



Regulations And Standards For Economic Transactions In Digital Media In Algeria: A Case Study Of Electronic Advertising

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Abstract

This study explores the concept of digital media based on Arab and foreign studies, discussing its modern terminologies, characteristics, and factors leading to its emergence. The significance of this research is evident when examining the mechanisms of oversight used in modern media in general and electronic advertising in particular. The latter is an effective marketing tool in the digital age. The study aims to highlight the efforts of Algerian legislators as outlined in the law related to electronic commerce. The research concludes that electronic advertising is an important tool that brings economic and service institutions closer to customers while ensuring the protection of mutual interests in electronic marketing. Law 18-05 addresses common violations in electronic advertising and the penalties associated with them. The study recommends strengthening regulatory and legal systems to address crimes resulting from the misuse of digital technologies, and emphasizes the need to train personnel with high informational awareness to keep up with technological advancements.

Keywords: New Media, Electronic Advertising, Legal Regulations.

Introduction:

The term "new media" emerged following global developments in media, political, economic, and cultural fields, influenced by technological advancements in communication and computing, particularly the revolution brought about by the Internet. The Internet has become an essential tool for communication, education, entertainment, and marketing, allowing consumers to explore various products in local and global markets. It also aids suppliers in marketing and presenting their products through engaging electronic advertisements. To understand the impact of new media on consumer behavior and the resulting emergence of new economic transactions, this research addresses the following issue: How has new media influenced financial transactions, and what are the manifestations and consequences of this influence?

Research Questions:

1. What is the conceptual framework of new media?
2. What are the ethical standards of new media and how is it regulated?
3. How has new media affected individual consumer behavior, and what are the consequences of this impact?

Importance of the Study:

The study is significant in demonstrating how new media has transformed individual consumption patterns into electronic formats, leading to the creation of electronic contracts that govern transactions between consumers and online suppliers. This transformation necessitates legislative regulation to protect the rights of parties involved in e-commerce.

Objectives of the Study:

The study aims to:

1. Define the essence of new media.
2. Understand the concept of electronic advertising, its regulations, and related legal provisions.
3. Explain Law 18-05 of May 2018, which imposes certain regulations on electronic suppliers to ensure trust between electronic traders and outlines the requirements and conditions for electronic commercial advertising.

Methodology:

The study employs a scientific approach based on the following methodological principles:

- Description and Analysis: Discussing key concepts and details related to the main research terms.
- Induction: Examining penal regulations related to the relationship between electronic suppliers and consumers.

Study Sections:

To address the research issue and align with the adopted methodology, the study is divided as follows:

1. The Conceptual Framework of New Media.
2. Ethics of New Media and its Regulation.
3. Regulations Concerning Parties in Electronic Commercial Advertising.

Section One: The Conceptual Framework of New Media

The term "new media" is a recent and contentious concept with no single definition among human sciences theorists due to varying opinions on its study. It refers to the significant technological advancements in the use of audio and visual technology in media. The term straddles two views: one seeing new media as a replacement for traditional media, and the other viewing it as an evolution of its traditional counterpart. This section will elucidate the concept of new media according to various researchers' perspectives.

I. Concept of New Media, Its Characteristics, and Advantages

I-1- Concepts Related to New Media

I-1-1- Definition of New Media According to Encyclopedias and Dictionaries:

The PC Magazine Encyclopedia defines new media as:

"A new means of communication in the digital world, allowing groups of people to gather online to exchange and sell goods and information, as well as enabling many people to have a voice in their community and globally" (Internet Site, 2015).

- "All forms of digital media presented in a digital and interactive format, relying on the integration of text, image, video, and sound, with the computer as a central tool for production and display. Interactivity is a part of it and also one of its distinguishing features and most important attributes" (Abdellah, 2014, p. 47).

I-1-2- Definition of New Media According to Foreign Studies:

- "A term used to describe forms of electronic communication made possible by using computers, as opposed to traditional media, which includes print journalism such as newspapers and magazines, radio, television, and other static forms" (Sadek, n.d., p. 171).

I-1-3- Definition of New Media According to Arab Studies:

Many Arab researchers define new media as:

- "A term encompassing digital communication and information technologies that allow for the production, distribution, consumption, and exchange of information as desired, at any time, and in any format through electronic devices, and interaction with others wherever they are" (Saleh, 2011, p. 5).

- "A multi-form media—audible, visual, and readable—and various media and models—YouTube, blogs, websites, electronic journalism—primarily relying on the Internet's multiple features, and transforming traditional media into electronic formats. It is distinguished from traditional media by characteristics such as extensive freedom, interactivity, diversity, and inclusiveness" (Shaqra, 2014, p. 53).

- "A collection of new media forms and services based on interactive digital broadcasting and multimedia. Its emergence, growth, and spread are associated with the World Wide Web and ongoing technological advancements in network and digital broadcasting" (Maki, 2008, p. 8).

I-2- Terminology of New Media

Researchers and specialists in the field of media have not agreed on a single term for new media but have proposed several names based on their perspectives and interpretations of this media type. These names include:

1. **Digital Media:** Media that relies on digital technology, such as websites—video, audio, and text—that transmit all forms of information digitally (Shaqra, 2014, p. 54).
2. **Interactive Media:** The process of real-time or delayed integration in communication between the sender and receiver, with the material or message as the focus of this integration, aiming to convey and persuade. It includes additional services for any printed, visual, or electronic media that allow the audience to participate with their opinions (Shafiq, 2010, p. 7).
3. **Electronic Media:** A new type of media active in the virtual space, using electronic media as its tools, managed by states, institutions, and individuals with varying capacities, characterized by rapid dissemination, low cost, and strong impact (Kanaan, 2015, p. 10).
4. **Network Media:** Processes occurring on defined websites on networks to provide content through multiple links via various means, following specific mechanisms and tools that help users access this content, offering freedom of navigation, selection, and interaction according to their needs, interests, and preferences, achieving publishing and distribution goals on these sites (Abdel Hamid, 2007, p. 141).
5. **Hypermedia:** Media characterized by its interconnected nature and ability to create a network of interlinked information through hypertext or anchor links. Here, the focus is on the special features of the Internet that provide hypertext and linking to published or broadcast content (Shafiq H., 2011, p. 57).
6. **Information Media:** Media indicating the combination of computers and communication, leading to a new media system benefiting from and integrating information technology.
7. **Community Media:** Media content produced and broadcast by members of the community or audience through network communication tools, aided by the spread of video cameras, digital cameras, and mobile phones (Amine, 2015, p. 37).
8. **Citizen Journalism:** The new and contemporary journalism where the citizen becomes a partner in creating media messages, capable of crafting and delivering their media message to people worldwide quickly and at minimal cost (Abdellah, 2014, p. 187).

I-3- Characteristics and Advantages of New Media

The characteristics and advantages of new media are as follows:

- It is a form of digital communication that includes electronic publishing, digital television, and the Internet, heavily relying on computers.

- It is a term encompassing information and communication processes conducted through digital networked media.
- It is a broad term that includes the delivery of textual and visual messages via digital systems.
- It represents a communication technology that surpasses other technologies in terms of access, processing, and social interaction capabilities.
- It consists of interactive electronic media disseminated over the Internet.
- It refers to a different pattern of electronic communication reliant on computers for accessing its content (Al-Tamimi, 2015, p. 42).

II- Factors Leading to the Emergence of New Media and Its Drawbacks

II-1- Factors Leading to the Emergence of New Media

New media emerged due to several factors, including technological, economic, and political influences, as detailed below:

1. **Economic Factor:** The globalization of the economy necessitated the rapid flow of information and the dissemination of advertisements for goods and services. Globalizing media and communication systems became a means to globalize markets and foster consumer tendencies (Chikhani, 2010, p. 444).
2. **Technological Factor:** New media emerged following significant advancements in computer technology—its hardware and software—and communication technology, including satellites and fiber optic networks. This technological evolution led to the advent of the Internet, which became the medium through which new media developed. New media has impacted the nature of the relationships between the media content producer, distributor, and receiver (Aissani, 2013, p. 27).
3. **Political Factor:** Changes in international policies and regulations governing media work, alongside the onset of globalization and advancements in communication technologies, have made the world a smaller place. This led to reforms in traditional media and encouraged the proliferation of new media, particularly social networks. As political powers and governments exerted control over traditional media, the public sought alternative media to express their opinions and perspectives on political events and issues, as seen in movements such as the Arab Spring in Tunisia and Egypt.
4. **Social Factor:** The shifting cultures, customs, and traditions of countries, along with increasing citizen interest in social issues, have attracted people to new media for local and global news and information. This includes news websites, social media pages, and mobile media applications. The fast-paced lifestyle demands easy access to information, and the public's desire for social interaction and building relationships with individuals they might not meet otherwise has driven the adoption of new media (Maqdadi, n.d., p. 148).

II-2- Drawbacks of New Media

While new media offers numerous advantages, it also presents several significant drawbacks, including:

- Difficulty in verifying the accuracy and authenticity of information on many websites, necessitating continuous enhancement of the audience's cultural and educational competencies.
- Challenges in establishing necessary controls to ensure that the religious, social, and cultural values of communities are not compromised.
- Weak controls over the spread of violence and extremism.
- Imbalance between the volume and quality of media messages and the audience's readiness to engage with diverse opinions.
- Violations of copyright and individual intellectual property rights.
- The commission of cybercrimes using modern technologies (Hassouna, n.d.).

Section Two: Ethics of New Media and Mechanisms for Its Regulation

I. Ethics of New Media

Professional, ethical, and media standards proposed by specialists emphasize the necessity of adhering to these principles when using or publishing on new media platforms. A significant issue that arises is the need for a code of conduct for those working in and utilizing electronic media. This necessity is underscored by the prevalence of issues such as skepticism, lack of credibility, anonymity of news sources, the use of inappropriate language that disregards public decency, and the defamation of public figures. There are instances where such content may even involve insulting leaders or ridiculing religions.

To address these concerns and mitigate conflicts between authorities and electronic media professionals, it is suggested that a self-regulation system be established. This could take the form of a pan-Arab federation for new media professionals or local federations within each Arab country. Such organizations could significantly contribute to managing the current chaos in blogging and the use of new media. If electronic media professionals do not organize themselves internally, external regulation—by any nation—may be imposed (Al-Labban, 2014, p. 121).

The ethics of media work in new media do not fundamentally differ from traditional media, except in their importance. New media are more crucial due to their implicit inclusion of traditional media and their broader reach. Additionally, the features of new media may reduce their accuracy and credibility, and information can be easily copied and falsely attributed to individuals.

II. Mechanisms for Regulating New Media

The Internet is often perceived as a lawless space, beyond the reach of regulation—essentially a realm of "no law." New media intersect with traditional media in several characteristics but also possess distinct features that necessitate specialized legal regulation. Legal scholars are concerned with whether the same regulations applicable to traditional journalism apply to online activities, particularly regarding offenses such as libel, slander, defamation, and violations of public order and national security.

Countries have enacted laws and regulations to manage traditional media, ensuring its organization, monitoring, and control. However, the situation with new media is different due to the challenges posed by the rapid proliferation of electronic content, which allows users to navigate virtual worlds beyond regulatory reach. Some forms of regulation are losing effectiveness due to rapid technological advancements and growing emphasis on human rights and freedoms. Consequently, many view regulation as an infringement on freedom of expression and equality in accessing various freedoms.

It is important to note that the struggle between regulation and new media will remain ongoing, as no method can entirely control or block the flow of messages across the information network. The debate over regulation in new media will continue, as there is no definitive resolution ensuring one side's victory over the other.

Section Three: Regulations Pertaining to the Parties Involved in Electronic Commercial Advertising

I. Nature of Electronic Commercial Advertising

The electronic supplier aims to promote their products through advertising, which is a crucial activity in marketing communication strategies for promoting goods and services. It keeps the product present in the minds of the audience visually, even if it is physically absent. People interact daily with various forms of advertising, especially electronic advertising. The following defines the concept of electronic advertising.

1. Concept, Characteristics, and Advantages of Electronic Advertising

- "It is an electronic communication medium used to convey information about a product or service, with the purpose of persuading the customer to make a purchase decision" (A. Fazzli, 2004, p. 181).
- "It is a promotional policy that relies on electronic media to transmit advertising messages with the aim of attracting and persuading customers to buy the product" (Rabi and Salman, 2011, p. 41).
- "It is an electronic amalgamation combining text, audio, and static or moving images in a specific format, tailored to individuals' needs and preferences. It is a paid activity intended to convince the electronic customer of the idea's content" (Kamouche, 2015, p. 35).

- According to Algerian legislation in Article 6 of Law 18-05 on Electronic Commerce, it is defined as: "An advertisement aimed directly or indirectly at promoting the sale of goods or services through electronic communications" (Republic of Algeria, 2018).

2. Characteristics and Advantages of Electronic Advertising

The characteristics and advantages of electronic advertising include:

1. **Interactivity:** This feature allows consumers to interact, communicate, and engage with advertising sites to obtain various product-related information (Shreith, 2017, p. 37).
2. **Creativity:** Creativity in website design undoubtedly contributes to creating a positive image of the organization. Developing innovative and attractive websites enhances the company's reputation, positively influencing individuals' impressions.
3. **Global Reach:** The internet provides a comprehensive means of communication across borders, whereas traditional media audiences face geographic, political, and cultural limits, and investment constraints in the case of encrypted television channels. Internet-based advertising messages are considered to transcend these borders (Al-Azzouzi, 2004, p. 217).
4. **Rapid and Flexible Audience Reach:** Electronic advertising is available 24/7, allowing companies to monitor, update, and adjust their advertising campaigns continuously based on audience interaction. This is a significant difference from traditional advertising methods.
5. **Multimedia Integration:** Internet advertising allows the use of text, visuals, and audio. It enables the presentation of products in use, highlighting all their aspects, and allows users to access samples, such as books, through the internet.
6. **Privacy:** Internet advertising provides what direct or television advertising cannot: detailed information and the ability to inquire about various aspects before making a purchase decision, without facing embarrassment or pressure from the electronic supplier.
7. **Low Cost:** The internet is an effective medium for executing promotional campaigns and delivering information at lower costs, eliminating expenses related to printing, mailing, labor, and other fundamental costs associated with traditional advertising media.
8. **Measurable Performance and Low Cost:** The effectiveness of internet advertising is continually verified by cost-versus-response metrics. Using the World Wide Web helps reduce advertising costs compared to traditional media (Al-Azzouzi, 2004, p. 219).

II- Conditions and Types of Electronic Advertising

1- Conditions of Electronic Advertising

According to Algerian Law 18-05 on Electronic Commerce, the requirements for electronic advertising are as follows:

- All electronic advertisements or promotions must clearly identify themselves as commercial or advertising messages.
- They must allow for the identification of the person or entity for whom the message was created.
- They must not violate public morals or public order.
- They must clearly specify whether the commercial offer includes discounts, rewards, or gifts, particularly if the offer is commercial, competitive, or promotional.
- They must ensure that all conditions required to benefit from the commercial offer are not misleading or ambiguous.

The purpose of these regulations is to protect electronic consumers from misleading electronic advertisements (Noura, 2021, p. 674).

2- Types of Electronic Advertising

There are several types of electronic advertisements, but the following are three significant types:

1. Advertising through Websites: Many advertisements fall into this category, as companies post their ads on various websites due to the growing interest of the public in the internet and the conveniences and services it offers (Shreith, 2017, p. 23).
2. Advertising via Social Media Platforms: This is the second most widespread and effective form of electronic advertising due to its close proximity to the target audience. Most users browse different social media platforms daily, making these platforms the first place they turn to when searching for a product or service. Prominent platforms include Facebook, Twitter, Instagram, and Snapchat.
3. Mobile Advertising: These are advertisements delivered through mobile phones connected to the internet, with the most common formats being SMS (Short Message Service) and MMS (Multimedia Messaging Service).

III- Legal Provisions Relating to Electronic Commercial Advertising

Unwanted or misleading electronic advertisements threaten consumer safety and can hinder electronic commerce, particularly when involving fraudulent companies. This has prompted Algerian legislators to establish mechanisms against such practices, detailed in Chapter One of Title Three concerning the monitoring of suppliers and the detection of violations, as well as Chapter Two of Title Three concerning crimes and penalties. Below is an overview of misleading electronic advertising and the associated legal provisions.

1- Definition of Misleading Electronic Advertising

- "It refers to any advertisement conducted by an individual, whether a trader or service provider, that deceives or attempts to deceive another person through fraudulent means to promote a product or service in a way that misleads the consumer into contracting something different from what was presented to them" (Ben Ghaidri, n.d., p. 80).

- The European Council defines it as: "Any advertisement in any form that contains misleading elements in its presentation or may lead to misleading consumers to whom the advertisement is directed."

Based on these definitions, the essential elements of misleading electronic advertising include:

- There must be a commercial advertisement issued by the advertiser.

- There must be a comparison between the goods or services offered by the advertiser and those offered by competitors.

- The advertisement must explicitly or implicitly refer to the competitor (Walid, 2019/2020, p. 19).

2- Legal Provisions Relating to the Monitoring of Electronic Suppliers and the Detection of Violations

Algerian Law on Electronic Commerce stipulates that: "The electronic supplier is subject to the legislation and regulations applicable to commercial activities and consumer protection." It further states: "In addition to judicial police officers as defined by criminal procedure law, authorized agents from specific supervisory bodies affiliated with trade departments are empowered to inspect violations of this law."

Algerian law also requires electronic suppliers to grant authorized inspection agents access to transaction records (Srah, 2020).

3- Penal Provisions Related to Electronic Advertising Crimes and Penalties

Chapter Two of Title Three in Law 18-05 outlines the elements of the crime of unwanted electronic advertising and the penalties associated with it as follows:

1. Elements of the Crime of Misleading Electronic Advertising: Article 40 of Law 18-05 states: "Without prejudice to the victims' rights to compensation, a fine ranging from 50,000 DZD to 500,000 DZD shall be imposed on anyone violating Articles 30, 31, 32, and 34 of this law." This article defines the legal framework for the crime of unwanted electronic advertising, encompassing both the material and moral elements of the offense:

- Material Element of the Crime: This crime is classified as a formal offense that does not require a specific result to occur; the crime is established merely by the commission of the unlawful act. Article 40 of the Electronic Commerce Law indicates that the material element of this crime is established by non-compliance with the obligations set out in Articles 31 and 32 of the same law.

- Moral Element of the Crime: This refers to the fraudulent intent of the electronic supplier.

- Thus, Algerian legislation classifies the crime of misleading electronic advertising under Article 40 of Law 18-05 as a misdemeanor, with the aforementioned financial penalties. In cases of recurrence (repeated misdemeanor), Article 48 of the same law stipulates that the fine amount shall be doubled if the crime is repeated within 12 months from the date of the previous penalty. Algerian legislation avoids imposing imprisonment for this misdemeanor to prevent disputes and reduce the burden on the justice system, opting instead for settlement through fines (El Khabar, 2018).

Conclusion:

From the preceding discussion, it is evident that electronic advertising plays a crucial role in bridging the gap between economic and service institutions and their customers by establishing a channel for personal communication and interaction with consumers. In this context, Law 18-05 on Electronic Commerce has been enacted to protect electronic consumers from potentially misleading commercial advertisements, thereby placing electronic suppliers on an equal footing with traditional suppliers to ensure the protection of all parties involved in the process. The main findings of the study can be summarized as follows:

- The new media paradigm has reshaped the landscape of communication in contemporary societies, characterized by its global reach, rapid access and interaction, diverse media formats, and low cost.

- New media are governed by professional, ethical, and legal standards that regulate them to some extent.

- Algerian legislation has classified misleading advertising as a misdemeanor subject to legal penalties.

Recommendations:

- There is a need to enhance regulation of the internet and establish legal frameworks to combat various crimes resulting from the misuse of modern technologies.

- Consumers should exercise caution before accepting any surveys or advertisements from unknown sources and should install software designed to combat unwanted and misleading advertisements.

- It is recommended to organize seminars and training sessions for legal professionals to develop skilled practitioners with a high level of informational awareness capable of keeping pace with the developments in the electronic environment.

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