Law applicable to the electronic authentication service provider

A comparative study.

Prepare the associate professor.

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Abstract

This study examined and analysed the law applicable to the electronic authentication service provider because of its multiple and distinct functions related to electronic contracting by electronic means. And in front of this side's big role. In international electronic transactions, it has become private international. This is often foreign to the State that adopted it. This study therefore seeks the law applicable to the electronic authentication service, which has a number of relationships between the legal regime of the authentication service provider and the relationship of the authentication service provider with the client or contractors. The study therefore sought to clarify the adequacy of the legal rules governing the law applicable to the relationship between documentation and documentation in Jordanian legislation.

Keywords: Electronic documentation service provider. Applicable Law

Introduction

The digital age is one of the most important times that has ever happened to humanity, with almost the best of it, given the qualitative shift it has made in human life in all walks of life.

The great fusion between the information revolution and computer technology was the great feature of this digital age and was the main reason for its emergence.

This integration has been used to benefit all walks of life, making life smooth and reducing money and effort.

This self-imposed digital reality of using these modern technical tools in transactions has had the greatest impact in the search for important means, consistent with safety and reliability requirements.

The Electronic Authentication Service has taken an important and prominent place in this mechanism and the means through which it is carried out.
This electronic medium or mechanism, whose tools are highlighted by the electronic authentication service provider, is the result of the challenges faced by this electronic environment that does not create a secure and reliable electronic medium to make electronic transactions a life course in various areas.

Therefore, there had to be legal rules that were consistent and consistent with legal and technical standards, while protecting the rights of each other's handlers and electronic authentication.

Most legislation has therefore created the legal rules governing such means, in particular the electronic authentication authority, to ensure the security and reliability of this environment, making it safe in transactions by adopting the basis for electronic authentication through the electronic authentication authority.

However, the challenges to this electronic environment are not only on the technical but also on the legal side. If the foundations governing electronic authentication are established, they are numerous and varied as a result of different legislation governing electronic authentication.

The majority of the transactions associated with this subject, whose relationship and ties are numerous, are of a special international nature, since they are mostly between a notary whose nationality is not subject to the nationality of the State providing such accreditation on the one hand. Another is the relationship between the electronic authentication authority and the applicant for accreditation or authentication, who may not be from the same State as the authentication entity. This entity that processes and enters data via the Internet may be located in a third State.

On the basis of the foregoing, there has been a problem in the applicable law in two respects: In this relationship, the relationship is characterized by a foreign element, so we have to look for the applicable law, or the second aspect is the applicable law between an accreditation applicant who does not have the nationality of the authentication service provider, which has moved this relationship from the domestic national sphere into a relationship within the rules of private international law. The subject of our study is the search for due process.

The importance of the study lies in the novelty and ambiguity of the topic, while searching for the law applicable to the relationship between the electronic authentication service provider and the accreditation donor and between the accreditation applicant and the authentication destination in the event of a dispute or dispute between these parties.

The purpose of this study is to identify the legal framework of the electronic authentication service provider and to indicate the legal nature of the electronic authentication service provider.

research methodology

In this study, we will follow the comparative analytical approach by extrapolating, analysing and comparing the texts in Jordanian law with the relevant laws associated with
the electronic authentication service provider. Furthermore, discuss the views of scholars on the subject matter of books and studies or published on websites, try to link them and extract the rules of the electronic documentation service provider regarding the law applicable to this entity.

In this study, we will rely on Jordanian laws, mainly the Jordanian Civil Code, the Electronic Transactions Act No. 15 of 2015 and the Electronic Documentation and Licensing System No. 11 of 2014, comparing them with relevant Arab laws, including Egyptian, Tunisian and Iraqi law.

As for international legislation and conventions, we will rely on the UNCITRAL Model Law rules.

In order to address the problems raised in this study, we saw that the study should be divided into two researchers, in the first one dealing with the concept of an electronic authentication service provider and the second one with the role of attribution rules to determine the law applicable to an electronic authentication service provider.

First Searcher

content Electronic authentication service provider

Given the growing role of the electronic authentication service provider in this electronic environment, the financial, technical and technological capabilities and the ability to carry out the duties entrusted to it have meant that States, especially those on the road to growth, should be used to encourage electronic transactions, in particular e-commerce. Since they may have the nationality of another State, who will grant it accreditation or authorization? It is also considered foreign to the State which implements its contracts, which requires that the concept of this entity, whether natural or legal, be defined and defined. To determine the law applicable to the relationships and links of this entity (electronic authentication service provider) The foreign character according to certain doctrinal trends for a legal person follows every person who has the nationality of a State other than the State providing the accreditation or authorization.

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Since they may have the nationality of another State, who will grant it accreditation or authorization? They are also considered foreign to the State implementing their contracts, which requires a statement and a determination².
But that's the standard, the Which is used to show that a legal person is not a national that has not been agreed upon by scientists. Others took the main management status criterion to determine the nationality of the company. 3.

Based on the above, we will be dealing with this subject. It will be through the first search, which will include the first section. First, we will address the concept of electronic authentication. In section II, we will address the legal means of establishing electronic authentication.

Section One:

Electronic authentication concept

For precise scientific identification of the concept of electronic authentication First, it is necessary to define the authority for electronic authentication and legislation by stating the provisions of the legislation, as well as the views of scholars in this area, with a view to the precise definition of this body.

It is also necessary to address the data to be available in the authentication service provider and the data to be required by the certification applicant as follows:

1. Definition of Authentication Service or Electronic Authentication Service

2. Types of electronic authentication service provider.

First:. Definition of the electronic authentication service provider and requirements for the electronic authentication service provider.

In this request, the definition of electronic certification will be set out in (section I), after which we will address the organization of electronic certification.

Section I Definition of electronic authentication I, legal definition (II) and universal definition (III)

Doctrinal definition.

It is defined as: "A natural or legal person that extracts electronic certificates and provides other services associated with electronic signatures, includes the identification of contracting parties and the retention of such data for a certain period of time, and is bound to respect the rules governing its operation, which are determined by the competent authority". 4
The certification of an electronic signature is also defined as: An independent and impartial public or private entity or organization acting as an intermediary between clients; To document their electronic laboratory by issuing them the necessary certification, this certification service provider is called the Certification Service Provider.\(^6\)

It is also defined: "A body or institution administered by a natural or legal person acting on the licence of a State institution, whose function is to issue electronic certification and which connects a person (natural or moral) with its public key or any other function relating to an electronic signature".\(^7\)

It has also been defined as: "a licensed or certified holder of electronic certificates by electronic means to ensure that the data contained in the editor is correct or that the electronic signature ratio of the person issuing the editor is correct".\(^8\)

Electronic transactions can also be defined as: A body operating under the supervision of the Executive, often composed of three authorities, which is the principal authority competent to certify the practices of parties authorized to issue pairs of encryption keys.\(^9\)

It is defined as "a digital certification company or institution; It's an independent, credible body that checks the sender's personality.\(^10\)

2. Legal definition.

The Jordanian legislator defines the electronic authentication authority as "the authority authorized or accredited by the Telecommunications Regulatory Authority or authorized by law to issue certificates of authentication and to provide any services relating to such certificates in accordance with the provisions of this Law and the regulations and instructions issued therein".\(^11\)

In the Electronic Trade and Commerce Bill 2004, the Palestinian legislator defined it in article 1 of the Electronic Certification Services Provider as: "Any natural or legal person who creates, receives, disposes of electronic certificates and provides other services related to an electronic signature\(^12\)".

The Egyptian Implementing Regulation also defines certifiers as "those authorized to issue an electronic certification certificate and to provide services relating to an electronic signature"

The French legislator defined it as "any person who issues electronic certificates or performs work related to an electronic signature\(^13\)".

3. Global Tariffs

The UNCITRAL Model Rules defined the certification services provider as "a person who issues certificates and may provide other services related to electronic signatures\(^14\)".
The European Directive on Electronic Signatures defined it as "any natural or legal person issuing electronic signature authentication certificates or providing other electronic signature services".

Section II

Legal ways of establishing electronic authentication

After the researcher outlined the definitions of the electronic certification in section I, we found the importance of the authentication or electronic certification. In view of the gravity of the tasks and duties entrusted to him, it is necessary to have conditions in place so that he can be granted the profession of authentication and the accreditation of electronic transactions. This section will therefore describe these requirements in Jordanian and comparative legislation:

First, the types of electronic authentication agents are the conditions for the granting of an electronic authentication profession and the certification of electronic transactions.

Since many pieces of legislation permit the certification authority to be a natural or legal person for the exercise of the profession of certification of electronic signatures or transactions connected with electronic transactions, we conclude that there are two types of requirements, including personal and technical requirements.

1: Electronic authentication as provided for in article 16, electronic authentication (16)

1- Electronic authentication facility licensed in the Kingdom.

B-Certified electronic authentication.

G - Any Government body, whether a Ministry, a public official institution, a public institution or a municipality, to which the Council of Ministers agrees, provided that the requirements of the Telecommunications Regulatory Authority are met.

D- Ministry of Digital Economy and Leadership

H - The Central Bank of Jordan with regard to electronic banking or finance

Second: In the text of article 16, we have the following types of licences:

Electronic authentication licensed in the Kingdom

1: Electronic authentication licensed in the Kingdom

In this type of electronic authentication, the system is defined by the electronic authentication authority as "the body authorized, accredited by the authority or authorized by law to issue the certificate of authentication and to provide any services relating to such certificates in accordance with the provisions of this system and the instructions issued therein."
From this text, it turns out that the body authorized to issue authentication certificates and provide any other services relating to such certificates within Saudi Arabia may be an internal licensee and an external accreditation authority. Thus, according to the Jordanian legislature in its system, the authentication or certification authority is either licensed or approved. Both conditions are required, including the conditions for applying for the licence, including the requirements for applying for accreditation.

General licensing requirements:

Be a public, private or limited-liability company operating and duly registered in the Kingdom

According to this condition, the Jordanian legislator restricted the application to a legal person only. If he is a natural person, the law does not allow him to perform such work or even apply for a licence. This is the opposite of the rules of UNCITRAL law, or certain Arab laws and legislation, which permit the ordinary person to have the physical and technical capacity to perform this work.

If the company's capital is not less than 50,000 dinars, the Jordanian legislature shall establish the company's capital in order to ensure the physical protection of its clients.

The applicant's special conditions None of its founders, partners or major contributors, or any of the members of its Board of Directors, Directors or Directors-General shall have been convicted of a felony or misdemeanour against honour by a final judgement or a bankruptcy sentence unless it has been re-considered.

2: Certified Electronic Authentication.

Article 2 (a) of the 2014 Regulation No. 11 on the Licensing and Accreditation of Electronic Notaries states that accreditation is the Authority's "authorization to allow any person engaged in the business of authentication in another State to issue certificates and provide any services relating to such certificates within the Kingdom". In accordance with the provisions of these Regulations and the instructions issued therein.

Article 5 (a) of the Electronic Authentication Authorization or Accreditation Instruction No. 11 of 2014 also sets out the conditions for accreditation according to the model:

Be an electronic authentication practitioner for at least three years.

Failure to violate any of the laws of the State in which electronic authentication is carried out To have a commercial agent in the Kingdom.

The applicant must be a moral person Body authorized by law

Any State authority, whether a Ministry, a public official institution, a public institution or a municipality, to which the Council of Ministers agrees, provided that the requirements of the Telecommunications Regulatory Authority are met.
Article 16 of the Law on Electronic Transactions provides that the Council of Ministers has empowered these bodies to become more generally official.

D-Ministry of Digital Economy and Leadership.

H-The Central Bank of Jordan with regard to electronic banking or finance.

After the researcher has identified the types of authentication and the conditions to be met in order to grant a authentication license, accreditation or authorization, we have found that there are many types of electronic authentication and that there are three types of authentication (licensed, accredited and authorized).

The researcher found with regard to Type II (certified authentication) that it was cheap in a State other than the dependent, which meant that it was licensed from another State that is foreign to the State of accreditation, which makes this relationship imbued with a foreign element, whether in relation to the relationship between the relying authority or the person requesting documentation, Therefore, engaging in the search for applicable law is essential And in order for this study to work out, we have to look for documentation duties, and what's important about the subject. This importance is complied with by knowing the relationships and links associated with the functions performed by this entity that are directly related to the law applicable to this entity.

Part III

Duties of electronic authentication or certification

The functions of notaries, which are to impose legal and technical rules as a guarantor of the credibility of confidential electronic transactions, are numerous; Through the granting or issuance of certificates of documentation and related services, That must be done within the framework of legality through its application of laws, regulations and instructions governing this, thereby confirming the identity, personality, eligibility and validity of the contractor’s signatures. They can therefore be summarized by the following duties:

1. Electronic certification of clients:

This function is considered to be one of the most important tasks assigned to electronic certifiers. Through this certificate, the ratio of the electronic signature to the issuer or issuer of the electronic signature is established.

An electronic message that is considered to be the authentication certificate issued by the authentication authority. Works to achieve the function of connecting a private and public key pair with a natural or moral person, through which the holder of the private key must be identified to match the public key

2. Keeping Secret
In the context of its tasks, the authentication agency is obliged to maintain the confidentiality of the information and data obtained from the client, all through the provision of an information security system and the protection and privacy of the data, in conformity with approved international standards. Therefore, the disclosure of any information by this authority without the consent of the client would expose the authority to civil or criminal liability.

Arab legislation, including Jordanian and Egyptian, requires the provider of electronic validation services not to disclose information obtained from the client unless there is agreement between the parties to disclose such information of a personal nature or if the law permits it to be published.

The European legislator has also worked to preserve the confidentiality of information by issuing legal rules requiring notaries not to disclose any of the customer's data, especially if it is of a personal nature and is necessary for the issuance of a certificate of authentication.

3. Electronic Key Release:

The role of notaries does not depend solely on the issuance of a certificate of authentication and the preservation of confidentiality. Rather, the issuance of electronic keys amounts to the creation of a secure environment for electronic contracting over the Internet, which is an important and distinct place within the list of duties of the electronic certification entity. Encryption, which prevents others from learning about the content of an electronic message and being able to read and understand it only through those who have the key to decipher it, turning it into readable and understandable text, brings safety and reassurance to the handlers and contractors of notaries.

4. Suspension or cancellation of the electronic authentication certificate if there are reasons for doing so

The suspension of the certificate of certification may come from the decision of the customer holding the certificate or from the issuer of the certificate for reasons of necessity, which may be linked to the personal status of the holder of the certificate, such as the completion of his work on the certificate. This includes the cancellation of the certificate, it may be because of a technicality, such as the failure of the certificate or the hacking of the electronic signature system, including the authority of the accreditation authority, which issued the certificate on the basis of information provided by the holder of the certificate and upon which the certificate was given. If this information is false and incorrect, the accreditation authority must revoke the certificate. At the same time, if there are substantial changes in this data that affect the rights of others, it must suspend the certificate.

5. Determination of the time and place of conclusion of the contract

This is one of the most important tasks of the electronic authentication body, and therefore for many reasons the most important one is to determine the law applicable to the dispute before the courts and, at the same time, the limitation period for obligations.
and rights. So the notary has a great deal to do with accessing the right and regulating the relationship between contractors, as the proof of the right.

Section III:

Legal nature of the electronic authentication service provider

Having explained the important role played by the authentication service provider, the researcher found that an electronic authentication service provider, acting as an intermediary or a trusted and impartial party, was competent and acting on the authorization of the competent State authorities, could be a natural person in some legislation, including Tunisia. In some other legislation, such as Jordan, such work may only be performed through a legal person. This body must carry out its work under the supervision of the State, which monitors its actions in accordance with the provisions of its regulations and the obligations incumbent upon it. It also issues an electronic certificate taken from the electronic information record of the contracting persons through which the location or contractor is identified. This entity, which has been subject to certain conditions, must have any person applying for accreditation or authorization to be allowed to carry out electronic authentication work. This is one of the most important actions of which is the issuance of electronic certificates and on the basis of which the consignee is able to determine the identity of the sender and the validity of its electronic signature.

Given the important role played by electronic authentication at the international level in electronic transactions, particularly in electronic commerce, and its entry into contracts with persons in many States, the legal nature of the electronic notary is that of a legal person whose foreign nationality is registered outside Jordan, and whose main position is in another State whose nationality is non-Jordanian. The fact that they belong to more than one legal system raised the problem of determining the law applicable first to the legal system of this company, then to the law applicable to the legal regime for the issuance of an electronic certificate and finally to the law applicable to contracts entered into by the electronic authentication authority.

Based on the foregoing, the researcher of the second researcher will indicate what law applies to electronic authentication in two sections: the law applicable to the adoption of authentication; and the law applicable to electronic authentication contracts.

Second Searcher

Role of attribution rules in determining the law applicable to an electronic authentication service provider

Under article 4 (a) of the Electronic Authentication Licensing and Accreditation System (No. 11 of 2014), the Jordanian legislator has been granted the legal personality granted to
The applicant for the electronic authentication work permit must be a public, private or limited liability company operating and duly registered in the Kingdom, and article (4/2) requires it to have at least 50,000 dinars of capital.

On the basis of the foregoing, the researcher believes that the electronic authentication entity has acquired morale. This company must have management and management bodies, since recognition of its validity and existence only exists if it is compatible with contractual and legal rules. The notary can therefore only function if it grows up properly. And here's a lot of questions about how to define the system under which you should be created. What is the applicable law to demonstrate the validity of the creation of electronic signatures?

The answer to these questions prompts us to use one of the most important controls to determine the law applicable to relations with an element: the officer of nationality.

A person must have his or her own nationality. It has become a principle that a corporation must have a certain nationality. By this attribution, the legal and political relationship of a moral person as an entity and a particular State is established, in that it is between a moral person and a foreign moral person who is affiliated with a particular State to indicate the law governing its entity, such as creation, dissolution or organization.

27 Electronic authentication until the applicable law is established. What are the criteria for determining nationality?

Section I

Criteria for determining the nationality of electronic authentication

1. Standard based on where the company was founded.

According to this criterion, the place of receipt of the birth certificate of a corporation made in accordance with a certain law shall be the nationality of that State under which the law of that State or the law of the State upon which the electronic authentication authority was established, usually in the same State. This is what Jordanian legislators have adopted in Jordanian trade law.

2. Standard based on the concept of contract: In this criterion, the parties' freedom to choose the law applicable to the regime was relied upon:

3. Standard based on the selection of social partners and managers:

The electronic authentication authority cannot be based on Jordanian law in Article 4/229. At the same time, a large proportion of the corporate shareholders may be entitled to these combined or individual reasons, including Jordanian legislation, for not applying this standard.

4. Decision status standard:
Decision-making status is an important officer for determining the nationality of the company. The place of the company's fundamental decisions determines the nationality of that company, which is linked to the territorial principle. In other words, that company makes decisions from a State. If these decisions are made by a company located in Jordan, that company, according to this criterion, acquires Jordanian nationality and, therefore, in the event of a dispute involving a foreign element, the applicable law is applicable. It is Jordanian law, and if this fledgling company of multinational corporations has multiple nationalities, the nationality acquired by that company is the nationality of the State in which the decision is placed.

Attribution rules have played an important and vital role in determining the applicable law through attribution controls, but the criterion for the alization of such legal personality is that an alien is attached to every person having the nationality of a State other than the licensing State 31.

Another trend has been the introduction of the standard of incorporation of the company. If the notary is established in a foreign State from Jordan, the applicable law is the law of the State in which the act of incorporation was taken, or the law of the State in which it was granted nationality 32.

Others argued for the main management centre criterion for determining the nationality of the electronic authentication service provider 33. The Jordanian legislature has thus adopted article 240 (a) of the Jordanian Companies Act.

On the basis of the foregoing, the researcher believes that the fact that many of these criteria are used to give citizenship to the electronic notary has created a problem, namely, the fact that the criteria for the adoption of nationality on the notary are too numerous, which is reflected in the applicable law.. Issues covered by the Law on the

Nationality of Electronic Authentication in accordance with previous standards:

Since a home acts as a national according to previous criteria, this law governs the following: 34:

Legal regime of a company in matters of the value of shares and capital and the subject of incorporation or establishment of a company

Governing Council and Composition

General Assembly meeting.

Voting on the board of directors for the purpose of raising capital.

Purposes, dissolution and liquidation of the company

Section II

What law applies to contracts entered into by an electronic authentication authority
Conflicts arising out of the contracts performed by the notary, whether between the partners themselves or their clients, the subject matter of the law applicable to these contracts takes up a large and wide space in these conflicts. This is due to different attribution controls that cast a shadow on the subject.

Although the attribution controls that govern this issue may be different, they may relate to the main position of the company or the seat of the general decision management. A willing officer has taken a prominent and distinctive place as usual in determining the applicable law with respect to contractual obligations arising between an electronic authentication service provider and partners in this company and between the agents.

Based on what has been said, our consideration of this issue will be through section I, in which we will address expressions of will, while in the second requirement we will be exposed to the principles governing the will to choose the law of contract.

First: Expressions of will

Article 20 provides that contractual obligations shall apply to the law of the State in which the contractors have their common home if they are united, if the law of the State in which the contract was made differs. This is unless the contractors agree otherwise.

The choice of the law applicable to the contract, whether issued by the electronic authentication service provider or by our partners or clients, is beyond being explicit or implicit.

On the basis of the foregoing, our consideration of this subject will be through section I, which examines through express will, and section II, which deals with implicit will.

1: The express will of contractors to choose the applicable law

The express expression of will is directly through which the will of the disabled is expressed; in other words, the appearance it has taken reveals the will and informs others of that will. The expression of will is explicit if the appearance taken by words, in writing, in reference or so is a manifestation of a subject in itself to reveal such will as is common among people and the customary. The express expression may be lip service, or through meaning language. The words may be directly through the tongue, they may be performed on the phone, and they may be done by sending a messenger who is not a deputy. The express expression is finally by taking any other position, which does not leave the circumstances of the situation in doubt as to the truth of the intention. The trader's presentation of his goods to the public, together with the statement of their price, is an explicit positive. The express expression of writing as its physical entity, which is easily proven and interpreted in any of its forms, may be customary or formal. In the form of a document, a book, a bulletin or an advertisement, signed or unsigned, written by hand, typewriter, printer or in any other way, originally or image. The express expression is also a customary reference; the non-vague reference of the mute is an express expression of his will. And any non-dumb reference that humbled people as having a special meaning is an explicit expression of will. The headgear is vertically a sign of acceptance and the shaking of it horizontally or the shaking of the shoulder is a sign of
rejection. Based on the above, it is not possible to say that there is a specific picture or means of expressing the express will.

There are many expressions of express will that may be within the contract signed between the contracting parties. This agreement is clear, clear and unambiguous.

Previously, the law allowed parties to be granted the right to choose the applicable law, and those parties were not limited only to natural persons. It may therefore be a legal person for an electronic authentication service provider to agree with their partners or between clients of the applicable law within one of the means that is clearly and clearly expressed.

A jurist decided that "the best tool to ensure the legal certainty to be available in the law is to give the parties the right to choose the law applicable in the event of a dispute." Having explained the role of express will by defining the law applicable to the relationship with this topic, the researcher in section I found that, in implementing the applicable law through express will, the judge would not raise any practical problem by applying it.

However, the difficulty arises when searching for the applicable law in accordance with the will of the implied parties. The concept of the implied will to reach the applicable law will be defined in section II, so that the extent to which it is considered and the implicit will to demonstrate and determine the law applicable to the electronic authentication service provider will be met?

2. Implied will to determine the law applicable to the electronic authentication service provider

The express choice of law applicable to the subject matter of the contract raises no problem. But this problem is clearly apparent in the absence of an explicit choice. Show the so-called implicit will. The applicable law may not be agreed upon for contractors to ignore it or for them to deliberately leave this matter to the extent that it does not affect the conclusion of the contract.

In the implicit will through which the will of the contract is revealed indirectly The fact of the meaning in question cannot be inferred from the means used in the expression because it does not in itself directly indicate the will of the contractor, but the assumption of that will can be derived from several circumstances and factors.

The disclosure of will is carried out through several indicators, including:

1. The existence of a provision taken from the law of a particular State in the contract
2. A clause subject to the jurisdiction of the court of a particular State
3. If the contractors use the terms of the law of a particular State in the creation of the contract
4. Place of payment of currency, place of execution of obligation, location of money or subject of work
Based on the foregoing, will is derived through the actions of a person, and therefore will is revealed indirectly through signs that show that will.\(^{46}\) The Jordanian legislator has stated that "It is the expression of will that is expressed by words, by writing, by the usual reference, even though it is not dumb, by the actual exchange of consent and by taking any other course that does not leave the circumstances of the situation in doubt in terms of consent."\(^{47}\) The Egyptian legislator explicitly provided for the implicit expression of will.\(^{48}\)

On the basis of the above, we consider that the Egyptian legislature has explicitly provided for implicit expression in contrast to and contrary to Jordanian legislation.

It should also be noted that the origin of the expression of will is the origin of the express expression, the exception being the expression through a set of evidence, evidence and factors. Here, the discretion of the judge to show and demonstrate the implicit will is highlighted.

Based on the foregoing, the determination of the applicable law in accordance with article 20 of the Jordanian Civil Code is carried out through the will of the Convention. The law allows contracting parties to agree to determine the applicable law, whether before or after the dispute occurs. It must be emphasized that this will is either explicit or implicit to determine the applicable law in the event of a dispute between the electronic authentication service provider and the clients or clients, or between the same partners who created this legal personality.

**Conclusion**

This study has worked to determine the law applicable to the electronic authentication service provider and the contracts that are entered into with this entity because of the important and vital role it plays in the lives of communities and individuals on the one hand and their role in the development of electronic processes, particularly commercial ones.

In view of the fact that Jordanian legislation does not have special legal rules governing and setting forth the law applicable to the electronic authentication service provider, this body has a special international character.

This study required reference to the general provisions of the Jordanian Civil Code to examine the rules of attribution for access to the law applicable to the relationships and links governing electronic authentication, and the theoretical and practical appropriateness of such rules.

This study consisted of two requests, such as the first to indicate who the electronic authentication service provider was. In the second request, the study also addressed the role of attribution rules in determining the law applicable to the electronic authentication service provider to resolve the conflict of laws problem over the electronic authentication service provider through Jordanian attribution rules and some Arab legislation.
Results

This study produced several findings

1. After researching the legal regulation of the electronic authentication service provider, the researcher found that this legal personality needed to be regulated more precisely, especially with regard to accreditation requirements, since the system did not indicate the conditions to be met until the external accreditation of the electronic authentication service provider.

2. This study found that the Jordanian legislator did not single out a specific provision to regulate the law applicable to relationships and links between the partners themselves in the event of a conflict between the partners.

3. The researcher examined the rules concerning conflicts involving a foreign element, in the relationship between the electronic authentication service provider and the client or parties who entered into a relationship with the electronic authentication service provider. There was no clear and explicit provision defining the law applicable to such relations and links with a foreign element.

4. This study found that Jordanian civil law gave individuals in relationships with a foreign element freedom to choose the applicable law, and this original will to be explicit and clear. As for implicit will, the Jordanian legislature has not explicitly stated how much the Egyptian legislature has done to use implicit will.

Recommendations

The researcher recommends the following recommendations to the Jordanian legislature:

1. Single out special legal rules governing the accreditation of the electronic authentication service provider.

2. Single out a special provision regulating the law applicable to the relationship between partners of this legal entity.

3. Establish special legal rules governing the applicable law of the relationship between the provider of the electronic authentication service and customers or their clients.

4. A specific, explicit and clear text is given as an expression of will.

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34. Honorary, Oani (Former Reference), p. 32
35. This article corresponds to each of 19 Egyptian, 19 Libyan, 20 Syrian, 25 Iraqi and 27 Sudanese civilians.
38. Article 94/1 of the Jordanian Civil Code, No. 43 of 1976
39. Ahwani Hossamuddin, General Theory of Commitment, p. 78.79
44. Daudi Ghalib, International Private Law Conflict of Laws, T1, Culture Publishing and Distribution House, 2011, p. 2218
47. Article 93 Jordanian Civil Code No. 43 of 1976
48. Article 90/2 of the Egyptian Civil Code states that “the expression of will may be implicit if the law does not provide or the parties agree to be express.”