

# Legal Frameworks for Consumer

Protection in E-commerce Contracts  
and Their Development in Saudi Arabia  
An Analytical Comparative Study with the  
American System

## الأطر القانونية لحماية المستهلك

في عقود التجارة الإلكترونية

في المملكة العربية السعودية

دراسة تحليلية مقارنة

إعداد

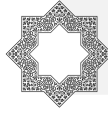
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## الأطر القانونية لحماية المستهلك في عقود التجارة الإلكترونية في المملكة العربية السعودية - دراسة تحليلية مقارنة

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### ملخص البحث:

هذه الورقة تقوم بتقييم ممارسات حماية المستهلك والأنظمة التشريعية المتعلقة بالعقود الإلكترونية في المملكة العربية السعودية مقارنة بالنظام القانوني للتجارة الإلكترونية في الولايات المتحدة الأمريكية كجزء من رؤية المملكة العربية السعودية ٢٠٣٠، يسعى هذا البحث إلى تحديد مدى مساهمة قانون التجارة الإلكترونية واللوائح التنفيذية في المملكة العربية السعودية في تعزيز بيئة تجارية آمنة في الفضاء الإلكتروني. إن الإطار التشريعي في المملكة يدافع عن العدالة في المعاملات، وحماية البيانات الشخصية، وتوفير عمليات مناسبة وعادلة لحل النزاعات التي تعزز ثقة المستهلكين والتغيير الاقتصادي. ومن ناحية أخرى فإن الولايات المتحدة الأمريكية تستخدم النهج القطاعي حيث تقع فئات وقطاعات بيانات محددة تحت تشريعات مثل قانون جرام-ليتش-بلايلي وقانون حماية خصوصية الأطفال على الإنترنت. وبالنسبة لما يتعلق بتنظيمات الخصوصية وحماية المستهلك وتسوية النزاعات فإنها تختلف من بلد إلى آخر، إن النظام السعودي يوفر الراحة والتوجيه مقارنة بالنظام الأمريكي الذي يتمتع بحماية جيدة في مجالات مختلفة. إن نتائج هذه الدراسة ذات صلة بأصحاب القرار والأطراف الأخرى المهتمة الذين يهدفون إلى تعزيز حماية المستهلك والتنظيم الدولي لأسواق التجارة الإلكترونية.

الكلمات المفتاحية: قانون التجارة الإلكترونية السعودي، حماية المستهلك،

التجارة الإلكترونية، عقود التجارة الإلكترونية.



## Legal Frameworks for Consumer Protection in E-commerce Contracts and Their Development in Saudi Arabia: An Analytical Comparative Study with the American System

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### Abstract:

The paper evaluates consumer protection practices and legislative statutes concerning Saudi Arabian e-contracts in comparison to the American e-commerce legal system. As part of the Saudi Arabia Vision 2030, this research seeks to establish the extent to which the kingdom's e-commerce law and the implementation regulation contribute to promoting a safe trade environment in cyberspace. The legislative framework in KSA defends transactional justice, personal data, and adequate and equitable processes to solve conflicts that foster consumers' confidence and economic change. On the other hand, the United States employs the sectoral approach where specific data categories and sectors fall under legislation such as the Gramm-Leach-Bliley Act and the COPPA. Privacy regulation, consumer protection, dispute settlement, and using force vary from country to country. The Saudi Arabian system provides convenience and direction compared to the United States system, which is well-protected in various fields. The results of this study are relevant to policymakers and other interested parties who aim to enhance consumer protection and international regulation of e-commerce markets.

**Keywords:** Saudi E-Commerce Law, Consumer Protection, Electronic Commerce, E-Commerce-Contracts

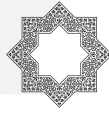


## **“Legal Frameworks for Consumer Protection in E-commerce Contracts in Saudi Arabia - An Analytical Comparative Study**

### **1.0 Introduction**

The selling of goods through the Internet has gained popularity and expanded a new dimension towards the globalization of markets. In Saudi Arabia, this paradigm shift is the critical project of the nation’s ambitious transformation program - Vision 2030, which aims to diversify the Saudi economy, which has not so long ago heavily relied on oil (Aljumie, 2020). As the Kingdom of Saudi Arabia is moving towards technological change in the economic drive of e-commerce, legal effectiveness has become a vital concern for the country. Of them, the Saudi E-commerce Law passed in 2019, and the formation of the Saudi E-commerce Council in 2018 might be observed as encouraging measures in the course of this aim (Alshathri, 2022). The paper will highlight that policies can increase fairness in completion, protect consumers and enhance the sustainability of online transactions.

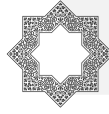
Consumer protection is essential when marketing and purchasing products online because cons and fraudsters take advantage of potential victims, defraud them, sell counterfeit products, or steal from them (King et al., 2020). Therefore, the legal systems need to ensure buyers feel sure and confident when conducting business within the e-commerce industry. Therefore, the title of this research focuses on the primary law instruments of the KSA and their counterparts. When applying these frameworks, the given research will help to understand improved consumer protection laws as part of the Kingdom's perspectives to create a safe digital economy.



## 1.1 Study Problem

The fast-food industry has a critical position in Saudi Arabia's Vision 2030 because Saudi Arabia needs to develop e-commerce as a crucial factor of economic diversification after the oil period. In this vision, internet connection and smartphones are used to fully capitalize on the digital opportunity in the global markets (Naffah, 2022). However, legislative avoidance of consumer protection in the newly innovative area of e-sales demands concern for sustainable and secure growth in the broadened e-commerce business. Saudi E-commerce Law of 2019 No. M/126 in The Kingdom was issued through a Royal Decree to regulate and govern electronic sales and purchase transactions to safeguard consumers' interests. Still, the question arises: are these regulations sufficient to protect consumers from fraudsters, unauthorized use of their consumer data and unfair business practices?

Consequently, the current research endeavours to understand whether these laws aptly tackle these challenges to open up a secure and competitive e-commerce market or whether this is still evolving with broad constraints. For instance, although the governmental Saudi E-business Council, more focused on the sector's development, was established in 2018 (SGAFT, 2023), it is essential to discuss the existing legal regulation much more broadly, identify the possible lack, and make recommendations. The outcome of this research will assist in seeking solutions to existing and emerging consumer protection and policies in light of the strategic economic blueprints of Vision 2030.



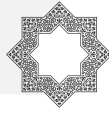
## 1.2 Research Methodology

Concerning the technique adopted in the study, this systematic review study investigates e-commerce in the Saudi Arabia Vision 2030. This approach is chosen to classify, compare, and contrast the existing secondary data sourced from peer-reviewed articles, government reports, legal databases, policy reports, and credible state organizations. A systematic review is particularly suitable as it gives a methodical approach to examine and elaborate the available evidence on a specific topic (Robson et al., 2019). The qualitative part of the study will focus on exploring the current legislation to determine its effectiveness in providing a safe and ethical e-commerce framework.

## 1.3 Importance of Study

The relevance of this study is based on the fact that it assesses the legal systems used in consumer protection in e-commerce to augment Saudi Arabia's Vision 2030. As e-commerce is recognized as one of the leading trends that can contribute to the further diversification of the economy and the transition to the digital economy, this growth's efficiency depends entirely on the legal regulation that guarantees the security of electronic transactions. This research assists in evaluating Saudi e-commerce law and any matter of law concerning the sufficiency of the protection afforded to consumers against fraudsters, infringement on consumer's right to privacy, and any unfair business practices.

Therefore, based on evaluating the aforementioned legal aspects, this paper provides meaningful suggestions for lawmakers and jurists to enhance the current legislation to promote the



reasonable and safer development of e-commerce. The stability of Saudi Arabia's digital economy requires security based on sound legal grounding not just in building consumer confidence but also, in the long run, to prevent exploitation and deceit as envisioned under the Saudi Arabian Vision 2030.

### **1.3.1 Enhanced Consumer Protection**

Illegality is prohibited through legal regulation of the transactions proffered by the E-commerce Law, conflict resolution, and consumer information data. It assists in enhancing the firms' believability in persuading prospective customers to buy products and services through cyberspace or engage in money transactions without being fleeced (Almalki, 2021). However, implementing these regulations remains relevant in the progressive development of a safe and ethical e-commerce that enhances consumers' trust and the market.

## **2. Consumer Protection and Regulatory Compliance in Saudi E-commerce: Privacy, Data Security, and Online Transaction Disputes**

### **2.1 Saudi Arabian Legal Framework**

#### **2.1.1 Overview**

The capsules of the Saudi Arabian legal structure for e-commerce essentially incorporate the E-Commerce Law of 2019 and the E-Commerce Implementing Regulation of 2020. This category is intended to increase reliability in e-business, protect consumers from deception and fake news, and support ventures in e-commerce in the Kingdom, as Younes (2020) stipulated. The regulations include the following: electronic contracts, consumer protection, data protection,





and the obligations of e-commerce service providers. They also have a very general application and geographical coverage since they were established to govern the international relations between suppliers and customers in Saudi Arabia and internationally (Aghdoube & Adam, 2022). The E-Commerce Law aims to create legal provisions that could enhance the development of a robust e-commerce market in the Kingdom of Saudi Arabia because it will protect the business people and the consumers.

## **2.1.2 Consumer Protection in E-commerce: Legal Frameworks, Contractual Obligations and Data Privacy**

### **2.1.2.1 Privacy and Data Protection**

The third aspect of legal regulation for the Saudi Arabian e-commerce market consumer protection is the protection of their privacy and data. The consumer information not allowed in details includes name, address, contact details, and bank account details (The Embassy of the Kingdom of Saudi Arabia, 2024). The service providers must secure the data against any unauthorized ability to access the data, revelation of the data, modification of the data, or employ the data in an unauthorized, improper manner. Also, personal consumer data must only be collected to meet the service provider's obligations. They cannot be used for marketing without the consumer's consent (Algarni, 2020). The Personal Data Protection Law (PDPL) also plays a crucial role, according to which personal data that is collected must be destroyed without delay whether the purpose for collecting the data is fulfilled or not or whether the anonymity of the data subjects is guaranteed (Hammad et al., 2023). The service providers must notify the Ministry of Commerce and the



consumers within thirty-six hours of the breach and describe the violation and the remedial action.

### **2.1.2.2 Applicability in E-commerce Contracts**

The KSA CTL, promulgated on 19 June 2023 by Saudi Arabia Royal Decree No. M191/1444 formally enacts the law relating to contracts and torts in KSA for the first time (Alswailem et al., 2023). The experience this theory gives is of utmost utility in writing e-commerce contracts and canvassing sale and purchase agreements. Nevertheless, as this author noted, even if the CTL states the general and special rule regarding the contract and the 'Contract of Sale,' it does not open the future relationship to the free formation as it expects an accurate agreement to be made concerning the further behavior of the contracting parties pointing to the obligation and risk allocation. Also, the scope of the CTL suggests that new regulations and judicial decisions will assist in elaborating such rules in the future.

### **2.1.2.3 Purchase Price and Earn-out Arrangements**

A frequent issue in connection with e-commerce transactions in Saudi Arabia is whether the purchase price has to be stated at the time of signing/closing and whether earn-out provisions or other elements of the purchase price that can depend on future events would be permissible and enforceable. The CTL in Article 313 states that the price estimation may be set on a valid basis upon which the price is fixed (Alswailem et al., 2023). In other words, the price does not necessarily have to be defined at the time of formation of the e-commerce contracts or at the time of closing and may bear the features of future change, provided that specific standards for the calculation of the price must have been made known at the time of



contracting.

#### **2.1.2.4 Warranties**

The CTL also recognizes statutory 'entitlement warranties' that a seller must provide to a buyer apart from other contractual warranties provided. Key seller's warranties include:

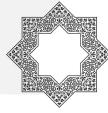
1. Free from the third-party rights of the buyer (Articles 321 and 330 of the CTL) and possession and benefit from the item not being hindered (Article 324) (Entitlement Warranty). Alfaifi (2024) made some conclusions that can be sought for remedies in case of violation by the buyer.
2. Turning over the item with a defect to enable it to serve the intended practical contractual usage under the contractual law provisions of CTL Article 338 (Defects Warranty).

#### **2.1.2.5 Limitation of Liability**

According to Sharia rules, Saudi courts have always compensated the loss incurred by the party and are not barred by the said limits in the contract. Nevertheless, the CTL appears to alter this by allowing a limitation of liability clause unless the case involves fraud or gross negligence (Article 173 of the CTL) (Alswailem et al., 2023). It contains warranty liability exclusions and exemption rules on warranty claims. This, therefore, means that other rules and court precedents will provide further information about compliance with the above provisions.

#### **2.1.2.6 Annulment and Termination**

The CTL provides for circumstances when a party can apply and obtain an order that a contract of sale be avoided or terminated,



including but not limited to incapacity or, fraud or vices or latent defects. Fraud is among the grounds for annulment where there is fraud as to a material element by the other party, including any fraudulent misrepresentation by an omission (Articles 61 and 62 of the CTL). Regarding defects, the buyer can terminate the sale contract or demand a difference in the contract price (Article 338 of the CTL) (Alswailem et al., 2023). Such provisions are helpful for a contract of e-commerce, and the substituted other term may contain rules relative to the right of annulling/terminating the contract and the consequence of annulment/termination.

Elfakharani (2022) revealed that the KSA Civil Transactions Law and the Personal Data Protection Law strengthen the legal aspects of e-contracts in Saudi Arabia. These laws help convey consumer data, describe the contractual terms, build effective warranties, and fix the limitation of liability.

#### **2.1.2.7 Transparency and Disclosure**

The nature of Saudi Arabia's e-commerce regulations must be precise and known to the public to build customers' trust. According to the E-Commerce Law, the service providers are expected to disclose their identification information, including name, address, phone number, and commercial registration number in the e-shops (Official Translation Department, 2019). It also lets the consumers know who they are dealing with, reducing fraud cases. However, there are principles of transparency and disclosure to which Saudi Arabia has directed its attention to ensure e-commerce security to eliminate the effects of cybercrime (Bouderhem, 2024). Thus, the regulations help create confidence in electronic commerce because buyers are



promptly provided with accurate and understandable information.

### **2.1.2.8 Consumer Rights and Dispute Resolution**

According to the KSA e-commerce law, consumers have certain rights: one enables the consumer to rectify mistakes made during electronic communication for a duration not exceeding 24 hours after sending the message (Ministry of Commerce, 2019). Further, under E-commerce law, the consumer can cancel the contract within seven days of receiving goods or services.

As in all other disputing situations, service providers are allowed to seek relief in the courts of Saudi Arabia. They should disclose where and how the consumers can lodge their grievances and the procedure for handling the problem (Hammad et al., 2023). Arbitration is quite popular in Saudi Arabia. Saudi courts will not enter into matters that are under arbitration if the arbitration clause is stated in the first instance.

### **2.1.2.9 Enforcement and Penalties**

Further, in efforts to ensure that every businessman/ woman complies with this guideline on e-commerce, the regulatory authorities of Saudi Arabia have stretched a lot. Violations of the provisions of the E-Commerce Law and its Implementing Regulations and sanctions include total or partial, temporary or permanent bans, warnings, and fines not exceeding one million Saudi Riyals (Younes, 2020). Also, the e-commerce platforms may be banned from their operations. It should also be noted that regarding such laws, the Ministry of Commerce plays a role in checking that no e-shops wrongly violate such laws.



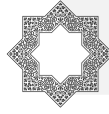
## 2.2 American Legal Framework

### 2.2.1 Overview

In America, the legal protection of data privacy protection is also sectoral. Countries like Europe have laid down rules for the protection of data. However, the United States needs a more transparent structure of federal and state laws regulating individual data categories (Boyne, 2018). On the credit side, it is helpful to elaborate on many legal norms and standards with different levels of protection depending on the circumstances and the characteristics of the information to be protected.

### 2.2.2 Financial Information Protection

The Financial Services Modernization Act of 1999, also called the Gramm-Leach-Bliley Act (GLBA), introduced a federal regulation to protect financial data privacy at first sight. The act directs how to erase financial institutions and keep sensitive data while asking for permission from customers (Almalki, 2021). Security measures and other aspects that deal with security requirements are called GLBA. Furthermore, these are the measures banks and other bodies dealing with cash must take. Also, among these measures is the duty of banks to inform the customers about the company's changes in privacy policy, in addition to the straightforward notification process. FTC is a government agency coordinating with GLBA to ensure that every business follows the recommended prevention measures or that they will be penalized. According to the GLBA, financial organizations should establish standard operational policies for personal information privacy and minimize the amount of nonpublic personal information disclosed to third parties as per the rule (FTC, 2024).



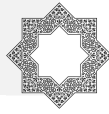
### **2.2.3 Educational Information Protection**

Federal legal standards regulating student privacy include the Family Educational Rights and Privacy Act (FERPA) according to Paolini (2021). The FERPA is the U.S. law that gives either parents or pupils enrolled in their education only the right to request their school to review and correct their educational records. It would also allow them to ask any authorized person to conduct this request. Schools must, unless they have a specific authorized waiver, parents or the other eligible students sign a written agreement permitting them to release personally identifiable information from the education records.

The two main ways are by the U.S. Department of Education, which oversees and investigates alleged violators of FERPA. The law aspires to objectives that include the provision that parents obtain reports on the performance outcome of their children in school and make decisions that may shape the future education of their offspring (Almalki, 2021).

### **2.2.4 Children's Online Privacy Protection**

The system's more vulnerable populations involve users younger than eighteen years under COPPA of the year 2000 (Steeves & Mačénaitė, 2022). By the COPPA law, consent of parents and guardians is required before personal information of a child is processed, collected, and used for a commercial purpose if the website or service is either directed at children in specific or the site or service has actual knowledge that it is collecting information on children under thirteen years. COPPA rules are elevated through the Federal Trade Commission (FTC), which detects and prosecutes violators, as presented by Tran in 2022 amidst the mentioned data



and statistics. The act seeks to inform parents about what information is to be collected from children through the internet and also to protect the privacy of children on social media.

### **2.2.5 Electronic Communications Privacy**

The Electronic Communications Privacy Act (ECPA), passed in 1986, covers the interception of a wide category of electronic communications. It is derived from the Federal Wiretap Act of 1968 and concerns electronic communication like mail and other information sent across the World Wide Web (Boyne, 2018).

The ECPA is divided into three titles: Title I on interception of wire, oral, and electronic communications; Title II, more famously known as The Stored Communications Act or SCA; and Title III of the ability to employ the pen register and trap and trace device. The ECPA intends to protect users' data and make electronic communication exclusive (Possino, 2023).

### **2.2.6 Computer Fraud and Abuse**

After this came the second landmark act of 1986, known as the Computer Fraud and Abuse Act. The CFAA has been altered several times; however, the amendment passed in 2008 criminalized hacking, unauthorized access to government computers, and cyber spying. The CFAA is implemented through the DOJ because any organization found to have violated any of the sections in the law will be charged. This act protects computers connected to government networks and other computers used in business, nationally and internationally.

### **2.2.7 Health Information Protection**

The HIPAA Privacy Rule is also an essential part of the





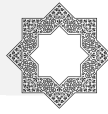
applicable American legislation for processing health information. The Privacy Rule affects health plans, healthcare clearinghouses, and other healthcare providers who send information electronically (OCR, 2022). It preserves people's information and enables the proper transmission of information in health care and other industries. The Privacy Rule shows that the covered entities provide the right means to protect the PHI and use and disclose it as necessary for the intended purposes (OCR, 2022). It also educates the covered entity workforce on privacy policies, and the documentation of the entity's privacy practices must be maintained for at least six years.

## **2.2.8 Consumer Privacy and Data Security**

FTC has a significant responsibility to enforce policies that may contribute to protecting consumer's privacy and their information. The FTC Act requires firms to support and promote consumers' privacy assurances and ensure that consumers' information will not be vulnerable to access and utilization by others (Marciniak III, 2021). The FTC supervises these necessities through investigations and enforcement against firms that violate their privacy policies or in any way participate in the misleading or misleading representation of data privacy. It also helps business organizations protect data because it is safeguarded with improved acquisition, security, and data disposal (FTC, 2024). Such enforcement actions lead to consent decrees that require consumer data protection enhancement, and the investigated companies agree to periodic reviews.

## **2.2.9 Identity Theft Prevention**

The FTC Red Flags Rule entails that the firms mentioned above and other entities should establish a Written Identity Theft Prevention



Program to provide for signs or warning signs of identity theft (FTC, 2024). The rule is intended to protect against identity theft and spell out how firms should identify signals like the frequent monitoring of accounts with high levels of activity/ or creating new accounts with incorrect details. This is because the Red Flags Rule requires firms in the rule to put in place and use policies and procedures to identify, prevent, and mitigate identity theft (Kim, 2023). It also mandates that all employees undergo training to comprehend the specified piracy-averting schemes and that the policy will be scanned at least once annually and adjusted as needed.

### **2.2.10 Data Transfers and International Privacy**

America also uses cross-border data privacy to make the portability of personal information a reality for the community. For example, the Data Privacy Framework allows the transfer of personal data between the EU and the US in a way that meets the necessary protection standard cast by the EU law but is not prohibited by the law (FTC, 2024). This framework replaces the EU-U. S. Privacy Shield Framework was found invalid by the European Court of Justice in 2020.

### **2.2.11 Enforcement and Penalties**

In the United States today, federal and state agencies are mandated explicitly to be responsible for implementing data protection laws. FTC is among the major groups that defend consumers' privacy and information; where FTC claims that some firms violated or engaged in improper business under the privacy policy, the action is conducted under the FTC Act. The Department of Health for health information under HIPAA is another group. At the same time, the



Education department for student records under FERPA is another one., as well as the Department of Justice for computer crimes under the CFAA. These agencies can offer penalties and punitive action, corrections, etc, against firms or individuals that have infringed the law.

### **3. Analytical Comparative Study**

#### **3.1 Privacy and Data Protection**

The E-Commerce Law and the Implementing Regulations of KSA have some restrictive laws in Saudi Arabia that prohibit service providers from reselling, using, or transmitting the customer's data to third parties (Ministry of Commerce, 2019). These measures are further enhanced by eliminating the data by the Personal Data Protection Law (PDPL). It has incorporated the notification requirements of the data breaches that would take three days (Hammad et al., 2023). These provisions are designed to increase consumer trust and sufficiently protect consumer information in electronic commerce. The Saudi Arabian E-Commerce Law and PDPL have provided a clear and unique legal framework that will govern the protection of consumer information in any sector. It consolidates the regulation, which means the protective mechanisms may apply equally well to various businesses and identify consumers' rights.

The currently used data system in the U.S. is tolerable in several sectors. It relies on well-defined coverage laws for data as observed in the health data under HIPAA or the financial data under GLBA. However, there are gaps again because the country needs a federal privacy law that protects data. It may result in inconsistent levels of protection across one industry sector or the next, which the consumer



finds hard to comprehend. The current data system is relatively okay in the United States of America for some fields and largely relies on good, clean laws protecting such data; this is seen in the case of health data under the HIPAA legislation and financial data under the General Legal Business Act [GLBA]. For example, the Gramm-Leach-Bliley Act (GLBA) addresses the privacy of financial information; the Health Insurance Portability and Accountability Act (HIPAA) addresses Health Information. The Fundamental Consumer Protection and Fair-Trade Act of 1914 comprises section five, the legal foundation of consumer data security. It makes firms abide by their promissory provisions on privacy and protection of consumers' data in different sectors (FTC, 2024). However, consumers' information is still inadequate due to the lack of solid federal legislation on general consumer data privacy. It is still governed at the sector and state levels. On the other hand, the legal systems in Saudi Arabia lack a more elaborated general rule concerning data protection in line with the E-Commerce Law, which provides general directives for regulating data protection regardless of the kind of e-commerce transaction is ambiguous and easier to comprehend the SAP for managing compliance as compared to other laws. It differs from the US system, where sectoral laws complicate the situation and make it possible to offer different levels of privacy protection to different sectors (Hartzog & Richards, 2020). This has led to a new push for a federal privacy law in the U.S. that provides more info structure for sectors, an area in which the highly centralized structure of Saudi Arabia could be helpful. Furthermore, there can be a need to improve the law or to be provided with the depths of versions depending on the sector they want to protect that is similar to the laws of the United States of America since

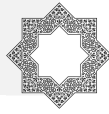


the institutions that offer protection to its clients or consumers are differently governed and supported by these laws. The E.U 's GDPR is probably a more comprehensive and stringent legal right on privacy as the organization has met international standards in data protection. Therefore, Saudi Arabia can be strengthened by incorporating a particular enforcement mode lacking or ineffective in Saudi laws, such as GDPR.

### **3.2 Consumer Rights**

As just mentioned, the protective critical legal provisions that correspond to the issue of explicit consent are under-provided for or insufficiently protected by the present Saudi laws. These options to make the change are somewhat less general in the case of Saudi Arabia's E-Commerce Law. In contrast, the U.S. legal system safeguards sectorial laws but does not provide for standard procedural redress of transactional errors or options for contract rescission. Even Saudi Arabia's e-commerce law has a few sections that protect the consumer in e-commerce transactions. The consumer may change any mistakes made in the electronic communication, and the consumer is given seven days to withdraw the transaction if the goods or services have been tendered (Ministry of Commerce, 2019). These mechanisms usually relate to KSA courts or arbitration; therefore, the consumers could utilize them. There may be more specific rules in Saudi law about returning a product or engaging in cross-border transactions, while there are, from time to time, part-state rules in the U.S.

On the other hand, the United States network of laws provides consumer protection through a set of laws that targets certain areas of

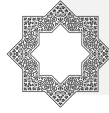


operation. While consumer rights are protected with the help of laws like FERPA COPPA, the system should be more integrated in the United States. Complying with these laws is cumbersome for businesses and prevents consumer protection from being well coordinated. For example, the FERPA allows parents and eligible students rights to personal information institutions to maintain accuracy and protection for their students (Almalki, 2021). The Children's Online Privacy Protection Act (COPPA) knowingly prohibits Web sites from collecting information from anyone under the age of thirteen without permission from the child's parents. Also, several of consumer protection laws are based on the Federal Trade Commission (FTC) to ensure fairness in business dealings.

Mainly, in the E-Commerce Law of Saudi Arabia, there is a more detailed and accurate guideline to follow than the US legal framework about error correction and reversal of contracts. For example, as a result of many laws protecting the consumer in the United States within different industries, it becomes insufficiently transparent since it relates to compliance with different norms and enforcement mechanisms (Almalki, 2021; FTC, 2024). In particular, the 'on-stop shop' idea for consumer protection might benefit the U.S. if it implies that a universal e-commerce law also applies to the specific sector. However, both countries retain the consumer interest in their e-commerce markets in order to improve the consumers' trust and promote safe and secure purchases.

### 3.3 Dispute Resolution

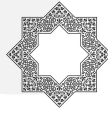
In Saudi Arabia, problems are usually solved by incorporating arbitration clauses that provide the governing mechanism for the



issues that may be outstanding. The legal arbitration system in the United States is a little broader. Yet, it offers other similar solutions, like arbitration and litigation, although they differ in some ways by state. The legal regulation of e-commerce in Saudi Arabia is based on fixed and controlled ways of solving disputes in order to provide the consumer with confidence. Regarding the mechanism of resolving disputes arising from e-commerce transactions, the competent court or arbitration applies Saudi law; the courts typically acknowledge an arbitration clause entered in the first legal proceeding, as mentioned by Hammad et al. (2023). It decreases consumer grievances and offers tangible methods by which the problems can be resolved, making internet-based sales more trustworthy within the particular kingdom. Despite the concern with arbitration as an effective contractual dispute resolution, Saudi law may afford a more consumer-friendly mechanism for accessing litigation where disputes need judicial resolution as the U.S. court access.

In the U.S., there is a legal avenue for arbitration and the court, although enforcement of arbitration clauses is sometimes state-dependent and sector-based. This flexibility can serve a consumer well to some extent but also causes unpredictability of the results. Practices pertaining to conflict management within the USA are far more diverse in terms of the peculiarities of this chosen nation's legal system. Even though arbitration clauses may be applied in many industries worldwide, their enforcement is not mandatory in every contract (Boyne, 2018). The American legal system will enable consumers to sue in court, although such cures depend on state statutes and the particular contract.

Comparing these approaches, it is necessary to state that Saudi



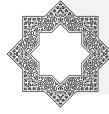
Arabia and the United States are oriented on allowing consumers to solve disputes. Using Saudi Arabia's adoption of arbitration clauses helps provide a more general procedure to enhance the settlement ratios while contributing to consumer confidence in e-commerce transactions (Hammad et al., 2023). On the one hand, the type of flexibility is present in the U.S. system; on the other hand, it can be considered a disadvantageous quality since several legal norms and practices may vary depending on the state and the type of business (Boyne, 2018). The states and the U.S. might benefit from standardizing the arbitration agreements and the enforcement mechanisms regarding consumer protection in e-contracts.

The *Jadat v. Al-Rashed Arbitration Case* illustrates performers of the Saudi legal system that electronic contracts of e-commerce businesses contain an arbitration clause. *Fatima Al-Rashed*. The court dismissed the plaintiff's motion to proceed legally because the e-commerce agreement contained an arbitration provision. The given judgment underlined the proponents of arbitration as a choice of all relationships, preferring it to other dispute resolution techniques recognized by the E-Commerce Law and helping to avoid the overloading of judicial processes through the encouragement of the use of effective and efficient ADR methods in e-commerce disputes.

### **3.4 Enforcement and Penalties**

In Saudi Arabia, for instance, there is a very concentrated mechanism of enforcing compliance, where the Ministry of Commerce penalties e-businesses for violations of the provisions. The U.S., however, employs sectoral agencies, such as the FTC, which focuses on specific industries while simultaneously leading to another





problem: inconsistency in enforcement. Therefore, the suggestion of penalties in the enforcement of e-commerce laws in Saudi Arabia and the hierarchical structure for the e-commerce laws that apply to the Kingdom's digital marketplace. Younes (2020) also stated that penalties for noncompliance with Saudi Arabia's e-commerce regulation is strict including fines that must not exceed one million Saudi Riyals and suspension of e-commerce operations or cessation of such operations. Perhaps it will be effective for Saudi Arabia to adopt the American model of having enforcement bodies for sectors such as finance or healthcare, which might need a closer look.

For instance, the United States has the following sectors, particularly law enforcement agencies, for its sects: FTC and the DOJ. Although this is good for building specialized knowledge, it also results in policing practices that are capricious in terms of geography or branch of the economy. Consequently, the application of the United States' e-commerce and consumer protection laws is vested in various federal agencies and sectoral bodies (Abdulla, 2020, 31). The federal statutes permit other agencies like the FTC and the DOJ to offer other remedies, including fines and injunctions (FTC, 2024). Based on the FTC Act, it is suggested that the FTC is intended primarily to enforce consumer data protection and privacy. This same mechanism may provide the U.S. with beneficial federal enforcement standardization so that the variation in law enforcement is consistent across industries.

However, if one compares these enforcement mechanisms, one will find that Saudi Arabia and the United States of America's primary focus is the retributive and reformative actions sought. Subsequently, Saudi Arabia might make its system more accessible and have equal



penalties regarding the e-commerce segments (Fallatah, 2021). On the other hand, such agency specialization is helpful to the US in general for a regulator like the FTC. However, it is also subject to uneven enforcement because many industries and states may need to agree on standards or policies.

An example of the enforcement of e-commerce laws that have been established for a long time is the case of the Ministry of Commerce v. Lack of e-Shop Case in which the Ministry of Commerce fined a non-compliant online store 500,000SAR for the continued violation of e-commerce laws and regulations, which includes but not limited to issues such as. a) False advertisement for products b) Lack of data provision protection to its consumers. The decision also gave a clear signal on the provisions of the E-Commerce Law on very high penalties for those who fail to adhere to the law. Albeit by using a soft charge against the accused, the court demonstrated a very proactive stand in protecting the rights of the consumers and conformity to E-commerce regulation.

### **3.5 Strengths and Weaknesses**

Saudi Arabia, on the same, has a centralized approach to its legislation, which, despite creating transparency and consistency in the legal systems in the Kingdom, introduced rather new norms that may have to be adjusted as the e-commerce environment develops. However, the accented American legal system operates disjointedly but provides certain degrees of industry-specific safety nets that shield consumers in a particular industrial category. The following are the advantages of the legal environment of Saudi Arabia's e-commerce law that the E-Commerce Law backs: The centralized regulations are



more specific and indeed are very useful to increase transparency, while on the other side, the consumer data is best protected (You & Bu, 2020). It also enhances the confidence of the consumer when transacting online because the businesses involved are put under pressure to adopt high levels of data security, and the transaction process is not concealed. However, it is possible to name its shortcomings - for instance, these laws emerged only relatively recently. They may then require some adjustment over time as the details of e-commerce change and when other issues arise.

On the other hand, the United States uses sectoral laws to provide security to specific consumer data and transactions (Elliott et al., 2020). Having various rules concerning industry privacy and security is feasible, such as the Financial Industry under GLBA and Health Information under HIPAA. However, the decentralized structure of the U. S legal system may result in the absence of standard approaches to legislation and its implementation across industries and to the detriment of the consumer, not to mention that different firms may function under different regulations.

#### **4. Unique Contributions and Scientific Analysis**

##### **4.1 Unique Scientific Contributions**

The legal method employed in Saudi Arabia is centralized because it encourages compliance with the provision of consumer rights, protection of personal data, and ways of solving consumer disputes within the e-commerce subsector. This differs from countries; for instance, the U.S. utilizes a sectoral approach where laws differ with sectors. The Saudi Arabian Personal Data Protection Law (PDPL) states that demolishing immediate data deletion and compulsory



breach notification escalates consumer confidence in online transactions as it offers better personal data protection, as Tejoury (2024) concluded. In addition, the further development of Dispute Resolution (DR) with reference to arbitration terms also helps to ease the pressure on the judiciary bodies in cases where they are not expected to provide clear solutions for relatively simpler cases. The presented material demonstrates that Saudi Arabia is one of the leaders in forming a transparent and protective e-commerce environment. This can be used as an example for the other states interested in increasing consumer protection and legal adaptation in the digital economy.

## 4.2 Methodology

This research uses a doctrinal (legal research) method and analyses the legal systems of the two countries, Saudi Arabia and the United States of America, using Comparative Laws. This paper adopts the doctrinal approach to examine the legal texts, regulations, and case laws of Saudi Arabia's E-Commerce Law, the PDPL, alongside the U.S. sectoral laws GLBA and HIPAA. Therefore, the comparative law analysis is used to systematically compare the legal provisions in Saudi Arabia, the United States, and, to some extent, the European Union.

### 4.2.1 Data Collection

The research methodology raises primary legal articles, which consist of Statutes, Regulations, and Judicial Decisions from the official Saudi and American Governments and Legal Official Databases. EU General Data Protection Regulation Law is also included in this category for purposes of comparison.



#### **4.2.2 Data Analysis**

The consideration is to review the legal grounds of consumer protection, the right to privacy, and the avenue of redress in electronic commerce. The research concerns the specificity of the application of the principles and the efficiency of the control over the adherence to the rules in Saudi Arabia and the U.S.

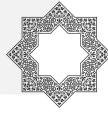
#### **4.2.3 Interpretation**

The study understands the collected data and the strengths and weaknesses of both legal systems. For instance, it has potential, and the Saudi Arabian strategy has been commented on as effective and coordinated. However, specific laws in a specific sector are needed for the protection of rights, and the structure of laws in the US has been termed as needing clarification and composite, which are threats to the rights of the people.

#### **4.3 Implications for Legal Reform and Policy-Making**

These studies imply the need to adopt a single and coherent solution to the enactment of consumer protection legislation for various industries and sectors. As mentioned in Goyal and Morgan (2023), sector-specific improvement in the centralized system can enhance legal protection for consumers across all commercial undertakings, as the legal system in Saudi Arabia provides homogeneous protection to consumers. Such harmonization would simplify the legal demands on corporations and liberate consumers from distinctiveness in terms of legal entitlements.

Also, there is an important policy recommendation to raise data protection as a significant aspect. Saudi Arabia's stringent policies on



data disposal, deletion as soon as possible, and notification in connection with breaches make it a firm example of consumer protection in digital business (Shahid et al., 2022). Those in other jurisdictions, especially those with patchwork laws, may use these practices to eliminate data breaches and unauthorized access risks.

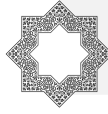
#### **4.4 Further Research Directions**

Future work could entail a cross-sectional survey of consumer trust and their shopping behavior between countries with a unified legal system, such as Saudi Arabia, and those with a complex system, like the United States. From this research, the effectiveness of legislative clarity could be ascertained using questionnaires and behavioral experiments suggested by Aade et al. (2022). This paper recommends a comparative analysis of the efficiency of enforcement measures under different legal systems. Originally, some commercial regulations did not allow e-commerce platforms to penalize sellers who provide services to consumers regardless of their illegality.

### **5. Conclusion**

#### **5.1 Summary of Findings**

There is an important difference between Saudi Arabia and the United States in regard to the protection of regulations and consumer rights on e-commerce. Similarly, Saudi Arabia has a distinctive legal structure available through e-commerce law. It is a single law that applies to several areas in the country's legal system, including electronic contracts law and consumer and data protection law. This is intended to bring forth standard rules that are expected to encourage transparency or, in other words, accreditation of the online market. However, the United States has industrialized laws that address



particular sorts of information; for example, the Gramm-Leach-Bliley Act and the Children's Online Privacy Protection Act give a segmented principle to safeguarding information (Cersten & Damodaran, 2022).

Although both regions pay much of their attention to consumer rights in electronic commerce transactions, they do it differently. These are based on Saudi Arabian laws. For example, in e-commerce rights, under the e-commerce law, the consumer is given one week to withdraw. On the other hand, the consumer rights of Americans have some legislation, such as FERPA and COPPA, that have special restraints depending on the areas of concern.

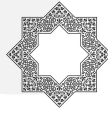
Moreover, resolving dispute mechanisms also have considerable differences. The Kingdom of Saudi Arabia promotes arbitration agreements in e-commerce disputes because the government aims to obtain quick and definite outcomes. The judicial system is more objectified and has more variants in the United States due to more differences in the states and different sectors.

The other is the comparison of the sanctions or punishment of conformist behavior and exceptionalism to the rules. The KSA's e-commerce law has stringent objectives for preserving businesses and consumers, and the USA has the FTC and the DOJ regulatory authorities. The latter employs different federal agencies, including the FTC and the DOJ, to enforce sector-specific laws by penalties and restraining orders.

## **5.2 Recommendations**

### **5.2.1 Unified E-Signature and Electronic Transactions Law:**

Saudi Arabia should follow the example of legal standardization



as the U.S. E-Sign Act, in which electronic signature requirements are combined with electronic contracts. This approach makes it possible for compliance in the various sectors to be achieved, giving consumers confidence in the various businesses they encounter during e-commerce due to easy access to standard, proper working guidelines. Another advantage of standardization is legal risks and split regulation, which would decrease legal ambiguity and increase legal clarity and consumers' and firms' understanding of the market (Jaller et al., 2020).

### **5.2.2 Strengthening Consumer Protection Measures:**

The Saudi E-Commerce Law could learn from provisions of the US Consumer Protection Act, mainly about disclaimers, cooling-off periods, and rescission of contracts. This would eradicate many transaction risks and invariably give the consumer control to reverse a transaction in certain circumstances, subsequently decreasing the incidents of fraud and increasing consumer confidence in the new marketplace. These reforms would make the consumers the topmost priority throughout the entire transaction process.

### **5.2.3 Promoting Arbitration for Dispute Resolution:**

Saudi Arabia should exert efforts to encourage arbitration as the preferred way of settling e-commerce disputes. Among all the existing legislations, the US FAA can be integrated to differentiate between the rules and make the arbitration clause more conspicuous in the country. It would help consumers have a cheaper means through which they can solve their conflict without any wastage of the judiciary time and resources and ensure that any conflict arising from online transactions is dealt with properly.





#### **5.2.4 Enhanced Data Protection Framework:**

As a result of the new tech advances, Saudi Arabia should enhance its data protection laws by emulating the CCPA and HIPAA of the USA. According to Buresb (2022), a codification and enlargement of the PDPL enhanced by strict rules, practical personal data management, more breach notifications, and reinforcement of the laws and rules are suggested. Comprehensive updates and reviewing and comparing the new and updated Saudi Arabian legal guidance with benchmark jurisdictions would well prepare Saudi Arabia to handle data security emergent issues and technologies.

#### **5.2.5 Regular Legal Updates and Consumer Education:**

For the constant enhancement of e-commerce regulations in Saudi Arabia, there could be a mechanism for issuing notices of the legal changes that happen frequently, shifts in consumer behavior, and developments in the industry like the fee FTC Act in the United States, it would make sure that businesses are in compliance with the existing laws and will enable customers to have transparency in the market enabling the creation of a new culture of building public trust.

### **5.3 Future Research Directions**

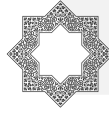
Future research works can further elaborate on the actualization and efficiency of the harmonized e-commerce laws in Saudi Arabia because of comparison with other countries like the United States. Studies of the legal changes, such as data protection legislation of terms and services, arbitration provisions, and other measures that strengthened consumer protection or provided better remedies, would provide good leads to the changes. Along this line, longitudinal studies could look at the impacts of regulations in the long term, such as the



reformation of such regulations by innovation and the dynamic changes of regulations in the international scene.

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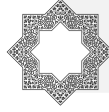


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