

Journal of legal and social studies

Issn: 2507-7333

Eissn: 2676-1742

The title of the intervention: Insurance in the face of informational development, "Electronic insurance contracts and electronic risk insurance

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Date of send: 12 / 06 / 2023

date of acceptance: 01 / 08 / 2023

Date of Publication: 01 / 09 / 2023

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Abstract :

The current century has seen insurance become a benchmark of civilization for states and countries, as well as one of the most capital ways of dealing with the different types of risk and damage that can result.

Insurance is thus a vital component of the national financial system, which cannot develop independently from the global economy. However, this requires, first of all, that insurance operations be executed in a modern way rather than the traditional method of carrying out contracts,

by adopting the services of new technology such as electronic insurance contracts, and then

by introducing new insurance products like insurance against electronic risks.

Facing this modern situation, how does the Algerian state, represented by its legislator, intend to implement this new concept of insurance contracts?

Keywords: Insurance ;electronic risk ; contracts; technology

Introduction:

Protections has created with the advancement of financial and social life, particularly within the field of commerce. Within the present day period, it has ended up one of the civilization standards for countries

and perfect way">the most ideal way to deal with different sorts of hazard, and it is perfect way">the most perfect way

to confront harms from different sorts of dangers.

So the financial improvement, and the tremendous ventures that taken after in different areas, committed protections companies to

enter worldwide markets and adjust to the modern information to be able to resist large protections operations, rather than rejecting these operations and losing profits that might be picked up, since protections could be

a imperative portion of the national economy The latter

cannot develop and create in confinement from the global economy, and this requires that the protections handle keep pace with later advancements, which needs the appropriation of

electronic protections administrations, that's , promoting the protections benefit t o different protections searchers through the worldwide arrange "the Web", in expansion to embracing modern sorts and scope. They are protections against electronic dangers.

Protections companies have gotten to be more subordinate on data innovation in arrange to continuously rummage around for modern items and administrations and strategies of displaying them to customers. So how does Algeria work, in light of crucial and vital changes, to connect the most recent innovative changes and provide protections administrations from the maker to the "safety net provider" buyer through the Web?

The protections industry moreover plays an critical part in protections scope against electronic dangers, which in turn gives assurance for companies, educate, and anybody conducting a commercial movement by means of the Web, as well as people who utilize it from the dangers based on the utilize of that organize

More broadly, protections from dangers related to the IT foundation and its exercises, in spite of the fact that this sort of protections may drop beneath the umbrella

of obligation protections, but protections companies can cover this chance with a uncommon record within the case of the client's ask for that, and does Algeria allow extraordinary accreditation for

the foundation of protections companies Working on its soil with such uncommon covers, namely, electronic threats insurance? To reply these problems, we isolate our subject into two subjects, the primary bargains with electronic protections, and the moment bargains with electronic hazard protections

The primary theme: electronic insurance:

The huge advancement within the reality of electronic commerce required the rise of electronic marketing of protections administrations. In this manner, nations endeavor to convert into conducting protections contracts electronically in a way that contributes to expanding economic development and pulling in ventures to them, and in arrange to get it the method of conducting protections electronically, it must be defined and its characteristics illustrated At that point, he displayed the impacts of electronic protections and its put within the Algerian protections industry.

The primary prerequisite: Definition of electronic protections and its characteristics:

First: the concept of electronic protections:

Protections, as we said prior, is an affecting figure in different financial exercises. This requires rearranging methods and killing authoritative complications that are an impediment for customers to supply protections administrations. In arrange to bypass the issue of conventional methods in advertising protections administrations, we discover that most nations have taken upon themselves to connect protections administrations Through electronic showcasing, which accomplishes numerous focal points for consumers and empowers them to supply these administrations electronically, how at that point can electronic protections be characterized?

The protections division remains a present day division in most nations, particularly the creating ones, and it is still looking for to development conventional protections, so in terms of legitimate statute there are no books that characterize electronic protections in line with the need of legitimate direction for this sort of protections. They characterized protections in its conventional frame as being "An understanding whereby a commitment is made to a party, whether by and by or to others, in return for a certain installment, that he will get an sum of cash, income, or any other execution in case the hazard stipulated within the contract is realized."¹

One angle of statute went on to characterize it as "a contract and a specialized prepare at the same time, since it contains two viewpoints, one of which is legitimate and the other specialized. It isn't restricted to the legally binding relationship between the two parties, but it may be a specialized handle that's basically based on participation between a number of people and the cooperation in bearing What happens to them from calamities."²

It is obvious from these definitions that protections is based on two specialized and lawful sides. The lawful perspective is based on the thought that a individual took this chance or guarantor his cash through a legally binding relationship based on the protections contract and in which

the back up plan is bound against it, whereas the specialized side is based on the thought of cooperation Between the guarantor through installments, since of disasters or harms confronting them within the future, and on the other hand, since protections could be a specialized handle that controlled bodies carry out its mission to gather the biggest conceivable number of dangers in agreement with the laws of measurements, "the law of huge numbers", or safety net provider the in this way and ³ whoever names him gets in the event that the peril is realized.

Get monetary remuneration

As for the authoritative level, we discover that these nations have not set a definition for electronic protections. We discover that the Algerian lawmaker has characterized the custom of protections in its conventional shape in Article 619 of the Gracious Code as "a contract whereby the safety net providers commits to hurt the back up plans or the recipient for whom the protections stipulated an sum of money. Or compensation wage or any other money related remuneration within the occasion of an mischance or realization of the chance shown within the contract, in return for a premium or any monetary installment that the back up plan hurts the insured. Despite the issuance of the Electronic Signature and Electronic Commerce Law in Algeria, we discover that protections has proceeded to be practiced agreeing to the conventional strategy⁴, whether for national or private protections companies it ought to be famous that the starting of the arrangement of alterations organizing electronic commerce movement beneath the Algerian legitimate framework, from the keeping money segment, so that this division has been modernized to suit the prerequisites of electronic commerce, by permitting merchants to utilize electronic installment strategies, and usually what is certainly caught on from the content of the article. 69 of Statute No. 03-11 of Eminent 26, 2003, and Article Three of Statute No. 05-06 of Admirable 23, 2005 relating to combating carrying "JR No. 59 of Admirable 28, 2005" and included to the commercial law a entirety segment entitled On some implies and strategies of installment, because it included a third chapter in this segment beneath the heading "On installment and charge cards" and this was agreeing to the correction of Commercial Law No. 05-02 of February 06, 2005 altering and supplementing arrange 75-59 of September 26, 1975. Counting Commercial Law No. 11 dated February 09, 2005⁵

The Algerian lawmaker proceeded to present these revisions to other laws with the deliberate of providing certainty and security within the souls of those managing with electronic exchanges, so he managed with epitomizing this, particularly concurring to the 2005 amendment to the Gracious Law, where he recognized composing within the electronic frame, which driven to the assurance of the rule of useful equality between the electronic editor and The paper transcript

is bona fide in confirmation and this is often what is revered within the content of articles 323 bis of the same law, noticing that these articles have been included to the respectful law by ideals of Law No. 05-10 of June 20, 2005 correcting and supplementing Law No. 75-58 of September 26 1975, which incorporates the respectful law. In 2007, the Algerian lawmaker issued an official declare directing the hurtful movement of electronic certification administrations, which is Official Proclaim No. 07-162 of May 30, 2007 that revises and completes Official Declare No. 01-123 of May 09, 2001 and

Related

to the autonomy framework connected to each sort of organize, counting remote electric and on different wired and remote communications. An autonomous law with arrangements and rules for electronic signature and confirmation in Law No. 04-15 of February 01, 2015 in case the Algerian protections law does not characterize electronic protections inside the arrangements of its articles, in any case, Algerian protections companies can receive the offer of protections administrations electronically, since the last mentioned is nothing but an electronic contract in which arrangements are made, demands are submitted and the contract concluded by electronic implies that are distant from complex authoritative troubles, particularly since the administrator The Algerian has characterized the electronic contract within the Electronic Commerce Law No. 18-05 compatible to Article 5/2 the contract within the sense of Law No. 04-02 of 05 Jumada I 1425 comparing to June 23, 2004 that characterizes the rules pertinent to commercial hones, and is concluded remotely Without the genuine and synchronous nearness of its parties by turning only to electronic innovation.

A few legislations and directions of the electronic contract have been characterized, counting the European Parliament by issuing the European Mandate No. CE / 7/97 related to buyer security within the field of contracts concluded remotely ⁶Article 2/1 stipulates the definition of electronic contracting as “every contract related to products Or administrations that take put between a provider and a buyer inside the system of a framework for offering or giving administrations remotely by his provider, who solely employments one or more implies of communication until the conclusion of the contract, with what is caught on from this that indeed the conclusion of the contract is by the same strategy

According to these definitions provided, insurance can be carried out electronically, since it is a contract in which requests, documents and transactions are submitted by electronic means⁷.

Although most countries of the world did not regulate electronic insurance within an independent law, as some of them have adopted the idea of offering electronic insurance services on the ground, based on the laws of electronic commerce and electronic signature, which allowed the conduct of contracts electronically, ⁸ although there are some countries that issued decisions to spread rumors. The concept of electronic insurance, based on the foregoing, electronic

insurance can be defined as the contract that the insured is bound to provide insurance coverage and what is related to offer, cooperation and contracting via the Internet in exchange for installments or any other financial payment that the insured harms through electronic payment methods.

It is based on multiple processes and stages, including advertising and displaying insurance services. Through this, the insurance company displays its website to consumers, and then comes the selection phase by consumers in preparation for negotiation with the insurance companies by exchanging information electronically, leading to the conclusion of the contract and the commitment of the parties to the implementation in accordance with the conditions included in it. Electronic contract

Second: Characteristics of electronic insurance:

Electronic insurance is distinguished as a contract that is concluded remotely because the process of selling and buying insurance services takes place over the Internet, as the parties to the contract are not present in the contract board in terms of location, but are present in terms of time, and the contract is fulfilled electronically⁹.

- The electronic insurance contract is considered a contract of compliance, given that the consumer has nothing but to click in a number of the boxes proposed in front of him on the insurance company's website, so the consumer finds in front of him an insurance request and then predetermined conditions, so he cannot discuss or oppose the insurance company About the terms of the contract, because he can only sign in the case of acceptance or non-acceptance in case of rejection¹⁰.

Therefore, if insurance companies want insurance on their websites, they must make an electronic mediator ¹¹that works to negotiate with consumers and answer everything related to the provision of insurance services in order to enhance the confidence of consumers and increase their willingness to enter into insurance contracts electronically and to refrain from traditional insurance contracts .

The electronic protections contract depends intensely on the common believe between the protections company and the buyer, meaning the guarantor, since the two parties did not meet, as the component for offering these administrations was shaped by the protections unveiling the information required by the company ¹²by filling out the information frame Electronically, whereby the protections company decides the degree of chance and the costs of its protections administrations suitable to him, and in a way that accomplishes the chance the back up plan against, the protections company will resort to confirming the information unveiled by the back up plan, and in case the explanations are found to be incorrect,the recompense is relinquished, which compares to distant better;a much better;a higher;a stronger;an improved">a much better guideline Deliberate to deny contracts For this reason, the parties to the protections contract must watch this rule at the arrange of transactions and usage and uncover all data and information that o

ffer assistance the parties to instill consolation and certainty, indeed in the event that the contract was concluded electronically, and appropriately the commitment to watch the guideline of great confidence Within the protections contract, it constitutes a confinement on the buyer and the protections companies that determine their arrangements from the rule of the control of will and the contract is the Sharia of the contractors The moment prerequisite: the impacts of electronic insurance and its put within the Algerian protections industry¹³

1 - Obligations of the insured "electronic consumer":

The obligations of the insured consist in providing data on the risk upon conclusion of the contract and after its conclusion, and the obligation to pay the insurance premium and then declare the insured risk when it occurs.

A - The obligation to provide data on the risk upon conclusion of the contract and after its conclusion:

It is the basic obligation of the insured, and the purpose of that is to avoid or mitigate the impact of the risk ¹⁴because the insurer is keen to know as much information about the risk ¹⁵so that the insurance companies can take the appropriate decision in whether or not they accept the insurance process. Insurance companies seek to obtain these data and information through forms of forms that include specific questions answered by the insured with clarity and honesty¹⁶, and the insured also answers automatically to all circumstances that would affect the likelihood of the occurrence of the risk or its degree of severity¹⁷, in addition to This is because the insured must provide these data during the validity of the contract and all other developments that harm the insured.

This commitment has become a recognized matter in the electronic insurance custom because the online insurance process depends heavily on mutual trust between the contracting parties, so the mechanism for selling insurance electronically is by providing the insured with the data that the insurance company requires by filling out a special form available on the insurance company's website. Accordingly, the insurance company determines the degree of risk and the prices of its insurance services

B - Obligation to pay the insurance premium:

It is one of the most important obligations incurred by the insured, but what distinguishes electronic insurance here is that the method of paying the premiums is done electronically far from the traditional methods, and electronic payment methods are one of the modern means that allow the insured to pay the premiums via the Internet, either directly or indirectly¹⁸. Among the most important means of electronic fulfillment according to Algerian legislation are bank cards¹⁹, credit credit cards and bank money transfers.

C - The obligation to notify the insurer that the insured risk has been realized:

If the insured risk is realized, the insurance company is obligated to pay the amount of the insurance or compensation for the damage caused to the insured, and this does not happen automatically unless the insured informs the insured of

the occurrence of the risk in order to take the necessary measures to limit the scope of the damage and return from the person responsible for the occurrence of the risk. The insurance process is done electronically, so the insured can send an electronic message in which the insured feels that the insured risk has been realized, and the message is sent to the website of the insurance company, and the latter must send a message to the insured informing him of receiving and receiving the notice²⁰

Therefore, there are some electronic insurance companies that have set up a website and set up a "trust" ²¹ to deal with their agents around the world, as this system allows for dialogue and consultation between consumers and company experts, sending the required data and notifying the insurance company of the occurrence of the insurance risk or its exacerbation.

2 - Obligations of the insured "i.e. the insurance company":

When the insured risk is realized, the electronic insurance company is obligated to pay the insurance amount²². To be entitled to the insurance amount, the "insured" consumer must have fulfilled all of his obligations imposed on him by the electronic insurance contract towards the insurance company.

In addition to that, the insured has to submit an application through the insurance companies' website within a form available on the network's website, and to attach with it what confirms the validity of his information in terms of documents or evidence confirming the validity of his request.

There is another obligation for electronic insurance companies, which is to preserve the customer's secrets and not disclose them to anyone, and not to leak or exploit the information and data obtained by virtue of their work. For this reason, all parties using the electronic system are obligated to sign the information confidentiality form, which is considered an integral part of the insurance process.²³

Second: The status of electronic insurance in the Algerian insurance industry:

In 2016, the National Protections Committee "CNA" conducted a study at the level of a bunch of open and private protections companies in Algeria, given to the subject of advancement within the protections segment "interviews with supervisors and authorities of these companies", and this consider highlighted the intrigued of insurance companies dynamic in this The segment may be a prepare of advancement and advancement and its part in raising execution levels, in amount and quality, and concluded that the components of victory depend on the human calculate, digitization, data frameworks, communication, administration and administration²⁴. And by declaring the plausibility of electronic installment in October 2016, the protections company presented the people "amana Amana" Through its site, it opens the way for subscribers to register and subscribe by means of the travel protections line, and this hazard could be a harbinger within the protections segment in Algeria .²⁵

On the other hand, within the same year “2016”, a program that made a difference make choices in protections companies was propelled by ORIFINA, and the program was named IRIS “Insurance & Reinsurance Coordinates System”. All exercises of the protections company related to the collection of protections commissions, contract administration and remuneration for misfortunes.

The open company, CAAR, is planning to dispatch administrations that keep pace with digitization in 2020, and is planning to be the primary institution within

the Algerian protections showcase to incorporate electronic installment, and after private companies Organization together Protections and AXA Protections, and it moreover serious to offer Applications for smartphones for online protections, and promoting of its administrations through its site, in arrange to modernize protections administrations in Algeria.²⁶

This company uncovered that it is planning in 2020 to incorporate digitization in its administrations by promoting its different administrations through its site, as the protections company's administrations will be sold and showcased by means of the Web and online installment, noticing that

this sort of administrations is accessible for normal catastrophe protections contracts. Holding up for this to be generalized within

the car protections administrations and planning for the foundation of electronic installment by means of keen phones, and I am working to supply well-organized applications that characterize the rights of the affected insured and quicken his recompense, and usually within the skylines of 2021

This activity comes after an assention was marked between this company and the Algerian Prevalent Credit “CPA” to dispatch an

internet installment benefit for the insurance situate²⁷ on 11/30/2017 within the nearness of the Serve of Fund,

“Mr. Protections against characteristic calamities and multi-risk lodging protections by means of the Web, permitting clients of the Algerian company to guaranteed and reinsure those in ownership of an interbred card issued by any managing an account institution dynamic in Algeria.

In Algeria, they pay for their protections contract through the electronic entrance of this company. This prepare is portion of the energetic in which the government set out to proceed advancing the modernization handle and electronic installment strategies in Algeria, digitizing the national economy, and fortifying the organization between the bank and the protections company by presenting.²⁸

Through the window of the National People's Credit, banking-insurance exercises to showcase individual and individual harm protections items to the clients of CAAR and its backup, Karama Protections, and all this in arrange to meet consumers' needs.

The Fund Law of 2018 has too taken a few measures, particularly in Article 118,²⁹ which gives for bolster for little and medium undertakings to utilize data and

communication innovation and coordinated them into the computerized economy, so it takes after from this that any financial merchant who gives merchandise or administrations to shoppers must put at the transfer of his clients installment wholesalers To empower them to pay the sum of their buys through the electronic installment card, companies or educate that need to stay on the line of competition and accomplish a tall level of execution must contribute in unused innovation. As for the site of the Algerian Protections Company "SAA", private clients can perform three essential operations related to car protections, common calamities, multi-risk protections for inhabitants and the capacity to look for company agencies only. - The National Agrarian Participation Support "CNMA" proposes an internet benefit in expansion to the capacity to download a week by week climate bulletin for the rural sector. - As for Union and AXA, it has full electronic administrations. Organization together is considered the foremost complete floor of the company, with a add up to of 6 models for the introductory assessment forms accessible within the gathering bundle "cars, lodging, common calamities, legitimate security, experts, skilled workers and multi-risk educate." The other valuable benefit is The plausibility of announcing a activity mis As for the site of the Algerian Protections Company "SAA", private clients can perform three essential operations related to car protections, common calamities, multi-risk protections for inhabitants and the capacity to look for company agencies only. - The National Agrarian Participation Support "CNMA" proposes an internet benefit in expansion to the capacity to download a week by week climate bulletin for the rural sector. - As for Union and AXA, it has full electronic administrations. Organization together is considered the foremost complete floor of the company, with a add up to of 6 models for the introductory assessment forms accessible within the gathering bundle "cars, lodging, common calamities, legitimate security, experts, skilled workers and multi-risk educate." The other valuable benefit is The plausibility of announcing a activity mishap for the car on the linehap for the car on the line

AXA Protections Algeria site gives the capacity to conduct four preparatory online appraisals related to travel, car, lodging, and a bundle for educate. The company propelled a modern item called AXA Interface, which may be a unused benefit for iPhone smartphones. This application gives a number of administrations, counting Car mishap pre-declaration Once the client sends the affirmation remotely, at that point he is reached rapidly to veer off the day on which the involvement is conducted in arrange to decide the measure of the harm and the comparing sum of remuneration.

The second topic: the risks of the insured's use of electronic insurance, and insurance companies responding to it, "insurance against electronic damage":

In addition to the advantages of electronic insurance, there are some concerns and threats related to electronic commerce of insurance services, and trying to solve them with insurance companies by issuing special contracts for insurance against electronic damages

The first requirement: the advantages of electronic insurance and the risks of using it:

The characteristics of electronic insurance were previously mentioned, which makes us conclude a set of benefits and benefits of electronic insurance marketing in return for the risks it brings as well.

First: The advantages of electronic insurance:

Electronic insurance contributes to expanding the scope of electronic commerce and information technology as it is one of the means of electronic exchanges that are consistent with commercial activities that are characterized by speed and flexibility, and this can only be achieved by bypassing the traditional procedures in concluding insurance contracts, because resorting to the conclusion of the contract electronically will encourage international contracts and Especially investment contracts for institutions that want to insure their investments from commercial and non-commercial risks by entering the websites of insurance companies and conducting the insurance contract electronically.

The use of electronic insurance techniques helps reduce the time and cost to consumers and provides a quick mechanism in fulfillment and financial performance away from the traditional procedures that require material and financial effort, because insurance is a complex process with long procedures, and electronic insurance limits these operations with the lowest steps and cost. Possible.

Electronic insurance also helps consumers reach directly to managers and officials in the electronic insurance companies by means of the electronic intermediary programs, at any time they wish, and to obtain immediate answers regarding issues related to the insurance process.

In addition, it works on the spread and expansion of certain types of insurance, such as car insurance, housing and investment projects, because it is more suitable for distribution over the Internet because its status and evaluation of its value is by using a small number of measures.

As well as lowering barriers to entry into the market where insurance suppliers are not obligated to form an expensive traditional distribution network and their exploitative burden ratios are very weak, and this reduction in entry barriers to the insurance market helps increase competition³⁰

In addition, the costs are lower for the insurance companies themselves, because the sale is direct, the costs are reduced, the distribution is "without intermediaries", and the performance of some functions allows the achievement of productive profits, and this is what the analyst of the Swiss Reinsurance Company "SWISS RE"³¹ and the Foundation "Marketing of compagne" did

Which conducted a comparison between the costs of the various traditional and electronic channels and showed that the levels of electronic channels "selling via the Internet" are lower in terms of costs.

So, much obliged to electronic showcasing, protections companies utilize advanced advances within the regions of benefit plan and advance with ease and are able to act on deals administrations for the company's protections item, which gives them the opportunity to seek for the finest offers.

Second: The dangers of the insured's utilize of the Internet:

If the Web has numerous focal points, but on the other hand it has numerous downsides and dangers and it is for the most part related to the need of data, need of believe and security.

Inaccessibility of information:

Many individuals utilize the Web in commercial operations, so they can purchase and offer products and administrations through the organize, and in such operations, a few data may not be accessible, whether around the electronic dealer or around the item or benefit given, which comes about in consumers' introduction to operations. And the electronic extortion and the coming about misfortunes cause small or no data, particularly since a few commercial destinations on the Web don't follow to adequate data.

With respect to the protections segment, the hazard is spoken to within the failure to depend on the data given by the shopper over the Web in deciding the degree of chance and the fitting protections cost in it. Electronic commerce for insurance via the Web isn't sufficient to judge the chance as standard which the normal price is fitting for it, because it is essential to examine the guarantor thing on Nature, which comes about in companies being fulfilled with promoting basic protections records as it were over the Web, whose estimating does not require incredible precision, such as car protections.

Confronted with these dangers, a few nations of the world, counting Algeria, looked for to ensure shoppers from extortion in farther exchanges, by giving the electronic shopper with adequate and fundamental data in arrange to conclude a contract³²

Lack of believe and security:

Given that exchanges on the Web are carried out remotely, as there's no physical assembly between the parties to the exchange, there's no prior knowledge between the parties, and there's no certification body for the validity of messages, contracts and data traded, and this is often what produces doubt and doubt in Web exchanges, which hurts. To the loss of certainty in these exchanges and the limitation of their scope, and hence a diminish within the volume on the organize, and among the signs of need of certainty, we discover :

- Vulnerability approximately the reality of trade through web sites.
- Fear of being uncovered to electronic fraud.

- Lack of confirmation of electronic signatures.
 - Uncertainty almost the qualification of the contracting parties.
- In back of certainty in Web exchanges, numerous nations have recognized the realness of electronic messages in confirmation and the legitimacy of marks through electronic confirmation certificates that affirm the character of the temporary workers and the accessibility of their qualification to contract, and among these nations is Algeria by issuing laws related to exchanges and electronic commerce³³

The manifestations of the absence of the security element are represented in the possibility of hacking websites by hackers "HACKERS" and obtaining personal information that affects the private lives of individuals. Confidential information for companies can be obtained, as well as electronic payment card numbers, and the possibility of completely seizing websites. It is possible to overcome all these violations, whether by encrypting data or changing the secret numbers constantly, providing mechanisms to reduce crimes committed on the Internet and activating the penal policy for these crimes.

However, the result of these procedures and policies is not definitively certain in the space on all these violations, which has prompted some to think of other solutions to confront such violations, including the possibility of concluding an insurance contract against these risks.

The second requirement: insurance companies responding to the risks of electronic marketing, "electronic damage insurance":

There are many threats to the security and electronic information systems:

- Natural and political disasters such as fire, floods, earthquakes, and terrorist attacks that can affect many companies simultaneously.
- Software errors and malfunctions and failure of equipment functions
- Unintended actions such as deletions and unintended errors that expose the information systems to serious risks and heavy losses.
- Intentional behavior: cybercrime.

First: Definition of cyber crimes and damage:

Electronic crime is every act harmful to others through the use of electronic media such as aspects, media devices, telephone communication networks, information transmission networks, the Internet, or illegal uses of computer or electronic data in general³⁴

Among the types of crimes:

- Crimes of hacking computers and information centers with the aim of illegally accessing data and perusing it or tampering with it and falsifying it, such as changing a property document or tax data ... etc. as well as destroying programs and data stored in them or disrupting them from working through virus and malicious programs.
- Cyber crime, "computers and networks", which includes the use of computers and the Internet to plan crime such as theft, falsification of money embezzlement papers, storming of websites on the network and stopping or destroying them from work, piracy crimes, defamation and reputational settlement in websites And newsletters, impersonation of an individual or

company with the aim of fraud, hacking the e-mail of others and forging the electronic signature³⁵

Faced with insufficient criminal penalties to deter such crimes, especially in light of the difficulty of criminal follow-up, insurance companies try to cover such risks with private insurance contracts in the event that work requires this, and insurance against electronic crimes is to cover the damages of cyber attacks and disrupt work systems, and provide this The type of insurance product covers the expenses incurred by the injured as a result of the loss resulting from these attacks, in other words, insurance against electronic damage is the practice of defending computers, mobile devices, electronic systems, networks and data from malicious attacks through people, whether directly or not with software And illegal tools, regardless of whether they are from inside or outside the facility, whatever its classification.

Second: Practical cases of insurance to block internet risks:

The increasing prevalence of Internet services and devices, things and related services, follows the necessity to research how to provide the necessary security protection for "information security" or the risks of cyber attacks or the risks of using the Internet in general.

Among the cyber attacks that hit major economic entities, represented by the American company Target in December 2013, as well as the American giant ebay in May 2014, as well as the French mobile company Orange in April 2014, TV5 Monde on April 8 and 9, 2015, and the electronic hacking of British Airways in 2018. ... and others.

As for the insurance companies that do these coverages, their number is limited. At the same time, they limit the capacity and limits of coverage while raising premiums for some industry groups, such as large retail groups, health care and financial institutions³⁶

And can be used at this point the experience of AXA in securing Internet risks³⁷ AXA is a French joint stock company with its head office in Paris, founded in 1817 and specialized in providing financial services around the world, especially insurance. Morocco, Qatar, Lebanon ...

Incoming guarantees:

- A case of identity piracy by using personal data by others: the guarantee includes providing information by phone and assisting in resolving disputes firstly in a friendly manner and secondly in a judicial manner, and it incurs expenses and fees for resolving the dispute in the range of 1000 euros for friendly disputes and up to 10,000 euros for judicial disputes, provided that the insured Resident in France, Monaco or Andorra, and that the age is more than 18 years and up to 87 years.

- Falsified use of payment tools: This includes checks (except for travelers' checks ", bank cards and electronic money. The guarantee includes providing information by telephone, assistance in friendly work or in a judicial manner, provided that the case is appropriate and the insured submits a complaint and the value of interests does not exceed 105 Uero and the guarantee covers up to 10,000 euros for fees and charges.

- Guarantee in case of breach of reputation: It includes insulting, defamation, and all unlawful publication about private life through pictures, writing, record, published advertisement, discussions or conversations, and the guarantee covers the provision of legal information by phone and assistance in resolving the dispute amicably or judicially and covering Guarantee up to € 10,000 for a legal dispute and € 1,000 for an amicable solution.

- A guarantee in the case of purchasing a commodity transported by the electronic merchant, provided that the commodity has the following characteristics:

- Transfer is accepted and is purchased through the Internet and is new and its value is between 50 to 5000 euros, and it is purchased from a professional residing in France or overseas territories "subject to French law", and that the delivery takes place in France or in overseas territories by papyrus or carrier Special, and that the defects related to the commodity are either the delivery of something broken or the delivery of incomplete or defective.

- A guarantee in the case of purchasing a service at the electronic merchant, provided that the service is purchased through the Internet and that the purchase was made from an electronic merchant residing in France or overseas territories, and that the service provided enjoys poor implementation or non-implementation within the limits of 100 euros per The friendly dispute and € 10,000 in the judicial dispute, provided that the value of the interests does not exceed € 105 on the date the dispute is announced.

This is known as the "risk accumulation scenarios" developed by Swiss RE:

Random Exterior Protection:

The ensure does not cover debate related to property rights, traditions and charges, or entering into a claim for duping the criminal. It moreover does not incorporate the ensure related to the buy of products related to creatures and plants, jewels and flatware, and exchanged reserves (securities, bond stocks, obligation rebellious or.", drugs concurring to French law, weapons agreeing to the law, cars and non-Muslim merchandise due to a strike by the postal benefit or carrier or the closure of the work environment, and the great or benefit of an illicit nature or racial separation. Or abuse human nobility.

Tests to secure websites with certificates:

There are three pictures of the certificates:

1 - Webcect Certification:

Issued by the French Affiliation for Particular Protections AFAQ and issued in 1999 and may be a certificate for electronic commerce and it relates to ventures that offer items or give administrations through the Web. The arrangements of this certificate can be alluded to through the site: www.webcect.org and the cost of this certificate is approximately 8000 euros.

2- Certificate Web value:

It is issued by Veritas Office and it issued the certificate in 2001 and it incorporates all the administrations authorized through the Web destinations and this certificate can be gotten to through a "watchword"

and it shows the accessibility of conditions of legitimacy for places on the organize and the accessibility of specialized back and the nearness of a location official and confronting infections and Informatics chance insurance.

3 - First class Location name ESL Certificate:

It may be a certificate expressing that the location is secured, the privacy of the data, its esteem, and after-sales administrations are ensured for products, administrations, installment strategies, the terms and length of conveyance, the period of legitimacy of offers on the arrange and the dissent strategies within the occasion of protest to administrations.

Conclusion :

The huge improvement within the reality of e-commerce required the rise of electronic promoting for protections administrations. In this manner, nations must endeavor towards change to conduct an protections contract electronically in a way that contributes to expanding financial advancement and drawing in speculations to it, and in light of worldwide advancements within the field of showcasing, the need of reaction of protections companies. Such improvements rapidly sufficient, and the arrangement of suitable plans to go up against them, would make them lose their competitiveness and exit from the advertise inside and out, and the Algerian insurance companies have not however accomplished the good thing about the Web in showcasing their protections items, as the utilize of the Web is still in these companies. It moreover runs in a way from other financial segments, and usually due to the nonattendance of communication between the protections companies and the guarantees, and the decrease of protections within the Algerian society.

It can be said, at that point, that the disappointment of the Algerian protections companies to reply to such improvements will make them as it were a middleman working for the advantage of outside protections companies and in this way denying the Algerian economy of the imperative part of this open division.

But on the other hand, the utilize of data innovation may include a parcel of negatives and dangers, which can influence the work of teach, whether it is related to utilize in decision-making or in installment frameworks and as a result, educate must take into consideration all these dangers and work to go up against and diminish them indeed. A few of them have escaped indeed the developed countries and are continuously within the prepare of finding arrangements to them.

Margins:

¹ Essam Anu Selim, The Principles of the Insurance Contract, Knowledge Establishment, Alexandria, 2008, p.11.

² Basem Muhammad Salih, Commercial Law, Section One, Dar Al-Hikma Publications, Baghdad, 1987, p. 210.

³ Guy Ponet, l'assurance et le monde de l'assurance, Bruxelles, Belgique, 2000, p. 6.

⁴ Law No. 04-15 of February 01, 2015 defining the general rules relating to electronic signature and authentication, GR Issue 06, dated February 10, 2015.

⁵ Law No. 05-18 of May 08, 2018, related to electronic commerce, No. 28 dated May 16, 2018.

It should be noted that the Algerian legislator has previously prepared an effective digital platform to support electronic commercial exchanges in terms of the possibility of concluding these exchanges, as well as with regard to the field of electronic payment therein, by issuing Law No. 04-18, Dated May 10, 2018, defines the general rules relating to mail and electronic communication GR Issue 27 of May 13, 2018.

⁶ Art 2 / 1 de la Directive 97/7 / CE du parlement européen et du conseil du 20 mai 1997 concernant la protection des consommateurs en matière de contrats à distance; www.legifrance.gouv.fr

⁷ Youssef Hassan Youssef, Electronic Marketing, The National Center for Legal Issues, Cairo, First Edition, pg. 27.

⁸ Resolution No. 2 of 2012 regarding the use of the Palestinian electronic system to secure vehicles and regulate its mechanism of work.

⁹ Muhammad Fawaz Al-Mutlaqah, Al-Wajeez in Electronic Commerce Contracts, Amman 2006, p. 28.

¹⁰ Osama Abdel-Alim Al-Sheikh, The Contract Council and its Impact on E-Commerce Contracts - A Comparative Study in Islamic Jurisprudence and Positive Law - Dar Al-Fikr University, Alexandria, 2013, p.24.

¹¹ Omar Hassan Al-Moufi, Electronic Signature and Electronic Commerce Law, Amman 2003, pp. 35-36, Article 12 of Law 18-05.

- The Algerian legislator did not address the electronic mediator and was satisfied with the obligations of the electronic supplier as well as the electronic consumer, unlike other legislation, including, for example, the Egyptian legislation in Article 1 / D of the Egyptian Electronic Signature Law No. 15 of 2000 as "a tool, tools, or systems for creating a signature. Electronic: "The Ernitral Model Law on Electronic Commerce of 1976 also defined the electronic medium in the text of Paragraph E of Article 2 as" a person who sends, receives or stores a data message on behalf of another person or provides other services in connection with this data message.

¹² Article 107/1 of the Algerian Civil Code, "The contract must be executed according to what it contains and in good faith."

¹³ Article 106 of the Algerian Civil Code, "The contract is the law of the contracting parties, and it is not permissible to revoke it or amend it except by agreement of the parties or for reasons recognized by the law."

¹⁴ Muhammad Hassan Qasim, Civil Law, Named Contracts, Al-Halabi Legal Publications, Beirut, Lebanon, 2007, p. 556.

¹⁵ Abd al-Hadi al-Sayed Muhammad Taqi al-Hakim, The Insurance Contract, Its Truth and Legitimacy, Al-Halabi Legal Publications, Beirut, First Edition, 2003, p. 99.

¹⁶ Article 16/1 of the Algerian Insurance Law.

- ¹⁷ Jedidi Mirag, Introduction to the Study of the Algerian Insurance Law, University Publications Bureau, Edition 2000, Algeria, p. 69.
- ¹⁸ Article 543 bis 23 of the Algerian Commercial Code, "A payment card is every card issued by legally qualified banks and financial institutions and allows its owner to withdraw or transfer funds."
- ¹⁹ Samah Mihoub, Recent Trends in Banking Services, Master's Note, University of Mentouri, Constantine, Academic Year 2004-2005, pp. 42-43.
- ²⁰ Nidal Salim Barham, Provisions of Electronic Commerce Contracts, House of Culture for Publishing and Distribution, Amman, Third Edition, 2011, p. 135.
- ²¹ The Alstranet is known as "a network made up of a group of intranet networks that are linked to each other through the Internet and maintain the privacy of each intranet while granting the right to partner over some services and files between them."
- ²² Jedidi Mirag, previous reference, pg. 74.
- ²³ Article 26 of Law 18-05, *ibid*.
- ²⁴ Insurance magazine "revue l'assurance", Issue 13, National Insurance Board, Avril - June, 2016.
- ²⁵ Mourad zenikhri, les sociétés d' assurances se mettent aux TIC bulletin des assurances n 37, national des assurances 4 , 2016, p. 09.
- ²⁶ Lgarairess.com / echvhaab / 1592 11.
- ²⁷ ops.dz/en/sante-science- technologie / 50463.2017-11-30.1615.10. Review writing reference
- ²⁸ It should be noted that there is an Executive Decree 07-153 of May 22, 2007 that specifies the method and conditions for distributing insurance products by banks, in order to benefit from the experience of banks and the expansion of their distribution network.
- ²⁹ Finance Law of 2018, Official Gazette No. 76 issued on December 28, 2017.
- ³⁰ Mohamed, Hammadoush Samira, the reality of the technical infrastructure of electronic services for the insurance sector in Algeria, The Academy for Social and Human Studies, Department of Economic and Legal Sciences, Issue 21, January 2019, pg. 56.
- ³¹ Tawgourt Muhammad, Hammadoush Samira, *ibid.*, Pg. 56.
- ³² Article 11 of Law No. 18-05 related to electronic commerce, Article 19 of the Law on Trust in the National Economy No. 575 of 2004 issued on July 21, 2004.
- ³³ Law 04-15 of 02/01/2015 specifying the general rules related to electronic signature and certification, No. 06 dated February 10 2015 Law No. 09-03 of 02/25/2009 related to consumer protection and fraud suppression, Law No. 09-04 of August 05, 2009, which contains the special rules for the control and fight against crimes related to information and communication technology.
- Business sectors of all kinds are exposed to cyber crime. The banking sector is the most exposed to threats, followed by medical centers and then the insurance sector.
- ³⁴ Esraa Gabriel Rashad Mari, Cybercrime, "The Objectives, Causes, Methods of Crime and Its Treatment, Research Studies, <http://mawdoo3.com / Types, Cybercrime, Arab Democratic Center, August 9, 2016>
- ³⁵ Munich re, cyber résilience, the cyber risk challenge the role of insurance, décembre 2014.
- ³⁶ cyber risk solutions, A O N. ifegypt.org, newsdetails, aspx? page - ID 1244 et page detail D 1324.
- ³⁷ Mahmoud Ali Farhat Al-Thawri, Electronic Insurance, The Seventh International Insurance Conference, Aqaba 2019 Conference, 15-17 April 2019.