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Call for Papers
KILAW's Sixth Annual Conference
Contemporary Legal Developments: Issues and Challenges
(1 – 2 May 2019)

Legal developments constitute a set of problems, interpretations and solutions presented by various social institutions, whether economic, legislative, academic or other, on a continuous and different basis, to regulate the new phenomena and realities witnessed by societies. Therefore, it was taken for granted that these developments will be characterized by the nature of the stages they go through, and that new interpretations always reflect the current transformations, especially considering the central role of legal and academic institutions in various fields. With this in mind, and in light of the significant and qualitative transformations that Arab and international societies are undergoing, there are several fundamental legal issues in different fields. They also pose fundamental challenges that require qualitative solutions and deliberations through academic discussions and in-depth and specialized research.

Due to the importance of these issues, and in light of KILAW's keenness to enhance its academic and social role, KILAW has decided to organize its sixth Annual International Conference to be held on 1-2 May 2019 under the title:

“Contemporary Legal Developments: Issues and Challenges”.

The School has the honor to invite legal researchers to participate in the proposed topics with research papers that would enrich the work of the conference in the discussion of these important and vital topics.

The main themes of the conference are as follows:

First: Legal Education and Opportunities for Advancement

1. The nature and trends of current and future legal education and its relation to the practical reality.

2. Legal education and employment.
3. The effects of globalization on legal education.
4. The use of information technology in legal education.
5. Curriculum reforms and evolution of teaching methodology.
6. Quality standards in legal education.

Second: Recent Trends in Alternative of Dispute Resolution

1. Third party funding in international commercial arbitration.
2. The liability of arbitrators and arbitrations institutions.
3. Arbitration and its implications on the sovereignty of the state and the fall of the concept of administrative arbitration.
4. Arbitration in investment disputes.
5. Emergency Arbitrators.
6. The effectiveness of administrative appeals, conciliation and mediation in resolving administrative disputes.

Third: Recent Trends in International Law

1. Cyberspace and international law;
2. Artificial intelligence and jus in bello;
3. International trade law: multilateralism under a threat?
4. Nuclear weapons: between disarmament and modernization.
5. Global governance: sovereignty re-invented.
6. New Frontiers: International Space Law.

Fourth: Investment and Sustainable Development

1. Islamic finance and investment in sustainable development.
2. Law and sustainable development.
3. The role of the legislation and social justice.
4. Evaluating the experiences of public-private participation in the field of development.
5. The role of legislation in attracting foreign direct invest-

ment.

6. Legal Foreign Investment Law in the State of Kuwait: Challenges and Opportunities.

Fifth: Problems of Applying Corporate Governance, e-transactions and Competition

1. Legal Challenges in applying corporate governance and its development.
2. Growing needs for the development of specialized trade courts.
3. Recent trends in relation to conventional and Islamic bonds (Sukuk).
4. Challenges in electronic trading.
5. Challenges of competition regulation and the role of relevant authorities.

Sixth: Climate Change and State Responsibility in Cases of Environmental Disasters

1. Constitutional rules governing State responsibility in environmental disasters and the responsibility of the executive branch.
2. The role of the legislative authority in developing a system of laws concerning environmental disasters and mechanisms of compensation.
3. The role of the judiciary in cases of environmental disasters.
4. The role of the civil society institutions in dealing with environmental disasters.
5. Legal framework for the use of international companies specialized in dealing with environmental disasters.

Procedures for Participation:

- The researcher should be a faculty member, a PhD holder or a researcher with experience and competence in the field.
- The researcher shall first submit an abstract of the proposed

research, provided that it does not exceed (500) words, in addition to a copy of his/her resume including a list of publications, before 20 Jan. 2019.

- The Organizing Committee shall notify the selected candidates before 5 Feb. 2019.
- Full text submissions shall be sent before 25 March 2019.
- The research submitted will be peer-reviewed. Researchers shall be provided with the reports of the reviewers in order to take their comments into consideration before 5 April 2019. Research shall not be accepted unless approved by the referees.
- Papers shall be sent to the Conference Committee in final form before 10 April 2019.
- Accepted papers will be published in a special supplement issued by KILAW's Journal. Researchers shall not be able to publish their papers in any other journal or periodical without a prior approval from the Conference's committee.
- Abstracts and research papers should be sent to: kiac@kilaw.edu.kw or submitted through the conference's webpage: <https://kilaw.edu.kw/annualConference/>

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- Maximum number of words is (15000) including margins.
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New Rules for Publication in the KILAW's Journal

Kuwait International Law School's journal is a quarterly academic, legal and reviewed journal, and an academic platform that seeks quality, seriousness and excellence. It accepts research papers in all relevant legal issues of interest to the Journal in Arabic, French and English, in any of the following areas:

- Research and studies
- Comments on judicial decisions
- Thesis abstracts
- Academic reports on seminars and conferences
- A presentation of new legal books

In any of the following academic fields, especially:

- Law and its various areas
- Islamic law and jurisprudence
- Public finance, economy and economic legislations
- Social and natural sciences related to law
- Comparative studies
- Arabization in any of the previous areas

In accordance with the following rules:

I- General Policies for Publication:

1. The School's administration gives great importance to the role of the academic journal in spreading and encouraging the academic research. It seeks to enhance and deepen its role and mission, and constantly review it in order to raise the quality of published researches according to the best international standards and practices, to enhance its impact and influence in its area.
2. The journal seeks, and after the first five years of its establishment, to be an academic, serious and distinct platform, and that the research published in it constitutes an added value which would place it in the ranks of international academic journals, within the framework of a project of innovation in thought and research methodology.
3. The journal ensures that the research submitted for publication is on realistic cases, through following a mechanism that would accommodate the current changes in terms of objectivity, methodology and formality.

4. The journal encourages comparative legal studies.
5. The journal encourages the submitted researches for publication to follow a method of criticism, analysis, and brainstorm through modern methodology and techniques.
6. All submitted research papers are subject to referral by specialists in the area, and holders of an academic degree that is higher than that of the researcher or equivalent to it (if the researcher is Full Professor).

II- Publication Rules:

■ For academic research and studies:

A- General rules:

1. Research or study should be unpublished or submitted for publication in another journal.
2. Research or study must not be part of PhD or masters theses, or from published books, unless it has a new value or addition, which shall be approved by the Editorial Board in advance.
3. The subject of the research should be current, original and innovative.
4. The focus in the research should be on the topic without theoretical introductions or unnecessary additions or expansions. The researcher should refer to the references that has already dealt with it when necessary.
5. The researcher should use the critical method in his study and discuss in depth the subject of the research and the problems he raises.
6. The research should include recommendations and proposals to address the issues or problems in question, or proposals for future studies.
7. The research or study references should be modern and varied, local and international, Arab and foreign whenever possible, and fully documented.
8. The number of words of the research or study should not exceed fifteen thousand (15000) words, and not exceed the number of (30) pages, A4 size. (Font type: Times new Roman , size 14 - the distance between lines per page: 1.15 - margins: the same font type - size 10 - the distance between lines: 1.0), including abstracts (Arabic, English and references).
9. The research should be accompanied by an abstract in Arabic and English, each of which shall consist of a maximum of 200 words (or one page). It shall include the research objectives, methodology, conclusions and recommendations, and keywords, not exceeding five

- words (not mentioned in the research), expressing the fields covered by the research, for use in indexing.
10. The research or study may not be published in another academic journal after its approval for publication in the journal of the Kuwait International Law School, except after a written permission from the Editorial Board.
 11. Research or studies must be printed, in three copies, or electronic in PDF and Word format, and all versions should be carefully corrected.
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B- Special rules:

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The journal publishes commentary on court provisions, believes in the importance of the views of jurisprudence in analyzing the ruling,

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- Conclusion of what researcher gets of conclusions and recommendations.

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- The reviewer should present adequate summary of contents, with an indication of the most important aspects of excellence and

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Research and studies should be sent to:

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- And then sending the research and the attached documents (CV, Undertaking and acknowledgment).

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Within the framework of KiLaw's policy to encourage students to engage in the fields of academic research writing as well as academic thinking, the school's journal would like to announce its willingness to publish students' research which adhere and abide by the rules of academic publishing. It would also like to announce offering monetary rewards as well as granting the Prestigious Academic Contribution Award for students whose research is eligible for publication.

The presented research papers should concern one of the legal issues of vital importance, and should abide by the rules of academic publishing as stated at the introduction of the journal's issues. Two copies, an electronic and a printed copy, of the paper should be submitted to the administration of the journal.

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Legal Stability and the Problems of Preparing and Drafting Legislations and Laws

Prof. Badria A. Al Awadhi

Chief-in-Editor

Recently, there have been an increase in substantive and formal observations regarding the contradiction and inconsistency in the provisions of a number of laws, legislations and regulations, whether issued by the legislature or the executive branch, including the Anti-Corruption Authority Act, the Conflict of Interests Act, and the Competition Protection Act which is currently under amendment. This is in addition to the rejection of other acts, such as the early retirement law, not only because of the government's objection to some of its clauses, but also because of the conflict between these clauses. This constitutes a real problem in relation to drafting and establishing jurisprudence as well as coordination and cooperation between the relevant parties in this regard.

These flaws and problems represent negative phenomena in the work of legislators and regulators. These problems should be corrected, but they certainly appear more frequently within elected and active parliaments, especially those with high levels of parliamentary coordination or government coordination. This is because the elected members are keen on participating in the legislative initiative through proposing laws or announcing their support to proposals of other MPs, as well as compatibility and coordination with the government, especially if it is a parliamentary government that is supported by a parliamentary majority, or a technocratic independent government seeking to meet the needs of its people, as is the case in Kuwait.

It is also impossible to ignore the losses incurred by the concerned parties as a result of the faulty drafting in legislation and laws as well as the lack of consistency, clarity, accuracy and coherence. These result in wasting time, money and effort, in addition to wasting the opportunities of those who propose these laws, legislations and regulations. This would undermine legal stability, which means that legal rules are established and specific in organizing legal centers, thus contributing to ensuring the achievement of desired results.

This is clearly due to the limited legislative awareness of some members of the National Assembly as well as some ministers, especially those responsible for the preparation and drafting of laws and regulations in the executive branch.

This is in addition to the limited competence of advisers and experts forming the drafting review teams in the parliamentary institutions.

It should be emphasized that this is not only a technical issue, but a substantive one, with various methods of approaching it. Therefore, the solutions will not only be the formal conditions and procedures established in law books and legal drafting guides. It mainly requires the clarity of the ideas, visions and legal and legislative philosophy that are the source of these laws and legislations. It shall also consider both medium-term and long-term future, in addition to training relevant parties. This will result in saving effort and money and achieving the desired legal stability. Benefiting from the expertise of national academic institutions, especially law schools, will definitely assist in providing effective practical solutions

Comments on Judicial Provisions

Commentary on the ruling of the Constitutional Court in Case no. 6 of 2018 Issued on 19/12/2018

*Prof. Mohammad Abdulmohsen Almoqatei **

Abstract

This commentary studies and analyses the ruling issued by the Constitutional Court in Case no. (6) of 2018 issued on 19/12/2018, which ruled the unconstitutionality of Article (16) of the Standings Order of the National Assembly which issued by Law no. 12 of 1963, regulating the dismissal of MP's membership, such process start with review and hearings by the legal committee to prepare its report and hear the testimony of the member subject to the dismissal process, determining the time period and submitting the report to one of the National Assembly session, which end with the voting by the Parliament which require a the absolute majority.

The court ruling is considered a serious violation of the principle of distribution of constitutional competence between the State powers.

This case was submitted a few days after the National Assembly voted in the 30/10/2018 session to reject the dismissal of two members: Dr. Walid Al-Tabtabai and Dr. Jamaan al-Harbash, who received sentenced by the criminal cassation court for three years and six months in the case of unlawful entering to the National Assembly, which took place on 16/11/2011.

This article essential annotate due to the fact that the ruling which is subject to the commentary seriously adverse to constitutional principles, including the concept of separation of powers and the breach of the jurisdiction of the legislative authority. It is also diverts the well established ruling of the Constitutional Court in respect of the concept of constitutional distribution of jurisdictions between the powers. Therefore the jurisprudence's and legal authorities ought to closely review this judgment and its severe consequences. We have presented this through eight in-depth, analytical and comparative reviews based on constitutional basis, in light of comparative court ruling and jurisprudence opinions.

* **Professor of Constructional Law, President of Kuwait International Law School.**

In this commentary, we concluded that the ruling was defective in form and objectivity. It has also infringed the constitution, because it violates the principles of constitutional legitimacy and undermines the parliamentary independence in regulating its internal standing order, in addition the wrongful Jurisdiction by this court to review parliamentary acts in an approach that is contrary to all constitutional provisions, norms and conventions, as well as the well established rulings of the Constitutional Court itself.

The court also disregarded the personal interest and standing conditions that is required in submitting the case in accordance with what is established in the judiciary and stipulated by the law. In the light of that, the judgment is defective and lacks a well established legal foundation. Therefore, it does not lead to any legal effect and not has no consequences as it is regarded void and null.

Keywords: Parliamentary work, constitutional oversight, recall of deputy, internal charter, parliament, separation of powers..

English Abstracts of Arabic Research

Legal Aspects of Electronic Governance of the Internet

*Dr. Alyamamah Khudair Al-Harbi **

Abstract:

This study deals with the electronic governance of the Internet as a contemporary legal topic, both in a theoretical as well as applied manner. The theoretical study presents the features and characteristics of this system, which can be applied to any network in the world considering the universality of the network. The electronic governance of the Internet is a mechanism for controlling the network and organizing it. However, it is not initiated by the state and it is based on an ideology unlike traditional ideology upon which the central administrative control of the state is based, after the latter has failed to deal with the problems of the Internet and its electronic content.

The system interconnects the control, regulation and technology side, with varying controllers and control objectives. The methods used to achieve these objectives depend mainly on the technological controls integrated into the network. This study explains the principles that should be understood by anyone who examines Internet governance for any purpose, and which can be applied to any legal system in different political, economic or social circumstances surrounding it.

The study provides an appropriate input for those interested in this branch of legal studies as referred to by the most important studies, researches and jurisprudence related to Internet and modern technology in the United States and Europe. In its practical aspect, the study deals with the basic mechanism of electronic governance that is identifying the responsibility of the service provider. Therefore, the study presents comparative trends in this regard, and analyzes the position of the Kuwaiti legislator in particular in order to evaluate the solutions taken from the perspective of governance.

Keywords: Internet, governance, electronic governance, electronic content, technological controls.

* Assistant Professor, Private Law, Kuwait International Law School.

Legal status of Robots “Personality and Responsibility”

Highlights on the European Civil Law Rules in Robotics 2017

*Prof. Mohammad Arfan Al Khatib **

Abstract

As widely known, the concept of «Robots» - «electronic persons» –is remarkably considered the most imaginative idea that came to reality with the rise of the concept of artificial intelligence (AI). Which became rather legally and ethically problematic, approaching its human counterpart, especially in terms of its current incarnation in the structure of “machine” stimulating the human body not only physically but also mentally! A question that raises two main issues on the Robots: First: the right of this new «object» to obtain a legal personality of its own. And second, the related nature of the civil legal responsibility, highlighting the legal rules governing such responsibility, and the legal reflexes that may occur accordingly.

Thus, this paper aims to shed light on the most philosophical and legal debates in the European society to determine the legal status of the “Robots” within, especially that the European Parliament has passed the European civil law rules in Robotics 2017, which discussed its legal personnel and the legal responsibility of its civil use in the European society. Therefore, the paper attempts to clarify the legal position of determining the status of “Robots” in modern civil legislation, particularly the French one, highlighting the legal argument on the existence of an independent legal personality for this “Robots” and the legislative need for it. In addition to the possibility for a special legal responsibility to exist and arise in relation to the “Robots”, and whether a new legal amendment is needed to include these two concepts into the French legal system. Or, the current civil legal rules remain sufficient to cover the various legal aspects related to Robots.

It is therefore expected for this research, examining such subject, to be subject to criticism and reactions both in support and opposition, especially since the doctrinal discussions has not yet been resolved, but rather still at the beginnings. Where the trends of research will be seen contrary to the traditional legal basics in both theories personnel, and responsibility as well, while others might consider it as method of development of both theories, placing this new object: the «Robots.»

* **Professor of Civil Law, Law Department, Ahmed bin Mohammed Military College, Doha, Qatar, Faculty of Law, University of Damascus, Syria.**

To this end, the research has a clear and controversial dimension, and will challenge the understanding of the recipient, when attempting to proceed with a hypothesis to establish a doctrinal legal thought that somehow contradicts the general doctrine of the legal status of the “Robots” seen by many as irrelative. The research will also present a philosophical attempt to comprehend and evaluate these different opinions, to conclude a legal opinion, that we believe, is closest to the right, without any other legal opinion being confiscated.

Based on the above, the first problematic in this paper describes the status of the legal debate on the need to grant legal personality to the “Robots” in the first place, while the second one is related to the nature of the legal responsibility that can rise to this respect.

Keywords: Legal status of the Robots. Legal personality of the Robots. Legal responsibility for the Robots European civil law rules in Robotics.

The Impact of Techno-Legal Changes on the Formation of Contract: A Study on the Law of Qatar and Model Electronic Contracts

*Dr. Saad Abdulkareem Abulghanam **
*& Dr. Basim Mohammad Melhem ***
*& Prof. Bassam Hamad Al Tarawneh ****

Abstract:

The typical venue for protection and enforcement of Intellectual Property Rights in case of infringement is litigation. However, high expenses associated with litigation in this field have become a serious obstacle to the owners of those rights where, unfortunately, many of whom are financially incapable of affording such high litigation expenses. Therefore, a need arose to furnish a solution to address this dilemma. As a result of the increased concern; the interested parties reached a solution through the creation of a special insurance coverage made available by insurance companies.

Under this new type of insurance coverage, the insurance company is not obligated to pay the insured an amount of money, a salary income or any other financial compensation in the event of accident or danger; instead its obligation is to pay the expenses of litigation sustained by owners which, in turn, enable them to protect and defend their rights. Thus, Intellectual property insurance is considered as a unique insurance coverage based mainly on securing the expenses of all types of litigation throughout all stages of proceedings.

Since, however, Intellectual property insurance contract is absent in our Arab Countries, this paper undertakes to analyze this emerging type of insurance contracts and to clarify its characteristics and legal nature based on studying its origins, historical development, definition, legal framework and its effect and practical benefits.

Besides being the first to address this topic, the merit of this paper is that it has linked two important legal topics: intellectual property rights and insurance, which, as a result, contributes to the development of insurance thought as well as providing real protection to owners of intellectual property rights.

Keywords: Protection of intellectual property rights, Intellectual property insurance, patents, creativity, innovation, copyrights.

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The Consumer's Right of Withdrawal from the Electronic Contract: A Study of the Qatari E-Commerce and Transactions Act Compared with the EU Directive on Consumers Rights

*Prof. Nisreen Mahasneh **

Abstract

According to article 57 of the Qatari E-Commerce and Transactions Act no. 16/2010, the electronic consumer has the right to withdraw from both goods and services contracts, provided that this takes place within three days from the date of the contract. The EU Directive deals with the consumer's right of withdrawal in more details. It allows withdrawal within fourteen days from the date of delivery in goods contracts, as well as fourteen day from the date of concluding a services contract. The Qatari law stipulates that withdrawal takes place only when the consumer has not used the goods, or benefited from them. As for services contracts, the consumer can withdraw only when performance has not taken place or has not been completed. However, in contrast with the EU Directive, Qatari Law does not deal with the mechanism of withdrawal, or its legal consequences. It has left all these matters to the general rules of law, such as putting parties at the same position they were in before contracting and the rules of enrichment.

This study concluded that the period of withdrawal under the Qatari Law is too short, besides, the starting point for goods and services contracts shall be considered in the same manner as considered by the EU Directive, because this minimizes the legal protection of the electronic consumer. Lastly, the Qatari Law does not consider the withdrawal right for the electronic consumer a public order rule, which negatively affects the legal protection.

Keywords: Consumer, withdrawal, e-contract, provider, withdrawal period.

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The Consumer's Right of Withdrawal from the Electronic Contract: A Study of the Qatari E-Commerce and Transactions Act Compared with the EU Directive on Consumers Rights

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Abstract

The right to litigation is one of the fundamental human rights. It becomes more important when the other party in the lawsuit is the administration, because sometimes the law doesn't specify the nature of some administration acts, which leads to the polemics: are these acts considered acts of sovereignty and thus they are immune to judicial oversight? Or are they administrative acts and may be appealed against?

Of course, the study on the Algerian judiciary position from the government acts theory has a great importance, because the capacity of the justice to define the domain of government acts certainly contributes in promoting the individual's rights towards the administration. That had led us to highlight the concept of government acts and different theories regarding its domain, as well as the position of the Algerian and comparative jurisprudence through using some scientific methods such as the historical, analytic, and the comparative method.

We have noted that the comparative judiciary had played an important role in limiting the government acts domain, especially by adopting the theory of detachable acts, but it didn't follow a specific basis for distinguishing them. In contrast, we noted that the Algerian justice has not yet had the opportunity to show its position about many administration acts, such as the decree establishing the state of emergency.

Therefore, we have recommended the inclusion of constitutional dispositions in order to allow the Constitutional Council to examine the constitutionality of government acts, and we have also recommended that courts should expand the application of the detachable acts theory.

Keywords: Consumer, withdrawal, e-contract, provider, withdrawal period.

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The problem of odor's non-conventional trade marking between Jurisprudence and Legislation: Comparative Study

*Dr. Mohamed Morsi Abdo **

Abstract

This study allows for a clarification of the jurisprudential and legislative differences on one of the most important modern trademarks. This study is an attempt to draw the attention of the Arab legislator to the fact that there is a new facet for non-traditional trademarks. Its technical and legal aspects must be understood before it is imposed by the international reality as has been done with regard to the TRIPS Agreement.

The study proves that although there is a jurisprudential disagreement about the registration of odor as a trademark, and the Arab legislator hesitates to recognize the trademarks that are intangible, the French legislator and his American counterpart have recognized the odor's right to protection prescribed by the trademark system, and that some judicial decisions supported it. The European legislator recently introduced amendments to the trademark regulation of the European Community; it opened the door to the registration of trademarks that could not be directly represented, such as the odor, because of its growing economic value.

Keywords: Intellectual Property Rights, Patents, Trademarks, Innovations, Industrial Property.

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**The Consumer's Right of Withdrawal from the Electronic Contract:
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Act Compared with the EU Directive on Consumers Rights**

*Dr. Khaled Hassani **

Abstract

The Preamble to the Statute of the International Criminal Court has solemnly affirmed the importance of international cooperation between the International Criminal Court and the Security Council. In its third paragraph -regarding the extradition of the States- it confirmed that the fight against dangerous crimes which is within the jurisdiction of the court contributes to the achievement of peace and international security and welfare in the world.

The Rome Statute has also established an important relationship between the International Criminal Court and the Security Council, in cases where member states and non-members of the Rome Statute fail to comply with their obligations of co-operation presented to them by the court provided that the referral is made by the Security Council and that the failure of States to comply prevents the court from performing its tasks.

For this purpose, this study is to discuss the prerogatives of the Security Council in activating international cooperation with the International Criminal Court by demonstrating the aspects of international cooperation between the court and the Security Council, and then to limit the procedures that the Security Council undertakes to States that forbid cooperation with the International Criminal Court within the framework of the Rome Statute and the related rules of law.

Keywords: International Crimes, the Rome Statute, international security and peace, Chapter VII of the Charter, UN.

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**The Consumer's Right of Withdrawal from the Electronic Contract:
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*Dr. Mohammad Hasan Abdullah **

Abstract

The study focuses on the problems faced by the protection of databases in the comparative law system and the copyright law represented by the uneven protection provided to the databases. The EU tries to solve this problem by trying to unify the provisions of protection by the copyright law and to establish a new protection system to protect databases that do not meet the protection requirements of the copyright law but embodies a measure of financial, human or technical investment in its creation.

The researcher used the comparative analytical approach in studying the provisions of copyright legislation related to the new provisions of special protection. The research aims to find an acceptable approach to amend the provisions of some copyright legislation regulations in the comparative legal system to accommodate different types of collections, including databases.

In the course of the research, we found that the new provisions on special protection did not constitute a solution, but added new problems related to the interpretation of the provisions of this protection and the contradiction of judicial applications.

We concluded that this protection should be dispensed with the amendment of the provisions of the copyright laws to suit different types of databases.

Keywords: Database creator, innovation, core investment, incidental databases.

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Fair trial guarantees in the light of the adoption of remote communication technology in criminal proceedings in the United Arab Emirates: A comparative study

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Abstract

This study aims at considering fair trial guarantees in the light of adopting remote communication technology in criminal procedures as established by federal law no. 5/2017. This technique has tangible benefits on the legal services development, starting with rapid completion of transactions, decreasing the duration of trial sessions, accessing the concept of the e-court, and achieving the principles of adjudication of cases within reasonable time.

It is quite known that adopting the audio-visual communication technology has positive consequences in regards to reducing financial burdens of the trail parties. In addition, the this study shall focus on the legitimacy of conducting a trial remotely, as well as the technical and legal guarantees at various stages which in return shall make a radical change in the criminal justice system. Hence the question arises as to what extent has the federal legislator succeeded in setting out principles for ensuring a fair trial process through the adoption of smart procedures?

To answer this question, we have followed the theoretical and analytical approach through studying and analyzing the clauses of federal law, and all other relative clauses. Accordingly, in this study we presented the general framework of using the remote communication technology in legal procedures in the first chapter. Based on that, the second chapter included the impact of adopting remote communication technology on achieving a fair trial. Hence, we have concluded several findings, for instance: legislating the using of remote communication technology through a fair trial in the United Arab Emirates that shall determine the type of crimes for which the remote communication technology can be used.

Keywords: Judiciary, Criminal, Electronic, Reasonable Times, Justice.

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