

## The Algerian commercial registry digitization system

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### **Abstract :**

The legislator has shown a keen interest in keeping up with technological developments, and considers the digitization of the commercial registry to be a step towards ensuring transparency in the commercial information system, This is because digitization provides accurate and precise information, enabling the state to better monitor commercial activities, The commercial registry appears is a useful tool for providing all data and statistics about the commercial market, in order to guide investment decisions. The goal of digitizing the commercial registry is to move towards a digital environment through a modern model for the commercial registry, in order to avoid all forms of forgery, manipulation, and commercial fraud. Simplifying the registration procedures has significant practical benefits, in addition to contributing to the protection of the national economy, For these reasons, the legislator has issued a series of laws aimed at getting rid of the paper commercial registry in favor of a digital one.

**Keywords :** Commercial Registry -Digitization- Economy- Information.

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## Introduction

The digitization of the commercial registry system is one of the most important topics of the digital economy based on information technology provided by the Internet, which facilitates the implementation, management, and monitoring of commercial activities<sup>1</sup>. The widespread use of modern information and communication technologies has led to a change in the traditional management pattern, with the emergence of what is called e-government, which uses information technology to carry out administrative transactions in order to simplify administrative and bureaucratic procedures, and to regulate the economy and make more efficient use of resources<sup>2</sup>. Currently, e-government is considered the foundation for economic and commercial reform in developing countries.

In order to combat fraud and forgery, which are among the most significant problems facing regular commercial registers, especially fake commercial records, the legislature has moved towards establishing an electronic commercial register system. This is to reduce commercial fraud and respond to the need for modernizing the commercial sector in preparation for Algeria's accession to the World Trade Organization<sup>3</sup>.

Commerce is undoubtedly one of the pillars upon which any country's national economy is built. Therefore, when specialists formulate general economic policies, they rely on all the information contained in the commercial register. The information must be accurate and precise to enable the state to direct commercial activity. Therefore, the commercial register is a legal, informational, and statistical tool of paramount importance, especially after its digitization, which appeared in 2013. Despite the delay in its generalization, this did not prevent the emergence of its positive results. This prompted the legislature to establish mechanisms and procedures aimed at generalizing the system and achieving a comprehensive national card.

This led us to ask the following question: what is the legal and economic importance of the digital commercial register, and what efforts have been made by the legislator to establish a system for digitizing the commercial register and the mechanisms for generalizing its use?

To answer these questions, we will follow an analytical and descriptive approach to clarify the information related to this study, and divide the study into two parts:

- 1-The importance of maintaining an electronic commercial register.
- 2-The legal procedures followed for digitizing the commercial register.

### **Firstly: The importance of maintaining an electronic commercial register**

The purpose of establishing a commercial register is to support commercial credit, instill confidence and peace of mind in the parties involved, facilitate the study of the market and commercial transactions, as it reveals the legal status of the merchant and all elements of their business, based on accurate and reliable data. This aims to eliminate cases of commercial fraud, fictitious and counterfeit commercial records, thereby protecting the national economy.

Therefore, it is necessary to refer to the legal, informative, and advertising role of the commercial register and its development, as well as highlighting its fundamental practical role and importance in protecting the national economy, as essential factors for the adoption of the commercial registry's digitization system.

### **1.The informational Role of the Commercial Registry and Its Development**

Before delving into the mechanisms that the legislator has introduced to adapt commercial activity to the new requirements, it is necessary to address the role played by the commercial registry as a means of encompassing all the data and statistics about the commercial market in order to guide investment.

#### **1.1 The importance of the commercial registry as an informative and advertising tool**

The legislature has introduced legal provisions to keep up with the developments in the field of commerce, and the digitization of the commercial register is considered a major step towards modernizing the commerce sector. It is also a supportive and complementary step to the legislature's efforts to develop the legal advertising system for commercial information. The commercial register is considered a tool for information and publicity, in addition to being the most important obligations of the merchant.

Responsibility for issuing and organizing the commercial register falls to the National Center for the Commercial Register, which is an independent administrative institution. The center operates with financial independence and legal personality, and is considered a merchant in its dealings with others. Despite being subject to judicial supervision<sup>4</sup>, the commercial register is predominantly an administrative tool that is used to collect comprehensive and accurate information about commercial establishments.

The most important functions of the register are its legal and advertising roles. The legal role involves maintaining a record of all registered commercial entities, which interested parties can access to verify a business's legal status. Meanwhile, the advertising function involves publishing information about newly registered commercial entities, such as their name, business address, and the names of their owners. This information is publicly available and helps to inform potential customers, creditors, and other interested parties about new businesses<sup>5</sup>.

The commercial register is a tool for information and advertising. Therefore, its digitization, especially after the legal obligation of advertising commercial activity, has contributed to strengthening the legal advertising system for commercial information. Before the issuance of Law No. 04-08 regarding the conditions for practicing commercial activities, there were no clear legal provisions regarding legal advertising, but with this law, legal advertising became mandatory for all merchants, whether natural or legal persons.

Article 15 of this law provides that: "Every natural person engaged in trade must carry out legal advertising procedures. The mandatory legal advertising aims to inform others of the trader's status and eligibility, the address of the main establishment for actual trade exploitation, and ownership of the commercial base".

Article 12 of law number 04-08, which relates to the conditions for practicing commercial activities, also imposes the same legal obligation on legal entities engaged in commerce.

The legislator has empowered the commercial register officer to examine the validity of the data provided to him. Therefore, this information is subject to the control of the local branch officer of the commercial register. After verifying its accuracy, it is announced to others. Anyone who is interested and at their own expense can obtain any information related to a natural or legal person registered in the commercial register from the National Center for the Commercial Register, according to Article 16 of the same law. Thus, the legislator has made some data subject to registration in the commercial register subject to opposition by third parties.

Based on this, the legislator has worked to narrow the gap between the parties involved in terms of the information obtained by imposing the obligation to provide information to ensure the conclusion of contracts with clarity and transparency. This facilitates obtaining information for market research, allowing contracting parties to make informed decisions that suit their needs and objectives<sup>6</sup>.

Therefore, the advertising role of the commercial register has been strengthened in informing others of the natural person's status, eligibility, and activity. Moreover, registering a legal entity in the commercial register cannot be enforced on others until a full day has passed from the date of legal signals, according to Article 11 of Law No. 04-08 relating to the conditions for practicing commercial activities.

### **2.1 The evolution of the advertising role of the commercial register has led to the stabilization of its statistical function.**

This promotional role of the commercial register has been ensured after the National Commercial Register Center was commissioned by Executive Decree No. 16-136, which specifies the procedures and expenses for the inclusion of legal advertisements in the Official journal of Legal Advertising<sup>7</sup>. The decree emphasizes the necessity of publishing every useful piece of information for economic operators<sup>8</sup>. As a result, the legal advertisement and the role of the commercial register in it have become clearer, which is deduced from the official documents and papers required by the legislature. Prior to this, Executive Decree No. 92-70 concerning the Official journal of Legal Advertising<sup>9</sup> only commissioned the National Commercial Register Center to prepare the Official journal of Legal Advertising according to Article 01, without specifying the required information and publication procedures.

These provisions have strengthened the effects of registration in the commercial register and its informative and promotional role. However, the accuracy and validity of the information remain the certain guarantee that provides trust and credibility. The information can only play this important role if it is accurate, valid, and possesses certain characteristics. Otherwise, it may have an adverse effect on rights. Simply informing others does not guarantee the accuracy of the information provided. This reduces the effectiveness of the information and makes its impact contradictory to its true mission of ensuring transparency.

Knowledge of third-party facts is a difficult matter to prove. Therefore, the French legislator acknowledges the objection of information, even in the absence of its publication, if the merchant can prove the knowledge of the third party and bears the burden of proof<sup>10</sup>. This procedure remains ineffective for the third party unless the latter seeks to search for the information. This is not something that individuals do continuously, and even in the case of searching for information, nothing confirms their knowledge, especially since this knowledge is usually associated with short legal deadlines<sup>11</sup>.

Legal texts play an important role in creating a strict disclosure system that prevents harm to others through false or inaccurate information.

The informational and advertising role of the commercial register is dependent on the third party's own search for information. Merely receiving information from the commercial register about the information provided by those subjects to registration does not necessarily imply third party knowledge of such information. Furthermore, it does not guarantee its accuracy or conformity to reality in the absence of both prior and subsequent judicial supervision of the registration process in the commercial register.

The legislator attempted to address this issue by recognizing the need to establish an electronic commercial register system under Law No. 13-06 on the conditions for practicing commercial activities<sup>12</sup>. Article 5 of this law provides that "registration in the commercial register may be made electronically, and an extract of the commercial register may be issued through an electronic procedure, the model of which is determined by regulation." Subsequently, the legislator began to regulate electronic registration.

The electronic nature of the commercial register has confirmed its statistical function, after easing registration procedures and the changes that have occurred in the powers of commercial register officers<sup>13</sup>.

The role of the commercial registry has always oscillated between expansion and contraction depending on the legal status attributed to it. However, with the legislator's move towards digitization, its role has been limited to an informative function, as others can obtain information about every natural or legal person registered as a trader to ensure the safety of transactions and contracts before concluding them.

In addition to its informative function, the commercial registry has a legal function, where the data entered in it constitutes evidence against others. On the other hand, a statement not recorded in the commercial registry cannot be relied upon by others unless they knew it through another means<sup>14</sup>.

The reason why the role of registration is limited to its advertising function is that it is a very simple criterion for acquiring the status of a trader. A person dealing with a registered trader in the commercial registry has the right to prove the opposite, despite the registration. Similarly, a trader can deny their commercial status granted to them by presenting evidence that allows them to exclude this status, despite being

registered in the commercial registry. The acquisition of the status of a trader is subject to the conditions of Article 1 of the Commercial Law<sup>15</sup>.

Although Law No. 04-08 on the conditions for practicing commercial activity has addressed the issue of registration by obliging every natural or legal person to consider the commercial registry extract as the official document qualifying them to practice commercial activity, it also prohibits the practice of commercial activity without registration and requires the closure of shops whose owners do not have a commercial registry extract<sup>16</sup>.

However, registration only helps prove the commercial status of the merchant, and the conditions for acquiring it are only those listed in Article 1 of the Commercial Law, especially since the commercial legislator requires the merchant to be registered. Anyone who possesses the status of a merchant must acquire it before registration<sup>17</sup>.

## **2. the practical and economic importance of the electronic commercial register**

The purpose of digitizing the commercial register is to move towards a digital environment through a modern model of the commercial register to avoid all forms of forgery, manipulation, and commercial fraud that disrupt trade between merchants. Hence, we shed light on the importance of this digitization practically and its role in protecting the national economy.

### **1.2 the practical importance of the electronic commercial register**

Given the important role that commercial activity plays in building the economies of countries, most legislations around the world have been interested in regulating commercial enterprises and the means that achieve transparency in their practice. Due to the tremendous progress made by electronic commerce, which is associated with the use of computers, the creation of the global information network, and the widespread use of email instead of traditional mail.

All of this has led to the inevitability of registering commercial activity through computers and the internet due to the efficiency and high capability of the digitization system in organizing and limiting information and its inclusion of modern data that facilitates the process of recording the activities of the merchant and their legal status. Traditional registration no longer aligns with the reality of contemporary commerce and the speed and credit required in the commercial sector<sup>18</sup>.

In order to keep up with technological advancements, the legislator has attempted to digitize the legal system by issuing electronic support that is important for the commercial sector, especially with the emergence of electronic payment methods, electronic bonds, and even electronic commercial registers when the legislator issued a law regulating the accounting process in an automated way.

Although the legislator did not explicitly mention "electronic commercial registers", it allowed for the possibility of keeping commercial registers through automated or traditional manual information systems according to Executive Decree No. 09-110, which specifies the conditions and methods for keeping accounting records using automated information systems<sup>19</sup>.

The practical importance of the electronic commercial register lies primarily in the organization and regulation of information related to the merchant's activity, whether in the case of their activity or even their removal from the register, to ensure accurate data on a regular basis.

This serves the statistical function of the commercial register, as this function is an effective tool for the state to obtain accurate statistics on the state of commerce, including the importance of the capital invested in it, the percentage of individual or commercial companies, their nationalities, the various types of commercial activity, and to know the size of the projects that the private sector is establishing and executing<sup>20</sup>.

This system automatically rejects mixed-up information, which helps combat cases of fraud and eliminate forged or fictitious commercial records, as well as cases of incorrect or altered information.

## **2.2 The role of the electronic commercial register in protecting the economy**

Electronic registration is an important tool for regulating economic activity by imposing necessary control to serve development, which leads to protecting the economy from commercial fraud, deception, and incorrect data.

The digital system helps tax authorities, customs, and security in the process of control and monitoring. This system subjects merchants to continuous monitoring and enables the digital registration system to secure documents and prevent the destruction or loss of the original copy. It also develops the process of file storage and reduces the problem of insufficient space allocated for storage. Despite the slow dissemination and difficulty of the electronic commercial register, its effects have begun to appear. Control authorities have observed positive results and considerable benefit from electronic registration, especially in the issue of fraudulent traders. Therefore, it is necessary to complete the process and find mechanisms for its dissemination in order to provide real investment conditions for traders, despite opposition from some merchants who find it easier to be monitored without having to provide their files or even be aware of it.

The commercial files are under the control of all relevant authorities to commercial activity, including security agencies. Therefore, the opposition of some traders to this system has hindered its implementation<sup>21</sup> despite its crucial role in protecting traders from certain forms of unlawful competition, such as the misuse of their trade name. This is particularly important for intangible assets such as trademarks, patents, and industrial designs, which are only protected after registration in the commercial registry<sup>22</sup>.

Moreover, the registration protects traders from confusion between similar or identical trade names. Traders cannot register a trade name that has already been registered in the commercial registry, which provides a level playing field for legitimate competition<sup>23</sup>. The electronic commercial registry also provides easy access to the data it contains, allowing judges to quickly verify a trader's registration and activity. This helps to identify malicious intentions, particularly when a trader

conducts commercial activity without registration. In this case, the trader automatically loses all the benefits of commercial law, including the right to object to others and the freedom to provide commercial evidence.

For a trader, registration in the commercial register is considered an obligation that grants them important rights, such as the right to maintain their commercial status before administrative bodies, the judiciary, and third parties. This enhances their legal position within the business environment. However, if they violate this registration, they will lose all of these advantages, without disregarding the possibility of facing criminal penalties, including imprisonment.

### **Secondly: Legal procedures for digitizing the commercial registry**

Algeria has undertaken several legal reforms to modernize its legal system in preparation for its accession to the World Trade Organization. In line with the realities of international trade, various legal texts have been introduced in the commercial sector, including the establishment of a digital commercial register system. Since its introduction in 2013, the system has undergone significant stages of development, and was put into effect in 2014 and 2015. Recently, there has been an urgent need to implement the system more widely due to its slow adoption, which can be attributed to several factors, including its optional nature when it was first introduced.

#### **1. Phases of establishing the electronic commercial registry system.**

In order to improve public services, the relevant authority has developed a government program that includes digitizing many areas. Preparation was made for digitizing the commercial register through certain procedures in preparation for an e-government, and in order to meet the challenge, it was necessary to transition from a paper-based commercial register to a digital one that can be managed online.

##### **1.1 The preparatory stage for establishing an electronic commercial registry system.**

The electronic commercial register serves as a technical card for the merchant and their commercial activities. It defines and helps evaluate the legal position of the merchant based on certain data. It includes all types of merchants, whether natural or legal persons, regardless of whether their activity is local or international, whether they own or lease their business, and whether they are Algerian or of foreign nationality, as long as they conduct their activity within the national territory<sup>24</sup>.

The legislator has issued several laws that confirm acceptance of electronic technology in commercial transactions. The legislator introduced electronic payment methods in 2005<sup>25</sup> and in 2015, introduced the law on electronic signatures and authentication.<sup>26</sup>

In order to regulate commercial activity, the legislator turned to digitizing the commercial register, making several important amendments in preparation for this. The need to digitize the commercial register emerged as a result of steps taken by the legislator to develop the commercial sector when issuing texts that regulate the comprehensive statistics process for merchants, in response to the need for up-to-date



information on the economic situation in Algeria. The executive decrees issued at that stage include Executive Decree 97-42 dated 18-10-97, which includes the comprehensive registration of merchants, and Executive Decree 97-323 dated 26-08-1997, which also includes the comprehensive registration of merchants. Executive Decree 03-453 dated 01-12-2003 relates to the conditions for registration in the commercial register, and it shows the legislator's intention to ease the registration requirements and reduce the necessary documents for registration in the commercial register.

The period was characterized by the preparation of legislative and structural legal texts in anticipation of Algeria's accession to the World Trade Organization. However, the qualitative leap witnessed by the commercial register system and commercial activity as a whole was embodied in Law No. 04-08 on the conditions for conducting commercial activities, which represented a new perspective on commercial activity.

This law expanded the freedom of business operators and gave a narrow role to the commercial register, reaffirming the legislature's intention to ease the registration requirements in the commercial register and exempt those subject to it from many documents in preparation for the establishment of an electronic commercial register system.<sup>27</sup>

By virtue of this law, the legislator also repealed a large part of Law No. 90-22 related to the commercial register, excluding it from regulating the commercial register.

### **2.1 Electronic Commercial Registry System bidding.**

The legislator introduced the Electronic Commercial Register under Law No. 13-06, which amends and complements Law No. 04-08 on the conditions for practicing commercial activities in 2013<sup>28</sup>. This was done in an effort by the legislator to adopt all that is new and beneficial to the national economy, especially after adopting electronic writing following the amendment of the Civil Law in 2005<sup>29</sup>, recognizing the equality between electronic writing and paper writing in terms of validity under certain conditions.

Article 05 of Law No. 13-06 provides that "registration in the commercial register can be done electronically, and the commercial register extract can be issued through electronic means, with its model being determined by regulation".

Law No. 13-06 on the conditions for practicing commercial activities also includes specific technological amendments to those provisions related to the Electronic Commercial Register, where the legislator amended the legal advertisement provisions for traders, companies, and natural persons, exempting public industrial and commercial institutions from the obligation to make legal advertisements.

After the issuance of Executive Decree No. 15-111, which outlines the procedures for registration, modification, and cancellation in the commercial registry, the legislator indicated in Article 03 that electronic registration in the commercial registry<sup>30</sup> can be done by submitting registration-related documents electronically, in

accordance with the technical procedures for electronic signature and authentication<sup>31</sup>. The legislator also confirmed the possibility of issuing an electronic extract of the commercial registry. This electronic authentication relies on the necessity of meeting the accreditation requirements of the body responsible for electronic authentication, which must be technically, legally, and professionally qualified to carry out electronic authentication. These bodies are essentially national and governmental authorities responsible for electronic authentication.

The amendments introduced by the legislature in Executive Decree No. 15-111, which sets out the procedures for registration, amendment, and deletion in the commercial register, have transferred the powers of commercial register officers, as provided for in the repealed Executive Decree No. 97-41<sup>32</sup>, to examine the compliance of registration files. The competent authority then rejects any incomplete or non-conforming files, either in form or substance, to the legal provisions governing the commercial register.

However, after the repeal of Executive Decree No. 97-41, Law No. 04-08 concerning the conditions for conducting commercial activities is referred to, which only provides for compliance monitoring by the commercial register officer and not for health monitoring. Article 08 stipulates that "the local branch officer of the National Center for the Commercial Register is qualified to register every natural or legal person in the commercial register based on the required file".

Limiting the powers of commercial register officers has stabilized this system in its statistical function, which is compatible with electronic technology and in line with the legislature's desire to digitize the commercial register.

## **2. Generalization of the Electronic Commercial Register System in Algeria.**

The authority resorted to the necessity of generalizing the use of the electronic commercial register for traders who do not possess it, and emphasized that the regular commercial register will be invalid after a certain period of time, therefore it is necessary to find ways to generalize the electronic register and investigate the reasons for the delayed modernization of the commerce sector in the field of the commercial register.

### **1.2 The general reasons for the delay in digitizing the commercial registry system.**

After the appearance of the commercial registry system in 2013, it began to be implemented in the capital city of Algeria in 2014. The use of information technology in public facilities requires the preparation of various sectors<sup>33</sup> and the enhancement of the use of information technologies to link them with administrative tasks, in order to provide a distinguished service to citizens, investors, and foreigners, achieve objectives with the least time, effort, and cost, and benefit from the accuracy and effectiveness of technology, and improve administrative performance<sup>34</sup>.

The government has tried to adapt legal and regulatory texts and simplify procedures to ensure the speed and transparency required by the commercial sector

with the aim of gradually generalizing the electronic commercial registry in the form of a card across all provinces and regions of the country.

The process of generalizing the system experienced a significant delay as the national card was not completed immediately after its appearance, and the main reason for this may be attributed to the optional nature of the electronic commercial registry.

In addition to traders not favoring the digitization of the commercial registry because it puts them under continuous surveillance, this opposition has contributed to the slow pace of generalizing the system. Therefore, the legislator attempted to establish legal mechanisms to complete the national card process.

## **2.2 The legal mechanisms for generalizing the electronic commercial registry system.**

According to Law No. 18-08 regarding the conditions for practicing commercial activities<sup>35</sup>, the legislator stipulated the establishment of an electronic portal to facilitate the procedures for establishing enterprises. The National Center of the Commercial Registry was entrusted with the task of managing the electronic portal dedicated to the establishment of enterprises, in accordance with Article 05 repeated 01. The electronic portal includes a standardized form.

The National Center of the Commercial Registry approves the completed and electronically signed standardized form, confirmed by the enterprise creator, and registers it with the administrations responsible for the commercial registry, taxes, statistics, and social security<sup>36</sup>.

Since 2014, the National Center of the Commercial Registry has introduced a secure code integrated into the electronic registry. The code can be read using the "Commercial Registry Reader" application installed on smartphones and electronic boards. This code ensures the security of the commercial registry extract and verifies its authenticity.

This code can be used to read information related to commercial records and facilitates the monitoring of commercial institutions. The information that proves the accuracy of the commercial record consists mainly of:

Commercial registration number

Name and surname of the merchant, the social address of the institution, and its status (active or deleted from the registry)

State of registration.

This mechanism is subject to regulation by Executive Decree No. 18-112, which defines the model for the commercial record extract issued by electronic means<sup>37</sup>.

Under this decree, an electronic code will be included in the commercial record extract for merchants, whether they are natural or legal persons. The code is considered a symbolic cipher that contains data and information about the merchant in accordance with Article 03 of the same decree.

The commercial record extract includes an electronic code printed in black on a white background in the upper right of the front face of the record, surrounded by a black frame. According to the decree, the electronic code of the record can be read by

any device equipped with a photo capture system, using an application that can be downloaded for free on the electronic portal of the commercial record.

The updating of the processes contained in the code is regularly carried out by the services of the National Center for Commercial Register. As for the issue of damage to the code, the decree referred to it in Article 06 of the same decree and confirmed that such damage renders the commercial register extract invalid, and the registrant is required to submit a request to obtain a copy of the commercial register extract bearing the electronic code.

In accordance with Executive Decree No. 18-112, the old models of commercial register extracts are replaced by new models issued electronically. The decree also added that traders who possess old commercial register extracts must amend them to include the electronic code. The necessary documents for this comprehensive replacement include.<sup>38</sup>

The necessary documents for this comprehensive replacement are as follows:

A signed and completed request on forms provided by the National Commercial Register Center.

An original copy of the commercial register extract.

A receipt for payment of the tax stamp fees specified in the applicable tax legislation.

A receipt for payment of the commercial register amendment fees as specified in the applicable regulations.

The legislator has set a one-year deadline from the publication of this decree, during which commercial records that are not provided with this code will remain valid for one year from the date of publication of this decree in the Official journal. After the expiration of this period, the records become invalid.

To achieve this comprehensive implementation, the relevant ministry has established the National Commercial Register Center and all its local branches located in the 48 states, available to economic operators to provide all necessary information. Additionally, the Ministry of Trade, in cooperation with the Ministry of Post and Telecommunications, has introduced the mobile electronic surveillance technology for commercial records through electronic verification panels. This technology enables surveillance agents to detect the identity of the commercial register owner and to verify the extent of the conformity of the commercial records with the code carried by each electronic commercial register through the electronic database.

### **Conclusion**

Electronic and informational services have become indispensable, and providing services electronically is more accurate, which prevents fraud and manipulation, as it is without direct contact with the relevant person, ensuring greater transparency. To achieve these objectives, the legal provisions relating to the commercial register have undergone significant development, as the legislature has updated this system with the aim of achieving comprehensive digitization of the commercial register, facilitating the practice of commercial activities and ensuring their transparency. The

system has seen great demand from those subject to it, as the number of traders registered in the electronic commercial register continues to increase despite the difficulties that hindered the implementation of the system, due to the lack of interest in it when it first appeared and the difficulty of deleting old records. Although most of the services provided by the National Center for the Commercial Register today are digital and electronic, to generalize digitization, it is necessary to provide the capabilities to obtain applications specific to this field and to provide the real will for the success of this digital process, which is a qualitative leap in the field of regulating economic activity.

Therefore, it is useful to recommend the following:

- The necessity of paying attention to finding digital solutions, including applications for registering in the commercial register, in addition to electronic registration platforms and platforms that provide various commercial services electronically.

- Working on providing advanced software and applications to achieve digital transformation and the ability to control it.

- Developing electronic skills and seeking innovative electronic solutions using artificial intelligence.

- Developing electronic systems and e-commerce to facilitate business operations.

- Necessary measures should be taken to ensure that this transition is carried out effectively and on a wide scale, including providing the appropriate infrastructure, legislation, and policies that help promote and facilitate digitalization.

### **Margins:**

<sup>1</sup> Abdulaziz Lotfi Jad, *Electronic Society Security*, First Edition, Al-Wafa Legal Library, Egypt, 2017, p 11.

<sup>2</sup> Essam Abdel Fattah Matar, *E<sub>e</sub>government*, Dar Al-Jami'a Al-Jadida, Egypt, 2008, p37.

<sup>3</sup> Mohamed El-Sayed El-Feki, *Commercial Law*, Dar Al-Jami'a Al-Jadida, Egypt, 2010, p 246.

<sup>4</sup> Article 02 of Law No. 04-08, dated August 14/2004, regarding the conditions for practicing commercial activities, published in Official journal No. 52 of August 2004.

<sup>5</sup> Said Al-Bustani, Ali Awaadah, *Al-Wafi in the Basics of Commercial Law and Traders*, First Edition, Halabi Legal Publications, Lebanon, 2001, p 50.

<sup>6</sup> Shirzad Aziz Suleiman, *Good Faith in Contract Formation, A Study in Light of Domestic Laws and International Conventions*, 1st edition., Dar Majalla for Jordan Publishing, 2008, p. 375.

<sup>7</sup> Executive Decree No. 16-136, dated April 25/ 2016, determining the procedures for publishing legal notices in the Official journal of Advertisements, published in Official Gazette No. 27, 2016.

<sup>8</sup> Article 02 of the above-mentioned Executive Decree No. 16-136.

<sup>9</sup> Executive Decree No. 92-70 dated February 18/ 1992, regarding the Official journal of Legal Announcements, J.O No. 14/ 1992.

<sup>10</sup> B.H. Fallon, *Business Law, Merchants Entrepreneurs, Business Assets*, 19th Edition Sirey, France 2012, p 70.

<sup>11</sup> Yves Guyon, *Business Law, General Commercial and Company Law*, Volume 1, 6th Edition, Economica, France, 1991, p. 978.

<sup>12</sup> Law No. 13-06 dated July 23/ 2013, amending and supplementing Law No. 04-08 concerning the conditions for practicing activities, Official journal of July 3/ 2013.

<sup>13</sup> Details on this will be provided in the second part of the study.

<sup>14</sup> Mohammad Saleh, Commercial Law, Part I, Legal Library, Baghdad, 2006, p. 120.

<sup>15</sup> According to the first article of the Commercial Law, a merchant is defined as any natural or legal person who carries out a commercial activity and makes it a habitual profession.

<sup>16</sup> Articles 02 and 31 of the above mentioned Law No. 04-08 concerning the conditions for practicing commercial activities.

<sup>17</sup> Ben Hamidouche Nour El-Din, Registration in the commercial register: between condition and effect, review of Legal Studies Research, 12 edition, Faculty of Law and Political Science, Mohamed Boudiaf University of M'sila, december 2018, p. 12.

<sup>18</sup> Belkaibat Mourad, Conditions for organizing commercial books, review of Legal and Political Studies, University of Laghouat, January 2017, p. 138.

<sup>19</sup> In accordance with Executive Decree No. 09-110 dated April 7/ 2009, which sets out the conditions and procedures for keeping accounts through computerized information systems.

<sup>20</sup> Muhammad Saleh, as cited previously, p 120.

<sup>21</sup> KENZA Zouaïri, Digitalization of the commercial register in Oran: an economic necessity delayed by the ignorance of traders, published in El Djazair.com News on October 1/2015, accessed in February 2020.

<sup>22</sup> Aziz Al-Aqeeli, Commercial Law, Dar Al-Thaqafah Publishing and Distribution Library, Jordan, 1995, 116.

<sup>23</sup> Ben Hamidouche Nour El-Din, as cited previously, p 31.

<sup>24</sup> Ahmed Saad El-Din, Registration in the Commercial Register in Light of the Provisions of Executive Decree 15-111", Algerian review of Legal, Political, and Economic Sciences, University of Algiers 1, Faculty of Law, 2016, p.295.

<sup>25</sup> In accordance with Law No. 05-02 dated February 6, which amends and supplements Order No. 75-59 containing provisions of commercial law, Officiel journal No. 11, 2005, the rules relating to electronic signature and certification are determined.

<sup>26</sup> Law No. 15-04, dated February 1, 2015.

<sup>27</sup> Ali Fatah, The Evolution of the Commercial Register from Standardization to Abstraction, Journal of Legal and Political Sciences Research, n° 6, 2019, University of Tiaret, p.383.

<sup>28</sup> Law No. 13-06 dated July 23, 2013, relating to the conditions for practicing commercial activities, Officiel journal, n° 39, 2013.

<sup>29</sup> In accordance with Law No. 05-10 dated July 20, 2005, containing the Civil Code, Officiel journal No. 78, 2005.

<sup>30</sup> Executive Decree No. 15-111 specifies the methods of registration and deletion in the commercial register dated 03-05-2015, Official Journal No. 24 May 2015.

<sup>31</sup> Fatima-Zohra Tabboub, Electronic Signature and Authentication under Law No. 15-04, review of the University of Algiers 1, n°. 29, 2016, p. 320.

<sup>32</sup> The above-mentioned Executive Decree n°. 15-111 has been repealed.

<sup>33</sup> The electronic commercial register was developed by the Ministry of Commerce and the National Center for the Commercial Register in coordination with the Ministry of Post and Information Technology.

<sup>34</sup> Essam Abdel-Fattah Matar, as cited previously, p. 35.

<sup>35</sup> Law No. 18-08 of June 10, 2018, concerning the conditions for the exercise of commercial activities, Official Journal n°. 35 June 2018.

<sup>36</sup> Law No. 18-08 of June 10, 2018, concerning the conditions for the exercise of commercial activities, Official Journal n°. 35 June 2018.

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<sup>37</sup> Executive Decree No. 18-112 of April 05/ 18 specifies the model of the commercial register extract issued by electronic means, Official Journal n°21, 11/4 2018

<sup>38</sup> Article 07 of the above mentioned Executive Decree n°18-112, which specifies the model of the commercial register extract issued by electronic means.