

Legal Protection for the Consumer in E-Commerce According to Saudi Law (A Descriptive, Analytical, and Comparative Study with the Laws of the United States of America)

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How to cite this paper: Almalki, A. (2021). Legal Protection for the Consumer in E-Commerce According to Saudi Law (A Descriptive, Analytical, and Comparative Study with the Laws of the United States of America). *Beijing Law Review*, 12, 1131-1147. <https://doi.org/10.4236/blr.2021.124058>

Received: November 5, 2021

Accepted: December 5, 2021

Published: December 8, 2021

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Abstract

The current research indicates that the legal aspect in the Kingdom of Saudi Arabia needs continuous development in line with global developments, specifically in the issue of consumer protection. The Saudi legislation is based on the provisions of Islamic Sharia, which may need more detail and codification in the form of law articles that are suitable for dealing between individuals. One of the important things that the contracts must include is that there is equality of rights between the contracting parties and the provision of consumer protection. There are many prohibited practices according to the provisions of Sharia, but they need clear and strong laws that protect the consumer because he is the weakest party in the contract. This research used the descriptive method to explain the Saudi regulations, analyze them and compare with the United States of America regulations regarding consumer protection in e-commerce. The research aims to develop Saudi regulations and regulations for consumer protection in e-commerce. This research concluded that there is a need to develop Saudi consumer protection laws in e-commerce and increase consumer awareness of the law through several methods in education, advertisements, government contributions, and support the role of community associations that protect the consumer. The research also indicates that there are practices and methods of fraud in e-commerce that need control and penalties which prevent consumer harm. There is also a need to reformulate some regulations in the Saudi e-commerce law, and there is a need for a comprehensive law that protects personal data in all online transactions.

Keywords

Electronic Commerce, Consumer, Electronic Stores, Saudi E-Commerce Law, and Consumer Protection

1. Introduction

In e-commerce, there is a contract between the consumer and the merchant, and often the consumer does not know the location of the merchant, and the consumer cannot see the product or verify the product specifications, so there is a need to provide legal protection to the consumer under the new regulations. Many electronic commercial contracts are made with a consumer who may not have the legal knowledge of the importance of legal protection and contract obligations, so a dispute may occur, and this makes many consumers do not trust electronic trading (Ayob, 2017).

Therefore, the search for the legal protection of consumers in e-commerce contracts is a very important issue. Although there are a lot of previous studies and research which write about consumer protection in commerce generally, they do not delve deeply into the field of electronic commerce and do not explain the legal ways which protect a consumer from fraud. The research aims to organize and develop effective legal protection for the Saudi consumer in electronic commerce, and this protection must be available at all stages of the contract, and it is also concerned with increasing the awareness of the Saudi consumer of his rights in commercial dealings so that he is not exposed to fraud or theft of his private data, and other crimes and violations that harm e-commerce in Saudi Arabia (Driggs, 2019).

2. Aim of the Study

The article aims at the importance of legal protection for the Saudi consumer in e-commerce and the development of all regulations related to consumer protection in e-commerce. The article also clarifies and analyzes the legal environment in the Kingdom of Saudi Arabia and its compatibility with Islamic Sharia and compares it with the laws of the United States of America to clarify the strengths and weaknesses of the Saudi e-commerce law. Therefore, this article focuses on the regulations related to e-commerce for the Saudi consumer so that the consumer is fully aware of the legal aspects of e-commerce transactions.

2.1. Scope of the Research

The scope of the article focuses on reviewing the regulations in the Kingdom of Saudi Arabia in the e-commerce law that are related to consumer protection, and a comparison will be made in the protection regulations in the Saudi e-commerce system and the regulations of the United States of America to identify the strengths and weaknesses and benefit from the various experiences in the

field of e-commerce.

2.2. Research Questions

What is the background to the regulation of the Saudi government in E-commerce law?

What are the methods provided by the provisions of Islamic Sharia to achieve protection for the consumer?

What are the methods provided by the provisions of Saudi law to achieve protection for the consumer?

To what extent is Saudi law interested in providing legal protection to prevent violations of consumer privacy in electronic commerce?

Is the legal environment according to the Saudi e-commerce law suitable for consumer protection compared to the regulations of other countries?

2.3. Methodology

The research approach applies more than one approach, which is as follows: The descriptive-analytical approach is based on the systematic description of the facts and characteristics related to the specific problem and the analysis of the content in practice to answer the research questions. The research also applies the comparative method between Islamic Sharia applied in Saudi laws and the laws of the United States to know the strengths and weaknesses in Saudi e-commerce law. The comparative legal research aims to find the differences between the regulations and to benefit from the experiences of others.

The research contains several sections interested in researching Saudi consumer protection in e-commerce. Therefore, there is a section looking at preventing fraud in business operations according to the provisions of Sharia, Saudi regulations, and American regulations, and comparing them with each other. The other section focuses on the protection of data privacy to display all the Saudi regimes that have taken care of data protection, as well as the American experience in data protection due to its importance and to prevent others from using it in irregular ways. At the end of the research, the results are presented through comparisons, description, and analysis of Sharia provisions and Saudi and American regulations, and then the conclusion and recommendations of the study are presented.

3. Protect Consumers According to Saudi Law and the United States Law

According to the provisions of Islamic Sharia, fraud is prohibited by all means, and it does not differentiate in the place or nationality of the consumer. Fraud is prohibited in any way. It was mentioned in several verses in the Qur'an and Sunnah, that Islam affirms the ethical aspects in protecting consumer rights, and this is what Saudi regulations applied in preventing commercial fraud and imposing penalties on those who practice fraud and all international agreements on

fraud prevention because that harms the consumer and all systems seek to enhance consumer confidence In electronic commerce, which aims to several positive things on the economy of countries and the development of trade (Alabdu-latif, 2018).

There are some cases in electronic commerce that are contrary to the provisions of Islamic law, for example, in the provisions of Sharia issued in the Qur'an and Sunnah, it is forbidden for the merchant to sell goods that he does not own, and this is what the Prophet Muhammad mentioned (forbidding the sale of gharar) (El-Gamal, 2001). In e-commerce, many electronic stores offer products owned by major companies such as Amazon, through which the consumer can choose the product only and pay the price, and the store sends the request to Amazon, the owner of the product. Therefore, there are opinions in Islamic law about it, which is to prevent it because the consumer thinks that the product is owned by an electronic company, which is a marketing company for other sites. Therefore, the Ministry of Commerce is supposed to regulate this issue in line with the provisions of Islamic Sharia by imposing controls that regulate the work of marketing and require displaying all ownership details product to the consumer.

Also, in some other texts mentioned in the Saudi Electronic Law, which is the consumer's right to terminate the contract in the event of delay in receiving the product, and this right was mentioned in the provisions of Sharia when there is a defect in the product and gave the consumer a right called the right of revocation. So, there are some differences in the wording of the regulations that may be interpreted differently in the Saudi judiciary.

The Saudi government has issued a system to combat commercial fraud in the Saudi Ministry of Commerce, which defines the fraudulent product accordingly which is every product has been altered or tampered with in some way, which has lost something of its material or moral value, and the corrupt product that is no longer suitable for exploitation, use or consumption and was not in conformity with the requirements of the Approved standard specifications. These are the specifications and conditions that must be provided in the products according to the Saudi Standards and Metrology Authority regulations (The anti-fraud of Saudi law).

After the issuance of the anti-fraud system, the Saudi Ministry of Commerce sought to establish several committees that decide on fraud cases in the regions of the Kingdom, which are the committees that decide on cases and their provisions are implemented. These committees receive consumer claims related to commercial fraud and also have employees who control markets and products in cooperation with other government agencies that arrest and investigate with them.

Concerning e-commerce and online purchasing, many consumers do not have complete knowledge of the legal aspects of contracting and purchasing online and are only looking for products and clicking Agree and paying without any reading of the terms of the contract. Here the damage is done to them, so the

Saudi government organized the work of companies through the e-commerce law, which required companies to have a license from the Ministry of Commerce and display that permit on the company's website and clarify all information related to products and their prices. Also, the consumer should see the company's name and address so that he can sue in the future in case of disputes.

In Saudi Arabia, according to the e-commerce law, the store must have a commercial register issued by the Saudi Ministry of Commerce and Investment or if it does not have a record, it has a Maroof certificate, which is granted to practitioners of electronic commerce through social media (Almehaimeed, 2020). All the information of these records is available to the customer so that he makes sure before dealing with the online store that it is reliable in The Saudi Ministry of Commerce and Investment. So, here comes the role of oversight, if the customer had a problem with this store, he will submit a complaint to the Saudi Ministry of Commerce and Investment, and this is the benefit of checking the store if it is registered or not (Shamma & Morrison, 1977).

However, if the online store does not have a commercial register or has a Maroof certificate, in this case, the consumer applies by submitting a complaint to the Ministry of the Interior through police stations or electronic security applications, and the dispute is related to the information crime law. So, the jurisdiction differs from the first case in which the dispute is under the law of the Ministry of Commerce and Investment. Despite the importance of documenting the online store at the Saudi Ministry of Commerce and Investment, in one of the ways, whether with a commercial register or Maroof certificate, there are other advantages for the merchant, which are protecting his trademarks from theft and increasing the confidence of those dealing with him. So, the more reliable the dealings in official ways, the safer the work and preserving the rights of both parties (Shoult, 2006).

When using websites to purchase products, we see many companies that place advertisements that attract consumers and the word discounts that attract consumers. It is possible that it is not any actual discounts, and this is one of the methods of fraud. Also, many companies place advertisements on the product, and the price is clear, but when consumers choosing will move to the conditions page that is contained very many conditions and is written in very small writing. These are also ways to defraud the consumer who often does not read the terms. It is possible that among these conditions, the consumers pay other costs that do not include the price of the goods, and it is possible that the consumer cannot recover the amount or change the choice (Alfuraih, 2008).

In the United States, there are several systems to protect the consumer from all forms of abuse, including a law responsible for the product to the lawsuit. This law is based on the plaintiff when demanding the factory or the owner of the store to take responsibility if the product finds a design defect or manufacturing defect or failure to warn and when violating the guarantee this law gave the consumer the right to file a lawsuit because of the damage from any product. Also, there is the Consumer Product Safety Act (CPSA) in addition to the Food

and Drug Administration (FDA) for consumer products, and it is concerned with the protection and safety of food, drugs, and cosmetics, which meet various safety standards. The Consumer Product Safety Authority and the Food and Drug Administration implement many of these laws and regulations (**Law by Consumer Product Safety Act (CPSA)**). The Consumer Product Safety Act (CPSA) of 1972, authorizes the agency to set standards and prohibitions. It also gives the CPSC the authority to follow up on returns and ban products that do not conform to the terms of this law. Its main objective is to protect the consumer by making sure of the products industry and aims to reduce the risks of injuries and deaths resulting from consumer products through developing industry standards and banning consumer products. If there was no standard sufficiently protecting the public to research potential product risks.

In *Cortez v. MTD Products, Inc.*, 927 F. Supp. 386 (N.D. Cal. 1996), the plaintiff, Juan Cortez, was injured while using a lawnmower purchased from the defendant, MTD Products, Inc. After about twelve years, the defendant appeared to work as a lawn cutter and noticed an oil spill. When he tried to clean the device, his hand was pulled into the machine and he was injured.

Plaintiff sought several different claims against the defendant due to negligence in the warning card and that the lawn blade was not applied with the hand control system. At the time of sale and at the time of injury, the lawnmower was marked with warning users of the possible danger of the cutting blade. The plaintiff's attorney acknowledged on the oral argument that the poster on the mower complied with federal regulations (which were undisputed in effect at the time of manufacture) setting requirements for warnings of hazards associated with lawnmowers blades. The defendants admit that the lawnmower that Mr. Cortez was using when he was injured was manufactured and sold without any code control system. The court held that the wording of the preemption clause in the Consumer Product Safety Act, 15 U.S.C.A. § 2075(a), makes it apparent that Congress intended to preempt positive enactments, such as statutes and regulations, by states that address the same risks of injury that are addressed by operative federal standards. The court also indicated that the CPSA not only preempts the regulations issued by the legislature for state standards but also harms procedures according to common law regulations, which in turn would have an impact on the creation of the state standard.

Legal Discussion

In the United States authorities responsible under this law require companies to withdraw and prevent products if they are found to be dangerous, by following this system, which gives them the power to prevent companies from trading products that harm the consumer. In the Kingdom of Saudi Arabia, there is a specialized authority for Saudi specifications and standards, which is an independent government agency that aims to examine products and return some products that show workmanship defects or cause harm to the consumer. The authority has branches in the main region in Saudi Arabia, and it performs ran-

dom checks on products that enter the Kingdom through ports, airports, or land ports. It has many contributions in announcing an order to consumers, usual vehicles of a certain type or computers to the seller because of defects and problems. But the Saudi market still displays many counterfeit products that have proven harmful, and many of them still display products, whether through the Internet or commercial stores. Because the amount of products that are imported is very large, and the examination is usually random for samples, and also because of the weak role of the Consumer Protection Association in awareness-raising, and because the support and interest in it are very weak, it is a civil society. Therefore, there are very long governmental procedures for returning fraudulent products and discovering them due to a large number of consumer demands and a large number of complaints from a producer to the Ministry of Trade. It is the one who requests inspection and verification to the Saudi Standards and Standards Authority, which determines whether the product is in conformity with or in violation of the conditions.

Therefore, when comparing and analyzing, it becomes clear the need for development in consumer protection systems in examining products, especially those sold via the Internet. Also, the development of civil associations that are interested in educating consumers about their rights and unifying the methods of submitting complaints in Saudi Arabia, so that the Ministry of Commerce is responsible for all disputes that occur in e-commerce, and reorganizing the work of some electronic companies in the field of marketing and clarifying the ownership of products to the consumer because that It will help identify the violating company responsible for product defects.

4. Protecting Privacy According to Saudi Law and United States Law

The Saudi government was concerned with preserving the privacy of individuals, both in the private life of individuals and the privacy of their homes and their family, as well as the privacy of their information that is kept on the Internet, through the government issuing many regulations that prevent the attack on the privacy of individuals. For example, the Saudi Basic Law provided in Article (40) includes the importance of protecting that personal correspondence, whether by post or phone, is protected and may not be displayed (*The Basic Law of Saudi*).

Also, which shows the keenness of the Saudi government imposed on the employee who deals with information that affects his reputation or secrets, for example, the lawyer, because of its importance and function due to the direct relationship with the customer and knowledge of the secrets of cases. Also, the doctor who knows all the information of interest to the patient has been imposed on them by Saudi law such as, the Saudi Lawyer law in Article (12) whose obligated not to submit to the personal matters of his client or his lawyer, and he must refrain from all matters of honor and dignity, as well as not mention personal matters, or disclose them in any way, even if the opponents or his lawyer and

witnesses did not harm them unless they go to trial or defense is required the case. Also, in Article (23), the lawyer may not disclose a secret that he trusts or knows through his profession, even after the end of his mandate, unless this violates legal requirements, to preserve the privacy of customer information ([The Saudi Lawyers Law](#)). Regulations related to the ethics of the health practitioner stipulate preserving the patient's secrets and confidentiality and not talking about them, as well as not to depict patients or their voices except when observing specific controls for that.

Besides, in the field of financial dealings, which is considered an important matter for individuals due to the great harm that affects their banking information, Saudi law has issued several regulations such as the credit information system, like Article (6) is Members, companies, and their employees are obligated to maintain the confidentiality of credit information to consumers and may not be published or used for any purpose except under the system ([Credit Information Law](#)). Also, Banking Supervision Regulations in Article (19) is prohibited for any person to obtain any information during his work and to disclose or benefit from it in any way ([Banking Control Saudi Law](#)).

Moreover, many Saudi laws in various fields seek to protect the privacy and have offered the government's desire to criminalize any attack that harms individuals, for example, the publishing system Article (9) indicates that it is necessary, based on the permission to publish, not to offend the dignity and freedoms of people Or blackmailing them or damaging their reputation ([Publications and Publishing Law](#)). Also, one of the important and effective laws is the application of penalties that prevent attacks on privacy, such as the Information Crime Prevention Law. Article (3) includes penalties that may reach one year in prison and a fine of no more than five hundred thousand riyals, or one of these two penalties for those who deal with the private life of misusing phones Portable, or, for example, discrediting others, hacking websites, or eavesdropping. Also, [the Criminal Procedure Law, Article \(56\)](#), includes the protection of personal correspondence. It is not permissible to watch, take over or listen to it except in the cases stipulated by the law.

Until the protection of the privacy of individuals is achieved, some restrictions are imposed on the judge through [the Sharia Pleadings Law in Article \(64\)](#), provided that the pleadings are public unless the judge decides, on his initiative or at the request of one of the litigants, to carry out confidentiality to maintain the system ([The Sharia Pleadings Law](#)). This law gives individuals the right to ask a judge to have a judicial hearing secret without the public present.

The Saudi e-commerce law Article (5) explained the protection of consumer data in three points, which are as follows: First: the consumer data to be protected is his name, address, phone numbers, bank records, and other devices; Second, the service provider is prohibited from publishing or using consumer data and only saves it for a purpose. Provide the service. Third, if the consumer needs to create an electronic account due to the frequent use of the electronic

commercial website, the service provider is not entitled to save consumer data except after approval ([Electronic Commerce Law](#)).

Finally, in the most recent system issued by the Saudi government to this day, which is the e-commerce system in the Saudi Ministry of Trade and Investment, Article (26) concerned with this aspect, and stipulated several things, including that the merchant protects the personal data of the electronic shopper, defines his responsibility, and prevents its use for purposes that are not authorized or permitted. It is clear here the importance of preserving the privacy of individuals, and this is what the Saudi government seeks through organizing and issuing laws that protect the privacy and prevent aggression against it because of the harm and aggression against human dignity that the Sharia and Saudi laws preserve. It does not mean that the regulations are sufficient to protect privacy, but also the consumer must be aware of saving his data, by making sure of the websites he deals with, that the site is certified and licensed, and also increasing consumer awareness of the need to read electronic contracts well because they contain items that relate to privacy, government and private agencies, as well as legal and educational authorities, should spread awareness to the consumer of the importance of privacy and not allow others to use it or view it.

There are many definitions of the concept of privacy law, but in general, American law defines the information privacy law as the law that prohibits infringement of information privacy and protects data from disclosure or misuse of information related to individuals. Meaning that information that is collected from an individual to organizations or individuals cannot be disclosed. Others unless specifically authorized by law or with the consent of the individual.

Many legal articles and academic sources state that in the United States there is no general system like some other European countries that regulate privacy protection, but according to the regulations issued by the legislative authority, the issue of collecting personal data is regulated according to the type of this data, for example, healthcare-related data is covered by the Health Insurance Capacity and Accountability Act, and financial statements are subject to the Gramm-Leach-Bliley Act. Since there is no current U.S. law similar to the Common Data Protection Act, many of the types of data covered by the Joint Data Protection Act do not enjoy similar protection under U.S. law, causing many legal disputes. Here are examples of some US laws concerned with protecting the privacy and greatly affecting electronic transactions ([Boyne, 2018](#)).

The Health Insurance Portability and Accountability Act (HIPAA) passed in 1996 is the main federal law that protects health data and the privacy and security of health information. HIPAA imposes restrictions to achieve the safety of patient data from healthcare organizations to practice best practices in three areas: administrative security, physical security, and technical security. This law is very important for patients because it ensures that any information disclosed to health service providers or information that they have created, transferred, or stored is subject to strict security controls and the patient has the authority to choose other people to view his data or health file ([Schmeida, 2005](#)).

The Gramm-Leach-Bliley (GLB Act) is also known as the Financial Update Act 1999. It is a federal law for the United States that requires financial institutions to maintain data privacy and explain how private information is shared and protected for their customers and this law is very necessary because it imposes restrictions that achieve legal protection of customer data that affects their account and money.

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records. It gives authority to parents or eligible students to ask the school to view their records or their children. Through this law, parents can know the educational status of their children and this affects their educational future and aims to care for students (112 A.L.R. Fed. 1 originally published in 1993).

The Children's Online Privacy Protection Act (COPPA), which came into force in 2000 is a law that aims to provide privacy protection for children under the age of 13. The Federal Trade Commission administers the COPPA Act by enforcing urbanization on Internet companies to collect personal information or information from children under the age of 13 without parental consent and from teenagers ages 13 to 15 without consent (Savitt, 2002).

The Electronic Communications Privacy Act of 1986 protects the Electronic Communications Privacy Act (ECPA) This law imposes on telecommunications, verbal and electronic communications during the conduct of these communications, and when stored on computers. The goal of this law is to save user data entered via electronic communications, so it prevents unauthorized parties from viewing and using this data (Federal Statutes-Electronic Communications Privacy Act of 1986).

The Computer Fraud and Abuse Act (CFAA) issued in 1986, seeks to protect devices that are connected to the Internet and have been amended several times. The last amendment was in 2008, to cover a wide range of behavior, meaning that the main objective is to protect computers connected to a government network, or it is used in trade, whether inside or outside America (Key Issues in Computer Fraud and Abuse Act CFAA).

Legal Discussion

If noticing the interest of the two laws in the health field in the necessity of preserving patient information or clients dealing with health institutions that keep a very large number of data that are useful in drawing strategic plans for the hospital and determining the budget and other these data are very sensitive to the patient, so the regulations imposed legal protection and penalties in the event of violation privacy regulations and viewing patient files without approval. Also in the lawyer's work systems that impose restrictions on keeping the confidentiality of data related to customer cases, these data are the result of a strong and direct relationship between clients, doctors, and lawyers, so it is clear here a great similarity between the systems.

In banking systems, there is an interest from governments in imposing restrictions to protect customer privacy, so it prevents anyone who does not have the legal authority to disclose or use customer information. These systems are related to consumer protection in e-commerce because it is one of the basics in electronic dealing and consumers need it to deal with their banking data and their account via e-commerce sites to buy. In the United States, there is a need to create comprehensive federal legislation to protect the consumer's right to e-commerce regarding privacy, but despite this, America is considered a country of case law which is so important in protecting the privacy of e-commerce consumers (Guo, 2012).

The Saudi and US government is concerned with education and its regulations that impose restrictions to protect student privacy, but in Saudi Arabia it requires the Ministry of Education, which is responsible for education, to develop its systems and to issue regulations similar to what the government is doing in the United States, to determine the people who have the right to review student records according to Law.

Saudi Arabia has organized many international agreements such as those that concern protecting children, but the law that applies in the United States imposes restrictions on companies and advertisements to respect the privacy of children and do not harm them. Saudi Arabia is supposed to benefit from this experience because of its protection for children, by imposing restrictions on commercial companies that operate in e-commerce and providing advertisements that may affect children and adolescents. There are many advertisements and content on the Internet about the behaviors and advertisements of companies such as Smoking, and others are not concerned with the age of the consumer.

Protecting electronic communications from mail and others that have legal protection, whether in Saudi Arabia or America through regulations. In Saudi Arabia, correspondence and communications are not accessed without permission from the public prosecutors, but unfortunately, the general culture of many individuals, especially in Saudi Arabia, is not aware of how dangerous it is to see third-party data. Also, companies often penetrate data, obtain phone numbers, and send many commercials and annoying emails, due to the lack of legal awareness, so the Saudi government must increase the awareness of individuals through advertisements and lectures in schools and universities. Many individuals do not know the competent authority in the Saudi system, especially in filing a complaint with the court, for several reasons, including the large number of bodies involved in trade and criminal laws. For example, when the consumer is attacked with his private information, the authority does not know whether he goes to police stations or consumer protection societies. In the previously mentioned Saudization that suffers from weak executive or question the Ministry of Trade, there must be ways to clarify for the consumer the competent authorities that can initiate the case.

One of the positive things in the Saudi of e-commerce law is that it required

the service provider to obtain approval to save consumer data. If the consumer wants to create an electronic account and this condition is positive so that the electronic trading companies do not have to keep consumer data randomly without their knowledge or their consent. In case that the consumer gets any theft through e-commerce, he is aware of the companies that gave him the approval to save his data. Here the answer to the seventh question is clear in this thesis that relates to organizing the Saudi government through regulations on privacy.

The article explains through the previous information the role of the Saudi government in preventing fraud in commercial transactions, especially in electronic commerce, and imposing regulations that make companies clarify commercial contracts, the cost of products, shipping methods, payment methods, company information, and address, to protect the consumer. Also, the role of the government of Saudi Arabia in the protection of consumer data, through the issuance of many regulations in various fields that prevent the use of private data in violating ways, and also through the Saudi e-commerce law, which made the merchant responsible for protecting consumer data and not using it for other purposes, and some penalties may reach closure the company's website in case of a data privacy violation.

5. Results

The Saudi courts and the legislative authority in Saudi Arabia derive their rulings and regulations based on the provisions of Islamic law. Therefore, Saudi regulations do not violate the texts and provisions contained in the Sharia, but this does not prevent or limit the authority of the Saudi government. Rather, it can issue several regulations that help in the development of investment and trade and are in line with international agreements, but on the condition that it does not violate the Sharia provisions that founded general provisions and issued the outlines of regulations in transactions. The Saudi government has issued several regulations, such as the Companies Law and the Electronic Commerce Law, all of which regulates the commercial environment in Saudi Arabia, under the provisions of Sharia law, and is appropriate for international treaties. Businesses in Saudi Arabia have expanded greatly, and the government has paid attention to this aspect despite the existence of regulations that control electronic commercial dealings now that there is a consumer protection association, which is often its role of control and consumer awareness.

Although the Islamic texts are clear in commercial dealings now, there are many violations in e-commerce, such as theft and selling of invalid products and selling products owned by others that method has recently spread, which is the reservation of products in different markets and their display on the Internet to sell without transferring their ownership to the seller, and this has caused many problems when litigating the validity of the contract and its invalidity in the Saudi courts, and also bearing legal responsibility for the damage and others. As

shown in the research, Islamic Sharia has prohibited the sale of a product that is not owned by the seller. Unfortunately, there are many stores and electronic accounts that display products owned by other companies without clarifying their ownership to the consumer who chooses the product and pays the price without knowledge, so it is assumed from the Ministry of Commerce through a system E-commerce regulate this issue.

The Sharia provisions mentioned in the Qur'an and the Sunnah emphasized the prevention of fraud in all its forms, this is what Saudi and American laws stipulated. Unfortunately, trade fraud is widespread, because trade is aimed at profit, and some stores get profit regardless of harm to the consumer. Concerning electronic commerce in Saudi Arabia, it has become clear that a large percentage of consumers are not sure of the reliability of the online store and are registered with the Ministry of Commerce. This indicates their legal awareness. Because Saudi Arabia is one of the most importing countries of goods from other countries, many non-original products are not suitable for use. Despite the Ministry of Trade's efforts to prevent counterfeit products, a large percentage of consumers complain about them. Also, the role of the Consumer Protection Association is very weak in educating consumers and advising them to ensure the reliability of the store before contracting with it so that it is under the supervision of the Ministry of Commerce.

Through the research, it became clear that when the Saudi government began to impose many taxes on businesses to support the economy and impose many fees on businesses to support the employment of citizens and implement the steps of the 2030 vision. There has been a shift from traditional business to e-commerce to avoid government financial fees and high taxes and pay rent for shops and others. Unfortunately, the Saudi electronic market has become a good solution for the violating merchant.

One of the positive things in the Saudi e-commerce law is to protect the consumer if the seller sets an additional condition for the benefit of the consumer, for example, an increase in the period of the right to return the product or accepting the return of some of the products mentioned in Article Thirteen of the Saudi e-commerce law. The Saudi courts consider that the seller added an important condition in the contract. If a dispute occurred between the parties, the seller refused to implement, the consumer has the right to claim compensation in court due to the violation of the agreed contract to prevent consumer fraud, and not only for violating the e-commerce system because the law-imposed regulations and gave the right to add some conditions between the parties to some regulations.

Data privacy is very important and very necessary because it contains information related to clients' finances and other important information in the provisions of Islamic law and Saudi and American law. All of them are concerned with protecting privacy. In addition to that, the Saudi Electronic Trade Law has a positive role in protecting privacy by making the store responsible for protect-

ing the privacy of the customer and this is a very positive role of the Saudi legislator and also setting a period for saving this data and the offense of using it without the customer's consent. The role of awareness is still weak in the legal field. Despite this positive work in the e-commerce law now, it is preferable if the law mentioned the type of information that is preserved so that there is no dispute over the quality of the data, is it general data, contact information, financial, etc.

The provisions of Islamic Sharia are concerned with the interests of the seller and the buyer, and they seek to preserve the rights of the consumer and prevent harm to the seller. In Islamic law, the buyer has the right to change his desire and return the product to the seller, but with the seller's approval, and this means that there is a reason in the product or a defect that causes the buyer to reject the product. This is what was mentioned in Article Thirteen of the Saudi E-Commerce Law, which gave the consumer seven days to terminate the contract. The period starts from the date of receiving the product or obtaining the e-commerce service, but the system made the consumer responsible for the costs of termination unless otherwise agreed, and this needs to be modified to bear the costs of cancellation if the consumer did not benefit from the service or the product, and this is also mentioned in the United States regulations, which granted the consumer the right to change his desire and return the product within a specified period and according to the conditions, as mentioned in Article Thirteen in the Saudi e-commerce law some products that the consumer is not allowed to return, which is a positive thing to prevent damage to the seller, but this resource needs to be reformulated in the matter of bearing the costs of terminating the contract on the consumer.

The Saudi E-Commerce Law stipulated in Article Thirteen, the condition of terminating the product sale contract and returning the product to the seller according to certain conditions, and if the article mentioned some products that the buyer is not allowed to return, but the Saudi law used the term termination and this term does not comply with the provisions of Islamic Sharia because the right to terminate the contract It is due to the invalidity of the contract or a defect in the elements of the contract. The termination of the contract is supposed to be reformulated into the right to change the consumer's desire because there is a difference between canceling the contract in the legal framework and the right to return the product. Also, the specified period according to the Saudi E-Commerce Law is seven days, the consumer has the right to cancel the contract and return the product, and this period is very short because some products may appear defects after a week, so re-examining this article is very important until it becomes compatible with the Islamic legal terms and also gives the right to the consumer within a sufficient period.

6. Conclusion

Saudi Arabia has an important role in protecting consumers and has many regulations that criminalize the violation of consumer rights in electronic com-

merce. The Saudi government issues its regulations according to what is stipulated in the provisions of Islamic Sharia, which also prohibits any violation of consumer rights. For example, in Islamic law, theft in commerce is prohibited and the sale of product that is not owned by the seller and the sale of products that have defects or cause harm to the consumer is prohibited. All these orders in the provisions of Islamic law aim to protect the weaker party, the consumer.

The Saudi government always seeks to develop the commercial environment to attract investment and increase the number of dealers in the trade. The Saudi government has issued many regulations such as e-commerce law, the companies' law, and cyber security law. Also, it has the Information Crimes Act and the Communications law. All these regulations are related to electronic commerce and its regulations. In addition to the Consumer Rights Association, which its role requires more work and efforts to reach its goals that are expected by the consumer in his awareness.

The consumer protection stage during the contract focused on the most important issues, which are illegal behaviors such as fraud, from which many consumers suffer. Although the provisions of Sharia law issued in the Qur'an and the Sunnah are all agreed on the criminalization of fraud and consumer harm, and also Saudi law criminalizes these actions, and there are efforts by Saudi Arabia to criminalize and impose penalties on electronic stores in which consumer fraud is proven.

Preventing the use of consumer privacy, it is mentioned in the provisions of Islamic law, in general, the criminalization of violation and displaying information about people without their consent. There are many efforts by the Saudi government, including regulations related to e-commerce law, which prevented the use of data privacy for consumers without their knowledge and consent. There is still a need to increase consumer awareness of the importance of data privacy and increase control over the e-commerce market.

Recommendation and Solutions

It is recommended to activate the role of the Consumer Protection Association in Saudi Arabia by increasing the number of its members and training them in electronic commerce. They must also obtain legal protection and have the right to file lawsuits against violating stores that cause harm to society.

It is helpful to support and give incentives to online stores that implement the law and seek to protect consumers by reducing government fees so that there is competition and supporting workers in the Ministry of Commerce or the Consumer Protection Association with incentives because of their effort in monitoring. Determining the party responsible for the violations is very important and developing its work and being in contact with the consumer who submitted the report until the end of issuing the violation to the store so that the consumer feels the strength of the control that aims to protect him.

There should be cooperation between the Ministry of Commerce and other

ministries such as the Ministry of Media and the Ministry of Education is concerned with increasing consumer awareness by offering educational programs that related to consumer rights and duties, their inclusion in educational curricula, and the use of television and social networking sites.

Also, the interest in the role of educational authorities, such as Saudi universities represented by the law departments, by providing the course of the Saudi e-commerce law, as well as the judicial authorities by providing workshops for members of the judiciary to study the law of e-commerce, because the law is new and there is a need for specialists in this field.

In addition to the **Saudi Information Crime Law**, the legislator must care more about electronic crime in e-commerce, which includes fraud, theft, selling counterfeit products, and advertisements that contain incorrect information. So, the Saudi legislator should clarify all its stages of electronic crime, a description, trial, and punishment.

Reviewing some statutory texts in the Saudi e-commerce law regarding the consumer's right to change their desire, the Saudi legislator has given the consumer the right to terminate the contract. However, following the Sharia provisions and the laws that regulate contracts, terminating the contract usually condition that there is a defect in the contract, so the contract is terminated based on the judge's ruling. Therefore, the Saudi legislator should audit and review some legal texts.

The Saudi E-Commerce Law requires stores operating outside the Kingdom of Saudi Arabia to have a representative inside the Kingdom who is responsible for their business. This may be the reason for delaying the expansion of e-commerce and the introduction of some global products. Therefore, the research recommends finding legal solutions that create an international electronic law that regulates regulated contracts and determines the jurisdiction of litigation without the need for a representative within the Kingdom of Saudi Arabia.

Benefiting from developed countries in the aspect of consumer protection and their experiences in the executive authorities in terms of control, penalties, regulations, dispute resolution methods, and all procedures.

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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