

The administrative E-contract in Light of the Principles of E-Governance

العقد الإداري الإلكتروني في ضوء مبادئ الحوكمة الإلكترونية

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ملخص:

تُمثل الحوكمة الإلكترونية تجسيداً عصرياً لأسس الحكم الرشيد، حيث تُشكّل إطاراً تنظيمياً متكاملًا يهدف إلى ترسيخ مبادئ الانفتاح، والرقابة الفعّالة، والمساءلة في ممارسة السلطة التعاقدية للمرفق الإداري، وتهدف هذه الدراسة إلى تحليل طبيعة العلاقة الجدلية والتكاملية القائمة بين الحوكمة الإلكترونية، بوصفها هدفًا استراتيجيًا تسعى إليها التشريعات المعاصرة، وبين نظام العقد الإداري الإلكتروني الذي يُعد أحد أبرز تجلياتها التطبيقية، ويسعى كذلك إلى استجلاء الأثر المباشر لتلك المبادئ الأساسية في بناء وتشكيل منظومة تعاقدية رقمية متكاملة، تتميز بتحقيق معايير الشرعية من ناحية، وتضمن فعالية الأداء من ناحية أخرى، وقد توصلت الدراسة إلى نتيجة محورية مفادها أن الدمج الواعي والمنظم لمبادئ الحوكمة الإلكترونية في نسيج العقود الإدارية الإلكترونية لا يقتصر على الجانب الشكلي، بل يُسهم بشكل جوهري في تحقيق ثلاث غايات استراتيجية، أولها تكريس الشرعية القانونية للإجراءات التعاقدية وحمايتها من الطعون، وثانيها تعزيز قيمتي الشفافية والمساءلة الإدارية، مما يعزز الثقة في التعامل مع الإدارة، وأخيرًا الإسهام في رفع كفاءة وفعالية المرفق العام من خلال تبسيط الإجراءات، وتقليل التكاليف، والسرعة في الإنجاز.

كلمات مفتاحية:

الحكومة الإلكترونية ، العقد الإداري الإلكتروني ، الشرعية ، الكفاءة ، المرفق العام.

Abstract:

This study examines the integral relationship between e-governance principles and their application within the context of the administrative E-contract (or electronic administrative contracting). E-governance is demonstrated to provide a comprehensive framework for institutionalizing transparency, effective administrative oversight, and accountability in the exercise of public contractual authority.

The research posits that these core principles are crucial for developing a cohesive digital contractual ecosystem that successfully balances the upholding of the principle of legality with operational effectiveness. A key result of this research is that the deliberate integration of these principles yields significant strategic benefits beyond mere formal compliance.

This integration is deemed pivotal: First, for ensuring the legal legitimacy of procedures and minimizing disputes. Second, for profoundly strengthening administrative accountability, thereby fostering greater public trust. Finally, for critically enhancing the efficiency of public services by streamlining processes, reducing associated costs, and accelerating overall contract implementation.

This synergistic approach transforms public contracting into a more robust, trustworthy, and efficient mechanism, reinforcing the rule of law in the digital administrative environment.

Keywords:

E-Governance ; Electronic Administrative Contract ; Legitimacy ; Efficiency ; Public Service.

Introduction:

In recent decades, public administration has undergone substantial structural and functional transformation, driven by the digital revolution and the emergence of technological applications that have redefined the scope and exercise of administrative authority. Among the most prominent of these developments is electronic governance (e-governance), which constitutes an integrated framework of principles and mechanisms aimed at upholding transparency, accountability, public participation in administrative oversight, and responsiveness to societal needs through the strategic deployment of information and communication technologies in public management.

Within this evolving institutional landscape, the electronic administrative contract has emerged as one of the most significant contemporary modalities of administrative contracting, representing a shift from traditional paper-based procedures to a digitally enabled environment. This shift necessitates a reassessment of the legal framework governing administrative contracts—including their formation, execution, and oversight—to ensure compliance with the requirements of digital administration and the procedural safeguards it entails.

The intersection between e-governance and the electronic administrative contract is not merely technical in nature; rather, it reflects the consolidation of a new

legal paradigm grounded in the principle of legality, administrative transparency, and the enhancement of efficiency and effectiveness in the provision of public services. The central research problem therefore arises from determining the extent to which the principles of e-governance can furnish a legal framework capable of ensuring the validity and legitimacy of electronic administrative contracts, and the manner in which this interaction contributes to the modernization of public administration and the regulation of its relationship with contractors.

The significance of this study lies in its examination of one of the most pressing contemporary issues in administrative law: reconciling legal legitimacy with the imperatives of digital transformation. To address this issue, a comparative analytical approach has been adopted to examine the legal dimensions of this interaction, with particular attention to its opportunities and the practical challenges it generates.

As public administration transitions toward digital processes, the electronic administrative contract has become an operational necessity driven by the requirements of speed, efficiency, and technological integration. Nonetheless, this development raises fundamental questions regarding the capacity of traditional legal frameworks to accommodate the distinct characteristics of digital contracting. Conversely, e-governance presents itself as a modern regulatory model capable of reinforcing transparency, accountability, and adherence to the rule of law.

Accordingly, the research question may be formulated as follows: To what extent can the principles of e-governance serve as a legal framework that safeguards the legitimacy of the electronic administrative contract, and how can administrative efficiency be balanced with strict adherence to legality within the digital environment?

To address this question, the study is structured into two principal sections. The first section examines the conceptual and legal foundations of both e-governance and the electronic administrative contract. The second section analyzes the e-governance system as a safeguard for the integrity and compliance of the digital administrative contract.

The analysis adopts a descriptive and analytical methodology designed to elucidate the interrelationship between these two evolving legal concepts.

Section One: The Conceptual and Legal Framework of E-Governance and the Electronic Administrative Contract

Digital governance has evolved into the principal framework through which the legality and effectiveness of electronic administrative contracting are upheld. It represents not merely a technological development but a substantive transformation in the normative foundations of public administration, reshaping the relationship between the State and individuals in the digital era. By institutionalizing the principles of transparency, accountability, and procedural equity within digital administrative platforms, e-governance functions as a central mechanism for reinforcing public confidence and ensuring that administrative action remains compliant with the principle of legality (Al-Areesh, 2010, p. 89).

This section provides a comprehensive conceptual and legal examination of e-governance as a regulatory mechanism governing the exercise of administrative authority, alongside an analysis of the electronic administrative contract as a contemporary and evolving form of public contracting. These two constructs are situated within the broader framework of administrative law, with particular attention to the ways in which digitalization redefines traditional legal understandings of consent, administrative authority, and procedural safeguards in public contracting.

Furthermore, the section analyzes the developing legal framework that regulates the interaction between digital governance mechanisms and electronic administrative contracts, emphasizing the extent to which the convergence of technology and public law generates new legal, ethical, and institutional challenges. Particular focus is accorded to the implications of digital transformation for core administrative principles—such as the principle of legality, the guarantee of equality before the administration, and the protection of individual rights.

Through this analytical framework, the section seeks to clarify the delicate balance between technological innovation and legal certainty in the era of digital administration. The discussion is therefore structured around the following principal components (Lutfi, 2007, p. 13)

Subsection One: The Legal Nature of Electronic Contracting and Its Characteristics

The introduction of electronic contracting into public administration has been driven by its demonstrated effectiveness in the private sector, particularly in the field of electronic procurement, where digital technologies have contributed to reducing costs, expediting procedures, and enhancing transparency. Electronic public procurement is therefore regarded as an extension of e-commerce, as it relies fundamentally on the performance of transactions and the provision of services through digital networks (Al-Hendi, 2022)

Before defining the electronic administrative contract, it is necessary to recall the legal foundations governing the traditional administrative contract. Scholarly and judicial opinions have varied in this regard. Some French jurists have classified the administrative contract as a form of adhesion contract due to the administration's dominant position, whereas others have maintained that administrative and civil contracts do not differ in their constituent elements but only in their connection to the public service. The prevailing position in French and Egyptian doctrine, however, acknowledges a substantive distinction: administrative contracts generally contain exceptional clauses unknown to private law and are intrinsically linked to the functioning of public services.

Administrative courts—particularly the French Conseil d'État and the Egyptian administrative judiciary—have established the principal criteria for identifying an administrative contract. These include the participation of a public legal person, the contract's direct connection to a public service, or the inclusion of exceptional clauses. The presence of any one of these criteria is deemed sufficient to confer an administrative character upon the contract (Khawlah Arkan Ali, 2025)

Subsection Two: The Conceptual Foundations of E-Governance

This subsection seeks to establish the theoretical and legal foundations of e-governance by conducting a comprehensive analysis of its conceptual scope, identifying its essential characteristics, and clarifying its strategic objectives within the broader context of public sector modernization. Additionally, it examines the legal pillars governing its implementation and operation, thereby situating e-governance within the normative structure of administrative law.

The overarching aim is to develop a coherent understanding of e-governance as both an institutional and legal framework designed to reinforce transparency, accountability, and administrative efficiency. Through this conceptual and analytical lens, the subsection seeks to clarify the manner in which digital governance mechanisms contribute to strengthening the legitimacy and responsiveness of public institutions in the contemporary administrative state.

Subsection Three: The Concept of E-Governance

E-governance represents a contemporary paradigm for the management of public affairs and the provision of public services. It is grounded in the strategic use of digital technologies to enhance the efficiency and responsiveness of governmental performance while reducing procedural complexity and mitigating bureaucratic burdens traditionally associated with administrative processes. By reconfiguring administrative procedures through digital means, e-governance seeks to establish a more agile, transparent, and citizen-centered administrative system.

Furthermore, e-governance aspires to ensure open, equitable, and reliable access to information, thereby reinforcing public trust in governmental institutions and strengthening the legitimacy of administrative action. Through this enhanced transparency, it promotes broader civic engagement and public oversight, fostering a participatory governance model in which accountability and efficiency function as complementary values within the emerging digital state (Ibrahim, 2004, p. 75)

I. Definition of E-Governance

Given the multidimensional nature of e-governance and the broad scope of its practical applications, numerous definitions have been articulated within legal and administrative scholarship. Some theorists conceptualize it primarily as a technological instrument intended to streamline governmental operations and facilitate the delivery of public services. Others approach it as an institutional and normative framework that redefines the relationship between the administration and society, grounded in the principles of transparency, accountability, public participation, and administrative efficiency. This diversity of perspectives reflects the evolving and adaptive character of e-governance as both a conceptual construct and a practical response to the demands of modern public administration.

Synthesizing these various viewpoints, e-governance may be more precisely defined as an integrated system encompassing a set of legal principles, technical tools, and administrative mechanisms that employ information and communication technologies (ICTs) to enhance the quality, accessibility, and integrity of public services. It simultaneously seeks to consolidate the principles of transparency and

accountability, while ensuring that the pursuit of administrative efficiency remains balanced with the protection of individual rights and the preservation of public trust in governmental institutions (Lutfi, 2007, p. 07)

Another perspective conceptualizes e-governance as the use of the Internet to disseminate governmental information and provide public services to citizens at any time and place. In this sense, e-governance is understood as the employment of ICTs to bring about a substantive transformation in patterns of governmental operation—both internally within administrative institutions and externally in their interaction with the public. The objective is to simplify administrative procedures, accelerate service delivery, and enable individuals to access the legal texts, data, and regulatory information they require through transparent and easily accessible digital platforms

II. Objectives of E-Governance

E-governance seeks to achieve a qualitative transformation in the structure and operational performance of public administration through the use of digital technologies designed to overcome the limitations inherent in traditional governmental processes. Its objectives are diverse and correspond to the broad range of administrative domains affected by digital transformation (Al-Hawsh, 2006, p. 12). The principal objectives may be articulated as follows:

- **Simplification of public services and reduction of bureaucratic burdens:** Ensuring the delivery of public services in a streamlined, rapid, and cost-effective manner while minimizing direct interaction between administrative officials and service users, thereby reducing opportunities for favoritism and administrative corruption.

- **Facilitated access to legal and regulatory information:** Publishing laws, regulations, and governmental decisions through digital platforms, allowing individuals to consult them as needed in an open and accessible format.

- **Temporal flexibility in service provision:** Enabling citizens to access public services at any time, independent of official working hours, thereby strengthening the continuity and accessibility of public service.

- **Promotion of digital literacy:** Encouraging the use of modern technological tools in daily administrative interactions, contributing to the development of an integrated and digitally capable society.

- **Creation of an attractive environment for investment:** Simplifying administrative procedures and removing barriers encountered by investors, thereby fostering economic stability and attracting technology-oriented enterprises.

- **Enhancement of governmental performance and efficiency:** Integrating public administration into the global information ecosystem and aligning governmental operations with internationally recognized technological standards.

- **Optimization of public expenditure:** Reducing reliance on human resources and paper-based documentation through the adoption of secure and electronically stored records.

• **Strengthening transparency:** Ensuring equal and non-discriminatory access to information for both citizens and institutions, thereby reinforcing equality, enhancing administrative integrity, and consolidating public trust.

The objectives of e-governance extend far beyond the simplification of procedures. They encompass the institutionalization of transparency and accountability as enduring pillars of public administration, the reinforcement of citizen trust in governmental institutions, and the establishment of a participatory administrative culture grounded in openness, integrity, and responsible governance. Moreover, e-governance aims to develop a sustainable digital ecosystem capable of enabling public institutions to adapt proactively to global economic transformations, technological innovations, and evolving societal expectations. In this respect, e-governance functions not only as an operational reform initiative but also as a normative project that seeks to redefine the ethical and functional foundations of contemporary administrative governance.

Second Branch: Requirements for Establishing E-Governance

The establishment of e-governance cannot be achieved merely through the introduction of technological tools into administrative processes. Rather, it requires the fulfillment of a series of institutional, legislative, and technical prerequisites that collectively form the essential framework for its effective implementation and long-term sustainability (Al-Khawaja, 2005, p. 36) The most critical of these prerequisites include:

• **Technical infrastructure:** The provision of advanced computer systems, communication networks, and information management systems, supported by reliable application software capable of operating governmental e-systems efficiently and securely within a flexible digital environment.

• **Accurate data management:** The development of comprehensive and standardized databases, together with unified administrative forms suitable for digital platforms, while ensuring the accuracy, integrity, and currency of all stored data.

• **Institutional integration:** The coordination and interconnection of governmental bodies to prevent procedural redundancy and inconsistencies, and to establish a unified and interoperable informational structure.

• **Electronic payment mechanisms:** The creation of secure and diversified online payment systems—such as credit-card processing and integrated billing systems—capable of withstanding fraud and cyber-security threats.

• **Legal framework:** The formulation of specific legislation regulating interactions between e-governance platforms and citizens, ensuring the protection of individual rights and addressing legal challenges associated with the shift to digital administration.

• **Monitoring and evaluation:** The establishment of continuous oversight mechanisms designed to assess the progress and effectiveness of e-governance initiatives in accordance with standards of transparency, accountability, and administrative legality.

- **Training and capacity building:** The development of specialized training programs aimed at enhancing the legal, administrative, and technological competencies of public officials engaged in digital administrative processes.

- **Political and financial support:** The provision of strong political commitment and adequate financial resources to ensure the independence, efficiency, and operational resilience of the bodies responsible for planning and implementing e-governance initiatives.

Accordingly, the success of e-governance is contingent upon the integration of technical, legal, and organizational dimensions, which together ensure a gradual, legitimate, and effective transition from traditional administrative structures to a fully digital system of governance

Second Requirement: The Concept of the Electronic Administrative Contract and Its Distinguishing Criteria

The administrative contract constitutes a fundamental legal mechanism for ensuring the continuity, regularity, and proper functioning of public services. It transcends the notion of a simple bilateral agreement and instead operates as a juridical instrument specifically designed to safeguard and promote the public interest. Within the broader context of digital transformation, the electronic administrative contract has emerged as an inevitable manifestation of the law's adaptation to technological advancement and evolving societal needs. Far from constituting a mere technical tool intended to expedite administrative procedures, it represents a distinct modality of electronic public service delivery, reflecting the progressive evolution of administrative functions in the digital era.

While retaining the essential characteristics and safeguards traditionally associated with administrative contracts—such as the exclusive jurisdiction of administrative courts, the prerogatives of public authority, and the discretionary powers inherent in administrative decision-making—the electronic administrative contract simultaneously gives rise to complex legal questions relating to legal certainty, procedural integrity, and the protection of individual rights.

Accordingly, the present analysis seeks to define, articulate, and characterize the legal nature of this emerging contractual form within the developing framework of digital administrative law, while identifying the distinctive criteria that differentiate it from both traditional administrative contracts and private law electronic agreements

First Branch: The Meaning of the Electronic Administrative Contract

The electronic administrative contract retains the fundamental nature of the traditional administrative contract: a public-law agreement involving a public legal entity for managing a public service, marked by exceptional clauses.

The primary distinction is the modality: these contracts are formed, executed, and documented entirely or partially through digital technologies e.g., electronic platforms, email, automated systems (Sardouk, 2009, p. 108)

Simply transposing traditional features is insufficient. The shift to electronic means introduces unique legal challenges concerning authenticity, digital consent,

cybersecurity, and evidence, necessitating adaptations in administrative law e.g., validity of e-signatures, digital document enforceability (Izzah, 2020, p. 88)

Therefore, the electronic administrative contract is defined as a public-law agreement concluded via electronic means for a public service, incorporating traditional exceptional clauses while adhering to the technical realities of digital governance, transparency, and security.

It possesses a dual identity:

-Traditional: Grounded in public-law principles and administrative authority.

-Technological: Shaped by digital transformation requirements, efficiency, accountability, and legal certainty in the digital state.

In essence, it is a pivotal legal mechanism within the architecture of digital governance, not merely an extension of classical practice.

Second Branch: The Criteria for Distinguishing the Electronic Administrative Contract (Enhanced Academic Version)

The electronic administrative contract holds a dual position in administrative law: it is both a subject of doctrinal scrutiny regarding the applicability of traditional criteria and a modern operational tool for public authorities. Its legal classification requires a rigorous assessment using the established criteria for identifying administrative contracts, which retain their relevance despite technological transformations. (Nattah, 2020, p. 252)

The administrative nature of the electronic contract is determined by two principal criteria: the Organic Criterion and the Objective Criterion.

Under the organic criterion, a contract is administrative if one party is a public legal person (e.g., the State) and the contract pursues the management or operation of a public service. Jurisprudence in France, Egypt, and legislative reforms in Algeria affirm that adopting electronic modalities (e.g., e-signatures, digital platforms) does not alter the contract's substantive public-law nature or administrative court jurisdiction. However, reliance solely on this criterion is insufficient in the digital environment, which raises unique concerns over evidentiary certainty, data integrity, and cybersecurity vulnerabilities.

The objective criterion assesses the contract's substantive purpose. It confers administrative status when the contract is intrinsically linked to managing a public service and incorporates exceptional clauses (clauses conferring public authority prerogatives, unavailable in private law). This criterion maintains that the contract's classification is governed by its functional orientation toward the public interest and the exercise of public privileges (e.g., unilateral modification), irrespective of its physical or electronic form. This substantive approach, guided by the principle *la forme ne l'emporte pas sur le fond* (form must not prevail over substance), is upheld by French and European Union law (2004/18/EC, 2004, p. 07)).

The distinguishing criteria demonstrate a key doctrinal continuity: electronic contracting is merely a new modality for executing existing administrative functions, not a new legal category. Both the organic and objective criteria remain central to

classification, though their application must strategically address the unique challenges of the digital context, particularly those related to authenticity and cybersecurity.

Section Two: E-Governance as a Guarantee for the Integrity of the Digital Administrative Contract

The digital administrative contract represents an evolving form of public-sector contracting where the established prerogatives of administrative authority interact with digital technologies, fundamentally reshaping processes of contract formation, execution, and evidentiary proof. While this digital transformation successfully promotes procedural simplification, efficiency, and transparency, it simultaneously introduces complex challenges concerning legality, accountability, and data integrity. Within this framework, e-governance emerges as the principal mechanism for safeguarding the legality and integrity of these digital administrative contracts. It provides a comprehensive system encompassing regulatory standards and technical safeguards designed to combat administrative corruption, preserve the public interest, and protect the rights of private contractors. Consequently, e-governance functions not merely as an administrative enhancement, but as a foundational requirement for the lawful and sound operation of digital administrative contracting, serving as a systemic guarantee against deviation, arbitrariness, and procedural irregularity. This framework highlights the critical legal, institutional, and technical dimensions through which e-governance secures transparency, accountability, and the rule of law in the increasingly complex digital administrative environment.

1.3 – First Requirement: Prerequisites of E-Governance for Ensuring Transparency in Administrative Contracting

The electronic administrative contract is no longer merely a technological means for streamlining administrative procedures; it has become a legal and strategic tool that requires an integrated e-governance framework ensuring transparency, integrity, and the principle of legality. The success of any digital contracting experience depends on the availability of organizational, technical, and structural prerequisites that create a safe and efficient contracting environment while preserving the trust of those interacting with public administration (Razzaq & Al-Dabbagh, 2007, p. 86)

Accordingly, the most significant prerequisites can be outlined as follows:

First: Organizational and Legal Prerequisites

These involve the need to establish a clear national strategy for building e-government that defines the digital infrastructure and legal standards for the exchange of documents and data through electronic media. This includes:

- Enacting specific legislation on the protection of personal data and official confidentiality.
- Granting legal recognition to electronic documents and digital signatures as valid means of contract formation and proof.
- Adopting regulations ensuring that administrative entities remain subject to the principles of legality and accountability in their electronic contracts.

- Establishing judicial and administrative mechanisms for the prompt and efficient settlement of disputes arising from electronic administrative contracts.

Second: Security and Technical Prerequisites

Cybersecurity forms the backbone of digital administrative contracting. **Ensuring it requires the adoption of:**

- Advanced encryption techniques to guarantee data confidentiality and prevent interception.
- Digital signatures to authenticate parties and validate electronic documents
- Electronic fingerprints and digital certificates issued by trusted authorities to reinforce confidence in the identities of participants.
- Sophisticated security protocols (such as SSL and SET) to protect financial and administrative transactions online.

These measures are not merely technical safeguards; they constitute legal guarantees enabling the administrative judge to verify the authenticity, integrity, and legality of the contract.

Third: Institutional and Human Prerequisites

Effective e-governance cannot exist without a competent and digitally capable public administration (Al-Areesh, 2010, p. 05)

This requires:

- Restructuring administrative organizations to align with the demands of the digital environment.
- Training public officials in e-government tools and digital contracting techniques.
- Involving citizens through interactive online platforms that allow access to information and feedback submission, thereby institutionalizing public participation in administrative oversight.

Fourth: Financial and Infrastructural Prerequisites

E-governance demands substantial investment to provide:

- Modern, secure communication networks (wired, satellite, and wireless).
- Affordable broadband Internet access to ensure universal connectivity.
- Sustainable budgets for research and development, enabling adaptation to global technological challenges.

These prerequisites are not mere administrative or technical conditions; they constitute legal foundations for transparency and integrity in digital administrative contracting. Any deficiency in their implementation directly undermines the principles of legality and the rule of law. Consequently, both the legislator and the administration must adopt a comprehensive approach that balances the protection of the public interest with the safeguarding of contractors' rights in the digital environment.

2.3 – Second Requirement: The Role of E-Governance in Strengthening Oversight and Accountability in Electronic Administrative Contracts

Technological development has introduced a new reality in the conduct of administrative activity—affecting the formation, execution, and supervision of

contracts alike.⁵ Within this new paradigm, e-governance functions as an institutional, technical, and legal framework that ensures the proper management of electronic administrative contracts while reinforcing transparency, oversight, and accountability. It protects public funds and promotes a culture of integrity and contractual justice.

First: E-Governance as a Mechanism for Enhancing Oversight in Electronic Administrative Contracts

- Digital Transparency as a Means of Oversight:

Transparency constitutes a core pillar of governance.⁶ It entails the publication of all stages of administrative contracting through official electronic platforms—from the announcement of tenders to contract award—ensuring equality of opportunity and reducing favoritism.

The European Directive 2004/18/EC mandated member states to publish public procurement procedures electronically as a mechanism for strengthening institutional and public oversight.

Digital transparency transforms the contracting process into a traceable, auditable procedure that empowers oversight bodies to perform their duties more effectively.

- Real-Time Electronic Oversight:

Digital systems have enabled the establishment of automated auditing mechanisms — commonly referred to as E-Audit — that facilitate continuous and real-time supervision of contract execution and administrative performance. These mechanisms represent a significant leap forward in strengthening transparency, accountability, and procedural compliance within the domain of electronic administrative contracting. Through the integration of intelligent monitoring tools and data-driven assessment methodologies, E-Audit systems enhance the institutional capacity to detect irregularities, ensure conformity with legal and financial obligations, and uphold the overall integrity of administrative operations.

Among the most advanced technological instruments supporting this framework are digital signatures, asymmetric encryption, and digital certificates. Collectively, these technologies safeguard the authenticity and integrity of electronic transactions by offering verifiable proof of identity, consent, and document provenance. They also serve to prevent unauthorized access, interference, or manipulation of digital records, thereby preserving the evidentiary reliability and enforceability of electronic administrative acts. In doing so, they establish a secure and credible legal-technical environment that reinforces the legitimacy, legal certainty, and procedural soundness of administrative actions conducted in the digital realm (Ibrahim, 2004, p. 108).

Such continuous electronic monitoring subjects public contracts to constant scrutiny by supreme audit institutions and civil society alike, thereby reinforcing accountability and deterring corruption.

Second: E-Governance as a Guarantee of Accountability in Electronic Administrative Contracts

- Legal Responsibility of the Administration and the Contractor:

Despite the reliance on digital media, public administration remains bound by the principle of legality, and its decisions remain subject to judicial review in cases of ultra vires acts or abuse of authority.

The electronic administrative contract retains its administrative nature as long as it satisfies the organic and objective criteria, thus remaining under the jurisdiction of administrative courts.

This preserves the principle of judicial accountability, whereby the administrative judge remains the primary guarantor of contractors' rights and the protection of public funds.

- Social Oversight as an Extension of Accountability:

E-governance facilitates public participation in oversight through the concept of -open government- which enables the public to access procurement information and report irregularities.⁷

United Nations reports on Digital Public Administration (United, 2001) emphasize the importance of fostering electronic participation as a means of reinforcing civic accountability.

This form of social oversight complements institutional control and enhances public trust in administration by making citizens active partners in monitoring public spending and performance.

In light of the foregoing, it becomes evident that e-governance provides an effective framework for reinforcing both oversight and accountability in electronic administrative contracts. On one hand, it institutionalizes digital transparency and real-time monitoring through advanced technological tools; on the other, it consolidates legal responsibility and civic engagement. Accordingly, e-governance stands as a fundamental legal safeguard for protecting public funds, ensuring contractual integrity, and combating administrative corruption within the digital contracting environment (Al-Khawaja, 2005, p. 07).

Conclusion

This study concludes that integrating e-governance principles with the electronic administrative contract constitutes a pivotal pathway for aligning public administration with the imperatives of digital transformation. Such integration allows administrative bodies to effectively harness the potential of modern information and communication technologies while ensuring strict compliance with the foundational principles of legality and the rule of law.

The findings further demonstrate that e-governance transcends its purely technical dimension, representing instead a comprehensive legal and procedural framework capable of governing digital administrative contracting in a manner consistent with the principles of transparency, accountability, efficiency, and the protection of the public interest. In this sense, the convergence between digital governance and electronic administrative contracting reflects not only an institutional

modernization of administrative law but also a reaffirmation of its enduring commitment to legitimacy, fairness, and public service continuity in the digital age.

Among the key results of this research are the following:

The electronic administrative contract represents a qualitative evolution in contractual methods, yet it still requires a robust legal foundation that specifically accounts for its technological particularities.

E-governance provides essential legal safeguards for upholding legality, primarily through mechanisms that institutionalize transparency and oversight throughout the digital contracting process.

The convergence between the two concepts significantly enhances the efficiency of public service delivery while effectively reducing bureaucratic rigidity and the potential for administrative corruption.

The current legal environment remains deficient, specifically lacking dedicated legislation necessary to comprehensively govern electronic administrative contracts.

In response to these results, the research suggests the following:

Legislative Acceleration: Accelerating the enactment of specific legislation governing electronic administrative contracts, which must be firmly founded on the core principles of e-governance and digital public law.

Infrastructure Security: Strengthening the digital infrastructure and cybersecurity frameworks to effectively safeguard electronic administrative contracting from inherent technological vulnerabilities and threats.

Capacity Building: Expanding specialized training and capacity-building programs for public sector employees to enhance their critical understanding of e-governance principles and proficiency in digital contracting tools.

Comparative Modeling: Drawing upon comparative international experiences in advanced jurisdictions to develop a comprehensive Arab model that reconciles local legal specificities with the global requirements of digital public administration.

In sum, the effective integration of e-governance principles into digital administrative contracting is not only a matter of modernization but also a legal and institutional imperative to ensure transparency, accountability, and the rule of law in an increasingly digitalized administrative landscape.

Bibliographic

- 2004/18/EC, E. D. (2004, April 30). On the Coordination of Procedures for the Award of Public Works Contracts, Public Supply Contracts and Public Service Contracts.
- Al-Areesh, J. H. (2010). *E-Government and its Implementation Strategies*. King Saud University. Saudi Arabia: Research Paper.
- Al-Hawsh, A. B. (2006). *E-Government: Reality and Prospects*. Cairo, Egypt: Al-Nil Arab Group.
- Ali, L. (2007, December 12). *Paper presented to the Sixth E-Government Conference*. Dubai, United Arab Emirates.
- Al-Khawaja, O. (2005, June). Opportunities and Challenges for Implementing the E-Government Model in Egypt. Dans E. C. Studies (Éd.), *Conference on Facing the Challenges of Economic Reform in Egypt* (p. 5). Cairo University.
- Ibrahim, L. S. (2004, December). E-Government and Securing Distinguished Service and Performance for the Future of Public Administration. *Arab Journal of Administration*, 108.

-
- Izzah, H. b. (2020). The Legal Framework for the Electronic Administrative Contract. Dans *Thesis submitted for a Doctorate in Law, specializing in Public Law* (p. 88). Tlemcen, Algeria.
- Lutfi, A. (2007, December). E-Government between Theory and Practical Application in New Public Management and E-Governmentm. *Paper presented to the Sixth E-Government Conference> Paper presented to the Sixth E-Government Conference*, (p. 07). Dubai.
- Nattah, M. B. (2020, December 2). Proof in Electronic Administrative Contracts before the Administrative Judiciary. *Journal of Comparative Public Law*, 06(02), 252.
- Razzaq, A.-S. A., & Al-Dabbagh, R. H. (2007). *Management Information Technologies*. 86. Amman, Jordan: Dar Wael for Publishing.
- Sardouk, H. (2009). *Public Tender as a Method of Administrative Contracting*. Alexandria, Egypt: Al-Wafa Legal Library.
- United, N. (2001). *Globalization and the State*. New York, USA: United Nations Publications.