

**THE POSITION OF LAW IN THE EQUATION OF BUILDING SMART SOCIETIES AND ENHANCING DIGITAL TRUST**

**Abdellatif Lamzarah**, Ph.D. Researcher specializing in law at the Faculty of Legal, Economic and Social Sciences, Sidi Mohamed Ben Abdellah University, Fez, Morocco  
EMAIL :abdolamzzarah5@gmail.com  
Phone:0762418150/0667367477

**Received:10.05.2020****Revised:15.08.2020****Accepted:02.12.2020****ABSTRACT**

Digital transformation and building smart societies are a key pillar for achieving inclusive development in our contemporary world and making human life easier and faster, as it is a strategic choice for the various countries of the world that have launched various initiatives to push their societies into intelligent societies in order to meet the great challenges they face, particularly with regard to economic growth, urban planning, population growth, transportation and scientific research ... There is no doubt that this international bet is also ambitious for the various countries of the Arab world that strive to accelerate the digital transformation of different sectors in order to establish the building of intelligent societies that keep pace with the revolution of communication and information known in today's world, and it is obvious that these societies may not differ from the traditional societies in which the law regulates the relationship between its various components, and therefore we can ask about the role of The law is to build these smart communities, promote digital trust, protect rights and freedoms, fight cybercrime and maintain cybersecurity... This is what we will try to address through this study by highlighting the realities and prospects of digital transformation, building smart societies in the Arab world and the need for a legal arsenal to keep pace with this transformation and frame relationships within these digital spaces.

**Keywords:** Digital Transformation, Smart Communities, Law, legislative arsenal

**INTRODUCTION**

Two do not differ in the fact that the transformation into intelligent societies and the use of modern technology in various areas of life is a common international ambition, and a goal sought by the various countries of the world, as a criterion to measure the progress of nations and peoples and a fundamental basis for achieving comprehensive development, and some developed countries began on the path of digital transformation and building a smart society many years ago , as they made important strides, including those who were able to turn into truly intelligent countries and all their components, and in recent years some countries have been trying to Arab countries should follow the example of developed Western countries, plan for digital transformation and build sophisticated societies that rely on modern technology to manage their affairs.

To achieve this ambition, a range of conditions must be met on the ground, such as the availability of the logistical structure necessary to download digital transformation workshops and the availability of qualified human resources, as well as the legislative arsenal that will regulate the download of this huge workshop and the historic transformation of the life of societies, as the law as the organizing tool for relations within societies and guarantor for the protection of rights and freedoms, which has made it strongly present itself in the equation of digital transformation and building a smart society.

While countries view the revolution of modern technology from a positive point of view because they have good and positive benefits for humanity, researchers and academics must look at the subject from a negative point of view and the evil and unhappiness it generates on humanity, and propose appropriate solutions and suggestions to reduce its disadvantages and push all those who would harm the dignity, rights and freedoms of human beings, and how to exploit The positives of this revolution in building a world that transcends shared human values, and in which peace, peace and joint international cooperation prevail, and this will be achieved only by international, regional and national legislative frameworks that accompany the revolution of digital transformation.

The fundamental question that modern technology poses to jurists is essentially to identify the risks of privacy it causes to man, by abolishing the space-time framework of the world.

Moving it to another virtual world, this technology exposes it in terms of living in the illusion of transparency, and by including its most prominent movements and habitations in machines, on the other hand, it makes it vulnerable to privacy violations<sup>1</sup>.

The importance of this topic lies in considering it as a new topic and tries to study one of the most important problems in our contemporary world, namely the place of law in the equation of digital transformation and building a smart society, and its importance is also reflected in the lack of writing and research on its subject, and in the fact that it is a subject related to the development of humanity and the protection of rights and freedoms within digital spaces.

The problem that I drafted to be the backbone of this study is:

**How compatible is international and Arab legislation in downloading a modern legislative arsenal that keeps pace with the era of digital transformation and building a smart society?**

To answer this problem, we will try to address the subject according to the following design:

The first topic: the concept of the reality of digitization and smart societies in some international and Arab experiences

**Research II: Efforts and challenges to download legislation that keeps pace with digital transformation**

**The first topic: the concept and reality of digitization and smart societies in some international and Arab experiences**

The revolution of modern technology has been able to enter the normal life of man through multiple applications of interest to various walks of life, and of course this revolution has many drawbacks in various fields such as attacks on privacy, cybercrime, armaments and cyber wars... It also has advantages, as it has become effectively contributing to the employment of everything the human mind has come up with in a way that makes human life easier and faster in various fields, and so the term digital societies or smart societies that mimic the traditional reality of societies, cities, everything that man has been doing in his normal life can be done by default or digital using digital information programming, and this is what we will The first highlights the rooting of the concept of smart societies and their applications, and the second will be devoted to the experiences of some Arab countries in the field of digitization.

**The first requirement: the concept of smart societies and their applications**

The term smart cities and societies began to resonate a lot in our contemporary world as it became the headlines of newspapers and programs of governments, political parties, and various national and international institutions, the focus of discussion among different actors about its applications, and models download it on the ground, and this is what we will talk

---

<sup>1</sup>: Alan Subio, translation returned For Nasser, Human Legal, research into the function of law AnthropologyArab Translation Organization, Lebanon, 2012, first edition, P , 235.

about in this requirement by dividing it into two paragraphs, the first of which will be divided into the concept of smart cities and the second for the realistic applications of these cities.

**First paragraph: The concept of smart cities**

The term smart cities or smart communities developed different definitions that varied according to the circumstances, place and time of the emergence of these smart cities, and the California Institute of Smart Communities defined the intelligent growth of communities as smart cities, or development based on ICT as smart community is the community that makes an effort to use information technologies to change the way life and work.<sup>2</sup>

And he knew “AZAMAT” of 2011 Smart Communities as: An urban gathering of three key elements:

- **Technical element:** is a digital and virtual city, where it is equipped with information and communication technologies, wireless networks, virtual reality, sensor network, so that they form essential elements of the urban environment and is a digital representation of the future realistic future as a system for intelligent community operation, and smart urban management.
- **Environmental element:** is an environmentally healthy city, where there are networks for the distribution of energy, environmental technologies, and the use of renewable energy resources.
- **Social element:** It is a smart, creative and knowledgeable city, where it is based on cognitive activities, enjoys a high percentage of education and creativity, and relies mainly on the creativity of individuals, institutions of knowledge creation, digital communication infrastructure and knowledge management.<sup>3</sup>

The European Union has defined smart cities as those that bring the city, industry and citizens together to improve urban life through integrated and more sustainable solutions.<sup>4</sup>

The Smart Communities Forum tried to highlight the concept of the term smart cities by saying that they are regional systems with creative levels that combine knowledge-based activities and institutions to develop education and creativity, and digital spaces that develop interaction and communication to increase the ability to solve problems in the city.<sup>5</sup>

Other definitions of terms similar to the term smart cities, such as electronic cities or virtual cities, were also introduced, but the term smart cities was considered more comprehensive and general, as it combines all these types of cities, and based on the above we can say that smart communities or cities are geographical areas equipped with networks and modern technologies and depend on digitization in various areas such as Education, health, trade, finance and business sector.... From this point of view, we find that what man does in attendance in normal cities, can be done remotely and by default in smart cities through the use of modern technology, and these cities have a set of realistic applications that we will try to address in the next paragraph.

**Paragraph 2: Realistic application of smart cities smart government and electronic judiciary model**

---

<sup>2</sup>-CALIFORNIA INSTITUTE FOR SMART COMMUNITIES. (2001). TEN STEPS TO BECOMING A SMART COMMUNITY CALIFORNIA/ USA RETRIEVED FROM <http://WWW.SMRTCOMMUNITIES.ORG/LIBRARY-10STEPS.HTM>.

<sup>3</sup>-Abdullayev, A. (2011) A smart world administrative; A Development model for intelligent cities-the trinity world of trinity cities. the 11th IEEE international conference on computer and information technology, the 11th IEEE international conference on scalable computing and communications, pafos/Cyprus, <http://www.cs.ucy.ac.cy/cit2011/>

44- Marina Vargas, Smart Cities between Dream and Truth, City Environment Magazine, Sustainable Smart Cities, Environment Center for Arab Cities, Issue, May 8, 2014, p3.

5-koninis. (2002). intelligent cities; Innovation, knowledge systems digital spaces. London and New York, p5.

Living in a virtual world is no longer trapped in imagination, but embodied on the ground after a group of cities in the world became virtual smart cities as life in these cities became digitally managed and using modern technology, its infrastructure is digitally managed, and various services of state institutions can be carried out electronically, as well as collect waste through advanced systems, telemedicine and education. Also, these cities have proven their efficiency and quality of services with the emergence of the pandemic and quarantine conditions, and one of the most prominent cities that succeeded in turning into smart cities we find New York, Oslo, Amsterdam, Singapore and Boston.... One of the most important manifestations of this intelligence is the model of smart governments as the highest organs of the state that run the largest institutions in the country.

Smart government is a new era of historical development of government electronic transactions, which is intended: "To provide electronic services and various information applications on smart mobile devices such as mobile, table tablets and PDA devices connected to the Internet, so that smart government services can be provided from anywhere, 24 hours a day, at an infinite speed and accuracy, and through a unified mobile application platform, which provides services Smart government<sup>6</sup>.

Given that the size of the government sector constitutes a large proportion of the total economic sectors in most countries of the world, and the fact that dealing with the government sector is not limited to one category only, but is prevalent to citizens, residents, institutions and others, and the fact that this dealing is numerous in its quality, means, quality and models according to its procedures, steps of implementation and places between the corridors of government departments, the concept of e-government came as an ideal means for governments to be able to take care of the interests of the public individuals and institutions electronically, using advanced technology, without the need of a student Service to move between government departments, solve the problems faced by various segments of society in their daily dealings with government agencies, and their desire to alleviate bureaucratic obstacles and slow achievement, and often to complicate it without justification, by providing services to beneficiaries, allowing them to participate in decision-making, and aiming to alleviate the financial burdens in exchange for the services they provided classically, while maintaining their quality<sup>7</sup>.

In exchange for digitizing the various institutions supervised by governments, we find remote work for the citizen or employee who can perform all his functions within the smart city with a digital shekel, and from wherever he is, and even in a non-state in which he works, the same for the financial sector, business and commerce. Remote conflicts relying on modern technology.

The importance of building a smart judiciary that keeps pace with smart cities as the body that ensures the achievement of the name of humanity is the achievement of justice and the protection of rights and freedoms and as smart cities as systems that mimic the normal cities it is necessary to create conflicts such as those that occur in ordinary cities, so we find states make great efforts in the formation of judicial bodies and digital courts capable of raising the challenges and problems posed by digital transformation.

---

<sup>6</sup>Center for E-Government Studies, "The Definition of Smart Government" <http://www.egovconcepts.com> It was browsed on 11/04/2020, at 17:35.

<sup>7</sup>Saddam: Mohammed Al-Khamah, Smart Government beyond Electro Government Intention, Qandil Printing, Publishing and Distribution, Edition The first 2017, p. 188.

The Digital Court is the judge for digital litigation, network crimes, information technology, intellectual property issues and e-commerce, as are certain competent courts such as the Family Court, the Criminal Court and the Civil Courts<sup>8</sup>.

The Digital Court relies on the remote litigation system that emerged with the emergence of the Covid 19 pandemic, and tele litigants are conducted in accordance with the legal and procedural requirements of the parties to the case so that the judiciary remains at its headquarters in the court house by linking it through electronic means of communication.

The explicit and gradual application of technology in judicial management has a positive impact, including the rapid completion of transactions and cases, the standardization and simplification of work procedures, the contribution to the security of information by preserving it and making it accessible to the authorized person, as well as ensuring the quality of work and keeping pace with development.

Based on the above, it is clear to us that smart governments and smart judicial administration are models of smart city applications and these two models can be dropped on various devices, institutions and other sectors, everything is managed remotely and based on modern technology means, both at the international level and in some Arab experiences that seek digital transformation and the establishment of smart societies, and this is what we will try to study in the following demand.

**The second requirement: the reality of digitization and smart societies in some Arab experiences.**

Through this chapter, we will try to evoke the experiences of some Arab countries in the field of digitization and the construction of smart cities by talking about the experience of the United Arab Emirates (first paragraph) and Moroccan efforts for digital transformation (second paragraph)

**Paragraph 1: The reality of digital transformation in the UAE**

The experience of the United Arab Emirates in digitization and transformation into a smart society is considered a pioneering experience that simulates the experiences of developed countries that have made important strides in the direction of building smart societies. More than two decades ago, specifically in 2000, Sheikh Mohammed bin Rashid Al Maktoum, Vice President and Prime Minister of the UAE, announced the "e-government" program, which formed the cornerstone of all subsequent digital transformation initiatives at the state level, which included various other sectors, and the UAE authorities continued their efforts in the direction of digital transformation, and in the year 2013, the smart government was announced and a set of strategies and initiatives were launched that aim to build a modern and smart developed society, the most prominent of these initiatives being the National Strategy for the UAE Digital Government 2025, the Emirates Artificial Intelligence Strategy, the Emirates Digital Transactions Strategy 2021, and other projects Which included various sectors such as investment, finance, business, environment, management and education High, judiciary, etc.

The UAE has listed smart or electronic education as one of the criteria for evaluating and licensing universities within the UAE, and in adopting new programs and disciplines, the content of the courses should be appropriate to the framework of the qualifications system to improve the level of education, and the extent to which the quality of e-education applicable at the university within the UAE is consistent with international quality standards in the same fields, how much We cannot deny the effective role that distance education has played by integrating electronic digital systems and methods capable of keeping pace with global and regional changes and crises, particularly in the CORONA pandemic.

---

<sup>8</sup>-: Abdassabor Abdalkaoui Ali Massry, Digital Court and Information Crime Comparative Study, Library of Law and Economics, Riyadh Edition The first 2012 P:59.

Hamdan Bin Mohammed Smart University is the first e-learning institution to be licensed and accredited by the Ministry of Education in the UAE, and has achieved leadership in e-learning thanks to its mission to reshape education by providing a lifelong learning model, offering academic programs accredited in university and higher studies, as well as diplomas and executive development programs.

The UAE judiciary has also taken steady steps towards digitization and building a modern and intelligent judiciary capable of meeting the challenges of a smart society.

In this context, the Public Prosecutor's Office in The Emirate of Dubai has launched an electronic system for complaints received by the Public Prosecutor's Office and for litigation procedures, which allows the registration of complaints through the public prosecutor's website, and the complainant is electronically notified of the contents of the complaint filed, and the serial number of the complaint in order to facilitate and shorten the time, with the aim of developing and improving the procedures and services provided to customers, after which the complaint is automatically transferred to the customer service department, which deals with the transfer of complaints to the authorities. This system uses several technical means to inform the plaintiff of any action regarding his claim, such as SMS, e-mail and e-fax, in order to ensure that the public prosecutor communicates with litigants at any time, anywhere and as soon as possible<sup>9</sup>.

Dubai courts have also introduced an information system for non-injunctive implementation management, which has been in place since April 2011, which envisages the consolidation of implementation requests and amendments, knowledge of the joint financial balance of the implementation parties, identification of the shares of the parties individually or collectively, verification of the status of the implementation index, verification of the status of the implementation index and the value of the claim. Remaining before allowing the approval of the transaction, in order to improve financial procedures by requiring civil implementation while reducing the risks that may occur.<sup>10</sup>

The UAE Ministry of Justice also announced in coordination with the Ministry of Interior the announcement of an agreement aimed at digitizing the trial procedures, and the approval of the system of remote trials, which allows the accused to attend the hearings remotely and technically visual debate, and it is worth mentioning that digitization in the UAE was not limited to the sectors of government, higher education and the judiciary, but also included various other sectors, so it is inevitable To say, the UAE's digital experience and the transformation into a smart country is an experience to follow despite all the challenges and difficulties the UAE faces.

### **Paragraph 2: The reality of digital transformation in the Kingdom of Morocco**

Like the rest of the world, al-Magheb has taken important steps towards digital transformation in recent years and has adopted multiple strategies and programs in an effort to develop building blocks for an intelligent society based on the use of modern technology in various sectors and Morocco's efforts in this direction are not born today, but King Mohammed VI of Morocco stressed in his 2008 throne speech that digitization is a crucial issue that will transform Morocco's future.

As part of the modernization of morocco's productive sectors, the National Strategy E-Maroc has taken it upon itself to bridge the digital divide and generalize access to Internet and communication services in general, relying on four axes related to the development of electronic management and the dissemination of communication technology, as well as

---

<sup>9</sup>Khaled Mamdouh Ibrahim Electronic litigation: Electronic And its procedures. front Courts, previous reference, p. 196

<sup>10</sup>: Same reference, p. 198

training in information technology and communication technology and finally the development of IT-related industries<sup>11</sup>.

Morocco also launched morocco's digital scheme in 2013, based on making the information technology sector a source of productivity and added value for other economic sectors and public administrations, as well as enabling citizens to access the high-pitched Internet and bringing management closer to the needs of its customers in terms of efficiency, quality and transparency through electronic management, as well as encouraging small and medium-sized enterprises to adopt information to increase their productivity<sup>12</sup>.

With the spread of the Covid 19 epidemic and the adoption of a comprehensive quarantine, the results of Morocco's efforts to digital transformation emerged; a Moroccan digital arsenal emerged that was able to transform the services of various sectors from traditional attendance services to remotely performed services. Using audio-visual communication, it is part of the future vision of digital justice that our country aspires to, which aims to achieve a set of objectives, in particular to rationalize judicial time and save effort, ensuring that cases are decided within reasonable deadlines.

Hence, it is clear that the digitization of the justice system is a strategic choice for Morocco and not a coincidence, and in the same direction went moroccan public administrations and private sector companies and relied throughout the quarantine on the system of remote work by relying on modern technology and the system of education also basic and higher worked by modern technology, students received their studies remotely and the same for higher education and university students, so the teachers of higher education and the departments of Moroccan universities made a great effort through the establishment of platforms Private electronic sites on the websites of university institutions and on social media sites to give lectures and communicate with students, and the higher education system is one of the sectors where digitization is very important because of its impact on the quality of scientific research. It can therefore be said that Morocco has achieved important steps in the direction of digitization and modernization, but this does not mean that it has overcome all the coercions and difficulties facing the bet of digitization and intelligent society, as Morocco continues to face multiple challenges related mainly to what is material logistics, as well as with regard to human resources and their composition and rehabilitation and review the way a range of sectors are organized, as well as download digitization workshops in stages and gradually and launch intensive formation of various components of society in order to prepare for intelligent downloading of programs Clever schemes aim to build a smart Moroccan society.

### **Research II: Efforts and challenges to download legislation that keeps pace with digital transformation**

The law is defined as a set of legal rules governing the lives of individuals within society, and as long as societies and life are evolving, the law must also develop in order to keep up with the developments and challenges of the times, as countries that have gone in the direction of digital transformation and the establishment of building smart societies are required to pass new legislation that keeps pace with this transformation and regulates relations within digital spaces and achieves cybersecurity and protects rights and freedoms, and this is what we will try to stand in this research by examining the compatibility of some countries The West enacted legislation to keep pace with Morocco's transformation (the first requirement), as well as to address the efforts and experiences of some Arab countries (the second requirement).

---

<sup>11</sup>Hisham: Al-Bakfawi, "The Government Electronic In Morocco, Business Law Magazine, issue 4, January 2011 P , 203

<sup>12</sup>: Abdul Hakim Zarrouk, organizing the électronique exchange of légal data through Internet, Dar Safety For publication, Rabat, Edition The first·2016P. 133.

**Demand 1 : Efforts and experiences of Western countries to enact legislation to keep pace with digital transformation**

A group of Western countries that have chosen to become smart digital societies are making great efforts to repel new legislation that frames and keeps pace with this transformation, reduces its disadvantages, achieves digital trust and protects cybersecurity, and in the same direction some Arab countries, which in turn have made important strides in the path of digital transformation, will seek through this requirement to highlight the experience of the United States of America (first paragraph) and the experience of the French Republic( second paragraph).

**Paragraph 1: Experience USA**

The determination of the United States of America to become a smart country based on the use of modern technology is not the product of decades of effort, work, thinking and scientific research in the field of digital transformation and artificial intelligence, and the United States was one of the leading countries to pass electronic laws keeping pace with technological development, as Congress passed the Computer Security Act in 1987.

This law requires each federal agency to develop security plans for its computer systems, which contain sensitive information, and these plans are subject to review by the National Institute of Standards and Technology of the Ministry of Commerce, and a summary is provided, together with the general budget plans of information technology, in conjunction with the Office of Management and Budget, and the National Institute of Standards and Technology has the right to set security standards for all federal computer systems, except those containing intelligence, encryption information, military or security information. Certain, or specifically authorized information, in accordance with the specific criteria and the expiry of an executive order or law that remains in force in favor of national defense or foreign policies, and each federal agency is directed to provide all relevant employees, with the management, use or operation of their computer systems, with mandatory periodic training in computer security awareness, safe practice and acceptable protection of the computers used<sup>13</sup>.

In 1996, the U.S. Congress passed the Digital Age Copyright Protection Act, a law that is appropriate for the digital age because it expands protection for digital businesses by ensuring that tools designed to protect copyright (e.g. encryption or blindness) are not tampered with or removed, and it tries to reassure service providers. The Internet protects them from fraud and attacks committed in accordance with U.S. copyright that may lead them to take unilateral measures such as imposing practices that would reduce their services to the public, and the law exempts companies such as Yahoo, Google and other legal liability provided they adopt the same arguments as to terminate services to copyright abusers, and to remove content that constitutes copyright infringement after the author or copyright owner has received an alert to remove The offense<sup>14</sup>.

With regard to e-commerce, U.S. legislation has singled out special and sophisticated legislation aimed at promoting competition and protecting customer data. With regard to electronic contracts, the Computer Information Transactions Act adopted by the National Conference on the Unification of The Laws of the United States of America was passed on July 29, 1999. Doubts about the possibility of accepting electronic contracts that have become legally recognized in the event of certain conditions, including the consent of contractors to

---

<sup>13</sup> -Robert c. Newman, computer security; protecting resources, Massachusetts, Burlington; jones, burlet publishers, 2009.p352

<sup>14</sup> -Deborah E. Bouch administrative oux, intellectual property; the law of trademarks, copyrights, patents, and trade secrets, 4th edition (Cengage learning2013). At301-302.



conclude them, and giving the consenting party an opportunity to review the terms of the electronic contract before concluding it.<sup>15</sup>

U.S. legislation aimed at protecting information systems, cybersecurity and digital trust has also covered various areas, and what helps the United States download this legislation on the ground is its availability on a powerful, modern, fast and intelligent judiciary, and the U.S. judicial system is known for applying the electronic litigation management system in all its courts, where the case is filed electronically via the A private electronic company owned by a private company headquartered in Santa Barbara, California, thus allowing the public of litigants to access the court's electronic recordings 24 hours a day, download and print documents directly from it, and has applied this system almost entirely in all its courts<sup>16</sup>.

Based on the above, it is clear to us that the experience of the United States of America is a pioneer in the field of digital legislation and one of the few countries with a legislative and judicial arsenal capable of meeting the challenges of digital transformation and resisting the dangers, disadvantages and revolution of modern technology.

### **Second paragraph: The experience of the French Republic of France**

The bet of downloading laws and legislation that keep pace with the use of modern technology is an strategic goal of the French Republic, and has always been a major focus of the programs and policies of various French parties, in order to enhance information security and establish a digital and intelligent French society. Management and beneficiaries, and before that we find the law of July 17, 1978, which includes various precautions to improve the relationship between departments and the public, especially with regard to access to administrative documents and in particular the use of e-mail in article 1 of the law above ensures that the applicants can request the extraction of all documents<sup>17</sup>.

Like the U.S. legislature, the French legislature passed a law protecting copyright in digital spaces, which prevents copyright infringement, due to the copyright convention adopted by wipo on December 20, 1996, which It is a review of the Berne Convention, and this legislation is also in line with European Directive 29 of May 22, 2001 on copyright and neighbouring rights in the information society. Is to transfer the provisions of this trend to the French national fragmentation<sup>18</sup>.

The French legislator also singled out a careful framing of the field of e-commerce through legislation protecting the field and enhancing confidence in the digital economy in order to encourage investment and drive trade, finance and business by amending the Civil Code and bringing it into line with the electronic environment, as it passed Law No. 2000-230 on information technology and electronic signature, since electronic processing of information directly affects the provisions of civil law as public law, the French legislator sought to amend the Civil Code Under the Law 2000-230 of March 13, 2000 on information technology and electronic signature, he made some amendments to the rules of proof of contracts.<sup>19</sup>

The French legislator also passed Law No. 2004-575 on confidence in the digital economy, which emphasized that the person in charge of e-commerce must be obliged, even if it did not

---

<sup>15</sup> **Rami Alwan, Critical Review of the Exchange and E-Commerce Bill and the Organization of Electronic Signatures, Institute Research for Palestinian economic policies, March 2006P. 29.**

<sup>16</sup>: **Hussein Bouissa, Reform of the Institution of Justice between Reality and Prospects, Al-Qasr Magazine Issue 13, New Al-Najah Printing Press Casablanca, January 2006, p. 16**

<sup>17</sup> - **Io Mohammed: electronic administration and the law public, these for getting the degree of Doctor of Law, Public Law administrative, University paris1 Sorbonne, France,2004, p38.**

<sup>18</sup> - **Parliament Directive 2001/29/EC European and the Council of 22 May 2001 on the l harmonization certain aspects of copyright and related rights in society the information, OJ N L 167 of 22/06/2001 p.p.10-19.**

<sup>19</sup> - **AL shattnawisinan, the general conditions of sale in electronic contracts in Turn compared To Franco Jordanian, p180.**

involve a positive contract, and to inform the consumer of the price in a clear manner without ambiguity or ambiguity, especially if taxes and delivery expenses were calculated, and the legislator would have tightened the protection of the electronic consumer<sup>20</sup>.

The French legislator went further and approved criminal protection of French trade by criminalizing various electronic practices targeting people and money, and the French Republic succeeded in building a modern and digital judicial apparatus through a series of stages and projects aimed at the judiciary, and the e-barreau project is the first project signed between the French Ministry of Justice and the Presidency of the National Council of the Bar Association of France in order to develop electronic communication between the Supreme Courts and the French Bar Association, on 28/09/2007, This project enabled all the supreme courts to communicate with the writing of the seizure, follow the procedures, see the files and send arguments electronically, and France was able to devote a new system for complaints directed to French security through the allocation of a website accessible to citizens and provide complaints to the security services, and french litigants can track his files within the courts by downloading a special application on their smartphones, and the French judiciary has the possibility of organizing hearings on the security services. After all French courts and prisons are equipped with technical means that enable them to carry out all their tasks remotely and electronically.

Based on the above, it can be said that French legislation and the judiciary, despite all the problems raised, have been able to build a modern modern legislative and judicial arsenal capable of keeping pace with the digital transformation and the information and communication revolution known to the world, a product of the jurisprudence of French jurisprudence and judiciary and the collective community awareness of the French people.

### **Demand 2: The efforts of some Arab countries to enact legislation to keep pace with digital transformation**

The insistence of some Arab countries on building smart digital societies has led them to make a major effort at the legislative level, including the enactment of a set of laws governing a range of areas in digital spaces, and through this requirement we will try to study the efforts of the United Arab Emirates (first paragraph) and those of the Kingdom of Morocco (second paragraph).

#### **Second paragraph: UAE efforts**

The United Arab Emirates is one of the first Arab countries to be involved in the efforts to build a smart society, ride the train of the digital age and develop technology, so it had to modernize its legal arsenal and pass new modern legislation to keep pace with the efforts of digital transformation and building a smart Emirati society, and the Anti-IT Crime Act 2012 is one of the most important laws in the UAE that promote the legal protection of the information network and its uses in various fields such as money, business, communication and media. The law established the protection of the private life of individuals and criminalized the defamation of persons using modern technical means and other deterrent provisions for various crimes committed by modern technical means.

It should be noted that the above law was preceded by two other laws, which confirms that the UAE's efforts to pass legislation in line with the information and communication revolution were launched many years ago, namely the Federal Law of 2006 on combating IT crimes and the Emirates Telecommunications Corporation Act 1991, without forgetting some chapters of the UAE Penal Code of 1987 relating to crimes related to communication means.

The UAE has also singled out e-commerce with special provisions, as the Emirate of Dubai's Transactions and E-Commerce Act is the first Arab legislation after Tunisian legislation in

---

<sup>20</sup>Mariam Khalifi, Commitment By media. Electronic and transparency dealing in the field of e-commerce, D Magazine Political lukewarm and legal. Issue 4 January 2011 P. 212.

this <sup>21</sup>area. The field of e-commerce was strengthened by a new law for 2006, which is more sophisticated and quality texts than the 2002 law and provides strong protection for e-commerce, by providing e-commerce security in a way that ensures the prosperity and recovery of e-commerce, and provides answers and solutions to the problems that were raised under the previous law.

Electronic legislation in the UAE also covered the field of intellectual property by passing the Copyright and Related Rights Act of 2002, which was amended in 2006, and was sharply criticized by jurists for matching most of its provisions with Egyptian law as well as its opposition to some of its provisions to the Berne Convention.

The UAE singled out the field of electronic management with a special strategy aimed at:

- Raising the level of electronic transformation of government agencies in the UAE.
- Improving the UAE's e-government competitiveness.
- Design and build common infrastructure and applications to increase cooperation between government agencies and reduce the cost of IT projects.
- Strengthen governance by building structures, supporting the consolidation and strengthening of processes with high-level human skills.
- Provide the necessary legal framework to ensure the success of the e-management strategy.<sup>22</sup>

As the law enforcement body, the judicial institution must take a look at the status of the UAE's judicial institution, which has a respectable experience in establishing digital justice thanks to the Comprehensive Justice Reform Program, as UAE litigants can access judicial services based on modern technology.

Based on what has been said, we can say that the UAE's efforts in the field of digital legislation have given its food on the ground despite the shortcomings in this legislative arsenal, and its experience can be considered one of the best Arab experiences, and it should be noted that the geographical location and wealth of the UAE have greatly helped it achieve its reach in the field of digital transformation.

### **Second paragraph: The efforts of the Kingdom of Morocco.**

We have also stressed in the past that Morocco is striving to keep pace with the era of digital transformation and the development of the building blocks of intelligent Moroccan society, and to build a healthy smart society must be under legislative cover to keep pace with this transformation and strengthen legal protection in digital spaces, and this went in the direction of Morocco through the issuance of a set of laws aimed at regulating some digital spaces.

Morocco's legislative system is trying to issue an appropriate legislative framework that will ensure the use of the prevailing digital climate, passing Law 09.08 on the protection of self-persons towards the processing of personal data in order to address international conventions ratified by Morocco, in particular the 108th Convention of the Council of European States, and the Arab Convention against IT Crimes, which criminalizes the harm and automatic processing of personal data and enhances the protection of the private lives of individuals, thereby enhancing confidence in the administration and institutions and encouraging Investment and e-commerce, as well as the Moroccan legislator passed Law No. 31.13 concerning the right to information, which also has a digital dimension, which appears through the questioning of a set of its texts, in addition to Law 31.08 On consumer

---

<sup>21</sup>: Suleiman bin Mohammed al-Shadi, the legislative and judicial aspect of the GULF Cooperation Council (GCC) countries and its role in supporting transactions and e-commerce, an intervention at the Conference on Electronic Transactions (e-commerce, government) Electronic), Abu Dhabi Uae Day 19/ May 20, 2009

<sup>22</sup> : Hamdi Pasha Nadia, Mahjabiya Naseera, State Experience Show U.A.E United Arab Emirates in establishing a federal electronic government article published in the journal Management Research development Studies, issue 3, 2015, p. 84.85.

protection, the Moroccan legislator's awareness of the specificity of information crime as one of the most important manifestations of technological development, and its implications for the security of Moroccan society, led him to take this phenomenon seriously<sup>23</sup>, and to pass Law No. 03.03 on combating terrorism, as well as law No. 03.07, which is complementary to the Criminal Code Group on Crimes related to automated processing systems of data,<sup>24</sup> as constitutes law. 16.61 The updated Digital Development Agency is a mainstay of Morocco's digital legislative arsenal, and under the sub-legislation the Moroccan government has issued a series of decrees regulating the administration's work in the field of digitization within the framework of, and the launch of a set of digital platform that facilitates administrative services for the tenants such as the Directorate General of Taxation, Urban Agencies, courts, the preservation of real estate and regional investment councils ... The Moroccan experience also saw the development of a set of mechanisms in order to enhance digital trust and protect information security by launching a range of digital strategies and giving oversight authority to a range of institutions, most notably the High Authority for Audiovisual Communication, the National Agency for Communications Legalization, the National Council for Information and Communication Technology and the National Commission for Monitoring the Protection of Personal Data.

It should be noted that a series of other bills under discussion within the Moroccan parliament, most notably Bill 53.05 concerning the electronic exchange of legal data, have changed the Moroccan justice system with great efforts to keep pace with this new legislation to keep pace with the information and communication revolution, and to build a strong judiciary capable of meeting the challenges without forgetting other professions assisting the judiciary, which are also working to modernize themselves and build modern, powerful institutions capable of winning all Bets.

At the end of this paragraph, it is clear to us that the Moroccan legislator is changing efforts to pass new legislation to keep pace with the digital transformation, but these efforts must continue until we reach the building of a legislative arsenal of the new generation, and this will only be achieved with the involvement of all legislative, executive, judicial, political parties, civil society and the hope of creating a collective Moroccan community awareness that will enable Morocco to move to a smart state.

### ***Conclusion***

At the end of this modest scientific pause, which touched on the position of the law in the equation of building smart societies by studying the reality of smart societies and conjuring up international and arab regional experiences, and the extent to which they succeed in becoming smart digital societies and the extent to which they can download digital law regulating life within digital spaces and keeping pace with the revolution of digitization and artificial intelligence and we have drawn through this scientific study the following:

- Western experiments, led by the United States of America, have succeeded in building real intelligent societies and downloading digital laws that protect and regulate life within digital spaces.
- As for the Arab experiences, it can be said that the UAE experience is a pioneering experience in the Arab world despite all the efforts it needs and the development and downloading of new guanine to face difficulties and challenges.

---

<sup>23</sup>Abd: Al , Hakim Razouk The regulation of the electronic exchange of legal data over the Internet, a previous reference, P, 448

<sup>24</sup>: Dahir Sharif Figure 197.03.1Sander 16 Ramadan11424 (November 11 2003(executed) Law No, 0307 By circulating the Criminal Code concerning crimes On With treatment systems Mechanism For data, publication in the official newspaper.Number 5171 issued date December 2003.

- As for the Kingdom of Morocco, it is making great efforts towards digital transformation and building a smart Moroccan society, and is the last to demand more efforts not at the level of the logistics structure to download workshops, nor at the level of qualified human resources or at the legislative level.

Finally, we can say that the law is a difficult number in the equation of building smart societies and promoting digital trust, and that all countries that aspire to digital transformation and building a smart society must issue a legislative arsenal from a new generation, modern digital rubber and this will only come with a profound reform of the legislative institutions of our Arab homeland.

**REFERENCES:**

- 1) Alain Subio, translated by Adel Abdel Nasser, Legal Man, Research on Anthropological Law, Arab Translation Organization, Lebanon, First Edition 2012.
- 2) Marina Vargas, Smart Cities between Dream and Truth, City Environment Magazine, Sustainable Smart Cities, Arab Cities Environment Center, Issue, May 8, 2014.
- 3) Saddam Mohammed Al-Khamah, smart post-e-government government, Qandil Printing, Publishing and Distribution, First Edition, 2017.
- 4) Abdul Saboor Abdel Quwai Ali Masri, Digital Court and Information Crime Comparative Study, Library of Law and Economics, Riyadh First Edition 2012.
- 5) Abdul Hakim Zarrouk, Online Legal Data Exchange, Al-Aman Publishing House, Rabat, First Edition 2016
- 6) Hijazi Abdel Fattah, Criminal Evidence and Forgery in Computer And Internet Crimes, Legal Book House, Cairo, 2002.
- 7) Khaled Mamdouh Ibrahim, Electronic Litigation: Electronic Litigation and Court Proceedings, Collective Thought House, Alexandria, 2008.
- 8) Saddam Mohammed Al-Khamah, Smart Post-E-Government Government, Qandil Printing, Publishing and Distribution, First Edition, 2017.

**Magazines and articles**

- 1) Hussein Bouissa, Reform of the Foundation for justice between reality and horizons, Al-Qasr Magazine Issue 13, Casablanca's New Al-Najah Press, January 2006.
- 2) Hamdi Pasha Nadia, Mahjabiya Naseera, presented the UAE's experience in establishing a federal electronic government article published in the Journal of Management and Development for Research and Studies, Issue 3, 2015.
- 3) Hisham Al-Bakfawi, "E-Government in Morocco", Business Law Magazine, Issue 4, 2011
- 4) Maryam Khalifi, Commitment to Electronic Learning and Transparency in E-Commerce, Political and Legal Books Magazine, Issue 4, January 2011.
- 5) Suleiman bin Mohammed al-Shadi, the legislative and judicial aspect of the GULF Cooperation Council (GCC) countries and its role in supporting transactions and e-commerce, an intervention in the electronic transactions conference (e-commerce, e-government), Abu Dhabi UAE on 19/20 May 2009.
- 6) Rami Alwan, Critical Review of the Exchange and E-Commerce Bill and The Organization of Electronic Signatures, Palestinian Economic Policy Research Institute, March 2006.
- 7) Abdoullaev, A. (2011) A smart world; A Development model for intelligent cities-the trinity world of trinity cities. the 11th idea international conference on computer and information technology, the 11th IEEE international conference on scalable computing and communications, pafos /Cyprus, <http://www.cs.ucy.ac.cy/cit2011>.

- 8) CALIFORNIA INSTITUTE FOR SMART COMMUNITIES. (2001). TEN STEPS TO BECOMING a SMART COMMUNITY CALIFORNIA/ USA RETRIVED FROM [http /WWW.SMRTCOMMUNITIES.ORG/LIBRARY](http://WWW.SMRTCOMMUNITIES.ORG/LIBRARY).
- 9) Deborah E. Bouchoux, intellectual property; the law of trademarks, copyrights, patents, and trade secrets, 4th edition (Cengage learning2013).
- 10) Robert c. Newman, computer security; protecting resources , massachusetts, burlington ,jones , barlett publishers ,2009.

**Legal texts**

- 1) Dahir Sharif No. 197.03.1 was issued on 16 Ramadan 11424 (November 11, 2003) by implementing Law No. 0307 by circulating the Criminal Code relating to crimes related to automated data processing systems, published in the official newspaper No. 5171 issued on December 2003.
  - a. Websites
- 2) Center for E-Government Studies, "Smart Government Definition": <http://www.egovconcepts.com>.

**References in French**

1. AL shatnawisinan, the general conditions of sale in electronic contracts in comparative law Franco Jordanian.
2. Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, OJ N L 167 of 22/06/2001.
- 1) Lo Mouhamadou: Electronic Administration and Public Law, thesis to obtain the degree of Doctor of Law, Public Administrative Law, University Paris1 Sorbonne, France, 2004.