E.ISSN: 2661-7404 Academic Journal of Legal and Political Researchs P.ISSN:2571-9971
Year: 2024 Vol : eight No : the first Page : 82 - 94

OBSTACLES TO ELECTRONIC LEGALIZATION TO ACHIEVE LEGAL SECURITY IN ALGERIA

Arroussi Sacia *
Faculty of Law and Political Sciences, Setif 2 University
saciarroussi@hotmail.com

Received: 14/02 /2024 **Accepted: 27/02 /2024** **Published: 10/03 / 2024**

Abstract:

Algerian laws are drafted in large numbers in the pursuit of economic progress, which has made those who are addressed lose the ability to understand them, and the principle that there is no excuse for ignorance of the law has been emptied of its content into a serious threat to legal security.

The jurist's acquisition of the technology of codifying the law electronically, publishing it and issuing it through his electronic signature are tools that consolidate the principle of legal security, by making the law available to everyone and enabling them to view it, to know their rights and duties.□

Keywords: Law, electronic, security, guarantee, rights, duties

Introduction :

Development is the primary concern for all peoples and decision-makers, whether at the local, national or international level. If science and technology are the basis of this development, they justify the current Algerian policy trend toward digitizing the economic sector, including the financial system of taxes, transactions, and customs.And even state property.

Like any system in the world, this transition to the digital economy needs trust, security, and stability in order to survive, continue, and preserve rights. This is the role of the law, which is of utmost importance for global trade and international companies. The difference between legal texts would affect Algeria's attractiveness as a foreign market or a suitable area for investment, through the nature of regulating commercial practices, the pattern of policies regulating the economy, and the level of rights and obligations associated with commercial transactions, especially digital ones.

If it is known that establishing, implementing, and comprehending the law requires the passage of a certain period of time.The rapid pace resulting from the speed of technological development makes the danger inherent in the speed with which each new law is exposed to violation, criticism, amendment and repeal.This forces the matter to ask about the appropriate time for legislation to intervene with the possibility of developing it in the future. If the stability of legal provisions is a necessity for legal and judicial security[1],then they will soon It is weakened due to the inability of the law to keep pace with the pace of technological and scientific development. Perhaps the best evidence of this characteristic is the observation of the emergence of a new

* **Corresponding author**□

legal branch following every important development of science and technology with the aim of regulating its use and reducing its risks.

This creates the necessity of imagining new law-making tools that guarantee the legal security of the digital system in the form of electronic legalization.

However,resorting to electronically codified texts in Algeria faces obstacles that limit its effectiveness in achieving legal security in all its forms, summed up in a problem: Is it possible to plead that there is no excuse for ignorance of the law to achieve legal security while impeding electronic codification? In light of the jurist's focus on the law (the first Topic), and the classical view of the rules of issuing and publishing the law (the second Topic).

We seek to overcome these obstacles by analyzing them in this article, to improve the legal framework in order to keep pace with the efforts aimed at digitizing the national economy, in light of a world that continues to witness more economic interconnectedness.

THE FIRST TOPIC : THE JURIST'S FOCUS ON THE LAW

With every change in the nature of the relationships that govern people,there must be laws regulating those changes,and if technological development has changed the nature of these relationships,he does not wait for the jurist to issue a regulating law before he takes his course.

Whatever drafters contribute in the legislative field to the content of legislation, their primary responsibility lies in ensuring prevention against the incoherence and instability of the legal system, as well as its instability[2].In order to avoid legal inflation as one of the most prominent factors threatening legal security.

Which has led some[3]to say that the jurist who only knows the law does not know the law, because relations between people are not regulated or resolved through the law alone, but rather through the influence of the jurist in developing the law through the way he works and his reactions to the influences surrounding him, so instead In order to make a fair decision,he will find himself obligated to keep pace with technology when carrying out his duties[4],and such risks will be exacerbated if he is not competent in regulating this phenomenon to the same degree of its development.

One of the most prominent aspects of specialization in the field related to the topic of the article:understanding the impact of electronic legalization on legal security(the first requirement),and acquiring electronic legalization technology(the second requirement).

FIRST REQUIREMENT: UNDERSTANDING THE IMPACT OF ELECTRONIC LEGALIZATION ON LEGAL SECURITY

The process of unifying legal texts is defined as a process that allows for an organized and structured arrangement of legal texts into a unified part called codification[5],which is generally:«a coordinated and logical presentation of a law that regulates a specific field, and it has a double goal: giving legal force to this presentation,and abolishing previous laws»[6].Thus,the process of unifying or codifying the texts of the law aims to collect its multiple, common texts on a specific subject[7], and thus the codification may include a legislative part and a regulatory part.

However, codification in a written copy(code) by collecting all legislative and regulatory texts, including presidential and executive decrees and decisions, remains insufficient in keeping pace with the movement of economic laws, such as commercial and social laws, such as the Labor Law and the Social Security Law.The large number of these texts and the amendments that occur to them make regular manual research difficult and requires time. Longer, which makes legal knowledge difficult: for ordinary people due to their lack of legal jurisdiction, and even for the competent jurist.Which constitutes a great lack of security and legal stability as it may result in legal violations [8]and disputes between the parties.

Therefore, there is no harm in resorting -as some have termed it - to codifying the law[9],such as commercial law, tax law, or investment law,by collecting all its texts, whether legislative or regulatory; that is, writing them electronically in a unified copy, and including it within the laws window on the General Secretariat of Government's website.

Because electronic publishing[10]facilitates the process of updating laws with everything that is new to them, whether at the level of legislative or regulatory texts, and makes it easier for those interested - even those who are not specialists in the law - the process of reviewing its provisions (Firstly).It also avoids the process of padding in the law that leads to legal inflation (Secondly).

Firstly: **Flexibility in updating laws and ease of access to them.**

The French term (mise à jour) is translated into Arabic legal terms with the word modernization, which means: adding new things; renewing; making something new[11].

As for the widespread use of the word "Tahiyin" to refer to modernization, it is not correct from a linguistic standpoint. The meaning of "Tahiyyin" and "the Muhayyin matter" were mentioned in the Arabic language in the sense of "timing for a while." The appointed time is a period of time, and what is appointed is a matter that is temporary for a while. You revive a thing by giving it a living, and you revive a camel by milking it once a day.[12]

The recent constitutional amendment in Algeria enshrined the most important pillars of legal security, which is that the state ensures access to and stability when developing legislation related to rights and freedoms[13],which requires providing easy access to the legal base.

The process of codifying the law electronically facilitates access to the legal text that the informed person needs in the form of the investor or the lawman. In this context, the role of storage and retrieval technology as well as communication technology really appears.The creation of databases related to laws and work within the framework of information networks would facilitate the access process. To the law in a timely manner that keeps pace with the speed of commercial transactions, especially via the Internet, such as the electronic contract, for example, and at the lowest costs and in the easiest ways,according to what decision makers require about concluding a contract or not, for example,or resolving disputes.

But apart from the practical aspect of electronic legalization, it also achieves a scientific and legal aspect as it gives flexibility in setting the legal rule, and allows developing its content by choosing appropriate terminology and introducing legal corrections to the text[14],without repeating the wording that leads to legal inflation.

Secondly: Avoid statutory inflation.

The phenomenon of legal inflation appears in the form of excessive legislation and regulation in the form of an increase in the number of texts. It does not become peaceful general rules, but rather a collection of specialized texts that seek detail[15].It is a phenomenon that affects all branches of law, such as commercial laws, labor law, real estate law, tax law, and other obstacles that It is difficult for people, especially investors and legal specialists, to find the legal text framing their activity or research.

Despite the text being precise and detailed, it may quickly become ineffective in the face of moving and evolving facts resulting from the digital system, which gives the law a transitional appearance[16].

The solution to all of this we see in electronic codification, which makes the legal rules stored digitally more flexible and more applicable to situations that we mention, but not limited to:

1-Deleting the canceled texts with new provisions. In this context, electronic technicians have no room for implicit cancellation because the database is programmed to alert every previous text that contradicts or copies the new text.

2-The computer can also be programmed to avoid confusion between previous and subsequent legislation, unify legislative texts with their regulatory texts, and classify them according to their content.

3-Through electronic codification, multiple texts on a specific topic can be collected with the click of a computer button. Thus, codification may include a legislative part and a regulatory part.

The process of electronic codification requires high technology, whether it is focused on the formal aspect of the legislative drafting, which includes the structure of the text and how it is tabulated, or on the objective aspect in terms of achieving the intended purpose of the text, or in terms of protecting texts from tampering with their content in a way that threatens legal security.Which requires a jurist Al-Sayegh Legal Texts acquires electronic codification technology.

SECOND REQUIREMENT: ACQUIRING ELECTRONIC CODIFICATION TECHNOLOGY

Technology generally covers a group of interconnected phenomena, such as the phenomenon of transferring the ability to produce using it, the phenomenon of transferring the ability to control this technology[17],and reproduce it, as well as designing new technology.

Because the legal nature has changed significantly thanks to technology and has become an integral part of all the different legal tasks. In order to continue to be effective and efficient in performing his duties, the professional lawman must acquire the technology related to the safe and optimal use of the digital system for various work needs, including mastering a variety of word processing programs, Billing programs and the conclusion of electronic contracts, various programming applications,as well as proficiency in major communications technology, including: e-mail and related technology such as video conferences, voice messages, and remote lectures, familiarity with technological and electronic discovery, supporting and documenting lawsuits, and document management, preservation, and processing.

One of the manifestations of the acquisition of electronic codification technology by jurists, drafters of laws, or those responsible for publishing and issuing laws is their ability to unify legal texts electronically(Firstly),and to publish and issue these texts by signing them electronically (Secondly).

Firstly: Unifying legal texts electronically.

With the expansion of legal texts and the development of modern media technology, the unification, classification, and presentation of legal texts in a technological manner, that is, with databases, has become a very important issue because it is a development tool in a market that depends on information and technology.

Technically, databases are defined as a collection of cards that contain modified and organized data that allows the data to be cut according to the user's desire, with the possibility of referring to it when needed.[18]

If the Algerian legal texts published electronically are available, they remain incomplete from the unified economic and social laws in the form of: the Civil Code and its unification with the law specifying the general rules related to electronic signature and authentication, the commercial law which can be unified with the law specifying the rules applied to commercial practices and the law of electronic commerce, The competition law, which can be unified with the consumer law, and the investment law, which can be unified with the tax law, and even these laws individually are separate and not unified by including all their executive decrees.

This is not in the interest of digitizing the national economy and justifies resorting to the database system as an effective classification system used to arrange files containing laws in an alphabetical system by choosing specific titles, arranging them, and then publishing them electronically unified. In this case, databases are considered a medium for storing and processing countless files. Its organization aims to collect all data or information related to a special field[19].

In order to achieve this, each ministry can collect all legislation related to its activities, and then, with the help of a specialized legal committee, undertake to reformulate and simplify legislation through the American deregulation technique, which aims to reduce the role of legal rules in favor of market mechanisms by granting economic operators a greater margin of freedom. It is defined as: « a set of procedures that aim to reduce the size and/or weight of legal rules. This reduction may be quantitative and take the simple form of resetting the legal system, and it may also be translated into a mechanism for alleviating legal obstacles »[20].As examples of this technique, we mention:

1-Implicitly canceling the canceled texts by using a special electronic program that allows these texts to be revealed, instead of stipulating that they are implicitly canceled if the new law includes a text that conflicts with the text of the old law or regulates anew a subject whose rules were previously determined by that old law[21].

2- Amending the body of the electronically codified text instead of resorting to issuing a legislative or regulatory text - as the case may be - amending it, while marginalizing the amended article and mentioning the amending law in the margin.

What hinders the enforcement of the law at the time of voting on it or a referendum on it is that it is not in effect unless it is signed in writing by the competent official, and in this case we note that officials do not use electronic signatures.

Secondly: Issuing the law by signing it electronically.

The electronic signature is a short unit of data that bears a mathematical relationship with the data present in the content of the document[22].The Algerian legislator defined it, similar to the French legislator, as being a digital signature that is actually linked to the information that the sender wishes to send to the other party, meaning that it is data in an electronic form that is actually linked to the information. which he wishes to send.[23]

In order for the electronic signature to be considered as evidence of proof if necessary,they must be created on the basis of:

1-An electronic certification certificate[24]issued by a recognized official body, linked to the signatory only in a way that enables his identity to be determined and the signatory to have exclusive control.

2-Protecting the electronic signature[25]by converting its data into incomprehensible codes (that appear meaningless) to prevent unauthorized persons from changing the content of the electronically signed document[26].The more stable the electronic signature is within the preservation of the electronically signed legalization[27].

This is the procedure that we encourage Algerian officials to use to publish and issue electronic regulations, because of its advantages of facilitating their tasks even remotely, such as in a situation where the validity of the constitutional amendment is disrupted. If the electronic signature is used to publish the decree containing this amendment and it is issued without disruption, then what is the point of regulating electronic signature technology and ensuring procedures Its security? It is not used by officials of all professional levels in public facilities, who must be role models in using modern technologies to highlight the intention of pursuing a policy of digitizing the national economy, whether they are legal or not.

The effectiveness of electronic codification in ensuring that the law reaches all its addressees and its stability as one of the most important pillars of legal security remains lame in Algeria, not only for a scientific reason, which is the jurist's focus on the law, but also for a legal reason, which is represented by the classical view of the rules for issuing and disseminating the law.

THE SECOND TOPIC : THE CLASSICAL VIEW OF THE RULES FOR ISSUING AND DISSEMINATING LAW

Technology has had a profound impact on all areas of society and its activities. The law was unable to withstand it given the extent to which it is mandatory and classified into peremptory and complementary rules. This rule has retreated in favor of new patterns of dealing that existed in reality before civil law and commercial law regulated them, such as electronic commerce, proof in writing. Electronic and electronic signature, due to the freedom of proof in commercial matter[28],electronic contract, and in the field of constitutional law, phenomena existed before this law also addressed them with the emergence of electronic government, electronic election, and electronic administrative decision and contract.

The criminal law also intervened later to criminalize acts related to the use of technology, or what is legally known as information crimes. The law no longer discovered reality, as the classical theory of law believed, but rather created it, thus transforming it from a social goal into a means of codifying technology in terms of whether it is beneficial or harmful facts.[29]

Therefore,some comparative legislation, such as the French law[30], corrected the method of publishing the law, by stipulating that the law enters into force the day after its publication (either physically or electronically) unless there is a provision specifying another procedure for the law to enter into application, and the French text did not include linking knowledge of the law with the department's seal on it. Official Gazette.

This is the text that Algerian law lacks, despite the decline of the traditional rules for issuing and publishing the law (the first requirement), and the work of investors on the condition of legislative stability (the second requirement).

FIRST REQUIREMENT: THE DECLINE OF TRADITIONAL RULES OF ISSUING AND PUBLISHING THE LAW

The law becomes officially effective and binding after passing through several stages, which can be divided into four sections: proposal, approval, issuance, and publication.

Publication is the last stage that the law goes through, after which it becomes binding and applicable to all citizens who are subject to its provisions.The purpose of publication is to inform people of the law and broadcast it to them so that it becomes effective for them[31]. The law then exists by approving it by the legislative authority, its existence is officially proven and it becomes enforceable. It is issued by the President of the Republic, but it cannot be implemented with regard to citizens or obligated to apply it until they are informed of it, and that is by publishing it in the Official Gazette.

The principles of publication and enforcement of legislation in Algeria are regulated by the Civil Code[32],stipulating that it shall be effective in Algiers after a full day from the date of its

publication, and in other areas within the scope of each district after a full day from the date of the Official Gazette arriving at the headquarters of the district, and the date of the district's seal placed on the newspaper attests to this. Therefore, publishing the law in the Official Gazette is considered the equivalent of an individual notification, and it is assumed that this publication has led to people becoming aware of the law, noting that there are some urgent cases that are related to the highest interest of society, in which the rule of publication can be departed from, and the law will be applied from the date of its issuance, as in the case of procedures[33].

If people do not seek to know the laws after they are published in the Official Gazette;The consequences of this must accrue to them alone because they are the negligent ones, and from here came the constitutional principle[34]that there is no excuse for ignorance of the law.

However, the basis for the official publication of the law to advance the principle of there is no excuse for ignorance of the law is the text of the publication "The Official Gazette" and not the method of editing this newspaper regarding whether it is in writing or electronically, otherwise there is no value for all of: the permissibility of proof by electronic writing[35], the digitization of the administration and its activities starting from the website. The General Secretariat of e-government, and the digitization of economic sectors without recognizing the officiality of publishing the law electronically. Moreover, the officiality is essentially not linked to the method of writing the law, but rather to the authority that issued it, and as long as the law is issued by the state, there is no difference between publishing it in writing or electronically.

This interpretation is one of the rules of justice in which the principle finds its basis, which means that accepting the protest of ignorance of the legal rule that the state - as an official body - publishes electronically is a denial of its binding character, as it makes the basis for binding it the availability of knowledge of it, while the legal rule is distinguished before all else. Something with its intrinsic obligation emanates from it and from its own existence, not from a factor external to it such as knowledge of it[36].

Despite these justifications for the decline of the traditional rules of issuing and publishing the law, they do not, in principle, guarantee the effectiveness of the legal rule as the most prominent legal security mechanism, especially in the face of the administration, which could claim its ignorance of the law due to the absence of its seal on the Official Gazette that contains it, based on Article 4 of the Civil Code, which... It is necessary to expedite the amendment of this article by accepting the publication of the Official Gazette in electronic form, and deleting the paragraph (... and in other areas within the scope of each department after a full day has passed from the date of the arrival of the Official Gazette to the headquarters of the department, and the date of the department's seal placed on the newspaper attests to this). To avoid every interpretation by which the person addressed by the law evades compliance with it, and makes the investor, whether foreign or local, not feel confident investing in Algeria in the presence of these bureaucratic obstacles, so he resorts to the condition of legislative stability.

SECOND REQUIREMENT: THE CONDITION OF LEGISLATIVE STABILITY

Applying the condition of legislative stability is one of the most important guarantees that attract investment, especially in countries that need to attract foreign capital, including Algeria. It is a means for the investor to avoid the risks of legislative instability in the host country, so the authority of the contracting parties works to stabilize the contract law, so only its provisions apply to the contract. In force at the time of its meeting without any change occurring in the future[37].

The legislator has confirmed the permissibility of this condition in the law related to investment[38], and it means: « that condition under which the state undertakes not to apply any new legislation or regulation to the contract it concludes with the foreign company »[39].

An aspect of jurisprudence[40] also defines it as: « those conditions that aim to freeze the role of the state as a legislative authority and party to the contract and at the same time prevent it from changing the legal rules in force at the time of its conclusion, as the state undertakes under it not to issue new legislation that applies to the contract concluded between it and the foreign contracting party." With it, in a way that upsets the economic balance of the contract and results in harm to the foreign party contracting with it ».

The aim of including the condition of legislative consistency in investment contracts is to avoid amendments that may be included in the law applicable to the contract, which countries make to achieve their economic goals and keep pace with developments in various fields. Legislative stability makes the foreign investor aware of the legal rules that continue to regulate his contractual relationship. With the country hosting the investment, which allows it to guarantee the security and return of the investment[41].

The issue of the validity of the conditions for legislative stability and its implications is considered one of the issues that has sparked great controversy in jurisprudential circles[42]and before arbitration bodies[43]. Jurisprudence has differed over the issue of the validity and effectiveness of the conditions for legislative stability. It is an important issue because the matter requires reconciliation between the sovereign right of the state, which gives it the authority to amend. Legislating or abolishing it on the one hand, and respecting the principle of the contract, the law of the contracting parties, and the principle of respecting acquired rights on the other hand, and thus the state respects its contractual obligations towards the foreign investor and strips it of its ability to carry out its various powers.

The decisive factor in reconciliation between the host country and the foreign investor is the knowledge of both parties about the law that they intend to base the contract on when concluding it.This is the problem that faced the company Sonatrach, which was forced to pay 4.4 billion dinars to the American company "Anadarko" and 920 million dollars to the company "Maersk", due to the company's negligence. Sonatrach included additional fees on the profits made by the American company, which were included in the legislative texts issued by Algeria following the amendment to the hydrocarbons law in 2006.[44]

Conclusion:

The principle that ignorance of the law is not excused is achieved when the totality of legal rules is carefully formulated, stable and fair in a way that does not threaten the legal security of citizens. With the transition to the digital economy, these rules must keep pace with this transition and at the same degree of its development. This can only be achieved by removing the obstacles to electronic legalization that It facilitates the process of updating legal texts with the speed of developments in reality, especially those related to the economy related to technological development, and also allows easy access to them by reducing legal inflation.

In order to remove these obstacles, the following measures can be taken:

-The jurist's mastery of the technology of electronic codification of laws; Such as the software (Logiciel) that helps him monitor and scan all legislative and regulatory texts of the state via the computer.

- After the monitoring process, he can use the same technique, but those related to canceling the explicitly or implicitly canceled texts and removing the many regulations that are poor in content, which distract from the search for the legal text in every action of businessmen or jurists.

- Using databases and the jurist's experience in law, unifying the legal texts by combining the legislative text with its regulatory texts, such as social law, investment law, and commercial

laws, and classifying them according to their field in the laws portal on the General Secretariat of Government's website.

- Avoid legal inflation in the future by amending the body of the codified text electronically instead of resorting to issuing a legislative or regulatory text - as the case may be - amending it, while marginalizing the amended article and mentioning the amended law in the margin. This process is easily provided by the database.
- Activating electronic signature technology to issue and publish laws, instead of the traditional signature, which delays the process of issuance and publication because it requires the personal presence of the signatory.
- Amending Article Four of the Civil Code by accepting the publication of the Official Gazette in electronic form and deleting the last paragraph thereof, to eliminate bureaucracy as the biggest obstacle to domestic and foreign investment.

Bibliography List setting:

-First: legal texts
-Presidential Decree No. 20-442 dated 12/30/2020, regarding the issuance of the constitutional amendment, Official Gazette No. 82 issued on 12/30/2020.
-Law No. 04-02 of June 23, 2004, specifying the rules applicable to commercial practices, Official Gazette No. 41, issued on June 27, 2004, amended and supplemented by Law No. 10-06 of August 15, 2010, Official Gazette No. 46, issued on 18 August 2010.
-Law No. 15-04 of 02/01/2015 defining the general rules related to electronic signature and authentication, Official Gazette No. 06 issued on 02/10/2015.
-Law No. 22-18 of July 23, 2022, relating to investment, Official Gazette No. 50, issued on July 28, 2022.
-Order No. 75-58 - dated September 26, 1975 containing the Civil Code, amended and supplemented up to Law No. 05-10 dated June 20, 2005, Official Gazette No. 44 issued on June 26, 2005.
-Order No. 75-59 of September 26, 1975, which includes the Commercial Code, amended and supplemented up to Law No. 05-02 of February 6, 2005, Official Gazette No. 11, issued on February 9, 2005.
-Civil Code of the Republic of France, which is due to the donation code: January 1, 2021, released on January 25, 2021.
-Second: books
-Ahmed Ibrahim Hassan, The Purpose of Law: A Study in the Philosophy of Law, University Press House, Alexandria, 2000.
- Ahmed Ibrahim Hassan, Origins of the History of Law, University Press House, Alexandria, 2012.
- Ahmed Anwar Badr, Information Science and Libraries: Studies in Theory and Subjective Correlations, Dar Gharib for Printing, Publishing and Distribution, Cairo, 1996.
-Bashar Muhammad Al-Asaad, Investment Contracts in International Private Relations, Dar Al-Nahda Al-Arabiya, Cairo, 2005.
-Carolina Cerda-Guzman, codification under constant law, an oxymoron?, presses de l'Université Toulouse 1 capitole, LGDJ - Lextenso Editions, Paris, 2010
- Hafida Al-Sayyid Haddad, Contracts concluded between the state and foreign persons, Dar Al-Nahda Al-Arabiya, Cairo, 2001.
- Hector Garcia-Molina, Jeffrey D. Ullman, Jennifer Widom, database systems the complete book, second edition, by Pearson Education Inc, New Jersey, the United States of America, 2009.

-Ojjah Al-Jilali, Introduction to Legal Sciences, Theory of Law, Part One, Berti Publishing, Algeria, 2009.
- Mustafa Kamal Taha, Commercial Contracts, Dar Al-Fikr Al-Jama'i, Alexandria, 2005.
-Wegnez Léon F, introduction to computing, éditions Eyrolles, Paris, 2017.
-Third: memory
-Aibout Mohand and Ali, Legal Protection of Foreign Investments in Algeria, Thesis for the State Doctorate in Law, Faculty of Law, Mouloud Mammeri University of Tizi Ouzou, 2006.
-Nabil Gamal Eldine, legal supervision of "Electronic Transferable Documents", thesis to obtain the degree of doctor, specialty: private law and criminal sciences, doctoral school of law and political sciences and the private law laboratory research unit, the University of Montpellier, defended on 01/19/2017.
- Sabahy Christelle, "Stabilization and intangibility clauses – in state contracts between Middle Eastern states and oil companies – and WTO jurisprudence", end of study dissertation in political science, Institute of Political Studies, University Lyon 2, 2013.
-Fourth: Articles
- Abdul Rahman Boudraa, Update is a timing, not an update, Journal of the Arabic Language Academy on the World Wide Web, Kingdom of Saudi Arabia, Issue 13, March 2017.
- Douini Mukhtar, "No one is excused for ignorance of the law," a principle far from the truth, close to illusion, Journal of the Standard in Arts, Humanities, Social and Cultural Sciences, Volume 5, Issue 10, Ahmed Bin Yahya Al-Wancharisi Tissemselt University Center, 2014..
- Jacques Chevallier, legal regulation in question, law and society review n°49, Associated Legal Editions, Paris, 2001.
- Jean Paillusseau, the modern law of legal personality, quarterly review of civil law, dalloz, Paris, 1993.
- Kassal Samia Zaidi, The Role of the Legislative Consistency Clause Included in Investment Contracts in Protecting the Foreign Investor: Petroleum Contracts as an Example, Journal of Rights and Liberties, Faculty of Law and Political Science, Mohamed Khidir University, Biskra, third issue, December 2016.
- Ghassan Obaid Muhammad Al-Mamouri, The condition of legislative consistency and its role in arbitration in petroleum contracts, Risala Al-Huqoq Magazine, Volume One, Issue Two, Faculty of Law, University of Karbala, 2009.
- Guy Rocher, For a sociology of legal orders, the law books, volume 29, n°1, faculty of law of Laval University, 1988.
- Olivier Cayla, theory of the legal norm and its application, Ehess directory: course and conference reports (2008-2009), School of Advanced Studies in Social Sciences, Paris.
- Muhammad Yasser Ayyash, The Principle of No Ignorance of the Law, Specialized Legal Encyclopedia, Volume Six: Jurisprudence - European Court of Human Rights, Arab Encyclopedia Authority, Presidency of the Syrian Arab Republic, Damascus, 2011.
- Paillusseau Jean, law is also a science of organization, Rev.trim.dr.com, n°28, dalloz, Paris, 1989.
- Reynis Bernard, clicking is signing, Sem. Jurid – Notarial and Real Estate n°49, December 8, 2000, LexisNexis editions, Paris.
-Fifth: Forum works
- Houari Antar, Formal Aspects of Legislative Stability, National Forum on: Legal Security, held at the Faculty of Law and Political Science, Kasdi Merbah University, Ouargla, on December 5 and 6, 2012.
- Karim Karima, The impact of using modern technologies in achieving legal security, National

Forum on: Legal Security, held at the Faculty of Law and Political Science, Kasdi-Merbah University, Ouargla, on December 5 and 6, 2012.

[1]-There are many factors that achieve the transparency of the principle of legal security,the most important of which are the separation of powers, the independence of the judiciary, the inability to isolate it, the validity of the matter decided and the reasoning for judgments. The mechanisms for achieving this principle are also numerous depending on the legal systems between countries,but they can be divided into two types: The first relates to the formation of the law as a consideration. Legislation is the first official source of law, the principle of non-retroactivity of the law and the rule that ignorance of the law cannot be excused.As for the second mechanism,it relates to legal systems such as statute of limitations, legal evidence and the principle of the validity of the res judicata. For more information: Ahmed Ibrahim Hassan, Fundamentals of the History of Law,University Press House, Alexandria, 2012, p.194.

[2]-Houari Antar, Formal Aspects of Legislative Stability, National Forum on: Legal Security, held at the Faculty of Law and Political Science, Kasdi Merbah University, Ouargla, on December 5 and 6, 2012, p.133.

[3]-Paillusseau Jean, law is also a science of organization, Rev.trim.dr.com, n°28, dalloz, Paris, 1989, p.114.

[4]-Karim Karima,The Impact of Using Modern Technologies in Achieving Legal Security, National Forum on: Legal Security, held at the Faculty of Law and Political Science, Kasdi-Merbah University, Ouargla, on December 5 and 6, 2012, p. 98.

[5]-Olivier Cayla, theory of the legal norm and its application, ehess directory: course and conference reports (2008-2009), school of advanced studies in social sciences, Paris, p.542.

[6]-Ibid, p.543.

[7]-Carolina Cerda-Guzman, codification under constant law, an oxymoron?,presses de l'Université Toulouse 1 capitole, LGDJ - Lextenso Editions, Paris, 2010, p.67-79.

[8]-Ojjah Al-Jilali,Introduction to Legal Sciences, The Theory of Law, Part One, Berti Publishing, Algeria, 2009, p.229.

[9]-Jean Paillusseau, the modern law of legal personality, quarterly review of civil law, dalloz, Paris, 1993, p.707.

[10]-Electronic publishing is defined as:the use of computers and electronic devices, in various fields of production, management and distribution of data and information and their circulation. The information or information that is published is not produced on paper, for the purposes of distribution, but rather by distributing it on electronic media such as floppy and compact disks, or through electronic networks. Such as the Internet, because this nature of publishing uses computers in most of the stages of preparing for publishing and reviewing the published materials and information, it has received the name electronic publishing. Ahmed Anwar Badr, Information Science and Libraries: Studies in Theory and Subjective Correlations, Dar Gharib for Printing, Publishing and Distribution, Cairo, 1996, p. 308.

[11]-Philip T. Abi Fadel, Dictionary of Legal Terms (French-Arabic), Expanded Dictionary of Law, Legislation and Economics, Lebanon Library, Lebanon, first edition, 2004, p. 980.

[12]-Abd al-Rahman Boudraa, Update is a timing, not an update, Journal of the Arabic Language Academy on the World Wide Web, Kingdom of Saudi Arabia, Issue 13, March 2017, p. 304.

[13]-Presidential Decree No. 20-442 dated 12/30/2020, regarding the issuance of the constitutional amendment, Official Gazette No. 82 issued on 12/30/2020, Article 34, last paragraph thereof.

[14]-Nabil Gamal Eldine, legal supervision of "Electronic Transferable Documents", thesis to obtain the degree of doctor, specialty: private law and criminal sciences, doctoral school of law and political science and the private law laboratory research unit, the University of Montpellier, defended on 01/19/2017, p.180.

[15]- Ahmed Ibrahim Hassan, The Purpose of Law: A Study in the Philosophy of Law, University Press House, Alexandria, 2000, p. 180.

[16]- Guy Rocher, For a sociology of legal orders, the law books, volume 29, n°1, faculty of law of Laval University, 1988, p.117.
[17]-Mustafa Kamal Taha, Commercial Contracts, Dar Al-Fikr University, Alexandria, 2005, p. 227.
[18]-Wegnez Léon F, introduction to computing, éditions Eyrolles, Paris, 2017, p.200.
[19] -Hector Garcia-Molina, Jeffrey D. Ullman, Jennifer Widom, database systems the complete book, second edition, by Pearson Education Inc, New Jersey, the United States of America, 2009, p.7.
[20]-Jacques Chevallier, legal regulation in question, law and society review no. 49, Associated Legal Editions, Paris, 2001, p.836.
[21]-Order No. 75-58 of September 26, 1975 containing the Civil Code, amended and supplemented up to Law No. 05-10 of June 20, 2005, Official Gazette No. 44 issued on June 26, 2005, Article 2, last paragraph.
[22]-Ayes Rashid Ayes Al Marri, The extent of the authority of modern technological means in proving commercial contracts, doctoral dissertation, Cairo University, 1998, p. 91.
[23]-Law No. 15-04 of 02/01/2015 specifies the general rules related to electronic signature and authentication, Official Gazette No. 06 issued on 02/10/2015, Article 6.
[24]- Ibid., Article 15.
[25]-Ibid., Article 10.
[26]- Reynis Bernard, clicking is signing, Week. Legal – Notarial and Real Estate n°49, December 8, 2000, LexisNexis editions, Paris, p.1747.
[27]-Law No. 15-04 specifies the general rules related to electronic signature and authentication, op. cit., Article 11/02.
[28]-Order No. 75-59 of September 26, 1975, which includes the Commercial Code,amended and supplemented up to Law No. 05-02 of February 6, 2005, Official Gazette No. 11 issued on February 9, 2005, Article 30.
[29]- Paillusseau Jean, op.cit, p.750.
[30]- Civil Code of the French Republic, op.cit, article 1.
[31]- Douini Mukhtar, "No one is excused for ignorance of the law," a principle far from the truth, close to illusion, Journal of the Standard in Arts, Humanities, Social and Cultural Sciences, Volume 5, Issue 10, Ahmed Bin Yahya Al-Wansharisi Tissemselt University Center, 2014, p. 329.
[32]- Order No. 75-58 containing the Civil Code, amended and supplemented, op. cit., Article 4.
[33]- Ibid, Article 7/1.
[34]-Presidential Decree No. 20-442 regarding the issuance of the constitutional amendment, op. cit., Article 78, first and second paragraphs.
[35]- Order No. 75-58 containing the Civil Code, amended and supplemented, op. cit., Article 323 bis 1.
[36]- Muhammad Yasser Ayyash, the principle of no ignorance of the law, specialized legal encyclopedia, volume six: jurisprudence - european court of human rights, arab encyclopedia authority, presidency of the syrian arab republic, damascus, 2011, p. 475.
[37]- Kassal Samia Zaidi, The Role of the Legislative Stability Clause Included in Investment Contracts in Protecting the Foreign Investor: Petroleum Contracts as an Example, Journal of Rights and Liberties, Faculty of Law and Political Science, Mohamed Kheidar University, Biskra, third issue, December 2016, p. 176.
[38]-Law No. 22-18 dated 07/24/2022, relating to investment, Official Gazette No. 50 issued on 07/28/2022, Article 38.
[39]- Ghassan Obaid Muhammad Al-Maamouri, the legislative constancy condition and its role in arbitration in petroleum contracts, resalat al-huqoq magazine, volume one, issue two, faculty of law, university of karbala, 2009, p. 172.
[40]- Bashar Muhammad Al-Asaad, investment contracts in international private relations, dar al-nahda al-arabiya, cairo, 2005, p. 293.
[41]- Aibout Mohand and Ali, legal protection of foreign investments in algeria, thesis for the state doctorate in law, faculty of law, mouloud mammeri university of tizi ouzou, 2006, p. 134.

[42]- Jurisprudence has divided on the issue of the validity and effectiveness of the conditions for legislative stability into three trends: a trend that defends the condition based on the theory of the free contract, which leads to liberating the contract from being subject to any law, especially the law of the contracting state, a trend that rejects the condition by referring to the principle of full state sovereignty, and a compromise trend between Contractual freedom and state sovereignty by distinguishing between subjecting the contract to the system of law of the contracting state, in which case this law determines the legal value of the legislative stability requirement, and subjecting the contract to international law, as the latter is what determines this value. See:
Sabahy Christelle, "Stabilization and intangibility clauses – in state contracts between Middle Eastern states and oil companies – and WTO jurisprudence", end of study dissertation in political science, Institute of political studies, University Lyon 2, 2013, p.20-21.
[43]-Among the most famous rulings of the arbitration courts that dealt with the condition of legislative consistency, with a different point of view regarding the condition of legislative consistency, we mention: the arbitration of the Italian company AGIP with the government of the Congo in 1979, in which it was stated: « The arbitration court noted that the government had undertaken in accordance with the text of Article Four of the agreement concluded between...The two parties agreed that the company would continue to maintain its character as a private joint-stock company, and it also pledged, in accordance with Article 11 of the same agreement, not to amend the company's legal system even if new amendments were introduced to the Companies Law. As a result, the arbitration court decided to unilaterally terminate the contract. According to the nationalization decision issued in 1975, it clearly ignores the requirement of legislative stability, the application of which derives not from the sovereignty of the contracting state, but from the joint will of the parties ». And the arbitration of the American company Aminoil with Kuwait in 1982, which stated: « The conditions of stability and inviolability included in the contract The parties intended procedures that could cause serious financial harm to the company's interests due to their nature of expropriation, and since nationalization is not considered an act of expropriation, as it is subject, according to international law, to several conditions, including the payment of appropriate compensation, the condition of legislative stability contained The contract that is the subject of the dispute does not target nationalization procedures ». See: Hafida al-Sayyid Haddad, Contracts concluded between the state and foreign persons, Dar al-Nahda al-Arabiya, Cairo, 2001, p. 322.
[44]- Kassal Samia Zaidi, previous reference, p. 192.