Lebanese American University

Advertising Law: The Relationship Between Online Advertising

and Law

By

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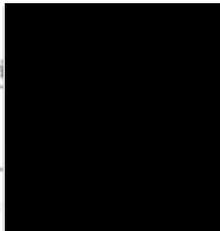Thesis Title: **The Relationship between online advertising and law**

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Advertising Law: The Relationship Between Online Advertising and Law

Ghiwa Haidar

ABSTRACT

Digitalisation has given rise to various new technologies and methods of communication, most prominent of which is digital advertising. The rise of such advancements has led governments to pass laws with regard to online advertising in order to protect users from scam, fraud, mis-information and privacy infringement. This research aims to investigate the relationship between online advertising and law in Lebanon, in addition to describing the factors that may hinder the enactment of such laws in Lebanon. Through descriptive analysis of fifty closed-ended questionnaires, it was revealed that regulations have an impact on online advertising, yet some country-borne instabilities (such as the political and economic structure of Lebanon) may pose challenges to such laws.

Keywords: Online Advertising, Behavioural Targeting, Legal Framework, Advertising Standards Authority, Online Advertising Law.

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Introduction

1.1 Overview

The advancement in technologies have given rise to a wide variety of innovative, modern communication possibilities such as artificial intelligence, machine learning, VR, cloud computing and AR (Nill et al, 2014; Lee et al, 2020). This new era of digital transformation has been termed the Fourth Industrial Revolution by some scholars (Schwab, 2016; Lee et al, 2020).

In fact, most analogue forms of media have been digitalised (Lee et al, 2019). In contrary to the conventional media which merely allowed for one-way communication between individuals, modern media and technologies have created an array of possibilities with regard to interactive and two-way communication (Nill et al, 2014). Moreover, consumers can be reached at any time of the day through mobile phones, which has ultimately increased the adoption and usage of digital media (Taylor, 2009; Truong et al, 2010).

Despite the always-changing nature of the online world, an estimate of around 1.2 billion websites globally, according to Netcraft's Web Server Survey in September of 2020. This shows an outstanding leap from 2012, where around 600,000,000 global websites were recorded (Nill et al, 2014). Hence, with the rapid growth of the online world, new opportunities for the marketing community have also been created (Andrews et al, 2016). According to the Interactive Advertising Bureau, the revenues of online advertising

witnessed a 117% increase from 2014, reaching around USD 108,000,000,000 in 2018, with an expected 17 – 19% increase in 2019 (eMarketer, 2019; Lee et al, 2020).

According to IBIS World, online advertising consists of promoting and advocating content through online communication outlets to consumers (IBIS World, 2016). Similarly, Virgile et al have defined online advertising as the promotion of advertisements through online platforms for mass communication and consumption (Virgile et al, 2016). In general, online advertising compromises interactive media technologies in order to allow and permit marketers the delivery of an enhanced, improved and augmented promotional content (Lee et al, 2020).

The origins of online advertising may be dated back to the mid-1990's when an online magazine, Hot Wired, first sold a banner ad to AT & T, a telecommunications company, based on the number of viewers or '*impressions*', and consequently featured the ad on its webpage (Evans, 2009). This was the initial step to the world of online advertising which was later followed and adopted by most conventional media.

With the rise of search engines, 1994 witnessed a boost in search engine advertising where banner ads were sold based on the number of viewers. However, this manner was highly inefficient and challenging for search engines that aimed to help individuals in finding information. The method of paying per viewer number continued to be the standard until 1996, when Procter & Gamble payed Yahoo! Based on the number of clicks for the ads (Evans, 2009).

Online advertising has offered a variety of new options to the advertising market, including targeting individuals with specifically tailored and customised messages in

order to convey better, enhanced, relevant and personalised content for consumers (Gordon et al, 2020). Yet, some fundamental differences still exist between conventional and digital advertising.

One fundamental difference lies in the ability of the online world to enhance and promote knowledge about users and audience (such as determining the location and amount of viewers of the ads) as compared to the conventional media and marketing methods (Evans, 2009). This enables advertisers to selectively target audience based on this information (Goldfarb, 2014).

The main function of online advertising is to act as an intermediator between advertisers and viewers, linking and proposing relevant content from the former to the latter more efficiently than offline advertising (Evans, 2009). On the one hand, this provides two main economic advantages; the first being the reduction of resources committed to the development of content, such as magazines and newspapers, and the second being an increase in accuracy and relevance to users, which ultimately increases the likelihood of buying and consumption (Evans, 2009; Acquisti, 2014).

On the other hand, it may be argued that such matchmaking may not provide individuals with the valuable content that ought to improve their buying decisions, but rather persuading individuals by presenting deceptive and dishonest information (Evans, 2009).

On the other hand, the lack of proper regulations on online advertising markets have created problems. For instance, Google has been fined with around USD 9 billion by the European Union for three cases related to anti-trust, and Facebook has been fined with

around USD 5 billion by the United States Federal Trade Commission for breaking a 2012-consent order (Gordon et al, 2020).

Conclusively, the digitalisation of the advertisement and marketing industry has given rise to a variety of concerns with regard to safety, transparency, authenticity and privacy of information (Gürkaynak et al, 2014). Hence, a legislative framework must be adopted and implemented in order to protect both consumer and industry, as well as regulate this medium. This research aims to investigate the relationship between online advertising and law, in addition to exploring online advertising types, challenges, effectiveness, and the main factors impeding the adoption of such laws in Lebanon.

1.2 Research Problem

In the days of the continually advancing technology, it is rather difficult to surf the Internet without being subjected to and viewing online advertisements (Gürkaynak et al, 2014). The emergence of online advertising and its wide range audience brought rise to various legal challenges, which necessitates the development of an unambiguous legal framework for this continuously evolving environment.

The studies investigating the relationship between online advertising and Lebanese law are minimal, almost non-existent, in Lebanon. Hence, one of the main issues this research aims to tackle is reducing and closing the literature gap.

On the one hand, online censorship in Lebanon is usually only applied in the case of complaints by civilians or institutions, thus posing a threat to the freedom of expression (Miller, 2016). The rather 'outdated' laws are used to govern and regulate online issues, such as the use of the 1943 Penal Code in the face of online defamation complaints.

The rules and regulations on advertising are not restricted to a specific medium of communication, especially in Lebanon where the Internet legislative framework is rather fragile (Gürkaynak et al, 2014; Miller, 2016). However, the interpretation and distinction of these communication medium is generally ambiguous and unclear, and the continuous advancements of online technologies require a carefully constructed set of regulations and legislations.

The online advertising industry consists of three main ends; the advertiser, the consumer and the intermediaries (Gürkaynak et al, 2014). Hence, a trilateral relationship such as this often raises legal challenges, mainly privacy, trademark breaches and consumer protection issues. According to Sader and Associates, advertisements are generally governed by a variety of Lebanese laws, such as the Penal Code, the Consumer Protection Law, and the Bar Association Regulation (Haddad et al, 2013). Yet, these legal boundaries must be able to attain balance between the competitive online environments.

Moreover, due to the rise of targeted marketing campaigns and automated collection of information through websites, a new challenge arises with respect to individual privacy and the governmental regulations restricting the use and collection of people's information.

1.3 Research Questions

The following research aims to investigate and answer the following research questions:

1. What are the main factors impeding the development of a legal framework for online advertising in Lebanon?

2. What are the challenges facing online advertising in Lebanon?

3. What are the regulations and guidelines influencing and governing online advertising in Lebanon?

4. What is the extent of the implementation of online advertising laws in Lebanon?

1.4 Research Objectives

The goal of this research is to investigate the relationship between online or digital advertising and the law in Lebanon. The main objectives are outlined as follows:

1. To determine the factors impeding the development of a legal framework for online advertising in Lebanon.

2. To assess the challenges in the face of online advertising in Lebanon.

3. To outline and investigate the regulations and guidelines that influence and govern online advertising in Lebanon.

4. To study the extent of the implementation of online advertising laws in Lebanon.

1.5 Research Significance

The absolute significance of this research is to extend our current understanding of the laws and regulations in Lebanon, in addition to expanding our comprehension of the relationship between online advertising and Lebanese laws.

From a theoretical perspective, a vital importance of this research is to close a literature gap as very little studies have investigated the association between online advertising and the laws in Lebanon. Moreover, this research will provide a fundamental knowledge for future investigations on this issue by supplying a theoretical background.

From a practical perspective, this research is useful in aiding regulatory authorities and entities in introducing regulations for enhancing, developing and promoting online advertising laws in Lebanon. In addition, this research describes the challenges encountering digital advertising, as well as determines a set of recommendations as means of improvement.

1.6 Types of Online Advertising

Several scholars have attempted to categorise and classify online advertising tools in order to provide the fundamental instruments of online marketing (Juščius et al, 2016). The main online advertising tools to be discussed within the spectrum of this research include search advertising, classified advertising, display advertising, social media advertising, video advertising and email advertising.

1.6.1 Search Advertising

Search advertising or paid-for-search advertising consists of the algorithmic results that are displayed on search engines, for example Google, Yahoo!, and Bing. This enables ads to be viewed by users instantly as they search for information and content online (Goldfarb, 2014).

This type of advertising allows enterprises to be visible on the pages of search results, simultaneously providing information for individuals (Nunan et al, 2011). In order to reach a top position on the search result page, companies must validate their websites on a high level (Juščius et al, 2016).

Generally, these advertisements are in text form, but may be presented in image form (Soegoto et al, 2018). Sponsored links and keyword advertisements are also other forms of search advertising and are usually charged in the pay-per-click method.

1.6.2 Classified Advertising

Classified advertising refers to the type of advertising that is presented on certain websites which do not supply algorithmic searches and auxiliary media content, such as Craigslist and online job websites (Seamans et al, 2012).

The fees for these advertisements are usually paid regardless of the results of the advertising or the number of views they generate, but generally depend on the advertisement's position, duration and size of display on the host website (Soegoto et al, 2018).

1.6.3 Display Advertising

Display advertising, or banner ads, is one of the main and most common type of online advertising after search advertising (Goldfarb, 2014). This type of advertising includes simple text, media-based ads, and plain banner ads in various shapes, forms and sizes that redirect the user to the advertiser's site (Breuer et al, 2011).

Moreover, display advertisements include banners, videos, animations, images and other media that is presented and demonstrated on both websites and applications, as well as pop-up ads (Soegoto et al, 2018).

Evidently, display advertisements are priced in a variety of methods which depend on the host website. This may either be a fixed price, a price per click, or a price per thousand view (Zhu et al, 2011).

1.6.4 Social Media Advertising

Social media advertising is the youngest and one of the most powerful types of online advertising (Al-Alwan, 2018). This type of advertising refers to the advertisement on social media platforms and networks like Instagram, Facebook, LinkedIn, Twitter, Pinterest… (Voorveld et al, 2018).

Customarily, social media advertisements often appear as sponsoring content or posts, which in turn allows for the direct, emotional and natural communication with customers (Cova et al, 2010). Furthermore, it presents an opportunity in the distribution of information through the '*word of mouth*', where interactivity paradigms encourage and influence discussions on certain content, brand, organisation… (Juščius et al, 2016; Soegoto et al, 2018).

1.6.5 Video Advertising

Videos advertising are one of the uttermost interactive means of online advertising, which has evidently become highly popular due to the recent evolution and advancement in smartphone technologies (Boman et al, 2017).

Video advertising is rather defined as any web-based video player ad that runs before, during or after a video on a movie streaming site such as YouTube (Soegoto et al, 2018). According to the Digital Marketing Glossary, online video advertising refers to the use of video composition to advocate a product, brand or service.

The placement of the video advert within the content has a considerable influence on the amount of individuals it is viewed by. For instance, mid-roll advertisements are more likely to generate a more effective, higher amount of viewers and completion

rate, followed by pre-video advertising and finally post-video advertising (Krishnan et al, 2013).

1.6.6 Email Advertising

Electronic mail advertising is one of the oldest types of digital marketing channels, despite its minimal usage these days (Juščius et al, 2016). On the one hand, email advertising presents a highly cost-efficient advantage due to its little to no associated costs (Dehkordi et al, 2012). On the other hand, this type of advertising is usually affiliated with unwanted, or spam commercial data (Sturienė, 2019).

Ordinarily, email advertising is emitted by marketers to the current or subscribed consumers of the mailing service (Breuer et al, 2011). This email contains a link which leads to advertiser's website, and is different from junk and spam email as the customer's permission is required (Morimoto et al, 2006).

1.7 Effectiveness of Online Advertising

The effectiveness of online advertising has been the central focus of several researches and investigations, mostly due to the ease and simplicity of measuring online advertising, and the relatively minimal literature focused on the analysis of this issue (Goldfarb, 2014).

During the 1990s, the various types of advertising were priced and targeted on the basis of individual demographics, such as age and location of users, in a similar manner to television (Goldfarb, 2014). This meant that advertisements were placed on certain websites in order to target a specific demographic group. However, the evolution of the Internet has allowed demographic targeting to evolve and make use of user information that is shared and provided online.

Another form of targeted advertising is contextual targeting, where the advertisements are matched to the context of a website. This form is mainly used in search advertising, where the search content is harmonised with the advertisement (Goldfarb, 2014).

Advertising based on online information of previous online behaviour is referred to as behaviour targeting. One form of behavioural targeting is '*retargeting*', where specific content is shown to an individual who has previously searched for or viewed this content (Namin et al, 2020).

Through the use of modern technologies, advertisers are able to detect which viewers go through with the purchase. However, disadvantage of such investigations do exist due to the challenges in the measurement of online advertising. One of these drawbacks includes the bias in the selection of individuals and candidates may result in the overstatement of advertising effectiveness (Lewis et al, 2011). This is referred to as '*activity bias*', which acknowledges that users tend to perform various activities online, such as browsing, purchasing and viewing advertisements. Another challenge is the use of ad-blocking software, which present a drawback to digital marketers and allow individuals to avoid unwanted advertisements (Namin et al, 2020).

Lewis and Reiley investigated the influence of banner advertisement on offline purchase of around 1,500,000 users. In general, this research revealed that when the appropriate user groups are targeted, an average 20% increase in sales per viewer is to be expected (Lewis et al, 2012).

A study conducted by Goldfarb and Tucker in 2011 revealed that the implementation of privacy laws had reduced the effectiveness of online advertising by 65%, with no similar reduction in non-European countries (Goldfarb et al, 2011).

Several other scholars have investigated the manners and methods in which online advertisement were administered. With respect to re-targeting, Lambrecht et al deduced that it provides optimal effectiveness only if it is timed properly (Lambrecht et al, 2011). Moreover, another study reveals that social media and mobile device targeting increase the effectiveness of online advertising (Tucker, 2012; Bart et al, 2012).

Conclusively, the methods of investigating and measuring the effectiveness of online advertising are mainly dependent upon the investigation of targeting. Various literature examining this issue have relied on targeting in order to explore the potency of online advertising (Goldfarb, 2014).

1.8 Chapter Summary

This chapter gave a brief introduction on online advertising through thoroughly enumerating the history and evolution of online advertising, as well as briefly differentiating it from the conventional, offline advertising modalities. Moreover, the efficiency of online advertising and seven of its fundamental types were observed within this chapter.

Furthermore, this introductory chapter outlined the essential problematic, objectives, questions and significance of this research. In general, this research is concerned with investigating the relationship between online advertising and law in Lebanon, the issues with such regulations, and the factors that may impede their adoption in the country.

Chapter Two

Rules and Regulations Governing Online Advertising

2.1 Overview

The global demand for the entertainment and media industry has been rapidly increasing worldwide, which has forced the media and the marketing enterprises to continuously evolve and expand in order to adapt and accommodate to the changing customer demands (McKinsey and Company, 2016). Generally, the media industry encompasses and embodies the development, accumulation and dispersion of knowledge, content, entertainment and advertisements.

Advertising is a type of interactive medium that encourages or manipulates individuals to take specific actions (BankMed, 2014). According to the HubSpot Research in 2019, Facebook and Google Search marketing are the leading online advertising platforms in terms of providing an organisation with the most return on investment (ROE) rates (HubSpot Research, 2020). The following graph shows the main findings in relation to this issue:
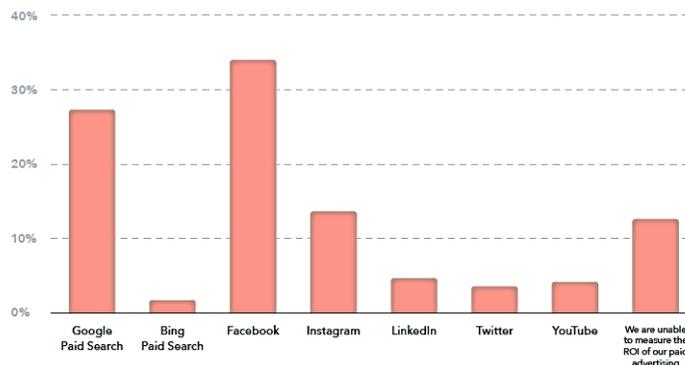
Figure 1– Channels providing organisations with the highest ROE.

Source: HubSpot Research 2019

In general, there is a slight difference among regions with respect to the growth of the advertising media, with the Asian Pacific region exhibiting the largest market growth size (BankMed, 2014). Digital mediem allow and enable efficient interactive opportunities for individuals, which improves communication, in addition to enhancing the efficiency of online advertising (McKinsey and Company, 2016).

Moreover, between 2008 and 2013, online advertising has achieved the highest media growth (15.5%) between the various forms of the media market, with the entire global spending on digital advertising reaching 17.5% CAGR between 2010 and 2014 (BankMed, 2014; McKinsey and Company, 2016). Hence, this clearly signals the rise and growth in the opportunities offered by online content.

A dynamic community of media and advertising exists in Lebanon, which is rapidly expanding in the digital and online direction (BankMed, 2015). The Lebanese media industry accounts and elucidates for an estimated 4% of the country's GDP, with online advertising witnessing a rise of 51.2% CAGR between the years 2009 and 2015, followed by an 18% CAGR growth in 2018 (Invest Lebanon, 2015; Alloua et al, 2018). Lebanon's highly inflated marketing expenditure – as compared to the MENA region – is generally owed to restricted transparency in rate card pricing (Azzi, 2020).

According to IPSOS Media Monitorind Director, Juliana Barouk, despite the general 38% drop in the Lebanese media industry in 2019, the online advertising sector witnessed a 25% increase from USD 20,000,000 to 25,000,000 (Azzi, 2020).

However, despite the efforts of the Lebanese government to modernise media laws, a sufficient legal framework is yet to be adopted and implemented with regard to online

advertising in order to accurately and suitably adapt the shit towards digitalisation, as well as regulating payments and online businesses in general (BankMed, 2015; Saadeh et al, 2015; Trombetta, 2018).

2.2 Online Advertising in Lebanon

Advertising is a manner of direct consumer or mass communication with the intention of appealing to and influencing audience (BankMed, 2015). In the 2016 – 2018 Arab Media Outlook, Dubai Media City and Dubai Press Club listed Lebanon's media industry as the ninth largest industry between Bahrain and Morocco (Allouat et al, 2018).

The Lebanese media sector is well known for its variety in views and its unmatched freedom of speech, thriving in spite of the economic instabilities, with various factors contributing to the general evolution of online media (BankMed, 2014). However, this industry has gone through a variety of stages before developing into its current state, which can be summarized in the following figure:

1950 - 1973   **Pre-War Era**
- This era exhibited the most developed Lebanese media and advertising industry in the region due to various competitive advantages, such as liberal society, high talent and education, and the high numbers of multi-national organisation.

1974 - 1990   **Civil War Era**
- A sharp reduction in the media and advertising expenditure as national and multi-national agencies relocated their officies outside of the country.

1991 - 1999   **Post-War Era**
- Due to the political stability, the media and advertising industry in Lebanon exhibited vast growth, accounting to about 11% of the entire Arab media market (still around 14% less than the pre-war share). This was mainly because agencies had already settled abroad.

2000 - Present   **Recent Era**
- The relatively low economic development between the years 2000 and 2003 negatively impacted the budgets of the media and advertising sector in Lebanon, followed by an expansion in 2004, and then plumeted back in the next two years due to the July war and political situations.
- Since then, however, the sector thrived and developed greatly, especially with the digitalisation of media and advertising in 2010.

Figure 2 – Summary of the development of Lebanon's media and advertising sectors.

Source: BankMed, 2014.

The advertising sector is one that exhibits continuous growth and development, especially in the age of digitalisation and technological evolution. The demand for online advertising, especially by retail and real-estate sectors, has been on the rise, exceeding the compounded growth of both magazine and television advertising (Saadeh et al, 2015).

In Lebanon, various organisations have implemented and adopted the various forms of social and digital medium into their advertising and marketing strategies (BankMed, 2014). The exact size of the online advertising market is somewhat vague, but ranged between USD 22,000,000 – 24,000,000 in 2015 (Saadeh et al, 2015).

Lebanon generally presents low entry barriers to media and advertising organisations, which had resulted in a highly vying and competitive environment of more than 400 organisations (Saadeh et al, 2015). These organisations either consist of recent start-ups that solely deal with online advertising, or long-established organisations that have recently implemented online advertising services.

The transition from the conventional media to online has offered a variety of advantages, especially with the increasing durations of time spent by individuals on the Internet, such as audience-targeting, precise view reporting, and a generally wider audience reach (Saadeh et al, 2015).

The number of Internet users in Lebanon had reached approximately 5,600,000 users (91% of the population), with 4 million (66% of the population) active social media users in January of 2019 (Kemp, 2019). Essentially, online advertising is one of the cheapest forms of advertising, given that any individual is able to, for instance, open a Facebook or

Instagram account for advertising goods and services online at no costs (Saadeh et al, 2015).

On the one hand, the growth of online advertising in Lebanon would have been greater and more rapid if it weren't for the relatively slow speed of the Internet connection, which is reported at 7.8 mb/s in Beirut as compared to the global 38.3 mb/s (Testmy.net, 2020). Earlier in 2019, Lebanon was ranked as the as the 63rd country (out of 79) in terms of connectivity index (Global Connectivity Index, 2019).

On the other hand, in addition to the unreliable and rather slow Internet, Freedom House reported that Lebanon's weak online media outlet may be owed to its relatively low advertising revenue, hence impeding the online advertising industry (Freedom House, 2019).

2.3 Legal Aspects of Online Advertising in Lebanon

Generally, the media sector in Lebanon is arranged and legislated formally through the Press Law of 1962 and the Audio-Visual Media Law of 1994, in addition to some laws that can be found within the Penal Code, the Military Justice Code, the Electoral Law, the Foreign Press Law and so on.

The rise of new digital and online technologies has greatly impacted the media sector, however, no law exists in Lebanon that does not specifically target online media and advertising (Yazbek, 2018). Decree No. 8861 (issued in 1996, Regulation of Advertisement and their Official Authorisation) generally applies to all kinds of the advertising media – with the exception of radio, television and print media as they are governed by certain legislations (Haddad et al, 2013). This decree defines advertisement

and designates that all advertisements must be preserve the national heritage, pride, historical regions and the generic peace.

Mainly, each advertisement that is related to commercial services and products must be approved by the Ministry of Economy and Trade's Consumer Protection Department (under Decision No. 88/1975) five days before its showing. The fundamental laws governing the content of advertisements include:

Table 1 – Regulations Governing Advertising Content in Lebanon.
Source: Haddad et al, 2013.

Area of Focus	Law/Decree	Description
Regulation and Licensing of Advertisement	Decree No. 8861/1996	Governs all advertisements (except radio, TV and magazine marketing).
Over-The-Counter Medication	Decision No. 127/1962	Forbids advertising OTC medications.
Broadcast Media	Law No. 382/1994	Governs radio and television advertising.
Accuracy of Commercial Advertisements	Decision No. 88/1975	Demands the approval of all ads by the Ministry of Economy and Trade 5 days prior to their running.
Print Media (Publications)	Decree No. 1/1977	Regulates the publications sector.
Prohibited Activities	Decree No. 340/1943	Prohibits advertisement of psychic and sexual services.
Consumer Protection	Law No. 659/2005	Ensures the truthfulness in product marketing.

Moreover, several restrictions on marketing exist, including the ban on specific product and service advertising. For instance, promoting of betting games through advertisements (except lottery) is banned under Law No. 1/1961, Section 786 of the Penal Code prohibits

the advertising of psychic activities, and Section 9 of Law No. 174/2011 bans the sponsorship of tobacco products and usage.

In addition, any misleading and deceptive marketing of information is condemned by the Consumer Protection Law and Decree No. 659/2005 (Sections 4 and 11). False marketing includes information with regard to the nature of the product/service, location for offering the product/service, and the individual's degrees or achievements.

Nonetheless, no specific restrictions or legislations have been implemented with regard to email (spam) or social media advertising in order to tackle issues of these online medium explicitly (Haddad et al, 2013).

Hence, it is crucial to portray the list of prohibited advertisements on social and search platforms. This, in general, includes counterfeit and illegal products, tobacco, infringement of copyright or trademark, advertising weapons and firearms, sensitive content (including violence, disturbing language, or racist content). Mainly, online platforms often offer restrictions on the advertising of alcohol, online dating services, weight-loss products and financial services (Gesenhues, 2019). This means that these products and services may be marketed on the platforms under specific conditions; for instance, weight loss products may only be targeted at individuals older than 18 years of age (Gesenhues, 2019).

2.3.1 As Compared to the United Arab Emirates

Some dominions specifically regulate advertising through efficient self-regulating entities and legislations. However, the UAE regulates advertising through a variety of prerequisites drafted from legislations, emphasising consumer protection (Steyn,

2012; UK Essays, 2018). The department of Customer Protection, the Suppression of Fraud Executive Regulation and the Commercial Transactions Law all govern marketing actions (Saleem et al, 2013).

In 2018, the United Arab Emirates' National Media Council released a set of new rules and regulations that will govern e-commerce, news websites, online publishing and online marketing, in addition to regulating social media influencers (Salama, 2018). These new legislations aimed to protect individuals and ensure that their privacy is respected against harmful content.

Although personal websites and blogs are exempt from this legislation, social media influencers running online business activities, which include e-commerce, broadcasting and sale of video, print and audio content, as well as brand advertising, must obtain a licence from the National Media Council (Salama, 2018). The account holder is then considered to be the immediate, elementary individual responsible for the content of the account (Dubai OFW, 2018). This content must be clear and independent of editorial material, and paid-for-advertising must be disclosed, if applicable (Dubai OFW, 2018).

Generally, advertising in the UAE must respect rights of intellectual property, uphold ethical codes of conduct, comply with honesty standards, in addition to complying with the regulations dictating competition control, advertising fraud, protection of consumers and legal monopoly (National Media Council, 2018). Additionally, advertisements must not disrupt the state's economic system, spread misleading

information and rumours, pose a violation of the public morale or promote alcohol, tobacco and narcotics.

The Director General of the National Media Council stated that regulating the digital media sector, which is already one of the most rapidly growing sectors in the Middle East region, will evidently attract universal investments. In return, this will aid the competitiveness and development of the sector (Salama, 2018).

With respect to the content of the ads, this legislation prohibits vague or ambiguous ads, misleading and untrue information, the use of deceitful images, exaggerating the marketed product or service, advocating illegal and criminal activities, and violating the age classification and media content standards (National Media Council, 2018).

2.3.2 As Compared to the United Kingdom

The United Kingdom's marketing sector is managed through a mixture of legislative rules – such as the Data Protection Act of 2018, which aims to implement the EU's General Data Protection Regulation, and the Privacy and Electronic Communications (EC Directive Amendment) Regulations of 2011 – as well as self-regulatory entities – such as the Committee of Advertising Practice UK Code of Non-Broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code) (Internet Advertising Bureau UK, 2018). However, more than 100 legislations exist that are associated with advertising in the United Kingdom.

Table 2 – Summary of Legislations Governing Advertising in the United Kingdom.

Source – Internet Advertising Bureau, 2018.

Legislation	Enforced by	Description
Consumer Protection from Unfair Trading Regulations of 2008	Competition and Markets Authority (CMA)	Regulates to misleading, aggressive or unfair advertising practices. The advertising policy is regulated through the Trade Standards.
Committee of Advertising Practice UK Code of Non-Broadcast Advertising, Sales Promotion and Direct Marketing (CAP)	Advertising Standards Authority (ASA)	Self-regulatory rules that apply to all non-broadcast marketing and content within the UK. It maintains the safety, honesty, truthfulness… of the content.
Data Protection Act of 2018	Information Commissioner's Office (ICO)	Implements the GDPR and regulates the collection and usage of data for advertising.

The CAP Code covers most of the online and offline marketing-specific regulations in its various twenty-two sections, including newspapers, e-mails, text messages, public posters and images, cinema, DVD and Blue-ray ads, and non-broadcast digital media, which evidently involves online advertising, paid-for search, game advertising, and prize promotions (Gowling, 2017).

Mainly, the sections of the CAP Code deal with fair competition and compliance; ensuring clarity of marketed material; misleading advertisements; harmful/offensive content; regulations on marketing to children; advertising related to individuals, promotions and politics; distance selling; transparency and data usage; environmental

or green claims; health and beauty related products, devices and medicaments; slimming and weight-control products; financial products/services; food and nutrition claims; gambling, lottery and alcohol; motor vehicles and motoring; employment and business opportunities; electronic cigarettes, tobacco and tobacco products (Advertising Standards Authority, 2014).

Even though the CAP Code is not judicial, it is backed up and enforced by the ASA since the rise of the Internet (Advertising Standards Authority News, 2018). Any individual may present complaints and discontent to this entity, which ostensibly determines a decision. The publication of this decision may ultimately influence an organisation's reputation; such sanctions may include suspending their PPC ads, referring to the Trade Standards for legislative action, and restricting or vetting the ads of the organisation in the future until they comply with the CAP Code (Out-Law Guide, 2013; Advertising Standards Authority News, 2018).

In 2017, the ASA reported that around 88% of the complaints it had amended concerned online advertisements (Advertising Standards Authority, 2018). Generally, most advertisers subject to complaints have come to comply with the advertising rules.

2.3.3 As Compared to the Republic of China

The Chinese government has recently turned its attention towards the regulation of marketing, with special consideration towards online advertising. Initially, the

Advertising Law of the People's Republic of China was adopted in 1994, revised in 2015 and later amended in 2018[1].

The recent regulation not only lays down a definition for online advertising; advertisements that market products or services through direct or indirect means on webpages, websites, applications, and Internet media forms such as images, texts, videos, audio…, but also describes rules and guidelines for publishers of internet advertisements, measures for investigations, as well as penalties for the perpetrators (Beyond Summits, 2016).

In general, Article (44) of the Republic of China's Advertising Law regards online advertising as governed by the aforementioned law, which is divided into six main chapters:

- Chapter I General Provisions, Articles (1) – (7): This section deals with clearly defining advertisers, advertising agents, endorsers, advertisement publisher, the nature of ad content and the obligations of the marketing industry. Further, it insists on the truthfulness, legitimacy and honesty of the advertisement content. Moreover, the State Council is given the responsibility of supervising ads.

- Chapter II Rules of the Contents of Advertising, Articles (8) – (28): This section further asserts the precision of the product/service's characteristics and information, describes the features of misleading advertisements and insists on enabling the distinction of the advertisement. Moreover, it lays

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[1] https://www.registrationchina.com/articles/law/advertising-law-of-china/

down restrictions on advertising content, such as marketing narcotics, medical, dietary, agricultural and veterinary products and similar drugs; advertising tobacco, liquor, business employment and education the use of the national flag, anthem or emblem and comparative words as 'national', 'best' and 'highest'; embedding violent, racist or discriminative content, as well as any content that may insult or disturb the public interest in general, and the mental/physical health of minors and disabled individuals in specific. Additionally, any statistical data or patent within the content must be clearly cited.

- <u>Chapter III Code of Conduct of Advertising, Articles (29) – (45)</u>: This section demands the registration and establishment of a marketing department for those wishing to engage in marketing activities, in addition to ensuring the fairness of competition and legal qualifications of the individuals. In case of using names/images of other individuals, consent must be obtained from the individual or their guardian. Moreover, the fee, coverage, click rates… must all be published accurately. Restrictions on advertising are further listed, such as the advertising in kindergartens, primary and middle schools, as well as outdoor advertising limitations. With regard to online advertising, the ad must not interfere with the individual's use of the Internet and enable prompt and easy closure by a single click.

- <u>Chapter IV Supervision and Administration, Articles (46) – (54)</u>: This section describes the advertisement censoring authority and the market regulatory

department, their obligations, powers and procedure for complaint in case of law violation.

- Chapter V Legal Liability, Articles (55) – (73): This section indicates the fines and penalties for violations of any of the abovementioned regulations, in addition to the role of the market regulatory department in imposing these penalties.

- Chapter VI Supplemental Provisions, Article (74): This section obliges mass media to broadcast public service advertisements, in accordance to the measures of the market regulatory department.

In summary, with regard to online advertising, this regulation opts to ease the user's navigation through the Internet without being bothered by advertisements through the one-click close choice. It additionally emphasises user consent, prohibiting spam and limiting email advertisements to users who have subscribed to or given their consent to receive such advertisements, with the option of opting-out of this subscription (Beyond Summits, 2016). Most importantly, an ad must be unambiguously labelled as an advertisement to allow individuals to clearly differentiate such content from non-advertising subjects (Beyond Summits, 2016).

Most recently, on October of 2020, the Standing Committee of the 13th National People's Congress of China issued a Draft Law concerning the protection of personal information, which appears to mimic the approach of the European Union's General Data Protection Regulation. This recent draft law highly impacts online advertising

in its 'informed consent' principle, as it may hinder the collection of a user's personal information for targeted marketing strategies (Zhang, 2020).

2.4 Factors Impeding the Adoption of an Online Advertising Legal Framework

The literature available on the reasons delaying and hindering the adoption of an Online Advertising Law in Lebanon is rather scarce. However, Soueid (2019) discussed three main influential elements; political instability, economic instability, and the socio-economic structure of Lebanon, that hinder the enactment of laws in Lebanon:
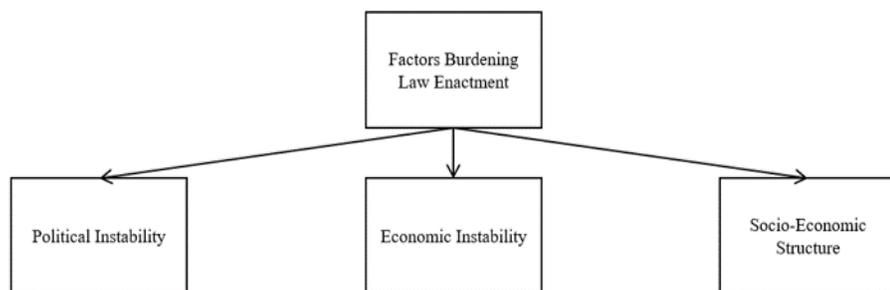
Figure 3 – Factors Burdening Law Enactment in Lebanon.

Source: Soueid, 2019

- Political Instability: In addition to the five-year delay in the 2013 parliamentary elections, the Syrian crisis deliberately exacerbated the instability of Lebanon's fragile political system. Hence, the main focus ought to be centred on maintaining unity, security and cohesion.

- Economic Instability: According to Trading Economics and the World Bank, Lebanon's GDP was estimated to around 57 billion USD as of 2019 and the Lebanese government debt reached approximately 128,000 billion LBP in August

of 2020; resulting in an increase of around 0.7% from July of the same year. This inability to control the growing national debt, which may be attributed to the political risks and instabilities within and around Lebanon, adversely influences the economic stability of the country (Dakroub, 2018). Other factors, such as electricity, unemployment, internet, infrastructure and garbage crisis have also aided in deteriorating the economic situation. Implementing laws is costly, since digital evidence require more fees in order to be properly analysed and processed.

- Socio-Economic Structure: Bureaucracy and sectarianism are the main socio-economic elements preventing the smoothness and freedom of most governmental procedures (Soueid, 2019). The bureaucracy of Lebanon is fabricated fundamentally on sectarianism, reducing the bureaucratic performance due to continuous political issues. This political apathy reduces the funding of the private sector, as they demand stability to ensure and attain prosperity (Soueid, 2019). Reaching conclusions and constructing legislations requires cooperation and collaboration, which is rather difficult and time-consuming in a society split along sectarian routes.

2.5 Chapter Summary

This chapter demonstrated the various laws, decrees and general regulations on online advertising in Lebanon, the United Kingdom and the People's Republic of China. Moreover, the chapter outlined the Lebanese marketing sector and gave a brief overview on the developmental history of Lebanese media and advertising sectors. Additionally, the factors impeding the adoption and ratification of a proper legal framework for online advertising in Lebanon are discussed.

Chapter Three

The Challenges and Issues of Online Advertising

3.1 Overview

Most crimes on the Internet are what is called 'soft crimes'; meaning they occur from a remote location, behind a monitor, without resorting to physical violence (Sofia, 2019). However, these crimes are often prevailed undiscovered due to the ease of destroying any evidence or clues, as well as the lack of knowledge of the victims, rendering them unable to report the crimes or protect themselves (Tourkieh, 2017).

Cybercrimes are defined as the illegal activities that utilise advanced information technologies in order to commence, target and conclude these crimes. According to Zhang et al (2011), cybercrime may be classified into five main categories:
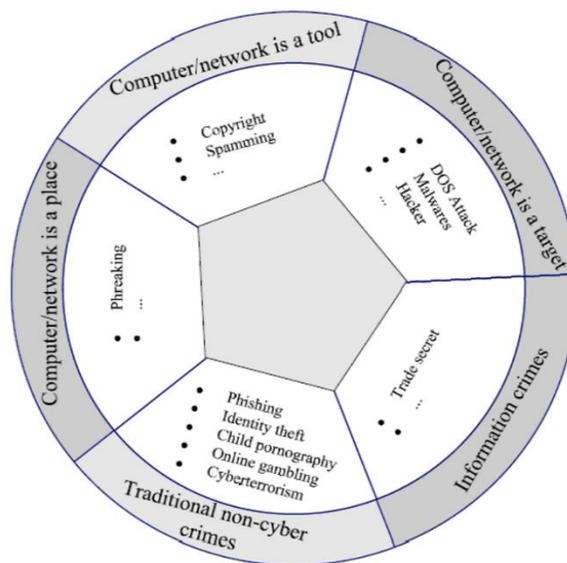

Figure 4 – Categories and Examples of Cybercrime.

Source: Zhang et al, 2011.

Several attempts have been made worldwide for the adoption of a legislation that embarks upon repairing the dis-equilibrium between the consumer-seller relationship, protecting the former from the stressful, unnegotiable terms and loopholes employed by the latter (Sofia, 2019). The ongoing growth and evolvement of the Internet calls for the need to develop thorough interventions and legislations on the following basis:

- The implementation of the Internet in our daily lives is generally too rapid for users and consumers to fully understand, rendering them liable for cybercrimes.

- Consumers, sellers, or merely general users or organisations, may be the subject of fraudulent activities such as scam, counterfeit and theft.

- The transactions themselves might be at risk of degradation in value as they become digitalised. For instance, the sale of limited volumes and sizes of merchandise through online platforms has been transforming into wholesale of products and large equipment, such that seen on Alibaba for example.

- Gaps in the legislative frameworks allow sellers to repeatedly reiterate these fraudulent behaviours, benefiting from the loopholes.

The internationality, high usage and cost-effectiveness of the cyberspace offer unique challenges to jurisdictions, as cyberspace oppose the traditional concept of geographic boundaries; it is nowhere and everywhere (Westerlind, 2000).

In the early 2000s, the Lebanese Internal Security Forces established and created the Anti-Cybercrime and Intellectual Property Rights Bureau (Miller, 2016). The Cybercrime Bureau aimed to maintain security within the cyber-realm, in addition to combatting and disputing cybercrime in Lebanon. This involves tackling issues including money

laundering, identity theft, child pornography, as well as online libel, slander and defamation (The Daily Star, 2016).

In turn, this anticipates that the Cybercrime Bureau possesses the authority to summon, interrogate and detain individuals they deem guilty of cybercrime, with no legislative decree to affirm the legitimacy of this entity, hence undermining its authority to undertake law enforcement issues (Social Media Exchange, 2018).

3.2 Copyright Infringement

Within the scope of digital marketing, some organisations have sought to enhance their rankings in search engine results through the placement of specific search terms in metatags, as well as buying keywords from the search engines (Gürkaynak et al, 2014). This is a genuine advertising strategy, unless it presents any trademarks or copyright breaches by using the copyright owner's mark or one that is similar to it, in order to falsely imply a connection between the two.

For instance, a federal District Court in the United States deemed copyright breaches as limited to their usage within commerce, where they are seen by the consumers. Otherwise, they are not regarded as a breach of trademark and copyright (Gürkaynak et al, 2014).

In April of 1999, a Copyright Law was authorised in Lebanon and later amended in 2007 to edit its provisions, making them more suited to the continuously changing environment. Its main aim is to protect the works of Lebanese authors or producers that may either be living inside or outside the country, including work that has been made publically available through "wired" or "wireless" means.

3.3 Behavioural Targeting

Online behavioural targeting is a technique utilised with the aim of delivering content based on the analysis of each consumer's online behaviour in order to make it more relevant (Nill et al, 2014). This is done through a thorough examination and accumulation of people's online activities by advertisers or advertising agents.

Combined with demographic and geographic information, the collected data (which includes search terms used, products/services purchased, and visited websites) offers advertisers the ability to deliver the most suitable targeted messages (Nill et al, 2014). Essentially, this technique offers high effectiveness for banner ads, creating a more targeted effect for the advertisers (Howarth, 2010).

Moreover, the Network Advertising Initiative conducted a study which revealed that advertisements that are behaviourally targeted are generally more than twice as effective as the conventional advertising techniques in converting the individuals who access the ad into buyers (Beales, 2012). Also, it was revealed that this type of advertising achieved up to 2.7 times more revenue per ad as compared to the conventional approach.

From the consumer's perspective, this method of targeting may present several advantages to the conventional method. Initially, it allows individuals to receive information about services and products they deem relevant and interesting. Additionally, the high revenue generation allows these individuals to access a huge amount of information free of charge (Nill et al, 2014).

On the other hand, some legal and ethical challenges with regard to the users' privacy and control as it usually occurs in environments where these users are unaware or oblivious of

the targeting practices employed by the advertiser (Cases et al, 2010; Manny, 2010; Stallworth, 2010). However, some studies have shown that the majority of companies give no regard to the ethics of advertising until they are forced to (Snyder, 2008).

It is necessary to point out that while the legislative system cannot substitute the ethical aspect, the regulations guiding online behavioural targeting are changing too rapidly and becoming rather subtle for advertisers to understand properly (Stallworth, 2010). Hence, this ambiguity regarding ethics in specific might not result in ethical company outcomes. Thus, a customer who chooses to stay away from online targeting has no choice but to avoid the Internet altogether, which is not an appealing or realistic selection for most individuals (Nill et al, 2014).

There are several methods applied for collecting information that would evidently allow advertisers to target customers online. The main methods used are web bugs, cookies and clickstream data.

3.3.1 Web Bugs

Web Bugs are codes that enable advertisers to track and follow individuals remotely. They generally differ from cookies in their invisible design, which means that they cannot be stored or deposited within the individual's computer, rendering these individuals clueless to the fact that they're being tracked (Goldfarb et al, 2011).

Moreover, this method allows advertisers to track the movement of individuals from one website to another, and determine how far the visitor scrolls down within the page. Hence, the use of such modalities greatly intrudes upon the privacy of users.

Obtaining consent from users is rather essential, yet the costs associated with acquiring consent are rather high.

3.3.2 Cookies

In comparison to web bugs, cookies offer consumers clear and accurate information regarding their purpose, which may go beyond tracking or storing information (Debussere, 2005). On the other hand, this poses a difficulty for advertisers as it allows for users to either reject or delete these cookies. Hence, the use of web bugs, whether simultaneously with or in-place-of cookies, has increased drastically (Lewis et al, 2012).

3.3.3 Clickstream Data

Clickstream data refers to various collected data, including the user's IP address, the previously viewed webpage, the time spent by an individual on a website, and their path through the website (Goldfarb et al, 2011). The European Union has permitted the use of such collection method to enable websites to provide the best services or information to their users (Wong et al, 2006).

On the other hand, a clear and apparent distinction between the nature of clickstream data – whether it is personal or anonymous – is essential due to the various consent provisions available, since the latter only requires the user to be informed and given the option to opt-out, while the former necessitates an unambiguous opt-in consent form (Goldfarb et al, 2011).

Internet technology has facilitated the collection and targeting of individuals, however, despite their advantages, there are two main factors that influence or hinder online behavioural targeting methods:

1. Behavioural targeting generally targets a narrow group of individuals. The number of customers that will eventually purchase the product or service must be high enough to counteract this reduction in viewers. Moreover, this method of advertising is not practical for brand marketing, as it aims to reach a broad audience which would ultimately influence their opinions on the company, as well as its products and services.

2. The platform used as means of behavioural targeting must provide advertisers access to a large and universal amount of viewers, otherwise this method would not be worthwhile to the advertisers.

Improving the availability of information on viewers and the predictive methods would enable online behavioural targeting to become more accurate and precise (Evans, 2009). Increasing the scale of advertising networks utilising online behavioural targeting, or the implementation of online behavioural targeting by large advertising platforms, will ultimately improve the effectiveness and economic efficiency of online behavioural targeting. Conversely, some issues such as privacy and the data collection methods used may limit the development and evolution of behavioural targeting.

Online advertising, especially through online behavioural targeting, has risen issues with respect to the privacy of individuals (Goldfarb et al, 2012). Several scholars have

documented negative reactions and discomfort by users towards targeted advertising methods that invade their privacy (Goldfarb, 2014).

In general, privacy regulations hinder the innovation and effectiveness of online advertising due to their inhibition of the advertisers' rights to target the proper information to the proper individuals. On the one hand, some companies have stated that these modalities enable them to conduct investigations to enhance their products and services (Evans, 2009). On the other hand, user privacy regulators and advocates have criticised the storage and capture of such data. Hence, in response, some companies have dealt with this criticism by reducing the amount of time for which they store and accumulate information about their users.

Consumers may avoid risking their privacy by educating themselves on online behavioural targeting and its methods. Yet, this still poses potential issues that require governmental considerations and interventions:

1. Users may not be aware that their information is being gathered and stored, or the extent to which online marketing organisations gather data about these users.
2. Users may agree to supply their private data without being aware that this data might be sold to vendors.
3. The competition between marketing platforms might not naturally provide the optimum privacy arrangements.

3.4 Chapter Summary

This chapter has described some of the various issues and challenges facing the online advertising industry, such as online behavioural targeting and the infringement of

copyright. Moreover, the methods in which data is collected in order to allow for targeted advertisement are discussed. On the other hand, online behavioural targeting poses an issue of its own with regard to the privacy of information of the users. Hence, determining and solving the privacy dilemma is critical for the future of online marketing as it determines what data advertisers may collect without the risk of legislative scrutiny, in addition to allowing users the advantage of balancing the benefits of obtaining appropriate ads against the cost of giving away privacy.

Chapter Four

Data Analysis

4.1 Overview

This chapter is concerned with the manner in which data was collected and consequently analysed in order to tackle the research questions and achieve its objectives. Moreover, it thoroughly interprets and displays the gathered information, followed by a thorough discussion of the results in order to determine the nature and extent of the relationship between online advertising and law.

4.2 Research Design and Methodology

This research adopts a closed-ended questionnaire in order to investigate and evaluate the relationship between online advertising and law, as well as determining the factors that challenge and hinder the implementation of such laws in Lebanon. It is a descriptive study as it utilises both qualitative and quantitative information, without interfering with the research environment.

In order to collect primary information for the purposes of this research, a structured, closed-ended questionnaire was utilised. In addition to demographic information, fifteen questions in the form of the 5-point Likert scale were used (strongly agree = 1; agree = 2; neutral = 3; disagree = 4; strongly disagree = 5). This aimed to restrict the range in which participants answered the questionnaire, hence simplifying the response and evaluation procedures.

With regard to the sample of the research, a total of fifty participants were contacted, twenty-five of which were lawyers and twenty-five of which were marketers. These domains were selected as they best fit the purpose of this research and these individuals are well-suited to clarify the relationship between online advertising and law in Lebanon. After explaining the research and its objectives and obtaining their consent, they were emailed the questionnaire and given around 15 minutes to answer it. After the questionnaires were sent back, they were inspected for any missing or inconsistent information.

4.3 Analysing the Questionnaire

In order to properly and accurately assess the influence of laws and regulations on online advertising, the collected information in the questionnaire was interpreted using descriptive statistics.

4.3.1 Demographic Information

The table below reveals the descriptive statistics for the gender of the respondents of the questionnaire. Thirty-one out of the fifty respondents were females, making up around 62% of the overall sample, while the remaining 19 individuals (38% of the participants), were males.

Table 3 – Descriptive Statistics for Gender.

Source: Created by Researcher.

	Frequency	Percentage	Cumulative Percentage
Male	19	38%	38%
Female	31	62%	100%

The figure below further illustrates the division of the frequencies for both genders, with males depicted in the darker region and females in the lighter region.

Figure 5 – Descriptive Statistics for Gender.

Source: Created by Researcher.

Table 4 presents the descriptive statistics for the educational level of the respondents of the questionnaire. Thirty-seven out of the fifty respondents held a Master's degree or higher, making up around 74% of the overall sample, while the remaining 13 participants (26%), held a Bachelor's degree.

Table 4 – Descriptive Statistics for Education Level.

Source: Created by Researcher.

	Frequency	**Percentage**	**Cumulative Percentage**
Bachelor's	13	26%	26%
Master's or higher	37	74%	100%

The figure below further demonstrates the division of the frequencies for both education levels, with Bachelor's degree depicted in the darker region and Master's degree or higher in the lighter region.
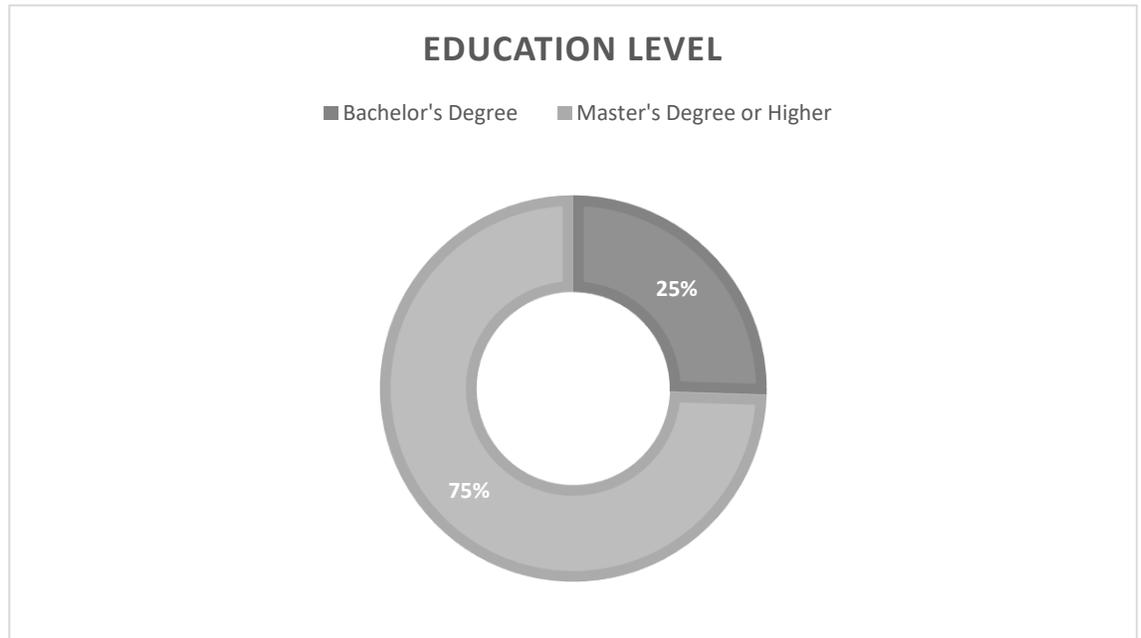
Figure 6 – Descriptive Statistics for Education Level.

Source: Created by Researcher.

The following table illustrates the descriptive statistics for the occupation of the respondents of the questionnaire. Half of the respondents (25 individuals at 50%) were lawyers and the other half were advertiser.

Table 5 – Descriptive Statistics for Occupation.

Source: Created by Researcher.

	Frequency	Percentage	Cumulative Percentage
Lawyer	25	50%	50%
Advertiser	25	50%	100%

41

The figure below further demonstrates the division of the frequencies for occupation, with lawyer depicted in the darker region and marketer in the lighter region.
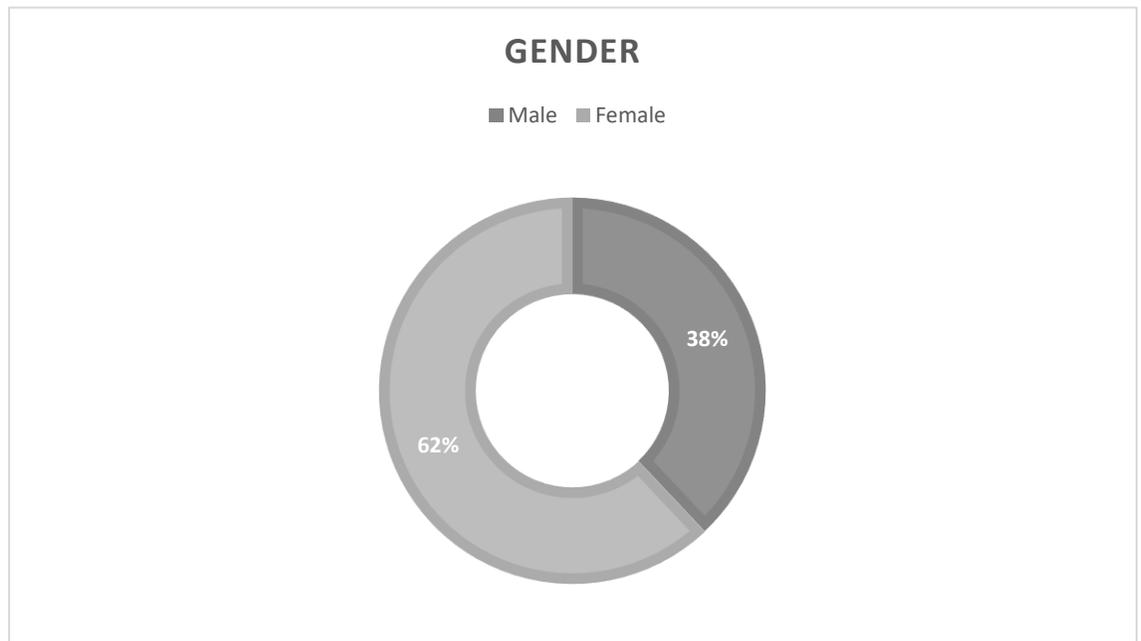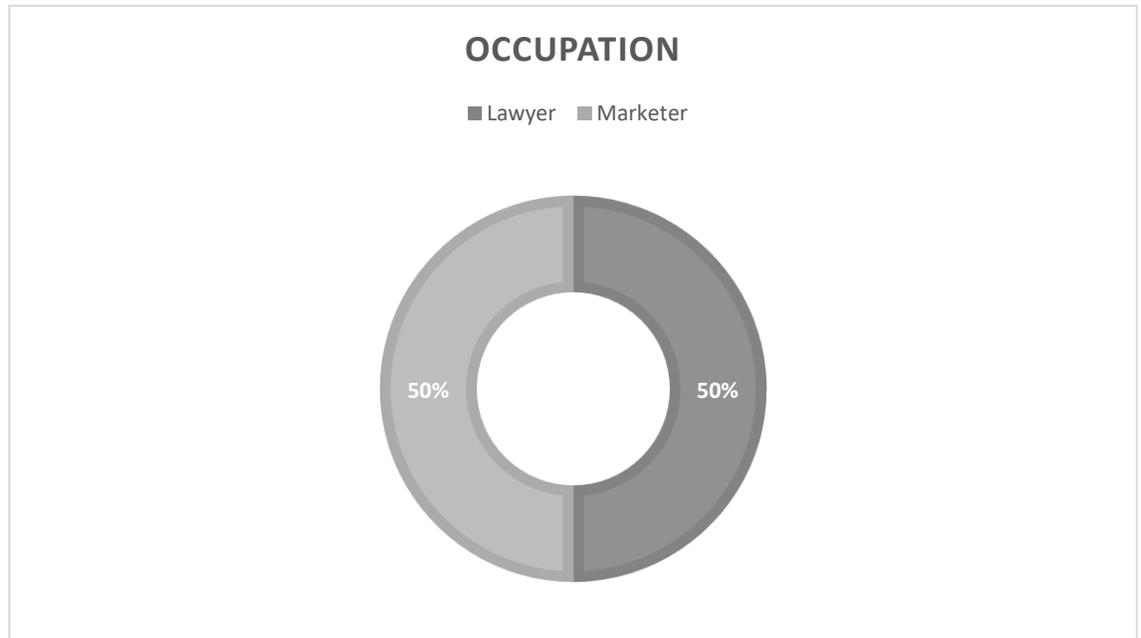

Figure 7 – Descriptive Statistics for Occupation.

Source: Created by Researcher.

Table 6 shows the descriptive statistics for the familiarity of the respondents with the laws of online advertising. Most of the participants were familiar with online advertising laws (43 individuals at 86%), with only 7 individuals (14%) not familiar.

Table 6 – Descriptive Statistics for Familiarity with Online Advertising Laws.

Source: Created by Researcher.

	Frequency	**Percentage**	**Cumulative Percentage**
Yes	43	86%	86%
No	7	14%	100%

The figure below further depicts the division of the frequencies for the familiarity of the respondents with online advertising laws, with "familiar" depicted in the darker region and "not familiar" in the lighter region.
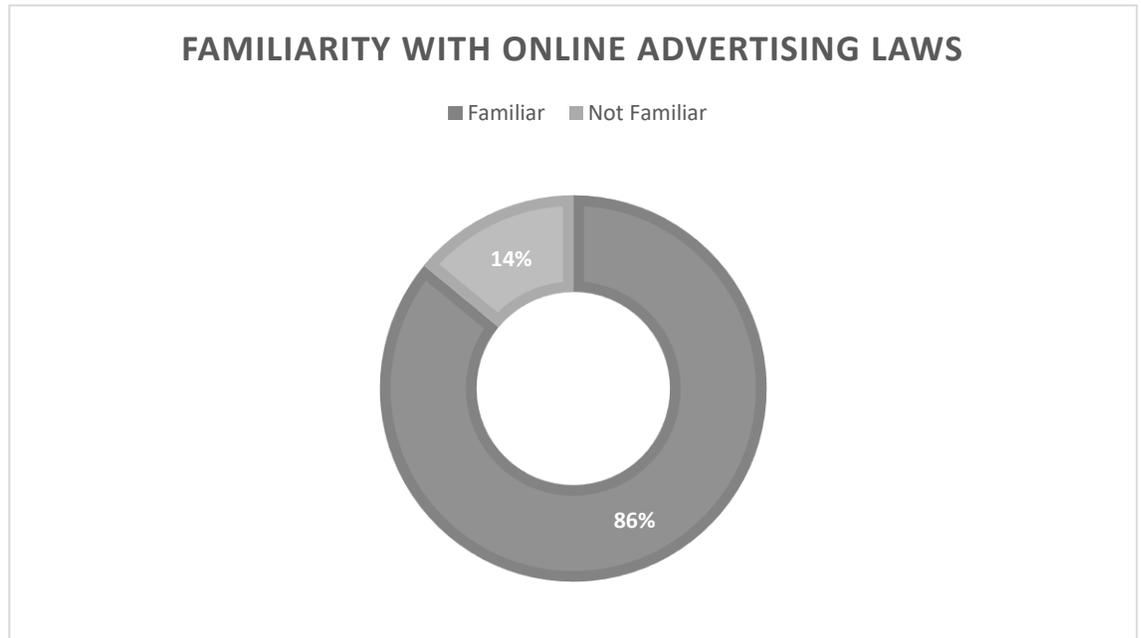
Figure 8 – Descriptive Statistics for Familiarity with Online Advertising Laws. *Source: Created by Researcher.*

4.3.2 Questionnaire Interpretation

Table 7 presents the descriptive statistics for responses of the individuals to the fifteen closed-ended survey questions. The mean, median, mode, standard error and standard deviation are reported within this table, enabling the accurate and simple evaluation and interpretation of the collected information. In order to assess the data efficiently, the ordinal data were transformed into numerical values as follows: strongly agree = 1, agree = 2, neutral = 3, disagree = 4 and strongly disagree = 5.

Overall, the outcomes of the questionnaire revealed the existence of a relationship between online advertising and law, as depicted by a mean of 1.99 and a standard error of 1.089. Hence, on average, the respondents supported the influence of laws on online advertising.

Question 1

When asked if the current Lebanese legal system properly tackles the issue of online advertising, the average of the respondents disagreed with the statement at a mean of 3.88 and a standard deviation of 1.136, implying that the current laws and regulations governing online advertising in Lebanon are not sufficient in regulating the issue.

Question 2

When asked if the absence of an online advertising law posed a drawback, the average of the respondents agreed with the statement at a mean of 1.46 and a standard deviation of 0.930, showing that the lack of an online advertising law is disadvantageous.

Questions 3 – 5

When asked whether Lebanon's political, economic and socio-economic instabilities affected and delayed the enactment of an online advertising law, the average of the respondents agreed that political and socio-economic structure impeded the enactment of an online advertising law (at a mean of 1.54 and 1.98, and a standard deviation of 0.994 and 0.869 respectively), while the result for economic instability was neutral at a mean of 2.56 and a standard deviation of 1.387.

Question 6

When asked if the adoption of an online advertising law is vital for enhancing the country, the average of the respondents agreed with the statement at a mean of 2 and a standard deviation of 1.370, evidently supporting that an online advertising law is crucial for enhancing the general well-being of Lebanon.

Question 7

The average of the respondents agreed that more awareness with regard to online advertising and its regulations is essential prior to the enactment of an online advertising law at a mean of 1.92 and a standard error of 1.192.

Questions 8 – 13

When asked if an online advertising law is likely to reduce scam and fraud, regulate behavioural targeting methods, protect individual privacy, and improve the honesty in advertising, the average of the respondents agreed with the statements at a mean of 1.48, 1.80, 1.5, 1.42 and 1.60, and a standard error of 0.974, 1.212, 1.055, 1.012 and 0.782 respectively. Yet, with regard to the ability of an online advertising law in reducing copyright infringement, the respondents had an average of 2.5 and a standard error of 1.344, depicting a neutral result.

Question 14

The average of the respondents supported that fining and punishing individuals who violate the potential online advertising law is required for the success of such law at a mean of 1.26 and a standard error of 0.899.

Question 15

When asked if regulating online advertising will ease and simplify the individuals' navigation through the internet, the result was neutral at a mean of 2.90 and a standard error of 1.182.

Table 7 – Questionnaire Interpretation.

Source: Created by Researcher.

Question	Interpretation	Mean	Median	Mode	Std. Error	Std. Deviation
1	Disagree	3.88	4	5	0.161	1.136
2	Agree	1.46	1	1	0.132	0.930
3	Agree	1.54	1	1	0.141	0.994
4	Neutral	2.56	2	1	0.196	1.387
5	Agree	1.98	2	2	0.123	0.869
6	Agree	2	1	1	0.194	1.370
7	Agree	1.92	1.5	1	0.169	1.192
8	Agree	1.48	1	1	0.138	0.974
9	Agree	1.80	1	1	0.171	1.212
10	Neutral	2.5	2	1	0.190	1.344
11	Agree	1.5	1	1	0.149	1.055
12	Agree	1.42	1	1	0.143	1.012
13	Agree	1.60	1	1	0.111	0.782
14	Agree	1.26	1	1	0.127	0.899
15	Neutral	2.90	3	3	0.167	1.182
Overall	*Agree*	*1.99*	*1.6*	*1.5*	*0.154*	*1.089*

4.4 Chapter Summary

This chapter described the methodology used within the research and gave an in-depth analysis of the gathered information. Ultimately, the closed-ended questionnaires were distributed among 25 lawyers and 25 advertisers (50 candidates), most of who were females (31 individuals), held a master's degree or higher (37 individuals), and familiar with online advertising laws (43 individuals). Moreover, analysing the questionnaires revealed an overall relationship between online advertising and law at a mean of 1.99 and a standard error of 1.089 on average.

Chapter Five

Conclusion

5.1 Overview

The final chapter is concerned with briefly summarising and compiling the findings of this research. It generally gives a recap on the outcomes of the questionnaire assessment and interpretation, as well as provides the limitations of the study, in addition to the suggestions for future investigations.

5.2 Conclusion

The continuous and inevitable rise of online marketing necessitates new and uniformed legal approaches and guidelines that efficiently tackle any malpractice of online advertising (Gürkaynak et al, 2014). Moreover, due to the comprehensiveness and internationality of the Internet, online advertising must be acknowledged beyond national regulations (Gürkaynak et al, 2014).

Lebanon is significantly moving towards the digital era, where e-commerce, e-banking and e-governments are wide-spread (Maher, 2018). Hence, with the worldwide move in the direction of digital advertising, it is crucial that a law would be discussed and assessed on this matter as it aims to ensure the protection of individuals, organisations and the Lebanese economy as a whole.

This research depicted that the current legal system in Lebanon does not properly tackle online advertising, which evidently poses a drawback to the overall country. Hence, in

order to enhance the prosperity of the country, implementing an online advertising regulation is essential.

In addition, three main factors were assessed on their capability of hindering the enactment of an online advertising law; the country's political instability, economic instability and socio-economic structure. Evidently, it was revealed that the former two factors played a role in hindering the enactment of an online advertising law in Lebanon, suggesting that the fragile Lebanese economic and political structures are fundamental influential factors that govern the enactment of laws on online advertising.

Additionally, the outcome of enacting such laws was assessed. Within the scope of this research, it was determined that implementing online advertising laws is most likely to reduce fraud and scam, as well as improve user exploration of the Internet, behavioural targeting methods, and overall honesty in advertisements.

Ultimately, in order to ensure the compliance with the potential online advertising law, various means of raising awareness, such as campaigns, fines and punishments for violators are required. This not only aims to educate individuals and internet users, but also strives to prevent any future violations and indicate the seriousness of the issue.

5.3 Suggestions for Future Research

It is recommended that future investigations acquire a larger sample size in order to collect more information and better test the nature and extent of the relationship on a larger scale. Moreover, government entities, such as the I.S.F., may also be included as subjects in the sample. The relationship between advertising and law may reveal different results in other departments and countries besides Lebanon, hence it is suggested that future research take

other countries and fields (such as commerce, banking…) into consideration. Additionally, the influence of an online advertising law on the effectiveness of advertising and individual privacy may be evaluated in future research.

5.4 Limitations

As with any study, a few limitations may be pointed out. Evidently, the main restriction to this investigation is the relatively small sample size that is merely limited to lawyers and advertisers. Another limitation may be the restriction of the research to online advertising in Lebanon. Moreover, the influence of an online advertising law on individual privacy was not thoroughly investigated, nor was the association between such laws and their impact on the effectiveness of online advertising.

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Appendix

Questionnaire

This questionnaire is part of a student research that aims to assess and investigate the influence and relationship between online advertising and law in Lebanon. You have been selected for this aspect of the research. The information you provide will be confidential and strictly used for the purposes of the investigation. Thank you for your cooperation and truthfulness.

Section I: Please choose the category that best describes you.

1. Gender

   ☐ Male   ☐ Female

2. Educational Level

   ☐ Bachelor's   ☐ Master's or higher

3. Occupation

   ☐ Lawyer   ☐ Advertiser

4. Are you familiar with Online Advertising Laws?

   ☐ Yes   ☐ No

Section II: Below are several statements with regard to online advertising and their relationship to law in Lebanon. Please choose how strongly you may agree/disagree with each of the following statements.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
The current Lebanese legal system properly tackles the issue of online advertising.					
The absence of a specific law to tackle online advertising is a drawback.					
The country's political instability hinders the enactment of an online advertising law.					
The country's economic instability hinders the enactment of an online advertising law.					
The country's socio-economic structure hinders the enactment of an online advertising law.					
An online advertising regulation is essential for the general well-being and improvement of the country.					
More awareness is needed before the enactment of an online advertising law.					
Implementing an online advertising law will reduce scam in advertising.					
Implementing an online advertising law will reduce fraud in advertising.					

Implementing an online advertising law will reduce copyright infringement in advertising.				
Implementing an online advertising law will regulate behavioural targeting in advertising.				
Implementing an online advertising law will aid in protecting individual privacy.				
Implementing an online advertising law will improve honesty in advertising.				
Fining and punishing individuals who violate prospective online advertising laws is essential for the success of such laws.				
Regulating online advertising will ease the user's navigation through the Internet.				