

# **Legal Protection of Moral Rights Inherent in a Consumer's Person**

*Prepared By*

**Mohammed Elsaid Elsayed Elmshad**  
*Lecturer at Misr Higher Institute of Computers and Commerce*  
*PhD in Law - Mansoura University*

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### PREFACE

1- Consumer protection legislation has recently received considerable attention, perhaps because consumer protection and the preservation of consumer rights are central to demonstrating civil and civilizational progress and ensuring States' long-sought economic prosperity.

Consumer rights are topics of interest to the international community, in particular the United Nations<sup>(1)</sup>, as well as to legislators<sup>(2)</sup> interest in and consolidation of these rights; Given that consumer rights are many, including fundamental and subsidiary rights; This research only provides for the moral rights of the consumer regardless of the aforementioned division.

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<sup>(1)</sup> UNCTAD, 2016 "Guidelines for consumer protection", available online at: [https://unctad.org/en/PublicationsLibrary/ditccplpmisc2016d1\\_ar.pdf](https://unctad.org/en/PublicationsLibrary/ditccplpmisc2016d1_ar.pdf)

<sup>(2)</sup> Egyptian Law No. 181 of 2018, Algerian Law No. 09-3 2009/2/25, Jordanian Law No. 7 of 2017, Lebanese Legislation Consumer Protection Law on 4/2/2005, Tunisian Law No. 92-117 of 17/12/1992.

The consumer's right to preserve his dignity is also a basic right, and the Egyptian legislator did well by describing the preservation of consumer dignity as the basic right of the consumer, as he stated in the content of Article Two of the Egyptian Consumer Protection Law that basic consumer rights must be preserved; Including safeguarding the dignity of the consumer and preserving the essence of his humanity. The importance of Merchant's obligation of information, preservation of consumer values and access to information is manifested in the fact that it is the right that enhances consumer empowerment of other rights and secures a safe and healthy life for him, and consumer awareness of his rights as a consumer and his duties, whether he is a consumer, producer of goods or a provider of services.

## 2- Research problem

The problem of this research is represented in Insufficient legislation in the Egyptian or comparative law regarding guarantees to protect the consumer's moral rights from the risks of abuse by producers of goods and services or marketers.

Especially since the silence of the legislator encourages the publicity official to give priority to the interests of the producers of goods and services at the expense of the moral rights of consumers.

### 3- Research questions

*The topic raises many questions, including:*

How much is the legislative treatment to protect the privacy of personal consumer data?

What standard does the legislator follow to protect consumers' general taste in advertising?

Has the Environmental Protection Agency (EPA) succeeded in achieving its goals? What protection is in place to preserve the dignity of the consumer? And the extent of institutional treatment to preserve the Egyptian consumer's religious, community and national values?

And what is the role of the Consumer Protection Agency to protect the basic moral rights of the consumer?

All these questions we try hard to answer, guided by legal texts and legal and judicial trends if necessary.

### 4- Research Methodology:

In our study on the protection of consumer rights, we have taken an analytical approach, and it should be noted that we have influenced these methodologies in order to give an opportunity to analyze the legislator's trends, adequacy and inadequacy in addressing this topic. In addition to describing

the interactions of consumer rights stakeholders in Egypt with value and ethical variables.

#### 5- Research Plan:

It is necessary to recognize the inadequacy of traditional theory to impose adequate consumer protection, but what is not all is not left. In the Consumer Protection Act No. 181 of 2018, our Egyptian poetry has determined acceptable consumer protection and, as has already been the environment, the consumer has many rights.

Thus, some moral rights are addressed in this research, and since consumer moral rights are many, this study will be limited to moral rights relating to a consumer's right before expressing a desire to purchase a commodity or service, in the sense that the study provides for the moral rights of a potential consumer rather than material rights.

*So we chose to divide the Research as follows:*

**First Research (Topic): Legal Protection of Consumer Information Privacy.**

- First requirement: Consumer's right to protect their personal data.
- Second requirement: Consumer's right to protect their own profile.

**Second Research (Topic): The role of the consumer protection agency to protect consumer moral rights.**

- **The first requirement: the consumer's right to protect its human dignity.**
- **Second requirement: Consumer's right to protect religious, community and national value.**
- **Third requirement: Merchant's obligation of information.**

#### **FIRST TOPIC**

##### ***Legal Protection of Consumer Information Privacy***

- 6- The legal protection of consumer information privacy**  
**Consumer information privacy, consumer nominal information, and consumer personal data - all signify the same meaning as the personal right of each consumer to control their own information, which is closely linked to the natural person recognized or identifiable<sup>(1)</sup>. According to some, personal data relate directly to the inviolability of a person's private life, such as his political orientation, religious beliefs, banking dealings and nationality<sup>(2)</sup>. As is**

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<sup>(1)</sup> Aisha Mustafa, Right to Information Privacy between Technical Challenges and the Realities of Legal Protection, Arab Journal of Science and Research Publishing, No. 5, 2016, p. 39. Available online on the [www.ajsip.com](http://www.ajsip.com) Accessibility Date 2020/2/10

<sup>(2)</sup> Close to this meaning; Khaled Mohammed Kadfour Al Muhairi,  
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clear, this information is of great importance, hence the emergence of what is known as information privacy<sup>(1)</sup>.

One of the simplest definitions of the right to privacy is that it means the right to private life<sup>(2)</sup>, as defined by some as one's ability to preserve and prevent disclosure of one's personal affairs<sup>(3)</sup>. Traditional French jurisprudence has come to understand privacy as encompassing everything related to family life, such as the relationship with children, the wife, the emotional life, the image, the financial irregularity and how to spend leisure time<sup>(4)</sup>. Different societies in different regions have sought to lay the foundations in which they reasonably try to preserve this right from different interventions. At first glance, it seems that the term "privacy" is emerging and has only recently been used, but the actual reality confirms that it is

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Computer and Internet Crimes and Electronic Commerce, Al Ghurair Printing & Publishing House, Dubai, 2nd Edition, 2012, p. 579.

- (<sup>1</sup>) Close to this meaning; Omar Abu al-Fattouh Abdel-Azim al-Hamami, Criminal Protection of Electronically Registered Information, Arab Renaissance House, 2010, pp. 825.
- (<sup>2</sup>) Ali Ahmed Abd al-Zu 'bi, Right to Privacy in Criminal Law, Modern Book Foundation, Lebanon, 2009, p. 32.
- (<sup>3</sup>) See Sobhi al-Mahmasani, Human Rights Pillars, Dar al-Alam for Millions, Beirut, 1979, p. 116.
- (<sup>4</sup>) See: Hussam al - Din al-Ahwani, the right to respect for private life-a comparative study, Dar Al-Nahda Al-Arabiya, 1978, P. 23.

an old-fashioned concept found where man found himself. With the proliferation of technology in the Internet and elsewhere, however, serious social changes have made it necessary to put in place safeguards to protect private life, besieged by the dramatic development of Internet use.

7- Privacy is a fundamental right in the life of the consumer in general. As already indicated, the majority of countries have sought to reduce the phenomenon of private affairs of individuals, whether through international or even regional conventions. To the gravity of the matter, most States have moved to develop their domestic legislation; with a view to achieving a safe environment that preserves each consumer's adequate privacy.

Egypt has endeavored to regulate the right to privacy in a number of constitutional articles, perhaps most notably article 57 of the Egyptian Constitution. Many legal texts have affirmed that privacy is inviolable and not permitted to be exceeded, but without a separate law that fully regulates these rights<sup>(1)</sup>.

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<sup>(1)</sup> Article 57 stipulates: "Privacy is inviolable and is inviolable. Postal, telegraphic and electronic correspondence, telephone conversations and other means of communication shall be inviolable. Their confidentiality shall be guaranteed. They may be confiscated, consulted or censored only by a reasoned judicial order, for a fixed period and in the

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It means that consumer information privacy is a type of information called privacy because it relates to the same person and belongs to his or her own person, such as name, address, telephone number and other information. It takes the form of data that requires adherence to each consumer whether it be personal data or a personal photo. So; we divide this research into two requirements:

First requirement: Consumer's right to protect their personal data.

Second requirement: Consumer's right to protect their own profile.

#### The First Requirement

#### The Consumer's Right to Protect

#### Their Personal Data

### 8- Definition of personal data:

First: The linguistic concept: the word data in the language is derived from (demonstrate), the statement means taking something out of the space of the problem into the space of the manifestation", and the connotation of the thing<sup>(1)</sup>.

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circumstances prescribed by law. "Egyptian Constitution, article 57 of 2014.

(<sup>1</sup>) Muhammad bin Abu Bakr bin Abdul Kader Al-Razi, Mukhtar Al-Sahah, Modern Book House, J1, 1987, p. 29.

**Second: Terminological concept: Personal data is defined as any information, voice or image of a person, identified or identifiable, directly or indirectly, in particular by reference to distinct elements of a person's physical, physiological, genetic, psychological, economic, cultural or social identity<sup>(1)</sup>. The word data <sup>(2)</sup> is called the set of facts that are usually in the form of numbers or letters, as personal card data, form updating material, receiver readings<sup>(3)</sup>.**

**And thirdly: the concept of doctrine: Some have tended to define personal data as a set of information made in person<sup>(4)</sup>.**

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<sup>(1)</sup> Hisham Farid Rustam, Penal Code and Information Technology Risks, Modern Machinery Library, 1992, p. 182.

<sup>(2)</sup> Perhaps the lexicon of library and information terminology ", which includes all definitions that clarify the concept of personal data as a term used for the purpose of referring to any or all facts, figures, letters or symbols that indicate or describe a subject, idea, situation or any other factors, The meaning includes the basic elements of information that result from running data by computer, images such as symbols that are assigned meaning. data are suitable for the use of a machine or a human being and are attached to the human person. Ahmed Mohammed Al-Shami and Sayed Al-Ba 'adallah: Encyclopedic Dictionary of Library and Information Terms: English-Arabic, Mars House, Riyadh, 1988, p. 332.

<sup>(3)</sup> Mohammed Al-Saeed kashba, Computers, Dar Al-Bookshop, 1984, p. 4, available online at: [www.daralkotob.com](http://www.daralkotob.com) Latest in 2020/2/15

<sup>(4)</sup> Amr Ahmed Haspou, Protection of Freedoms against Information Systems, Arab Renaissance House, Cairo, 2000, p. 156.

This view, however, is vague and broad and does not define such data as "information which is an element of an individual's secret life and which is prejudicial to the author upon disclosure<sup>(1)</sup>". The latter view, while adopting the criterion of damage to determine such data, did not know or define the data itself.

The judiciary did not mention a specific definition of personal data to the extent that it was important to protect such data, as a constitutional right.

In our view, personal data are any information, voice or image of a person, identified or identifiable either directly or indirectly, in particular by reference to distinct elements of a person's physical, physiological, genetic, psychological, economic, cultural or social identity.

We also see that these data are within the privacy of the consumer's personal data. that need to be protected from disclosure by law, and that depends on the criterion of damage resulting from disclosure of the privacy of such data whenever there is harm to the consumer, it is better to protect that data, But the idea of privacy has shrunk dramatically, especially in our age of informatics. State-of-the-art communication

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(<sup>1</sup>) Hussam al-Din al-Ahwani, Right to Respect for Privacy, op. cit., p. 61.

technology revolution” and even considering knowledge as a constitutional right.

9- However, the French legislature has regulated the protection of personal data<sup>(1)</sup> in a manner similar to that of the Egyptian legislator and his Iraqi counterpart, despite the fact that the latter has recently been legally regulated.

It is therefore appropriate for Egyptian and Iraqi nationals to follow the French legislator's example- to protect personal data themselves or to ensure that it is processed in more detail.

Article 415 of the Egyptian Medical Practitioner Act stipulates that: "A doctor may not disclose private secrets that reach his knowledge by practicing the profession unless the driver agrees to do so"<sup>(2)</sup>. Disclosure of the patient's secrets is a criminal offence<sup>(3)</sup> But fear remains about the fate of the personal data of the rest of the consumers; it is imperative that

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(<sup>1</sup>) See French Electronic Processing of Information and Freedoms Act, No. 78-17 of 1978, amended in August 2004.

(<sup>2</sup>) However, pursuant to the preceding text, in certain cases, the law authorizes the doctor to disclose private secrets reached by practicing the medical profession. This creation may be made by a close family member of the patient, such as the husband, wife, father, mother or adult child, in case of serious illness or for other adequate reasons.

(<sup>3</sup>) Osama Gaid, Doctor's Criminal Liability for Disclosure of Profession Secret, Arab Renaissance House, Cairo, 1989, p. 35.

the Egyptian legislator enact texts protecting that category's personal data.

Transactions may include personal data sent from the consumer to the merchant as part of the confirmation of the sale process Information may be nominal data, or several images in electronic form and may include the consumer's residence and the nature of his work and other data that he does not wish to disclose to others, and without the necessity of the transaction he would not have disclosed<sup>(1)</sup>.

However, the electronic dealer may misuse and deal with such data other than for its intended purposes, such as sending it to other customers without the owner's permission, or making it available to the public.

This undermines the inviolability of the consumer's private life, so the modern trend of consumer protection has obliged e-contract dealers to put in place mechanisms to protect the privacy of the consumer<sup>(2)</sup>.

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<sup>(1)</sup> Quni Sadia, Offences against Consumer Interests "Comparative Study", Master's Note in Law, Khaidar University, Baskara, Algeria, 2009, p. 130.

<sup>(2)</sup> This is taken by the Egyptian legislature in article 29 of the Consumer Protection Act 181 of 2018, by French legislation in the Consumer Protection Act and by Algerian legislation in General Penal Code No. 66- 156 of 2018. 1966.

10- The UNESTRAL Model Law on Electronic Commerce<sup>(1)</sup> defines electronic data exchange in its article 2/2 as "the electronic transfer of information from one computer to another using an agreed standard of information composition".

The data exchange system is used electronically in many processes, such as negotiation between the parties and conclusion of contracts, inquiries, purchase orders, shipping dates, delivery, production data, conformity certificates, invoice payment, letters of credit, etc<sup>(2)</sup>.

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<sup>(1)</sup> UNESTRAL is the United Nations Commission on International Trade Law, whose membership includes the majority of the world's States representing the various major legal systems and whose main purpose is to harmonize and harmonize the legal norms governing electronic commerce and to achieve nationally unified rules in dealing with global trade issues. UNESTRAL has achieved many achievements in this field; Most notably, a number of international conventions have been concluded; The most famous of them were the 1980 Vienna Convention on International Sales and conventions on international commercial arbitration and others, and in 1996 the UNESTRAL Model Law on Electronic Commerce was launched; in order to assist States in identifying the articles to be incorporated into such legislation, together with their wish and hope that the Model Law would be adopted by other States; (Jaber 2008, [www.alhuraauniversity.org](http://www.alhuraauniversity.org))

<sup>(2)</sup> Close to this meaning; Mohammed Bandari, Towards a Broader Concept of Consumer Protection, Security and Law Magazine, Dubai Police, S8, p.1, Jan 2000, p. 86.

This system has been used in view of the accelerated growth of e-commerce operators, which has led to the need for a common electronic language to avoid differing interpretations of the rights and obligations of both parties to the electronic contract<sup>(1)</sup>.

Electronic data interchange (EDI) has several characteristics, the most important of which are: reduced transportation expenses, easy access to information, little error and confusion in commercial transactions, ensuring to some extent some privacy security, and saving time; because this system allows faster transmission of data and information messages<sup>(2)</sup>.

However, this has not prevented the system's defects from interfering with security risk data, and information can be accessed more easily than paper files.

Also the risks of loss of authentication arising from the lack of knowledge of the other contractor's rights in electronic commerce contracts, not to mention the problem of electronic proof; because many States did not adopt the idea of accepting an electronic document.

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<sup>(1)</sup> Mustafa Mousa, the Role of Data Science in the Formation of the Nodal Relationship, Arab Renaissance House, Cairo, 2012, p. 48.

<sup>(2)</sup> Mohamed Bandari, op. cit., p. 88.

In its decision, the European Court of Justice concluded that Google, as a search engine on the Internet, is concerned with Directive 95/46/EC related to the protection of personal data, and that it is obliged to respond to all requests for data erasure that were directed to it, unless the request relates to information and data affecting the public interest.

The court also decided: "that the search engine operator is obligated to remove the search results obtained after typing the name of a person, as well as the referral links that refer to web pages, then published by third parties and include information about that person, especially in the case where this name or these were not. The information is subject to simultaneous or prior deletion from these pages, even if the posting is in itself legitimate"<sup>(1)</sup>.

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(1) Judgment of the Court (Grand Chamber), 13 May 2014, Judgment in Case C-131/12 Google Spain SL, Google Inc. the Spanish Data Protection Agency, Mr. Costeja González.

- The facts of the present case conclude that whenever the name of Mr. Costeja González is typed on the Google search engine, a referral link appears on the search results referring to the page of the newspaper La Vanguardia, in one of its issues issued in the year 1998 AD, in which it published an advertisement for the sale by public auction of real estate within the framework of procedures related to social protection debts, in which the name of Mr. González appears.
- By that complaint, Mr. Costeja González requested, first, that La Vanguardia be required either to remove or alter those pages so that

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11- Since the right to privacy is inherent in the human person in general and the consumer in particular; Undoubtedly, every person has his or her own privacy and private life, which he or she prefers to be discreet from others and not disclose, as well as society as a whole, he or she also has his or her own privacy, which he or she is keen not to share with other communities; s security and safety and the safety of all its personnel<sup>(1)</sup>.

The right to confidentiality and non-disclosure of personal data to others is one of the most important and significant forms of the right to privacy of the consumer. Preserving consumer secrets is the essence and basis of ensuring privacy protection against violation and interference.

Thus, the consumer's interest in protecting the privacy of his personal data is realized, and the role of legal norms is

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the personal data relating to him no longer appeared or to use certain tools made available by search engines in order to protect the data. Second, he requested that Google Spain or Google Inc. be required to remove or conceal the personal data relating to him so that they ceased to be included in the search results and no longer appeared in the links to La Vanguardia. Mr Costeja González stated in this context that the attachment proceedings concerning him had been fully resolved for a number of years and that reference to them was now entirely irrelevant.

<sup>(1)</sup> Mustafa Musa, op. cit., p. 35.

demonstrated, as they play an active role in protecting that interest for individuals, through legislation to ensure that they are not compromised or disclosed.

## Second Requirement

### *Consumer's Right to Protect His Own Photo*

12- Recent and accelerated technological developments, particularly in the field of photography and dissemination, on the one hand, and attention to the consumer's personal rights, on the other, have contributed to the emergence of the so-called image right, which has been recently used in advertising; The right to image is one of the rights inherent in the consumer's personality, but there are two trends in this regard; It considers that the right to image is one of the most visible features of the right to privacy, the protection of which entails the preservation of human dignity and respect for "human worship"<sup>(1)</sup>. While another view is that the right to portrait is of a dual nature, it may be a manifestation of private life, and may be a right inherent in the personality independently<sup>(2)</sup>.

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<sup>(1)</sup> Ali Ahmed Abd al-Zu'bi, Right to Privacy in Criminal Law "Comparative Study" (Beirut: Modern Book Foundation, 2009), p. 13.

<sup>(2)</sup> Rana Awad Dhoun, "The Right to Image: Its Legal Nature and Protection in Jordanian Law" Comparative Study "(Yarmouk University: Master's Thesis, 2014), p. 36.

13- The image concept has become very broad incorporating different models of images Today, when we talk about an image, we don't talk about just drawings or inscriptions, We're talking about photographs that take people, and even these photographs are no longer limited to images that are taken by ordinary cameras, They include images taken by modern digital cameras that need only a few seconds. And the picture defined language as the shape, used in the sense of the kind and the characteristic of each and the baffle of the other. in the sense of analogy and convergence, and in view of the fact that the image or right is not defined in different national and international legislation; We refer to the definitions of jurisprudence, including defining the image as the representation of a person or something by inscription, carving, drawing, photograph or film. Etc., as defined as the shape shown by the camera, it is the person's mirror that reveals himself, the image being a reflection of the human personality not only in its physical appearance but also in its moral appearance; this is because the image reflects a person's emotions and feelings<sup>(1)</sup>.

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<sup>(1)</sup> Rana Awad Dhoun, op. cit., p. 4-8.

The right to a photograph is the validity of each person's permission. or prevent the seizure<sup>(1)</sup>, reproduction, use or dissemination of its image the right to prevent misrepresentation, distortion and exploitation And not only does the picture be seen in this framework as one of the components of the personality, But as an expression of the psychological state, it is an external reflection of a person's feelings and feelings, It is therefore associated with him, which is one of his basic subjective components, as is the inviolability of the body identity, security and private life, and therefore the right to image is a consumer's inherent and related to private life rights<sup>(2)</sup>.

(<sup>1</sup>) See:

- CA. Paris, 1re ch., 23 mai 95(D.96, som.com.75), Obs. Hassler.
- Toute Personne a sur son image et sur l'utilisation qu'il en est un droit excusive qui lui permet de s'opposer à sa reproduction sans son autorisation expresse et spécial.

(<sup>2</sup>) Protection of the right to image began to emerge during the second half of the 19th century by establishing the judiciary's right to oppose cloning or reproduction of an art image of the face, or through the right to prevent the image from being displayed and the judiciary continued to protect the right to image by the beginning of the twentieth century, But not from the perspective of personal rights, but from the point of view of a person ' Because a person's rights are not considered for rights in kind, and cannot be for trade, and therefore are linked with the second half of the twentieth century to personal rights. For more information, see Al-Monsef Al-Kashu, "Protection of

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14- The general principle is that the right to image is linked to the consumer's person. And he does not accept disposal of it even if the right holder consents to others photographing it or publishing its image, For example, a model waives her right to her photograph of the photographer who photographed her for a sum of money to print, use for commercial purposes or sell to an art magazine consent is not a departure from the principle of the inalienability of the right to image; Because a person authorizing a photograph does not mean that he has waived his right to his photograph. but not the use of the powers conferred upon them by this right, Any authority to object to the portrayal or dissemination of its image, and it is not understood that the total or absolute waiver of the right to the photograph removes all restrictions from the concessionaire; The person who has obtained the waiver or acted in his or her own interest shall be constrained not to prejudice the author of the photograph, as well as not to violate it. (Public order and morals), for example, the Act's right to image or use it in a drug

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the right to image", Journal of Legal Research and Studies - Association of Jurists of Sfax, No. 9 (2014), 244-242.

advertisement must be held legal accountable<sup>(1)</sup>.

It should be noted that in Egypt or France there is no law on the protection of the right to image, as there are only civil

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(<sup>1</sup>) The person whose private life is being assaulted or, in particular, his or her right to image preventive measures ", in order to avoid legal action, Its publicity, public intrusion and the press may have to obtain special images of its publication in the coverage of the trial in a way that is detrimental to the abuser's interest and adds another threat to his private life Urgent and ordinary justice in France is empowered to take urgent and timely action to prevent or stop infringement of the right to image; The judge may take appropriate action in this regard, without affecting the injured person's right to compensation, The judge must also investigate the effectiveness of the required procedure and order it only if he is assured of the effectiveness of achieving the desired objective. s private life ", the Paris Court ruled that no magazines had been confiscated in which photographs had been published affecting the Duchess of York's private life, because it had previously been published in England, a country where compensation reached its highest levels, Despite the judge's power to choose or reject the preventive measure's rights ", is obliged to take redress action if it is established that personal rights have been infringed. Article 48 of the Jordanian Civil Code provides that "Anyone who has been unlawfully assaulted against a right inherent in his personality may request a cessation of such an assault with compensation for the damage suffered." s rights ", a person could accordingly demand preventive action to protect his or her personal rights, including the right to image and the right to private life, and no harm was actually required. For more see: Sama Al-Hat Ceiling, Right to Picture "Manifestation of Right to Privacy or Independent Right", Postgraduate Papers Series, Birzeit University, Palestine, 2017, p. 16.

and penal codes and certain special laws, such as the Press Code.

The right to a photograph is one of the rights inherent in the personality, in accordance with the Civil Code, and everyone has a property right in his own form. Accordingly, any infringement of this right is contrary to article 50 of the Egyptian Civil Code and to article 9 of the French Civil Code.

The question arises about the use of the image for which it was taken, so what is the solution? In this case the photograph is taken with the consent of the interested person, but it is used or published without his consent and for the purpose for which it was taken, the owner of the studio shoot may) Photograph a person with his consent and satisfaction. However, he displays these images whether in the advertising board of the shop or the glass destinations of the shop, or whether this image is displayed in a newspaper, magazine or other propaganda means for the purpose of publicity about the shop. The act of the studio owner - here - constitutes an attack on the consumer's right to his image, since the image of the person - even if taken with his consent - may not be used for commercial propaganda without his consent to its use for this purpose<sup>(1)</sup>.

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(<sup>1</sup>) Close to this meaning; Rafat Ahmed, Protection of Personal Rights and =

This was the case of the French judiciary, which gave the individual the absolute right to possess and use his or her paper in any manner he or she wishes, as well as to object to its reproduction, use or dissemination. His right to the same image, his right to control the exploitation of the image. In other words, the photographer's permit to photograph does not mean that he is authorized to publish or use, and therefore the photographer has the right to oppose the reproduction of his photograph<sup>(1)</sup>.

This was the case- as well- of the United States judiciary in *Jehizvini v. Medical Association*, where the latter published photographs in a newspaper of the applicant before and after an operation in his nose. The defendant's defense was the medical association (a) to publish the photograph not for the purpose of advertising but for a medical purpose, but the court considered that any publication- even in a scientific bulletin- might be a hidden declaration of publicity, and the plaintiff replied in his requests<sup>(2)</sup>.

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Freedoms in the Face of Modern Technologies, Al Mansoura Law Faculty Library, Doctoral Thesis, 2012, 319.

<sup>(1)</sup> Close to this meaning; Nshawi Rafat Ahmed, *op. cit.*, p. 320.

<sup>(2)</sup> Judgment referred to in: Ala 'a Abd al-Basit, *Proof of Legal Conduct Concluded Online* by the Arab Renaissance House, Cairo, 2000, p. 178.



15- Comparative legislation protects the right to a personal photograph by enumerating images of an assault, as well as penalties through the Criminal Code, as well as the provisions of the Civil Code concerning the protection of a personal image as an inherent right of the person.

The Civil Code is more extensive<sup>(1)</sup> in the protection from the Criminal Code; According to the Civil Code, an infringement of the right to privacy is the control of what takes place in a private place even if it is through a magnifying binoculars or simply through the perforation of the private place's door. It also constitutes an assault on the right to image by placing a mirror to reflect what is going on in the private place, as well as drawing a picture or painting of what a person sees in a place, which does not have criminal protection; Because the Criminal Code requires the formulation of such protection to be filmed or transported by means of an organ. These means of vigilance are not organs. The Civil Code is equal between organs and natural senses whenever they are a means of infringing privacy, and, according to the Civil Code, a person may not be conceived even in a public place<sup>(2)</sup>.

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<sup>(1)</sup> Nshwa Rafat Ahmed, op. cit., p. 327.

<sup>(2)</sup> Hussam al-Din al-Ahwani, op. cit., p. 105, 107.

The Act<sup>(1)</sup> indicates that communication regulated by the Act means any means of sending or receiving symbols, signals, messages, writings, images or sounds, whatever their nature, whether wired or wireless<sup>(2)</sup>. Accordingly, any means of transmitting or receiving photographs is a means of communication subject to the provisions of this Law, and thus it is within the scope of this Law to send and receive images via the Internet or mobile.

Based on the foregoing; Everyone who has been sent or received his image through the network, mobile or even satellite<sup>(3)</sup> to file a complaint against the actor before the National Telecommunications Regulatory Authority, which is concerned with receiving users' complaints<sup>(4)</sup> to investigate them and to pursue them with the provider's companies, in accordance with article V of the Act, which restricts complaints to those directed against the employees of the

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<sup>(1)</sup> See the provisions of Act No. 10 of 2003 regulating communications in the Arab Republic of Egypt.

<sup>(2)</sup> Chapter One (General provisions), article 1, paragraph 3, of the aforementioned Act.

<sup>(3)</sup> The fourth paragraph of the above-mentioned article indicates that the communications service means the provision or operation of communications whatever means used.

<sup>(4)</sup> The user means: any natural or legal person who uses or benefits from communications services. (A1/6).

telecommunications companies only without private individuals.

In the same context: the infringement of a consumer's right to a sphere is an error in itself entailing liability without the need to establish the bad faith of the photographer, publisher or other infringement of the right to image, Moreover, a person's image may not be used even if taken with his or her consent for propaganda purposes without his or her consent to be used for that purpose.

It should be noted that the United States judiciary has invoked the lawfulness of precautionary measures as a preventive measure, establishing a restriction on the use of computers during the period of conditional release as an attempt by the judiciary to prevent the accused from committing crimes through it; This is because the accused was computerized in the commission of his crimes, including the illegal use of photographs of others<sup>(1)</sup>.

16- The English judiciary<sup>(2)</sup> also awarded compensation to

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<sup>(1)</sup> USA, V. Scott Ristine, App8th Cir. No. 03-1111, July 2, 2003; Referred to in Nashwi Rafat, op. cit., p. 355.

<sup>(2)</sup> Zheng Sophia Tang, "Electronic Consumer Contracts in the Conflict of Laws", HART Publishing Oxford and Portland, Oregon 2009, This book is based on PhD thesis submitted to the University of Birmingham in summer 2007, p.14.

the plaintiff, who had taken photographs with the defendant's own photo studio in return for material, but the photographer printed several copies of the photographs and then sold them to the public. The court noted that the agreement between the parties was limited to taking the photographs without publication<sup>(1)</sup>.

At the end of this study; it should be noted that the Egyptian legislator has addressed most of these problems in the Consumer Protection Act No. 181 of 2018.

## SECOND RESEARCH

The role of the consumer protection agency to protect consumer moral rights

17- Today, the world is experiencing a revolution in information, communications and consumer services to the consumer public, and thus consumers are in the crosshairs of producers. The product has become immune, and it is not meant here as diplomatic or judicial immunity, but as economic immunity, which means that the State's economic policies - In the light of globalization and capitalist thinking, I am more pleased with its existence

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(<sup>1</sup>) Mabdar Suleiman Alweis, Impact of Technological Development on Public Freedoms in Political Systems, Knowledge Facility, Alexandria, 1982, p. 106.

and with the imposition of its conditions, as long as the objective and justification for the achievement of the country's supreme policies, but the fact is that the principles of human rights are an impervious divide and wall, which may not be infringed even on the grounds of national development policies.

Based on the foregoing; we divide this research into three demands:

**The first requirement: the consumer's right to protect its human dignity.**

**Second requirement: Consumer's right to protect religious, community and national value.**

**Third requirement: Merchant's obligation of information.**

### **The first Requirement**

#### ***The Consumer's Right to Protect***

#### ***Its Human Dignity***

**18- The Almighty God, created man in the best calendar. He walked to him what is in the heavens and what is in the earth. He sent his messengers and prophets a gift, missionaries and foreshadows.**

There was no religion of Adam's sons, as they were honored by Islam, in all their races and colors, and human thought evolved throughout the ages and ended up establishing legal principles and rules governing social, political and civil life in modern societies. Despite the dominance of the material view of the totality of these laws, the effect of the religious directives on some of them seems very clear.

Islam has come to affirm the authenticity of human dignity and to entrench in man his sense of dignity, to strengthen his adherence to it, to safeguard it and to protect it from it; because it is the essence of its humanity, the core of its humanity and the exponent of its subjectivity<sup>(1)</sup>.

Internationally, we find human dignity in three international documents that, in today's times, are the bedrock of international human rights legitimacy:

- Universal Declaration of Human Rights.
- International Covenant on Economic, Social and Cultural Rights.

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(<sup>1</sup>) Walid al-Shanawi, Concept of Human Dignity in Constitutional Justice-Comparative Analysis, House of Thought and Law, Mansoura, 2014, p. 1.

- **International Covenant on Civil and Political Rights.** In the view of some<sup>(1)</sup>, the term "dignity" is reiterated in the Universal Declaration and repeated five times, in the First International Covenant twice, and in the Second International Covenant three times. Inherent dignity is a former presumption of human equality. Every person born with the same degree of dignity and, above all, inherent human dignity does not require any external criterion of what is considered to be dignified or deserving of respect.

In this requirement, we address two points; First: The legislator addresses the principle of consumer dignity and the need to pay attention to you an attack on the dignity and humanity of the consumer. Second, the consumer's protection apparatus has played a significant role in this regard.

19- First, the legislator's treatment of the principle of consumer dignity:

In the Consumer Protection Act No. 181 of 2018, the Egyptian legislator emphasized this inherent principle of the human person, although this expressly implies the legislator's

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<sup>(1)</sup> Walid al-Shanawi, op. cit., p. 6.

desire to consolidate that principle and to shed light on some aspects of it, especially

With regard to consumers, article II<sup>(1)</sup> of the aforementioned Act stipulates that:

- 1- .....
- 2- .....
- 3- .....
- 4- The right to maintain personal dignity and respect for community customs and traditions. It is worth mentioning that the legislature has not mentioned the principle of the consumer's personal dignity, but rather in order to establish and achieve a lofty and constitutionally enshrined goal<sup>(2)</sup>, which is one of the most important human rights.

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<sup>(1)</sup> See in detail article 2 of the Egyptian Consumer Protection Act No. 181 of 2018.

<sup>(2)</sup> Article 51 of the Egyptian Constitution 2014: "Dignity is the right of every human. It shall be inviolable and the State shall respect and protect it"; The concept of human dignity was introduced as a constitutional principle by the Irish Constitution in 1973; Article 1, paragraph 1, of the German Constitution stipulates: "The dignity of the human person is or is not prejudiced, and respect for and protection of it is the duty of all State authorities".



All parties, whether producers, advertisers, government bodies and all parts of economic organization, should uphold this principle.

Undoubtedly, the principle of protecting the human dignity of the consumer has an expanded concept", it is not possible to focus on important economic aspects and to abandon the moral aspects inherent in the consumer person, A consumer's humanity or dignity is respected and the moral aspects of a consumer are respected by failing to deal with it. slavery ", an individual or group, as an object or slave, and forms of slavery evolved or a machine, or just a consumer controlled by the market, or a second-class human being<sup>(1)</sup>.

Noteworthy; Protecting consumer dignity is a societal responsibility, so the Consumer Protection Agency and its media windows often demand and call on consumers to help the Agency control markets and protect their rights, especially its dignity and humanity.

The Egyptian legislator did well to describe the preservation of consumer dignity as the consumer's fundamental right, stating in the content of article 2 of the

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(<sup>1</sup>) Article: Hassan Aurid, article entitled: Economic activity and consumer dignity, available online at/ [www.trtarabi.com/opinion](http://www.trtarabi.com/opinion) Last Updated On February 15, 2020

Egyptian Consumer Protection Act that basic consumer rights must be preserved; these include the preservation of the consumer's dignity and the preservation of the essence of its humanity.

**20-Second: Consumer Protection Agency's role in preserving consumer dignity<sup>(1)</sup>:**

<sup>(1)</sup> Models for addressing the consumer protection agency for the defense of community values and consumer dignity, available in the annual report issued by the Egyptian consumer protection agency 2017 and available on the official website of the agency.

The agency monitored Orang's advertising campaign to call for World Cup qualification, where it received a complaint against Orang about the advertising campaign on satellite channels to qualify for the World Cup, which included "The presentation of elderly patients with various diseases including Alzheimer's, Heart, etc., and patients wish to watch the national team take part in the World Cup, and this is their last chance in life before they die to watch it."

This Declaration is a violation of the personal dignity that encourages the appreciation and respect of that age group of older persons, and not the complainant company's exploitation of their right to promote the Declaration, which diminishes and degrades them.

**Emperor's Company Announcement**

The device was monitored through the Media Observatory by the Emperor's brand lingerie producer, which included "the display of an elderly lady who is listening and looking at a young man and girl in the dark exchanging words and words between them and making movements with sexual Connotations".

And that by reviewing the advertising article, it showed a violation of the consumer's right to personal dignity. Sunny Oil Advertising

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The protection and preservation of the human dignity of the consumer is a simple but tremendous challenge. Advertisers who abuse the dignity of consumers are always armed with excuses, such as customer satisfaction and attention, but we should always set before us a firm objective criterion in this regard, which is a fundamentalist "most-favored-interest" rule, which means that preserving the dignity of the consumer takes care from national or economic ends.

Often attracted to comedy advertising, I enjoy humorous advertising for those who watch and hear it! Regardless of the extent to which these ads affect marketing and the quantity of sales, we do not miss many moral rights to which these ads may be distorted or abused<sup>(1)</sup>.

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Campaign: Iffco Egypt made an advertising campaign under the slogan "You are the proverb", circulated and displayed through several banners on Egyptian streets as well as social media sites, some of which included ads with several phrases and examples "You are a spinster. Break the girl's rib. See her. These declarations are degrading to Egyptian women and to Egyptian society, as they constitute a waste of Egyptian women's dignity and a diminishment of their dignity and dignity within society. Accordingly, the Agency issued a decision to discontinue the aforementioned advertising campaign.

<sup>(1)</sup> Alia Sami Abdel Fattah, Egyptian Public Trends Towards the Use of Comedy in Television Advertising, Research presented to the 15th Scientific Conference of the Faculty of Media, Cairo University, 2009, p. 6.

Thus, we should such declarations that use phrases or contain in their content should therefore be addressed to undermine the human dignity of the consumer. The mechanisms for the presentation and production of advertising material, and the enactment of regulations and legislation with heavy penalties, should be codified to counter any party.

The purely theoretical texts we find insufficient in the standard requirements and specifications for advertising goods and services, which affirm that "no element of advertising includes a degradation of human dignity or an abuse of public morals", must be extended to achieve public deterrence, thereby reaching the desired objective; it is to preserve the dignity of the consumer.

At the end of this point, we conclude that promoting respect for consumer dignity is not easy, and there are obstacles and challenges that shift towards mainstreaming this noble principle, but as consumers we must help the consumer protection apparatus. The device must also raise consumer awareness; by informing consumers and educating them about their rights on modern technological platforms.

**Second Claim Consumer's Right to Protect Religious, Community and National Values<sup>(1)</sup>.**

(<sup>1</sup>) The Egyptian Consumer Protection Agency monitored ads for the Braille drink product which included viewing scenes (A person who holds a certificate of exemption from military service with a shadow by clarifying the word exemption and the appearance of the word dream, as well as writing each one's dream in us and the joy that is bubbling) On the company's official page on the social media site Facebook Top P&P advertising in violation of the religious and national values, customs and traditions of Egyptian society, Young people appear inappropriate that their dream is to shirk their national duty to perform military service and escape the protection of the nation and preserve its territorial integrity and integrity. as against the Egyptian people and their great army, and that the declaration as described above constitutes a violation of consumers' rights

He issued a set of media statements issued by the Consumer Protection Agency to preserve community values and public tranquility. Referred to in the Agency's Annual Report 2017.

A press release on the issuance by the Consumer Protection Authority of a decision to suspend two advertisements by the Emperor's lingerie company that are broadcast on the company's website on social media pages (Facebook) and on YouTube; The first contains words and suggestions encouraging young people to use drugs, which are incompatible with the general traditions and customs of society, encouraging young people to have incorrect customs and entrenching misconceptions in society. Published in Al-Ahram newspaper, Rosaliusef, Republic of the Republic, delegation, on 12/3/2017.

A press release was published on the referral of 3 satellite channels (Sahara Taxi, Beirut Cinema, Panorama Film) to the Public Prosecutor's Office on charges of misleading advertising; these advertisements varied from medical products claiming to be capable of

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21-Historical reality attests to the fact that societies' strength and vulnerability do not unite with material standards alone, but rather their survival, existence and continuity depend on the values and moral standards they represent. They are the foundations and behavioral orientations on which societies' progress and development are built, within which cultural and human pathways are defined, human development and civilization are defined, and in the event of imbalances and loss of sound construction. - Inevitably - a catastrophe that leads society to weakness, disintegration and collapse, the Almighty said: "If the people of the villages were safe and met, we opened them with blessings from heaven and earth, but lied, he gave them what they were earning"<sup>(1)</sup>. The Almighty said: "For example, God struck a village that was a reassuring security for its livelihood from everywhere"<sup>(2)</sup>.

22-In the Consumer Protection Act, the Egyptian legislator

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treating certain diseases, to advertisements for quackery and sorcery, and were published in Al-Ahram newspaper Al-Shurooq on 21<sup>st</sup> September 2017.

<sup>(1)</sup> Surah al A'raf: Verse No. 96

<sup>(2)</sup> Surah An-Nahl: Verse No. 112.

explicitly stipulated the consumer's right to preserve religious, community and even national value; as one of its most fundamental rights, and the preservation of values is the foundation of civilization and civilization.

Values are crucial to consumer and community life; Since they form the basis for the formation of relationships between individuals, contribute effectively to determining the nature of their interaction, constitute norms and objectives governing the conduct and direction of the group, serve as drivers and determinants of one's behavior, and are one of the constituent dimensions of one's personality, they play an effective role in integrating the personality and reaching every paper progress<sup>(1)</sup>.

**23- The importance of consumer values is evident in the following key issues:**

Values are the essence of human being: Values are rooted in the human psyche, extending to its essence, invisibility and secrets, and they form the cornerstone of man's construction and composition. In terms of values, the consumer becomes a human being<sup>(2)</sup>, without which he will lose his

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<sup>(1)</sup> The Swedey Explanation, Sixth Grade Islamic Education in Qatar, Education Journal, No. 102, 1992, p. 76.

<sup>(2)</sup> Cranston Ross, "Stock Image Consumers And The Law", Published by =

humanity and return to the deep bottom, become a bohemian animal dominated by whims and driven by lust, and be relegated to a position where he will lose the element of his God-given human distinction, so the consumer's values must be preserved<sup>(1)</sup>.

Values determine an individual's trajectories and behaviors in life: human behavior stems from values that, in turn, arise from perception, belief and thought. It is man's thinking of the things and attitudes around him and the building of his perceptions of them that defines his value system, and thus the patterns of behavior are based on this system. Accordingly, the importance of values as one of the consumer's determinants of what needs to be done and demonstrated, and what needs to be left behind and away from it<sup>(2)</sup>.

Because values are a central focus of society's culture, the manifest form of which is boys, reflecting patterns of human behavior, and because values permeate all aspects of

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Weidenfeld & Nicolson, London, England, 1978, P. 12.

<sup>(1)</sup> This meaning; Hassan Abdelbaset, Consumer Protection, Arab Renaissance House, Cairo, 1999, p. 52.

<sup>(2)</sup> Close to this meaning; Mr. Kotb, Characteristics and Disabilities of Islamic Perception, T2, Dar al-Sharouk, Cairo, 1987, p. 121.



life, society's identity is shaped according to the value system prevailing in consumer interactions.

Societies differ from one another; for their cultural origins and value norms encompassing different aspects of life, showing values as milestones, and clear evidence of societies' differentiation<sup>(1)</sup>.

The subject of values is one of the main axes of consumer components, especially those that stem from religion and guide the behavior of the individual and the group to what should be done, from which it acquires the status of obligation and is characterized by its dominance of all values; because they emanate from a religious source.

Religious values contribute effectively to the building, development and prosperity of society, and aim to build the personality of individuals and groups and modify behavior from deviation to discipline, thus demonstrating the importance of this subject, and thus the Egyptian legislature's action to ensure that the preservation of the religious values of the consumer is one of its fundamental rights<sup>(2)</sup>.

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<sup>(1)</sup> Fadia Mahmoud Dawoud, Level of ambition and its relationship to the values prevailing among university students, Journal of the Faculty of Human Studies, Al-Azhar University, No. 8, Cairo, 1998, p. 28.

<sup>(2)</sup> See the text of article 2 of the Egyptian Consumer Protection Act No. 181 of 2018.

The question arises as to the extent to which values and customs vary for the Territory's consumers, in the sense that there is a difference between values, morals, customs, customs and traditions?

At first glance, we see that there is a difference between values, ethics, customs, customs and traditions, either in general and in particular, or in terms of source, and this is described below:

#### 24- Values and ethics:

Researchers' views on the relationship between values and ethics vary. Those who believe in this view undoubtedly extend the circle of morality to all the teachings and laws of Islam<sup>(1)</sup>.

Some of them believe that the difference between them lies in the fact that values are divided into types, including moral values, which are the same as morality, and thus morality is part of values. In the view of these people, all creation is a value, not a value, and these are morally meant by those provisions that regulate people's behavior with each

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(<sup>1</sup>) Close to this meaning; Mousa'dBin Abdullah Al-Muhya: Values in Television Series, First Edition, Riyadh, 1994, p. 96.

other, for example. Modesty, patience, endurance, generosity, courage, justice, charity and honesty...”<sup>(1)</sup>.

In this study, we rely on the second opinion, which considers morality to be part of values, which are intended to include religious values that include intrinsic values, devotional values and moral values that appear in all aspects of life, thus making religious values more general than morals.

It seems to us that the Egyptian legislature in the Consumer Protection Act was intended to preserve the consumer's religious values, because religious values are broader and more comprehensive than moral norms, thereby preserving religious, community and national values in an absolute rather than relative manner.

The Egyptian legislator has endeavored to state the role of the Consumer Protection Agency and its prominent role in preserving social and national values. We believe that the Egyptian Consumer Protection Agency should be characterized as the Egyptian consumer's rights and freedoms, as well as the State Council as the bulwark of rights and freedoms in society as a whole.

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<sup>(1)</sup> Ibid. p. 96.

### Third Requirement

#### *Merchant's obligation of information*<sup>(1)</sup>

25-The importance of the right to know and access to information is reflected in the fact that it is a right that promotes the consumer's empowerment of other rights, securing a safe and healthy life for the consumer, and the consumer's awareness of their rights as consumers and duties, whether as consumers, producers of goods or providers of services. Today, we are close to the observance of World Consumer Protection Day<sup>(2)</sup>, which was devoted by the United Nations in 1985 in the framework of granting human rights to ensure a decent life, and in the Arab world we continue to deal with consumer issues through public awareness; That is, we do not target every group in proportion to its culture and potential, limiting the concept of consumer protection to

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<sup>(1)</sup> Means a pre-contractual obligation to make statements, where goodwill and the principle of trust are required prior to the conclusion of a contract, called a foresight obligation, and may be called awareness-raising. For further details see Nazih Mohamed Sadiq al-Mahdi, Pre-contractual Obligation to Make Statements on the Contract on Certain Types of Contracts, Arab House of Renaissance, Cairo, 1989.

<sup>(2)</sup> 15 March each year, the scheduled day of the Fourth Scientific Conference of Postgraduate Studies on Faculty of Law Mansoura University 2020.

consumers' minds of price control and for reasons that vary from the inability of consumer protection institutions to cover all aspects of goods and services; because of its complexity, rapid market growth, and low consumer interest in educating oneself and knowing its rights<sup>(1)</sup>.3

By doing so, we mean the consumer's right to information, which requires producers to provide adequate conditions for consumers to acquire adequate information on products, while at the same time being able to compare and evaluate goods and services offered to them; All this ultimately enables the consumer to possess the right to fall into the trap of misinformation, fraud, fraud and marketing deception on which it can be exercised by false advertising or by branding, or by other means of misinformation; The effectiveness of consumers' access to and benefit from this right is linked to two important issues; Adequacy of information and credibility of information<sup>(2)</sup>.

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<sup>(1)</sup> Ibrahim Abd al-Monim Moussi, Consumer Protection "Comparative Study", T1, Halabi Rights Publications, Beirut, 2007, p. 32.

<sup>(2)</sup> Abdelrahman Khalfi, Electronic Consumer Protection in Algerian Law "Comparative Study", Najah University Research Journal, vol. 27, Algeria, 2013, p. 21.

Consumers have the right to provide them with the facts that help them to buy and consume properly and help them to understand their fundamental rights and responsibilities<sup>(1)</sup>.

The Administrative Court annulled the Administration's negative decision to refrain from issuing a decision regulating the consumer's right to know about the protection of his legitimate rights and interests, affirmed that freedom to engage in economic activity was guaranteed to all, and prohibited anyone from concluding an agreement or engaging in any activity that would violate basic consumer rights, especially "The right to know about the protection of his legitimate rights and interests<sup>(2)</sup>.

The same Court also held that the protection of the consumer and the safeguarding of the consumer's rights and the care of his legitimate vital interests was in fact the contemporary concept of human rights. Freedom was no longer limited to political freedoms and rights, but extended to economic and social rights, and if the origin of civil and political rights was that they could be asserted and enforced.

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<sup>(1)</sup> Helmy Gameel, "Consumer Electronic Protection", an article published on 2,019/12/30 at [www.omanlegal.net](http://www.omanlegal.net).

<sup>(2)</sup> Judgment of the Administrative Court of Justice, Economic Disputes and Investment Service, Seventh Chamber, in Proceedings No. 46717 of 62 k and 19250 of 63 k of 16/2009/5

26-Since the consumer's fundamental rights under article II of the Consumer Protection Act, including the right to information and knowledge, are in fact a fundamental human right economic viability of society ", which is also some of the constitutional rights established by the Egyptian Constitution, The Act itself concerned the regulation of certain rights, leaving others either inevitably known and indispensable for an independent organization or to be regulated by the competent Minister of Commerce and Industry in such a way as to ensure the enjoyment of the right and the attainment of its constitutional purpose<sup>(1)</sup>.

Consumer protection institutions have made great efforts to sensitize consumers and pursue their rights in order to achieve a healthy and safe life, as well as to achieve several successes, including the application of consumer protection laws and legislation against fraud, preventing employers from monopolizing goods and services and securing healthy food free of harmful substances and many others. However, as a developing channel, we face a weakness in awareness of the eight United Nations-endorsed consumer protection items of the

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(<sup>1</sup>) Judgment of the Administrative Court of Justice, Economic Disputes and Investment Service, referred to above.

right to safety; That is, the products and services he consumes do not harm his safety or health and the right to choose the product or service that guarantees him a competitive price with quality assurance, Its right to satisfy its basic needs for services and products, and its right to know all the information it needs to make the appropriate decision in the consumption of the service or commodity, His right to be heard so that consumer interest is taken into account in the development of consumer protection policies and his right to a fair settlement when he is misled and protected from unsatisfactory services or poor goods, and the right to education and to know and be responsible for using their consumer rights and the right to a healthy environment<sup>(1)</sup>.

27-Any active economic movement depends on the strength of the implementation of legislation and laws governing the relationship between the consumer and the provider of the commodity in addition to the role played by civil organizations, institutions and government agencies in raising the consumer's awareness of all his rights and responsibilities<sup>(2)</sup>.

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<sup>(1)</sup> See article 2 of the Egyptian Consumer Protection Act No. 181 of 2018; and article III of Lebanon's Consumer Protection Act.

<sup>(2)</sup> Close to this meaning; Abdel Rahman Khalfi, op. cit., p. 13.



For example, if a consumer is sufficiently aware of the impact of fast-food ingredients on their health and the consequences that consumption can produce. should be deleted", and would certainly take the necessary measures to minimize this impact either by refraining from it or by minimizing it, Even on the side of health services, the consumer's knowledge of his treatment options and the expected results of undergoing treatment will enhance the services provided by health institutions, Awareness of banking services and financial planning must be within the framework of the social responsibility of banking institutions and controlled by consumer protection institutions. With reference to the different models in this regard, we find legislation that mandatorily mandates the provider of a commodity or service by providing the consumer with adequate information and full impartiality.

The media play an important role in protecting consumers from misinformation and providing adequate information about goods and services<sup>(1)</sup>, but it is noticeable in the advertising and media content in our Arab world that there is much misinformation that runs counter to scientific and

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(<sup>1</sup>) Fatima BOUHAFES, "La Fin\_des accords de distribution", memory and publicly supported for the diploma of magisterium in comparative business law, Faculty of Law, University of Oran, 2012, P 44.

health studies, especially in advertising food goods and taking care of public health<sup>(1)</sup>.

28-Modern technology has greatly assisted in diversifying media and outreach that can address all segments of society, be it direct messages or those that come in dramatic, advertising and most influential forms; because it is indirect and does not adopt direct direction<sup>(2)</sup>.

It is essential to censor advertising and media content in promotional messages; because we often find them misleading or adopt a method of intimidation, exaggeration and the need for goods and services; this stimulates consumers to buy, waste and harm their interests. There is no point in campaigns to control prices if there are no strategies and in a parallel framework that protect consumers against incentives and achieve sound economic growth by adopting scientific methods that respect consumers, and we need to do so; As a result of the prevalence of lifestyle and food-related diseases in recent years. Many Western countries have developed consumer protection laws and provided clear information on the pros and cons of commodity products and components so that they can make

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<sup>(1)</sup> Khaled Abdel Fattah, Consumer Protection in Private International Law, Arab Renaissance House, Cairo, 2002, p. 44.

<sup>(2)</sup> Alia Sami Abdel Fattah, op. cit., p. 11.

appropriate decisions and choose the commodity that satisfies their needs<sup>(1)</sup>.

It is important here to emphasize that it is not the resolutions alone that will solve such problems. But the creation of effective mechanisms for the implementation of these resolutions is an equally important tool than the resolutions themselves, Effective mechanisms in addressing this problem may take precisely all continuous and stringent control over trade markets and their commodities. and import outlets and imports of goods, as well as financial and other penalties for importing businesses for goods that do not contain Arabic-translated cards and the punishment of non-compliant shopping and selling centers, whether large centers or shops or small groces<sup>(2)</sup>.

29-On the other hand; Stakeholders must take into account the need to coordinate with importing enterprises and consumer centers. without prejudice to their interests, Especially, the inclusion of Arabic language in commodity cards depends heavily on product policies in the country of origin and the imposition of this requirement may cause

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<sup>(1)</sup> Ibid., p. 12.

<sup>(2)</sup> Osama Ahmed Badr, Consumer Protection in Electronic Contracting, Law Books House, Cairo, 2008, p. 30.

an increase in import costs, or at worst hamper the acquisition of an eligible commodity to the detriment of the consumer, on the other hand, and coordination with Governments of States representing the origin of most imported consumer goods in domestic markets may be an additional mechanism to avoid such problems<sup>(1)</sup>.

Lastly, consumer protection does not depend on the concept of consumer welfare and assistance in obtaining the goods and services required by the consumer's lifestyle and relationship with society at all times and in all circumstances, but also includes the protection of the consumer from himself; any protection from any person who provides a service or commodity that may cause harm to him, whether perceived or unaware, as a result of his or her simple experience<sup>(2)</sup>.

Since the "right to know" established for the consumer is not a luxury right intended to give the purely consumer knowledge without adopting a positive attitude that expresses the purpose of determining the right, it is related to "The right to know" is closely linked to another right, "the right to spend

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<sup>(1)</sup> Close to this meaning; Omar Abdelbaki, Consumer's contractual Protection, Arab Renaissance House, Cairo, 2000, p. 80.

<sup>(2)</sup> Calais-Auloy Jean, "The Influence of Consumer Law on Contract Law", Dalloz, Paris, 1984, P. 30.

and circulate information" s right to development", both of which are linked to a broader and more comprehensive right, the" right to development". Article 1 of the International Covenant on Civil and Political Rights and article 1 of the Declaration on the Right to Development adopted by the General Assembly of the United Nations 128/41 on 4 December 1989 s right to life", which, in turn, is closely related to the right to life as well as to the right to build an economic base for which reasons exist, Furthermore, regulating the right to know in the protection of consumer rights cannot be dissociated from the principles of corporate governance, including the principle of "Disclosure and transparency", as the consumer's right to access knowledge to protect its legitimate vital interests can only be established in the light of the concept of governance in a holistic sense, s needs, whose activity is linked to the production of a consumer's commodity or service and affects the state of the market and the level of prices.

30-Governance in its broader concept is not only linked to the financial, legal and accounting aspects of companies as an element of knowledge<sup>(1)</sup>, but is inextricably linked to all economic, social and political

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(<sup>1</sup>) Judgment of the Administrative Court of Justice, Economic Disputes and Investment Service, referred to above.

aspects, Among the elements of the right to know are the activation of corporate social responsibility by disclosing elements that would enforce consumer control over the extent to which those companies producing goods and services merely strengthen their standing and maximize their profitability or extend their role to include attention to the development of trade and industry, market stability, economic progress and community growth. Finally, at the end of this research, the major role played by the Egyptian Consumer Protection Agency in achieving its objective cannot be overlooked, but it should be noted that this body needs the assistance of individuals and civil institutions in order to maximize the consumer's prescribed protection, both Material and moral.

## CONCLUSION

At the end of our research on the legal protection of the moral rights inherent in a consumer's person and the obstacles to mechanisms for the protection of his rights in general in national legislation, we conclude several conclusions and proposals.

### 31-I. The most important results of the research.

1. The protection of consumers' rights occupies a distinct place in various legislation and in legal literature; Consumer rights were among the topics of interest to the international community, particularly the European Directive and the United Nations, as well as to legislators' attention to and consolidation of those rights.
2. Consumer Information Privacy, Consumer Nominal Information, and Consumer Personal Data - all signify a single meaning that is the personal right of each consumer to control their own information.
3. Privacy is a fundamental right in consumer life in general, and the majority of countries have sought to reduce the phenomenon of private affairs of individuals through either international or even regional conventions. To the gravity of the matter, most States have moved to develop their domestic legislation; this is

aimed at achieving a safe and privacy-friendly environment for every consumer.

4. **Consumer personal data:** any information, voice or image relating to a consumer, identified or identifiable, directly or indirectly, in particular by reference to distinct elements of a consumer's physical, physiological, genetic, psychological, economic, cultural or social identity
5. **The right to confidentiality and non-disclosure of personal data to others** is one of the most important and significant forms of the right to privacy of the consumer. The preservation of consumer secrets is the essence and fundamental to ensuring the protection of privacy against the violation and proof of the violation of others; Thus, there is a consumer's interest in protecting the privacy of its personal data, and the role of legal rules is demonstrated, as it plays an active role in protecting that interest for individuals, through legislation to ensure that it is not compromised or disclosed.
6. **The right to a photograph** is one of the rights inherent in the personality, in accordance with the Civil Code, and everyone has a property right in his own form. Accordingly, any infringement of this right is contrary to article 50 of the Egyptian Civil Code and to article 9 of



the French Civil Code; The concept of image has become very broad and has different models of images Today, when we talk about an image, we don't talk about just drawings or inscriptions, We're talking about photographs that take people, and even these photographs didn't just feed into images that are taken by ordinary cameras, They include images taken by modern digital cameras that need only a few seconds. It should be noted that in Egypt or France there is no law on the protection of the right to image, as there are only civil law, penal code and certain special laws, such as the Press Code.

7. The consumer's right to preserve his dignity is a fundamental right, and the Egyptian legislature has done well by describing the preservation of consumer dignity as the consumer's fundamental right, stating in the content of article 2 of the Egyptian Consumer Protection Act that the fundamental rights of the consumer must be preserved; These include the preservation of the consumer's dignity and the preservation of the essence of its humanity.
8. Values are crucial to consumer and community life; they constitute an essential pillar in the formation of relationships between individuals and contribute

effectively to determining the nature of their interaction. They also constitute norms and objectives governing the behavior and direction of the group. They also serve as drivers and determinants of the behavior and are one of the constituent dimensions of the group's personality. They play an effective role in integrating the personality and reaching every paper progress.

9. Consumers have the right to provide them with the facts that help them to buy and consume properly and help them realize their fundamental rights and responsibilities
10. The importance of the right to know and access to information is reflected in the fact that it is a right that promotes the consumer's empowerment of other rights, securing a safe and healthy life for the consumer, and the consumer's awareness of their rights as consumers and duties, whether as consumers, producers of goods or providers of services.

### 32-Proposals or recommendations:

1. We recommend to the Egyptian legislature that it be in line with the French legislature's practice to regulate explicit legislation, which sets out how personal data can be handled to ensure that their privacy is preserved, taking into account what that data is, since not every

personal statement is a protection of the consumer's right to safeguard his personal data.

2. We recommend that the Egyptian legislator use the term "privacy of confidential data" once such data is enacted in order to be clear and clear in expressing what data is to be protected.
3. We recommend that the Egyptian legislature extend the criminal protection of the right to privacy to the same extent as the concept in the Civil Code, so that the abuse of consumer privacy is a criminal even in a public place, even as a dead person.
4. We recommend to the Egyptian legislature the need to enact a special and clear law on the protection of the electronic consumer, or a law on electronic transactions as its guarantee for the protection of the moral rights of the electronic consumer.
5. Activate the role of consumer protection associations, in the right to initiate or interfere with cases that relate to consumers' interests.
6. We recommend that the Consumer Protection Agency develop information security systems that are able to prevent any violation of personal information or data by banks, in order to preserve their privacy and not disclose them.

7. We recommend that the Consumer Protection Agency raise consumer awareness of the consumer public in order to give effect to their constitutionally enshrined right to know by creating a television channel in the field of consumer protection.
8. We recommend the Consumer Protection Authority to activate the Advertising Honor Charter to prevent the broadcast of misleading ads or that violate the dignity of the consumer or impair the value of the community or national.
9. We recommend to the Ministry of Education that the Arab educational subjects should incorporate the principles and foundations of consumer rights with a view to bringing up rational generations in consumer aspects.

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