

COMBATING COMMERCIAL FRAUD IN COMPARATIVE LAW THE LEGISLATIVE POSITION OF JORDAN AND ALGERIA ON FRAUD IN COMMERCIAL TRANSACTIONS AND MECHANISMS FOR ITS PREVENTION

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Introduction

Commerce typically plays a chief role in economic growth and societal development. Historically, people used to satisfy their demands by exchanging and trading products and services domestically and internationally, enabling access to new and vital products. Commerce serves as a bridge between producers and consumers, facilitating the provision of diverse and new products, flourishing the global markets, and providing new job opportunities. Thus, developing effective and well-regulated trade is integral to fostering national economic progress and improving living standards. Despite the benefits states gain from well-structured commerce, some challenges, such as commercial fraud, still disrupt its integrity.

The concept of commerce fraud is still considerably ambiguous in the context of e-commerce transactions, particularly regarding its legal definition or the appropriate legal actions regarding these offences. E-commerce fraud has become increasingly prevalent owing to the rapid expansion of internet usage and the growing volume of online transactions. It encompasses a range of malevolent actions intended to take advantage of online retailers. The most prevalent risk of e-commerce fraud is fraudulent purchases using stolen credit card information and transaction fraud.

Notably, there is ongoing debate on whether the conventional legal definition of commercial fraud sufficiently covers fraud committed in digital contexts. Fraud, in general, is defined as any act that modifies the nature, properties, or usefulness of materials that have been subjected to the perpetrator's work. Some see it as any intentional act that modifies a commodity by changing its properties, substance, or essential characteristics, whether through physical tampering or the misrepresentation of core components aiming to mislead a buyer. Fraud is easily identified in cases of a physical or visible nature, such as the sale of spoiled meat, counterfeit machinery, expired pharmaceuticals, and adulterated cosmetics. However, this physical or visible nature may not be readily apparent in cybercrime cases.

Given the subject's significance in terms of protecting consumers and transaction stability on the one hand and preventing these practices and the harm they may inflict on the other, we attempt to review and examine the laws addressing fraud and commerce fraud, elucidating the stances taken by lawmakers in Jordan and Algeria.

Problem Statement:

The problem of the study stems from the rapidly increasing prevalence of commercial fraud, given the slow development of regulating laws, the debate over its definitions and the legislation that addresses them, particularly those related to fraud and deception committed by natural and legal persons, and the scope to which legal provisions and regulations affect combating these crimes, on the one hand, and protecting electronic users from acts of piracy and theft, on the other.

Research Importance

In the commercial sector, fraud has increased dramatically due to the widespread adoption of contemporary tools and technologies. This necessitates that experts and interested parties deal with the violations committed by unidentified individuals who consistently and professionally commit theft and fraud through these channels, on the one hand, and highlight the role of the legislator in passing laws and regulations that control the proliferation of traditional commercial fraud and the unlawful use of electronic devices. In addition to establishing specialized oversight units to prevent this phenomenon and hold offenders accountable for their crimes.

Research Questions:

1. What is the role of legislative provisions and controls in protecting consumers?
2. Is there adequate protection for combating illegal practices regarding commercial fraud and deception?
3. What oversight role do competent authorities play in mitigating the phenomenon of commercial fraud?

Study Limitations:

This study will examine the position of Algerian and Jordanian legislation on commercial fraud, methods for combating and preventing it, illegal practices through traditional and electronic means, and how to mitigate them.

Research Methodology:

The present study uses descriptive and analytical approaches, which best fit the subject matter. In this research, we will discuss issues related to commercial fraud and deception, clarifying the positions of both Algerian and Jordanian legislators on this phenomenon, highlighting the most prominent mechanisms put in place to combat commercial fraud and deception, and discussing how to fight them. After that, we will provide a conclusion that contains a list of the findings and suggestions.

Literature Framework

1. The Legal Framework for Commercial Fraud in Legislation

The majority of legal frameworks strive to eradicate the full spectrum of fraudulent practices, including fraud and deception, and to protect the vulnerable party, safeguarding the public welfare and their entitlement to product integrity and safety standards. As a result, the texts regulating consumer protection have become numerous and are constantly being updated in an effort by legislators to keep pace with the aspects of modern commerce. Accordingly, in this section, we will address the concepts related to commerce fraud in various texts and the impact of contemporary media on the spread of this phenomenon.

First requirement: The concept of commerce fraud

Commerce fraud, in its general conventional concept, is a deliberate contravention of the fundamental specifications of a product. In Islamic jurisprudence, it refers to any intentional alteration, modification, or distortion affecting the intrinsic composition of a substance or commodity designated for sale, such that it diminishes its basic properties, adds, conceals its defects, or enhances it with elements that misrepresent its actual nature. This type of act aims to illegally obtain financial gain, take advantage of value that has been stolen, or obtain an unfair pricing disparity¹.

The contemporary concept of e-commercial fraud encompasses any malicious act or unauthorized access employing technologies and digital tools to attain illicit financial gain.²

Algerian legislation has not explicitly defined e-commerce fraud. Still, it has referred to fraudulent practices in the Penal Code in Chapter Four, Book Three, Part Two, under the title "Fraud in the Sale of Goods and Deception in Food and Medical Products," Articles 429 to

435 bis, and the Consumer Protection and Suppression of Fraud Law in Articles 68 to 80. In these laws, the Algerian lawmaker specified the forms of deception, encompassing deception in the nature of the product by the consumer receiving a product different from the one contracted for, deception in essential characteristics, composition, or fundamental components of goods, deception in the type, quantity, or source of goods, deception in the usability of the product and the expected outcomes, deception in the expiry date of the product and deception in information related to product usage methods and necessary precautions.

Comparably, the Jordanian lawmaker addresses fraud in Article (433) of the Penal Code No.

(16) of 1960 and its amendments as: "Whoever knowingly deceits a contract party, whether about the nature, primary characteristics, composition, quantity of goods; or quantity, category, or source of valuable elements in cases where the identification of type and source is the main cause for the contract as identified by agreement or customs...." A comparison of the legal definitions of commercial fraud in Algeria and Jordan revealed a definite convergence.

Commercial fraud manifests in various forms. Nevertheless, the Algerian legislator has only criminalized two forms: deception „*tromperie*’ and fraud „*falsification*’. Deception refers to the act of presenting or misrepresenting a product with an appearance that contradicts its true nature, aimed at deceiving the consumer³. Fraud is described as every act or a series of deliberate and successive actions, deliberately committed by the perpetrator to compromise the qualities or characteristics, benefit, or price of the commodity in question, without the consent and knowledge of the other party. These acts may include manipulation of expiration or production dates, extracting some of its value, deceptive enhancement, mixing it with another inferior substance, or adding a different duration to it, provided that the mixing or addition is of another substance of lower quality⁴."

Deception and fraud are also considered immoral acts. They are forbidden by all divine laws, including the Quran and Sunnah, as proven in the verse: "*Do not consume one another's wealth unjustly*" (Surat Al-Baqarah, verse 188). It is also stated in the verse: "*O believers! Do not devour one another's wealth illegally*" (Surat An-Nisa, verse 29). Similarly, in Surat Hud, verse 24: "*And do not give short measure or weight.*" It is also stated in Surat Al-Mutaffifin, verses 1 and 2. Therefore, Allah Almighty has prohibited these unlawful practices, cheating, and consuming people's wealth unjustly⁵. The Prophet (peace and blessings be upon him) also said: "*Whoever cheats us is not one of us.*"⁶

Second requirement: The product is a subject of commerce fraud

A product constitutes a primary subject of fraudulent activity. In the Algerian legal framework, Article 3, Para 10 of Law 03/09 amended, defined a product as "Every good or service may be the subject of a waiver in return or for free." Likewise, Article 3, Para 11 of Law 04/04 on Standardization defines product as "any substance, construction component, conveyance, apparatus, mechanism, operational process, functional activity, or method." Similarly, in Article 140 bis, Para 2 of the Civil Code defines it as "any movable property, even if attached to real estate, particularly agricultural and industrial products, animal husbandry, the food industry, land and sea hunting, and electrical energy."

¹Zamouche Farhat, Criminal Protection of the Consumer in Light of the Provisions of Law 09/03, master's Thesis, Faculty of Law and Political Science, Mouloud Mammeri University, Tizi Ouzou, Algeria, 2015.

²Al-Qahtani, Misfer Bin Hassan, Penalties for Commercial Fraud in the E-Transactions Environment and Their Role in Protecting Consumer Rights, Arab Journal of Studies Security, Issue 70, Volume 33, 2017.

However, goods and services are distinct terms. As defined in Law 03/09 on Consumer Protection and the Repression of Fraud, goods are "Every material thing can be waived for free or for free." As for a service, Article 3 of the same law defines it as "Every work performed, other than delivering the good, even if this delivery is dependent or supported by the service provided." The Algerian lawmaker has identified the product elements covered by protection in Article 429 of the Penal Code and Article 68 of Law 03/09. Fraud cases are introduced in Article 431 of the Algerian Penal Code and Article 70 of Law 03/09. The perpetrator is subject to criminal prosecution under six cases:

1. Deception involving substances intended for human or animal consumption, including substances used for natural or artificial food, and meat intended for consumption. It is defined in Article 3 of Law 09/03 as "any processed, partially processed or raw material intended for human or animal nutrition, including beverages and chewing gum, and all substances used in the manufacture, preparation and processing of food, except materials used only in the form of medicines, cosmetics or tobacco."
2. Medical Products: This includes any medicine, drug, or pharmaceutical substance intended for treatment, as stipulated in Articles 170 and 171 of Law 85/05⁷.
3. Beverages encompassing all liquids intended for consumption, such as milk, juices, oils, etc.⁸.
4. Agricultural Products: This includes everything intended for cultivation and land use, such as seeds and the resulting vegetables, fruits, meat, etc., without undergoing any artificial change or transformation.
5. Natural Products: This is any natural product extracted from or on the ground, such as coal, gold, silver, or mineral water⁹.
6. Product: The Algerian legislator added this general term to include any product intended for consumption, such as manufactured and processed products not previously mentioned in the article.

The Jordanian lawmaker further codified in Articles 386, 431, and 433 of the Penal Code the conduct constituting criminal acts, namely fraud in the manufacture of food, beverages, and drugs, for humans, animals, or crops, or in the quantity or nature of the goods to be delivered, the nature of the goods, and their essential characteristics. In this context, the subject of

³Bahri Fatima, *Criminal Protection of the Consumer*. PhD Thesis, Faculty of Law and Political Science, Jumaa Abu Bakr Belkaid, Tlemcen, 2013.

⁴Sikkar, Muhammad Ali. *A Brief Introduction to the Crimes of Suppressing Fraud, Deception, and Consumer Protection in Light of Legislation, Jurisprudence, and the Judiciary*, Dar Al-Jami'een for Printing and Binding, Egypt, 2008

⁵Rashid Latifa Yousef, Dalila Braff. *Commercial Fraud in Islamic Jurisprudence and Emirati Law: Its Reality, Effects, and Methods of Combating It*. *Journal of Scientific Research and Islamic Studies*. Volume 12, Issue 3, p. 129.

⁶Salem Mohammed Aboud, Rasha Kilan Shaker, *Legal Protection of Consumers from Commercial Fraud*, *Journal of Law*, Volume 4, 2012, p. 252.

⁷Law 85/05 of 02/16/1985 relating to health and its promotion, Official Gazette No. 08

⁸Bahri Fatima, op, cit p 94

⁹Bahri Fatima, op, cit p 95

protection is the consumer. Thus, how did both the Algerian and Jordanian lawmakers define a consumer?

The Algerian lawmaker delineated consumer in Article 03/01 of Law 03/09 as “any natural or legal person who obtains, a good or a service for (or without) a consideration intended for final use to satisfy his personal needs or the needs of another person or animal under his care.” The exact definition came in Jordanian Law (07) of (2017): “A natural or legal person, who obtains a good or a service for (or without) a consideration to satisfy their personal needs or the needs of others. This does not include those who purchase the goods or services for resale or rent out.”

Examining consumer definitions shows that both legal frameworks adopt the exact requirements. As a result, both legislatures position the consumer as the last link in the distribution chain by defining the customer as an individual who purchases a product for consuming purposes rather than for commercial redistribution.

Third requirement: Methods of fraud and deception in electronic transactions

Jordanian lawmakers have given significant value to protecting consumer rights. Still, despite the subject's importance in this digital era, they have not regulated the status of electronic consumers. Methods used for committing fraudulent acts within the e-commerce transactions framework are numerous. They have the same dynamic and adaptive features inherent to e-commerce itself.¹⁰ Nevertheless, several representative forms can be identified and examined, as follows:

1. Fraud and deception through commercial transactions performed via direct online communication.

Despite the operational efficiency offered by the technological means and techniques associated with the electronic network (the Internet) in conducting commercial transactions, they generate a spectrum of novel commercial risks simultaneously. The expedited nature of online commercial transactions typically facilitates fraud and deception due to the compressed time between parties to conclude the transaction.

E-transactions may also entail numerous losses, arising from the absence of information and data readily available in traditional transactions. These data relate to the socio-commercial profiles of contracting parties, the buyer and the seller, which are used to confirm credibility and trust in commercial transactions. These characteristics include numerous qualities, such as physical demeanor, facial expressions, language, tone of voice, and other attributes rendered imperceptible in transactions conducted via digital networks.¹¹

One of the most prevalent risks of dealing online is illicit access to consumers' databases and data theft. These threats equally affect legal entities relying on various electronic means for commercial transactions. These entities compile large datasets to facilitate essential operational and transactional operations, such as trade identities, operational addresses, banking credentials, and financial instrument details. E-commercial fraud manifests in trades between non-present parties dispersed across disparate geographical locales, making it challenging to identify the perpetrators, hold them liable, and determine their location or residence.

¹⁰Law (15) of 2015 regarding electronic transactions.

Fraud and deception via electronic tools differ in nature, for example, the non-fulfillment of obligations such as failure to deliver the agreed-upon commodities, product, and service, or the delivery of a defective or non-conforming product, or service. The Algerian lawmakers defined electronic transactions via e-commerce under Law 18/05 in Article 6 as: "the activity through which an electronic supplier suggests or ensures the supply of goods or services remotely to an electronic consumer via e-communications."¹² However, Article 70 of Law 09/03 did not address this issue. The legislator also used the term "forgery," which would be better rendered as fraud, as the concept of forgery typically refers to falsifying documents and official records.

Second: Fraud and Deception in Online Auctions

The online auction method mainly uses verbal descriptions and visual representations of the products, services, or products displayed on digital interfaces. The customer is forced to rely on their judgments on trust and the persuasiveness of the presentation because it is usually impossible to inspect the goods physically. According to data published by the Federal Trade Commission (FTC) and the Internet Fraud Control Association (IFCA), some of the most common types of cyber-enabled consumer fraud include fraudulent actions and misleading practices related to online auctions.

Third: Fraud and Deception in Transferring Money via Electronic Networks:

Fraudulent activities are common in commercial environments where financial transactions are conducted via electronic platforms, especially the Internet. Electronic payment transfers have given rise to a wide range of fraudulent practices and cybercrimes. Malicious actors can frequently penetrate the databases and private systems of businesses, financial institutions, and banking organizations by gaining unauthorized access to secure data, including passwords and account credentials. These breaches are frequently made possible by the vulnerability of business email systems, which allows unauthorized access to private digital infrastructure.

2. Mechanisms for Combating Commerce Fraud

The Algerian Penal Code criminalized fraudulent acts and deception regarding food and medical products. However, with the promulgation of consumer protection laws, the legislator remedied the deficiency in the previous texts, which intervened only after the crime was proven or realized, by establishing a set of obligations on the shoulders of the intervener in addition to preventive measures.¹³ This section examines the mechanisms for preventing and prosecuting e-commerce crime.

First requirement: Obligations of the supplier

To establish a commerce fraud crime, the act must be committed by a party legally designated as an intervener as stated in Law 09/03, or an economic agent as defined in Law 04/02 (amended and supplemented), or the supplier, as stipulated in Article 02 of the Jordanian Consumer Protection Law (07/2017). As part of the preventive framework that governs this offence, the product must comply with established quality standards and technical requirements. This necessity is mirrored in the various duties placed on those involved in the marketing or offering of goods. These include the clauses of Law 02/04 on

¹¹Lanamy Hamoud Al-Sheikh Suleiman Al-Khalayleh, Ibrahim Sabri Al-Arnaout, The Legal Framework for Protecting E-Commerce Transactions in Jordanian and Comparative Law, Arab Journal of Scientific Publishing, Issue 42, April 2022.

¹²Law No. 18/05 of May 10, 2018, relating to electronic commerce, Official Gazette No. 28, in which the legislator addressed electronic practices, electronic crimes, and penalties.

¹³

Commercial Practices, Law 04/04 on Standardization, and, most significantly, Law 09/03, especially in its second section, where the legislator clearly states that:

1. Obligationsto hygiene, cleanliness, and safety of foodstuffs:

It is strictly forbidden to place foodstuffs intended for consumption, which contain contaminants exceeding the unacceptable limit. Furthermore, all individuals involved in the process of putting food products for consumption are obligated to ensure that the hygiene and sanitary conditions of users, facilities, and establishments for manufacturing, processing, transformation, or storage, as well as the means of transportation of these products, are respected. As specified in the first chapter of Title II of Law 09/03 in Articles 04 to 08, these parties are entitled to ensure that they are not exposed to damage by biological, chemical or physical factors, and that equipment, supplies, equipment, packaging and other machinery intended for contact with foodstuffs contain only those supplies that do not lead to their spoilage.

2. Obligationsto products safety:

The lawmaker is strongly dedicated to guaranteeing the safety and reliability of products meant for consumption about their expected and legal use. Products must not pose any risk to the consumer's health, safety, or interests under typical or reasonably foreseeable circumstances, as determined by the pertinent parties. This duty is spelt out in detail in Law 09/03, Article 9. Article 10 stipulates: "Every intervener is obligated to uphold the duty of ensuring the safety of any product placed on the market for consumption, taking into account its characteristics, composition, and packaging; its conditions of assembly and maintenance; the interaction of the product with other products when such joint use is reasonably foreseeable; the manner of presentation and labeling; as well as any instructions relating to use, disposal, or destruction. This obligation extends to all guidelines or information provided by the manufacturer, and it is particularly critical concerning consumer categories deemed vulnerable to serious risk, especially children."

3. Obligationsto product conformity:

According to Article 11 of Law 09/03, a product offered for consumption must conform to the legitimate desires of the consumer in terms of its nature, type, origin, basic features, composition, proportion of necessary ingredients, identity, quantity, usability, and dangers arising from its use. Each intervener must self-assess the product before placing it for consumption.

4. Obligationsto warranty and after-sales service:

During the specified warranty period, in the event of a defect in the product, each participant must replace it, refund its price, or repair the product or modify the service at its expense. The terms and conditions for implementing these guarantees must be stated in a document accompanying the product. Every purchaser of any product benefits from the right to try it, and the intervener concerned must guarantee the maintenance and repair of the product offered after the expiration of the warranty period with an after-sales service, as stated in texts 13 to 16 of Law 09/03.

5. The obligation to inform consumers:

Every intervener/ supplier must inform the consumer of all information related to the product through labeling or other appropriate means. According to Articles 17 and 18 of the Consumer Protection Law, the labeling data must be written in Arabic visibly and legibly and cannot be erased.

6. Protecting the material and moral interests of the consumer:

Article 19 of the Consumer Protection Law stipulates that the consumer's interest must be safeguarded: "The service provided to the consumer must not prejudice his material interests and must not inflict moral harm."

Similarly, the Jordanian Consumer Protection Law No. 7 of 2017 encompasses 27 articles to ensure the safe use of goods and services, combating fraud and misinformation, and protecting against arbitrary conditions.¹⁴ As Article 08 of the law stipulates the following:

1. It is prohibited to publish any advertisement that misleads the consumer regarding the good or service, and the advertisement shall be considered misleading if it contains false, incorrect, or incomplete data or information related to the following:
 - a) The nature, quality, or composition of the commodity, its intrinsic qualities, or the elements that constitute it and their quantity.
 - b) The origin, weight, size, method of manufacture, expiration date, conditions of use, or prohibitions of use of the commodity.
 - c) The type of service, the place agreed to provide it, the caveats of receiving it, or its essential qualities.
 - d) The contract terms, the total price, and the payment method.
 - e) Obligations of the advertiser.
 - f) The identity and qualifications of the service supplier if they are considered at the time of contracting.
2. It is prohibited to publish any advertisement for a good or service harmful to the consumer's health or safety or of unknown origin.

To guarantee the enforcement of these conditions and that each party adheres to its specified obligation, the legislator further set a set of precautionary measures under Article 25 of Law 09/03, where fraud suppression officers apply, including writing reports, withdrawing the product from circulation, and imposing reconciliation fines as a non-judicial measure. In contrast, the Jordanian legislator established a special directorate to monitor consumer affairs according to Article 11 of the Consumer Protection Law, which has the status of judicial police according to Article 12 of the previous law.

Second requirement: Criminal liability of the intervener/supplier

The Consumer Protection and Suppression of Fraud Act is functional and penal in nature, as it defines the rights and obligations of consumers on the one hand and imposes penalties on violators of its provisions on the other hand¹⁵. If the liability of the perpetrator of an act of fraud and deception is established, the judge imposes the penalty specified in Articles 429 to 435 bis of the Penal Code in general, in addition to what is stipulated in Chapter 2 of the Consumer Protection Law 09/03 if the victim is a consumer.

The penalties prescribed in both the Penal Code and the Consumer Protection Law are deprivation of liberty, such as life imprisonment if the adulterated product leads to the death of the consumer (Article 432 of the Penal Code, last paragraph, and Article 83/03 of the Consumer Protection Law 09/03). Temporary imprisonment if the product causes an incurable disease to the consumer (Article 83/02 of the Consumer Protection Law) and a fine of one million to two million Algerian dinars.

¹⁴Fatima Omar Ali Al-Samarrai, Criminal protection of the consumer from fraud offenses in commercial transactions, master's degree, Middle East University, 2022, p. 131.

¹⁵Mohamed Imad Eddine Ayad, "The Scope of Application of the Consumer Protection and Fraud Suppression Law," Policy and Law Notebooks, Issue 9, June 2013, p. 61.

Regarding the imprisonment penalty, it is prescribed in all crimes of fraud and deception, in addition to fines, and the imprisonment penalty is increased to up to five years if committed by the means specified in Article 430 of the Penal Code, in addition to the supplementary penalties contained in Article 09 of the Penal Code¹⁶.

The Jordanian legislator, in turn, has adopted a balanced approach between criminal and civil liability. The established criminal liability involves compensation for damage incurred, notably under Article 25 of the Consumer Protection Law No. 07 of 2017.¹⁷ The Jordanian lawmaker combined punitive measures into a single clause, stipulating penalties for violating the law's provisions. The second paragraph gives the judge the right to impose a supplementary penalty to prevent the provider from practicing the activity subject to the violation permanently or temporarily in case of recidivism in committing the breach.¹⁸

Notably, most of these practices constitute a crime with elements, which are subsequently met with prescribed sanctions. These offences are dynamic in nature since they have different legal repercussions depending on whether they are misdemeanors or more serious violations. The legislative provisions' strictness is necessary for the law's implementation and enforcement. Therefore, a varied punitive system encompassing financial penalties and custodial sentences is essential to guarantee a deterrent effect and increase the effectiveness of legal actions to deter such illegal acts.

Conclusion:

Consumer protection is one of the topics that has received significant attention from scholars and practitioners alike. Yet, this subject requires further investigation owing to the persistent evolution of transactions and concepts between traditional and modern electronic media transactions. Its goal remains to protect the consumer who is the victim of substandard or fraudulent goods. The harm the victim incurred can be material or moral, as the consumer may pay a price greater than the benefit obtained or expected from that commodity, whether the adulterated or defective product may result in adverse health effects, compelling the consumer to bear additional financial burdens for medical treatment and repair of that damage.

Additionally, commercial fraud has an enormous detrimental effect on the country's economy, primarily by facilitating the flow of subpar and perishable commodities. This erodes fair competition and skews market dynamics. Limited consumer knowledge and culture present a significant difficulty in prevailing against commercial fraud. Despite being seen as the weakest link in the production and consumption chain, the consumer is actually the most crucial actor owing to their vital role in identifying and combating fraudulent practices and market abuses. The consumer must report any product or commodity that deviates from accepted legal norms as a civic and legal duty.

Based on the findings presented, we conclude with several conclusions and recommendations, which we summarize as follows:

¹⁶For more details see: Hamlaji Jamal, op. cit., p. 325.

¹⁷Article 25 Law (07/2017) "Unless a more severe penalty is stipulated in any other applicable legislation, whoever violates any provision of this law or the regulations issued thereunder shall be punished by a fine of not less than (250) two hundred and fifty dinars and not more than (10,000) ten thousand dinars or imprisonment for a period not exceeding six months, or both of these penalties. If the violation is repeated, the provider shall be permanently or temporarily banned from practicing the activity that is the subject of the violation."

¹⁸Yasser Fawaz Raja Al-Haniti, Provisions for Combating Commercial Fraud, Zarqa Journal of Research and Studies, Zarqa University, Volume 23, Issue 3, Year 2023, p. 854.

Results:

- Both Jordanian and Algerian lawmakers have established legal controls and provisions regulating conventional and e-commercial activity, consistent with modern developments.
- Competent authorities in both countries strive to effectively mitigate the spread of deception and commercial fraud.
- Governments employ media and campaigns to highlight the most prominent forms of cyber fraud crimes committed via electronic means, most notably the internet.
- Commercial activities contribute to supporting and developing the national economy and fulfilling its various demands, which necessitate providing means of protection and prevention against multiple acts of piracy, particularly those carried out via electronic means (the internet).

Recommendations:

- The researchers recommend enacting a special law to combat commercial fraud and deception, both traditional and electronic, despite a consumer protection law in Jordanian and Algerian legislation.
- Review the penalties contained in the regulatory legislation in Algeria and Jordan, and work to impose stricter penalties on violators.
- Holding lectures and awareness seminars for the public, explaining the dangers of commercial fraud and the penalties imposed on violators, and warning against accessing suspicious and illegal websites.

List of Sources and References:

- The Holy Quran.
- The Sunnah of the Prophet.

1. Books:

- Sikkar, Muhammad Ali. A Brief Introduction to the Crimes of Suppressing Fraud, Deception, and Consumer Protection in Light of Legislation, Jurisprudence, and the Judiciary, Dar Al-Jami'een for Printing and Binding, Egypt, 2008.

0. Thesis

- Bahri Fatima, Criminal Protection of the Consumer. PhD Thesis, Faculty of Law and Political Science, Jumaa Abu Bakr Belkaid, Tlemcen, 2013.
- Jamal Hamlaji, Legal Protection of the Consumer from Commercial Fraud, PhD Thesis, Faculty of Law and Political Science, Mouloud Mammeri University, Tizi Ouzou, 2022.
- Zamouche Farhat, Criminal Protection of the Consumer in Light of the Provisions of Law 09/03, Master's Thesis, Faculty of Law and Political Science, Mouloud Mammeri University, Tizi Ouzou, Algeria, 2015.
- Fatima Omar Ali Al-Samarrai, Criminal protection of the consumer from fraud offenses in commercial transactions, Master's Degree, Middle East University, 2022, p. 131.3. Articles
- Yasser Fawaz Raja Al-Haniti, Provisions for Combating Commercial Fraud, Zarqa Journal of Research and Studies, Zarqa University, Volume 23, Issue 3, Year 2023, p. 854.

- Al-Qahtani, Misfer Bin Hassan, Penalties for Commercial Fraud in the E-Transactions Environment and Their Role in Protecting Consumer Rights, Arab Journal of Studies Security, Issue 70, Volume 33, 2017.
- Lanamy Hamoud Al-Sheikh Suleiman Al-Khalayleh, Ibrahim Sabri Al-Arnaout, The Legal Framework for Protecting E-Commerce Transactions in Jordanian and Comparative Law, Arab Journal of Scientific Publishing, Issue 42, April 2022.
- Abdullah Theeb Mahmoud, Criminal Protection of Consumers from Commercial Fraud, Studies in Sharia and Legal Sciences, Volume 44, Issue 2.
- Mohamed Imad Eddine Ayad, "The Scope of Application of the Consumer Protection and Fraud Suppression Law," Policy and Law Notebooks, Issue 9, June 2013, p. 61.
- Imad Bouklachi, Adel Mesto, "The Development of Policies and Mechanisms for Consumer Protection from Commercial Fraud in Algeria: An Analytical Perspective," Al-Manager Magazine, Issue 2, p. 97.
- Boutaleb Amina, "Mechanisms for Prosecuting Fraud Crimes in Algerian Legislation," Al-Ustadh Al-Baheth Journal for Legal and Political Studies, Volume 6, Issue 2, December 2021, p. 2876.
- Rashid Latifa Yousef, Dalila Braff. Commercial Fraud in Islamic Jurisprudence and Emirati Law: Its Reality, Effects, and Methods of Combating It. Journal of Scientific Research and Islamic Studies. Volume 12, Issue 3, p. 129.
- Salem Mohammed Aboud, Rasha Kilan Shaker, Legal Protection of Consumers from Commercial Fraud, Journal of Law, Volume 4, 2012, p. 252.

4. Laws and Regulations:

- Law No. 09-03 of February 25, 2009, on Consumer Protection and Fraud Suppression, Algeria, amended and supplemented, Official Gazette No. 15 of 2009.
- Jordanian Consumer Protection Law No. (7) of 2017, published in the Official Gazette, Issue No. (5455) dated April 16, 2017, page 2725.
- Algerian Penal Code of 1966 and its amendments.
- Jordanian Penal Code No. (16) of 1960 and its amendments.