic commerce, contrary to Arab legislation, which has codified the subject of electronic commerce since 2000. such as Tunisia, Egypt, and Jordan. Algeria's Electronic Commerce Law contained provisions governing e-commerce transactions as well as a special consumer protection by imposing obligations and conditions on electronic suppliers, but the problem raised is the effectiveness of the protection provided to the electronic consumer between the law and the practical reality in Algeria, especially in the absence of electronic culture, expertise, and control of websites where electronic contracting is done anarchically and without responsibility. (Boulahia, & Lakhal, 2019, p. 104)

The Algerian legislature, like the comparative legislation, regulated electronic commerce in Act No. 18-05 of 10 May 2018 in articles 01 to 50, providing for a number of safeguards that encourage the electronic consumer to engage in transactions via the Internet as the weak party in the consumer process, whether a natural or moral person, as well as to protect him from the risks of transactions within the scope of electronic commerce, which the electronic supplier may cause. This is done by establishing substantive conditions to which the latter is bound before and after the performance of the contract, on the one hand, and imposing penalties on violators of one of the conditions provided for in this Law, on the other hand, and proposing reconciliation as an alternative measure to penalties in order to maintain the stability of commercial transactions in electronic spaces. (Zaoui, Belkacem, & Tehraoui, 2018, p. 55)

The consumer has also become vulnerable to unwanted electronic advertising. The latter is no longer merely a means of advertising products and services but has evolved into a source of danger to individuals' rights and freedom through its use in fraud operations, attacks on information systems, and the confidentiality of personal

data. This has led the Algerian legislature to regulate this type of advertisements in Law 18/05 and to criminalize any advertisement that contravenes it.

#### **Importance of the topic:**

In this era of widespread e-practices, it is easy to conclude online contracts. In return, the consumer is more likely than ever to be cheated and deceived by electronic sellers on the one hand and Internet hackers on the other. This has made institutions, states, governments, and international bodies obliged to protect the electronic consumer, who is the weakest link in this type of transaction through the enactment of laws and legislation or through the provision of technical and supervisory tools, programs, and methods to protect the privacy and security of the consumer. However, despite the efforts made, the electronic consumer remains at risk of theft and deception by online commercial companies, which exploit technical gaps and the consumer's ignorance of laws and legislation to deceive, circumvent, and steal his money. (Jaafar & Decha, 2018, p. 14)

# Objective of the study:

The past few years have witnessed a remarkable development in the use of the Internet, especially with regard to purchases and sales. It is no longer limited to businessmen and e-commerce professionals, but has exceeded to the consumer's daily life, including goods and services of all kinds, and therefore the need to protect the consumer as the weakest party increased, especially in front of giant companies that possess advertising methods and economic power, as well as protect him from fraud activities and fake websites. Hence, the Algerian Electronic Commerce Act provided legal protection for the e-consumer due to the legislator's awareness of the need to rebalance legal centers between contracting parties in this type of contract. (Basma & Al-Bakri, 2021, p. 22) Therefore, this study aims to highlight legal and regulatory protection obligations as well as highlight ethical norms to create a stable atmosphere in the virtual commercial market.

The problem in this regard: to what extent does the Algerian legislation succeed in establishing safeguards for the protection of Algerian e-consumers and control mechanisms for their electronic business transactions?

There is a range of legal issues derived from the problem:

- What is the adequacy of the protection provided to the electronic consumer in Algerian legislation?
- What are the legal safeguards for the electronic consumer to face the risks of e-commerce?
- How do consumer protection associations contribute to protecting consumers' security and safety?

# Approach:

All these legal problems we will try to answer by relying on the analytical deductive approach in order to extract the various guarantees authorized to the electronic consumer, and all bodies charged with protecting him from the risks of fraud and deception.

# 2. consumer protection obligations:

Consumers need protection at both the national and international levels. The importance of consumer protection stems from the fact that he represents the weak party in the contractual process by wanting to make a quick profit where traders, producers, and service providers pursue illegal methods of rapid enrichment using various means of fraud and deception. Hence, the importance of defining the consumer that the global legislator seeks to protect emerges. After the expansion of the world's Internet users, the concept of digital consumer protection began to crystallize, which means preserving the rights of the electronic consumer and protecting it from traditional and emerging crimes by using electronic means that have access to the place and sometimes exert an influence beyond the traditional tools of reality. (Bouhazma, 2021, p. 95)

# 2.1 Conceptual framework for the idea of electronic consumer protection:

The scope of the idea of consumer protection is in the relationship between the consumer (the claimant of the commodity or services) on the one hand and the professional offering the commodity or service on the other; So this protection is achieved only by respecting the legal rules by the commodity or service offeror as the strongest party in this relationship.

# **2.1.1 Consumer Protection Meaning:**

Consumer protection is based on an organized movement to protect consumers' economic interests exercised by a variety of governmental and non-governmental agencies, which ultimately aim to familiarize consumers with their rights and how to protect them. Consumer protection extends not only to the marketing of goods and services, but also to the production stages. Thus, the idea of consumer protection is based on three core axes: (Rocho, 2022, p. 464)

- Control axis: through the work of governmental or nongovernmental agencies such as consumer protection associations to extend their oversight and follow-up and their diligent work to investigate the integrity of offers and their conformity with international standards.
- Legislation axis: by updating and periodically amending the legislative system for the protection of consumer rights, especially as electronic commerce evolves with the development of means of communication and technology and the extent to which artificial intelligence is used in the commercial and economic sphere. Therefore, the legislator must develop legal production in line with this rapid growth.
- Consumer education and guidance axis: spreading awareness among consumers of the culture of reporting abuses and breaches in the virtual commercial world, as well as raising awareness of the risk to health of unsound goods.

# 2.1.2 Reasons for establishing consumer protection rules:

There are several reasons for the legal protection of the electronic consumer, including the diversity and multiple demands and needs of the consumer and their variation from person to person, depending on the individual's standard of living and the different level of culture and learning. The objective of the offeror is to cover the market and earn profits and not to meet each person's need, in addition to the lack of adequate and necessary information on the characteristics and prices of goods and services; with a low-income consumer being dragged behind cheap goods and that makes him fall into the trap of lack of quality. Furthermore, among the most important reasons for establishing protection rules for the latter is the State's responsibility

to ensure availability of goods and services and also to ensure measures that protect the e-consumer. (Rocho, 2022, p. 464)

#### 2.2 Ethical rules of e-commerce:

E-commerce ethics plays an active role in e-consumer protection in this era when e-practices have become widespread and it is easy to conclude online contracts. In return, consumers are more likely than ever to be cheated, tricked and deceived by electronic sellers and Internet hackers. This has made institutions, States, Governments, and international bodies compelled to protect the e-consumer, which is the weakest link in this type of transaction. This is done through the enactment of laws and legislation or through the provision of technical and supervisory tools, programs, and methods to protect the privacy and security of the consumer. However, despite the efforts made, the e-consumer remains at risk of theft and deception by online commercial companies that exploit technical gaps and the consumer's ignorance of laws and legislation to deceive, circumvent, and steal his money. This is the role of ethics that may limit such illegal practices, ensure adherence to legal and regulatory frameworks that protect the electronic consumer, allow compliance with various contract and payment requirements, and raise confidence in electronic transactions. Laws without morality could not function properly; ethics remain the most important framework in the protection of the electronic consumer. (Jaafar & Dasha, 2018, p. 14)

Electronic commerce is based on the principles of traditional commerce, but it takes place in the virtual world, which is a fertile environment for unethical behaviors. It is a competitive environment that forces the access of technology and provides significant economic returns without paying attention to its effects on the moral side as well as its impact on environmental and cultural changes. The achievement of self-interest affects the moral level of electronic commerce and individuals differ in the way it is achieved. There are those who do not hesitate to take any measures to achieve it. The higher the profits, the more bold there will be to break the laws and commit various crimes in order to achieve strong business profits.

E-commerce ethics is seen as based on areas related to the circulation of private information in terms of collecting and transmitting it through online communication, including information

privacy, ownership and accessibility.( Jaafar & Dasha, 2018, p. 17) There are ethical issues that can be talked about in the following:

# 2.2.1 Phishing:

It is known as SMS scam. It occurs when an attacker sends a fake message to your SMS number, which usually contains a free product offer or an urgent alert about banking services or other sensitive information. Phishing is especially dangerous for those who don't understand the basics of online security because SMS messages are worded in a way that is easy to believe. Some phishing messages include vague personal information to convince of the content of the message. (What is phishing, 2022)

# 2.2.2 invasion of privacy:

We can say that information privacy is data protection. There is a general tandem between the term information privacy and data protection, and not between privacy and data protection. Concerning the widespread use of the term privacy independently and individually without attaching it to data in the electronic environment to indicate the protection and use of data, it is due to the fact that the expression privacy has become popular in light of the increasing risks of technology to the extent that it is associated with it in use as if it is limited to its scope and environment, which of course is not so. However, perhaps the most serious violation of this right is the technical means and risks of automated data processing. The use of the term privacy in the website environment and technical contract issues or technical services generally refers to the protection of information privacy or data protection. (Turki & Celerel, 2013, p. 310)

# 2.2.3 Hacking:

Piracy is a hack into computers via the Internet. This process is carried out by a person or a group of people with extensive software experience, who can access another computer with the help of software and identify its contents. Some may be subject to hacking of e-mail or social media profiles, which is a breach of privacy and sometimes also related to material losses when bank data is hacked through the Internet. Exposure to such hacking serves as an alarm bell to ensure the integrity of the virus protection software used. Relying on free software uploaded from the Internet facilitates hackers work as

it does not provide the required data protection. (Electronic piracy, 2022)

# 3. Legal safeguards and e-consumer control mechanisms:

Through the Electronic Commerce Act, the Algerian legislator sought to provide adequate legal protection to the electronic consumer at various contractual stages of the electronic consumption contract. This was done starting from the pre-contractual stage by regulating the requirements in electronic advertising and pre-contractual information of the electronic consumer. Then, the legislature addressed the contract implementation phase, which subjects it to the general rules of ordinary consumer protection laws, since electronic consumption contracts are usually performed in normal ways with some privacy in relation to obligations incurred by the electronic supplier. After that, the Algerian legislator focused on the contract's conclusion phase by refer it to Law 15/04, which sets out the general rules applicable to electronic signature and certification, regulating the content of the contractual relationship in the electronic contract. A breach of one of these preventive rules holds, at any stage of the contract, civil and criminal liabilities against the offender (Belabed, 2019-2020); in addition to that the legislator authorized certain bodies to monitor this type of electronic commerce, which we will see accordingly.

# 3.1 Consumer Legal Safeguards:

Algerian legislation, like the comparative legislation, regulated electronic commerce in Act No. 18/15, in which it provides for a number of guarantees in articles 01 to 50 to encourage the electronic consumer to engage in transactions on the Internet as the vulnerable party at the centre of the consumption process, whether a natural or moral person. It provided him with trust as well as protected him from the risks of dealing within the scope of electronic commerce, which the electronic supplier may cause. This was accomplished through establishing substantive conditions to which the latter is bound before and after the execution of the contract on the one hand, and imposing penalties for violators of one of the conditions set forth in this law on the other, as well as proposing reconciliation as an alternative measure to penalties in order to maintain the stability of commercial transactions in electronic spaces.

# 3.1.1 Pre-contract legal guarantees:

The Algerian legislature has established preventive rules aimed at protecting consumers from any risk caused by dealing with electronic means. They constitute a legal obligation preceding the electronic contract under which a contractor who possesses material information about the contract is bound, providing information by electronic media in a timely, transparent, and honest manner to the other party, which cannot be informed of with his own means. Therefore, they serve as guarantees that protect the electronic consumer from any abuse that he may suffer from the electronic supplier, represented in:

- Each electronic business transaction shall be preceded by an electronic commercial offer and shall be documented under an electronic contract signed by the electronic consumer in accordance with the provisions of Article 10.
- The electronic supplier must present the electronic commercial offer in a readable and understandable visual manner.

It should be noted that the Algerian legislature has obliged the supplier to give a set of information such as the commercial registry number, professional card, payment and delivery qualifications, retraction terms, the validity of the offer and others, but it left freedom to the electronic supplier to add the necessary information that can provide other data on the product presented on the Internet, and the data concerning him. This is a reinforcement of consumer confidence to deal on the Internet space with satisfaction and reassurance, and it serves as safeguards through which the legislator wanted to protect the electronic consumer from any abuse that might affect it. (Zaoui, Belkacem, & Tehraoui, 2018, p. 59)

# **3.1.2** Legal safeguards during contract conclusion:

Article 12 of Act No. 18/05 defines three stages of the contract between the electronic consumer and the electronic supplier in order to provide adequate protection to the electronic consumer. It also falls within the protective legal safeguards established by the legislator in order to maintain the stability of commercial transactions. This relates to the stages of the electronic contract:

 Make contractual terms accessible to the electronic consumer, enabling him to contract with full knowledge and expertise. This is one of the most important stages planned during the performance of the contract, as it enables the e-consumer to access all the conditions in order to express his agreement to complete dealing with the e-supplier or not.

 Verify the electronic consumer's order details, particularly identifying the products or services required, the total price, and the quantities required to enable him to modify or cancel the order or correct potential errors.

# 3.1.3 Legal safeguards after the conclusion of the contract:

Immediately after the conclusion of the electronic contract, the electronic supplier shall be legally liable to the electronic consumer for the proper performance of the obligations arising from this contract, whether executed by him or the service performers, without prejudice to his right of recourse against them. The Algerian legislator has also allocated guarantees to the electronic consumer even after the conclusion of the electronic contract where the supplier must send to the electronic consumer its electronic copies, according to the provisions of article 19, as well as the delivery of an invoice to the electronic consumer by the electronic supplier once the sale is done or the service is served, according to article 20. The legislator also established deadlines for re-sending the product by the e-consumer in the event that the electronic supplier fails to meet the delivery deadline within a maximum period of 04 working days from the date of actual delivery of the product, without prejudice to the right to claim compensation for damage by the e-consumer. In addition, there are other guarantees under article 23, such as the return of the product that does not conform to the order, or in the event that the product is defective, provided that the amounts paid shall be returned within 15 days from the date of receiving the product.

# 4. Control bodies in charge of electronic consumer protection:

The Algerian legislature has created specialized control bodies, including legal and regulatory texts. These bodies are entrusted with a variety of functions and powers at all levels, mainly the central bodies, which in turn are divided into specialized control bodies, bodies with general competence, and other local bodies. The latter is embodied in each of the specialized bodies, namely, laboratory associations and inspectors, and public bodies, which oversee their public affairs, and

are entrusted with the control function, including the Municipal Council and the mayor.

# 4.1 Specialized central bodies:

They are specialized bodies in the field of control and consumer protection and include the National Council for Consumer Protection, the Algerian Centre for Quality and Package Control, the network of experimental laboratories and quality analyses, and the National Commission for Consumer Protection against Food Hazards.

- a. National Council for Consumer Protection: Article one of Decree 92/272 (See Article one of Executive Decree 92/272 of 06/07/1992 on the composition and competences of the National Council for Consumer Protection, 1992, p. 1415) establishes this Council as an advisory body that expresses its views on consultations on the protection of consumer health. The Council is organized in two specialized committees (the Ouality of Products and Services Committee and the Consumer, Packages, and Standard Information Committee). (See Article 08 of the above-mentioned decree.) The Council meets in regular sessions once every 03 months and can hold special sessions at the request of the President of the Council or at the request of two thirds of the Council. According to article 15 of the same decree, the Council's views and proposals are written down in a private register and may be published in the Official Bulletin of Legal Declarations.
- b. Algerian Centre for Quality and Package Control: Introduced by Executive Decree No. 89/147 and it has a legal personality and an independent financial asset, operating under the supervision of the Ministry of Finance. (Executive Decree No. 89/147, 1989, p. 884) It is chaired by a director appointed by the Minister of Commerce and is responsible for its functioning. The center is staffed by the Scientific and Technical Guidance Board, consisting of representatives of the ministries. It meets twice a year in a regular session and expresses its opinion on technical issues related to quality and control. It examines all fraud, forgery, infringement of the legislation and regulation in progress, and the quality of products and services. It may also examine the conformity of products with legal standards and conduct investigations and

- research of a national and regional nature on each commodity or service that is hazardous to the health or security of the consumer. It may also participate in the work of regional international bodies specializing in the field of quality.
- c. Network of Experimental Laboratories and Quality Analyses: It was established under the Executive Decree No. 96/355. Its mission is to contribute to the organization and development of analytical laboratories and quality control. It is also involved in the preparation of a policy for the protection of the national economy, the development of each process of upgrading goods and services, and the improvement of the laboratory services quality. It also organizes the informatics system and is therefore charged with study, research, expertise, and monitoring.
- d. National Commission for Consumer Protection against Food Hazards: Established by the Joint Ministerial Decision of 20 March 1999 (Joint Ministerial Decision of March, 1999, p. 15) and chaired by the Minister of Health and Population. Its mission is to promote coordination and consultation between institutions and practical bodies that contribute to ensuring that consumers' health is protected from food hazards.

# 4.2 Central bodies with general competence:

It consists of the Ministry of Commerce, the special central bodies, and the Central Inspectorate of Economic Investigations and the Suppression of Fraud.

- a. **The Ministry of Commerce** is responsible for safeguarding consumers' interests in accordance with Executive Decree No. 94/207, article 07. One of the Minister's tasks is to promote an appropriate process and develop self-control of quality, as well as direct and coordinate quality control programs and the suppression of fraud. He exercises prior control over the licensing and withdrawal of toxic substances that pose a risk.
- b. **Special central bodies:** The most important of these bodies are found at the level of the Ministry of Commerce, which includes the Minister's Office, Directorates such as the Directorate of Quality and Product Security, the Directorate of Quality Management, the Directorate of Quality Promotion,

- the Directorate of Economic Conditions, and the Directorate Price Control. (Executive Decree No. 94/208, 1994, p. 08)
- c. Central Inspectorate of Economic Investigations and Fraud Suppression: It also exists at the level of the Ministry of Commerce (Executive Decree No. 84/210, 1994, p. 12). This inspectorate is mandated to monitor respect for external interests in charge of competition, prices, quality, economic investigations, and the suppression of fraud, and to ensure compliance with the rules of control procedures, and investigation. It may also inspect scientific and technical laboratories using special means.

# 4.3 Specialized regional bodies:

As mentioned above, these bodies include quality analysis laboratories, consumer protection associations, and regional inspectorates of economic investigations, which we will see as follows:

- a. **Quality analysis laboratories:** introduced by Executive Decree No. 91/192. They are each body that tests, examines, and inspects the substance, the product, and its composition or determines more generally its specifications or characteristics. On this basis, the specialized agents work on unannounced visits to economic agents and work on the collection and analysis of samples of the product in these laboratories, using approaches according to Algerian standards. The objective of the analysis is to demonstrate the product's conformity with the approved standards.
- b. Consumer Protection Associations (CPAs): were established in accordance with the procedures set out in Law 90/31 (Law No 90/31, 1990, p. 168). These associations were given several powers, the most important of which are: improving and informing consumers, representing consumers, and defending consumers' interests. Among these associations, we mention the Algerian Organization for the Protection and Guidance of Consumers and its Surroundings that has the responsibility to focus on consumers and consumption in various areas. This focus has started since we were under the traditional concept of consumer and consumption, and it has had to make it its first priority to keep abreast of all developments in consumer

life, especially technological development. Any development in any field would be fraught with a variety of risks. The latter. which must be addressed by consumer protection associations. is expressly granted by the provisions of the product laws in force. In terms of electronic transactions, the legislator has given associations a number of means to enshrine their principles to promote a conscious consumer culture in the world of digitization (Saad Tawfiq, 2020, p. 111). Since one cannot protect himself alone from the greed of traders and professionals, a broad movement for consumer protection has emerged, inter alia, in the form of consumer protection associations. Realistically, these associations are trying as much as possible to do the purpose for which they were set up, but they have failed to do so, as they remain in the margins as spectators on the consumer scene, causing the consumer to flop alone in the face of the greed of professionals. (Saidi, 2020, p. 437)

c. Regional Inspectorates of Economic Investigations: established by Executive Decree No. 91/91. It promotes, directs, and controls the work of the State Directorates of Competition and Prices under its territorial jurisdiction. The inspectorate is managed by the Inspector, assisted by three assistants. The Inspector has at his disposal price and quality investigation and control teams and is therefore mandated to coordinate the work of the state directorates, particularly in the area of control, preparation of the control program, and economic investigations.

# 4.4 Local bodies with general competence:

It is represented by the governor, who is responsible for defending the interests of consumers by supervising the state directorates of competition and prices. At the level of the State Directorate of Competition and Prices, there is a sub-directorate for quality control and fraud suppression (Established by Ministerial Decree dated 13/03/1992), which is concerned with the control of products and services offered for consumption. It is also represented by The President of the Municipal People's Council, empowered to take precautions and necessary measures to combat diseases and ensure the cleanliness of consumer items for sale, and respect standards through municipal police, police forces, and the National Gendarmerie. Under

his authority are hygiene health offices (Executive Decree No. 87/146, 1987, p. 1048). These offices monitor the quality of consumables stored or distributed food at the municipal level. This office is headed by a doctor appointed by the mayor.

#### 5. Conclusion:

In summary, Algerian legislation has tried, to the extent possible, to protect the e-consumer at the pre-contract stage by promulgating Law 18/05 on electronic commerce. In addition, it tried to protect the e-consumer during electronic contracting through a set of safeguards and control bodies that are able to protect him from fraud and deception. Thus, through our analysis and discussion of this subject, we have reached the following findings:

First finding: The responsibility of consumer protection lies primarily with the consumer himself, as the producer is the strong party in the consumption process with a conscious and meaningful business behavior, whereas in return we find the consumer as a weak party with a certain level of awareness. Awareness is one of the most important factors in securing protection. The state can play an active role in consumer protection only if the consumer contributes to this role. The latter can only do so if he is aware of his rights and how to defend them.

**Second finding:** In developing countries, including Algeria, there is a lack of consumer awareness, as the responsible bodies dealing with the issue of e-consumer protection have not yet risen to the seriousness of their role. Furthermore, their awareness-raising, educational programs, and methods have not reached the level of relevance of this issue. Adequate information must therefore be provided to the electronic consumer regarding the product, service or dealing with electronic consumption issues through various audiovisual media.

**Third finding:** The State is instrumental in protecting consumers from fraud and preserving their health and safety by establishing standard specifications that make goods and services of quality. Competent bodies have been established to monitor this, but this has not been sufficient, as they do not have the necessary means to carry out their functions in the best possible way. They must therefore be supported by technical competencies and effective material

capabilities to carry out their duty to protect consumers by monitoring the extent to which producers comply with standards.

**Fourth finding:** Consumer protection bodies of administrative authorities, civil society bodies, the association movement and other independent bodies play a very limited role in providing the necessary protection. Most consumers know for sure that there is considerable manipulation and deception to which they are subjected in their various purchasing decisions.

**Fifth finding:** Despite preventive measures and legal and penal frameworks, the electronic consumer remains at risk of deception, circumvention and theft of his funds. This is where ethics plays a pivotal role in protecting the consumer and maintaining the confidentiality of his information and solutions without being cheated and deceived. Electronic commerce ethics constitute special rules that determine what to do properly and are complementary to laws by adhering to rules of honesty, integrity, transparency in dealing, and a spirit of responsibility.

# In our study, we have reached a number of recommendations:

- ✓ Consumer protection associations have an obligation to sensitize consumers on how to use electronic means and know the identity of the electronic supplier.
- ✓ Amend Law 18/15 on Electronic Commerce by adding provisions that strictly regulate the electronic contract, especially in terms of contract and evidence.
- ✓ Activate Internet censorship and develop legal regulation that fights various crimes arising from the misuse of this modern technology, so that it does not remain a space without law and watchdog.
- ✓ National and international legislation should tighten penalties for wire fraud and increase liability for certain sites that allow misleading declarations.
- ✓ Increased international cooperation in coordination between States to combat cross-border cybercrime, particularly credit card offences

#### References

Jaafar, S., & Dasha, M., E-Commerce Ethics and its Role in Electronic Consumer Protection. Journal of Quantitative Economic Studies, Volume 04, Issue 01, 2019, 13-24.

Saad Tawfiq, A., The Role of Consumer Protection Associations in Ensuring Consumer Protection from the Risks of Electronic Transactions and Smart Products,. Journal of the Department of Legal and Political Research and Studies, Volume 04, Issue 08, 2020, 111-132.

Basma, M., & Al-Bakri, K., Legal Protection of the Electronic Consumer: A Study in the Light of the Algerian Electronic Commerce Law, No. 18/15 of 2018 and European Directive EU/No. 83 of 2011, Journal of Research in Contracts and Business Law, No. 18/15 of 2018 and European Directive EU/No. 83 of 2011, Journal of Research in Contracts and Business Law, Volume 06, Issue 03, 2021, 22-36.

Belabed, F., The legal system for electronic consumer protection under Law 18/05, memoir for obtaining a master's degree in law specializing in business law. Larbi Ben M'hidi University, Oum El Bouaghi, (2019-2020).

Bouhazma, K., Criminal Protection of the Electronic Consumer from the Risks of Electronic Commerce in Algerian Legislation., Diaa Journal of Legal Studies, Volume 03, Issue 02, 2021; 95-115.

Boulahia, , C., & Lakhal, C., The Impact of E-Commerce on the Electronic Consumer, Journal of Legal and Economic Studies, Volume 02, Issue 01,2019, 103-116.

Electronic piracy. (2022//11/20). Récupéré sur https://www.dw.com/ar/t-19111848

Established by Ministerial Decree dated 13/03/1992.

Executive Decree No. 84/210, of 16/071994, establishing a central inspectorate for economic investigations and suppression of fraud in the Ministry of Commerce and defining its competence, official gazette, issue 47, issued on 20/07/1994.

Executive Decree No. 87/146, of 30/06/1987 establishing municipal health offices, official gazette, Issue 27 of 01/07/1987.

Executive Decree No. 89/147 . (1989). Executive Decree No. 89/147 of 08/08/1989 relating to the Algerian Centre for Quality and Package Control, Organization and Operation, Official Gazette, issue. 33 of 09/08/1989.

Executive Decree No. 94/208, of 16/07/1994 on the organization of the central administration in the Ministry of Commerce, Official Gazette, issue. 47 of 20/07/1994.

Jaafar, S., & Decha, M., E-Commerce Ethics and its Role in Electronic Consumer Protection. Journal of Quantitative Economic Studies, Volume 04, Issue 01, 2018, 13-24.

Joint Ministerial Decision of March, on the establishment, organization and functioning of the Committee in charge of intersectoral coordination in the field of consumer protection against food hazards, No. 32, issued on 02/05/1999.

Law No 90/31, of 14/12/1990, relating to the establishment of consumer protection associations, official gazette, issue. 53, issued on 05/12/1990.

Rocho, A., Legal Protection of the Electronic Consumer under Algerian Legislation. Beam Journal of Economic Studies, Volume 06, Issue 02, 2022, 457-468.

Saidi, S., The Role of Consumer Protection Associations in Ensuring the Security and Safety of Consumers. Algerian Journal of Legal and Political Sciences, Vol. 57, Issue. 5, 2020, 437-449.

Article 08 of the above-mentioned decree.

Article one of Executive Decree 92/272 of 06/07/1992 on the composition and competences of the National Council for Consumer Protection. (1992, 08 07). newspaper issue. 52.

Turki, M., & Celerel, J., Information Privacy, its Importance and the Dangers of Modern Technologies on It. Journal of Baghdad College of Economic Sciences University, Special Issue of the College Conference, Market Research and Consumer Protection Center, University of Baghdad, 2013.

What is phishing. (2022/10/20). Récupéré sur https://www.keepersecurity.com/ar\_AE/threats/smishing.html

Zaoui, R., Belkacem, M., & Tehraoui, H., Legal guarantees for the electronic consumer in the face of the dangers of electronic commerce in Algerian legislation, Al-Bayan. Journal for Legal and Political Studies, Volume 03, Issue 01, 2018, 53-67.