

LEGAL ASPECTS OF ELECTRONIC LEARNING IN THE DISTANCE LEARNING CODE OF CONDUCT: EVIDENCE OF THE UNITED ARAB EMIRATES LEGISLATION

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Abstract

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This paper addresses the issue of to which extent law keeps pace with the tremendous development in the education field. The main aim of this paper is to analyze the Distance Learning Code of Conduct in Public Education Institutions in the United Arab Emirates (UAE) No. 262 of 2020 (hereinafter, the Code of Conduct) texts to find out the extent of its success in facing the legal problems caused by distance learning. That requires using an analytical approach fundamentally. The importance of this research is manifested in the fact that it is the first to examine the texts of the Code of Conduct and analyze it legally. Legal references in this field are scarce. We will mention one of them (Al-Khasawneh, 2020) in particular. That works to reduce cyberbullying and reviews the adequacy of electronic legislation to reduce cyberbullying. Among the crucial results of our paper is that the rules of the Code of Conduct are considered the guide for any educational institution establishing its own rules for regulating distance learning. Another crucial result is to call on the UAE legislator to expand the statement of legal provisions for electronic learning (e-learning) and not to limit to regulating the students' behavior.

Keywords: United Arab Emirates, UAE, Electronic Learning, E-Learning, Educational Firms, Education, Fraud Scandals, Civil Litigation

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1. INTRODUCTION

Smart learning that adopts various modern digital technologies, including teacher robots (Popenici & Kerr, 2017), is designed to communicate knowledge to learners, contrary to traditional education that uses traditional methods. Smart learning is characterized by being more effective and easier to achieve education goals. Smart learning is based upon four fundamental elements: students, teachers, curricula, and educational tools, all of which constitute what is known as the virtual educational environment, and it is the working environment of

the education community with its physical and human elements through live broadcasting via electronic platforms (Distance Learning Code of Conduct in Public Education Institutions in the UAE No. 262 of 2020; Dobrila, 2020). The virtual educational environment is considered a part of the digital community that includes all active Internet users from all over the world, who are known by the term "digital citizens" to distinguish them from citizens in the usual real world (Distance Learning Code of Conduct in Public Education Institutions in the UAE No. 262 of 2020).

Due to the novelty and particularity of the digital community, the UAE Council for Digital Well-being has issued the values of positive digital citizenships in the UAE, which include values as follows: 1) others and their intellectual property must be respected, 2) not bully others, 3) not cause harm to others work or their digital identity, 4) to ensure that personal information is protected and not distributed, 5) to preserve the privacy of others, 6) to ensure the credibility of the content that is published, 7) to take responsibility for dealing with the digital community and respecting the laws governing it, and 8) to maintain physical and psychological health through balancing and controlling time between the virtual and real-world (The UAE Government, 2022).

As the law is a set of general rules associated with physical punishment governing the conduct of persons, the law regulates the conduct of such persons, whether they are persons in the veritable community or persons in the digital society. It can be said — principally — that the legal rules governing the conduct of people in the veritable community are the same as those in the digital community. However, the undeniable fact is that the digital community differs from the veritable society in many aspects, making it desperately need particular legal rules that differ from the traditional rules of law, as the legislator is supposed to keep up with the technological development taking place in the various fields of life, including the field of education. Thus, most countries have enacted new legislation for this purpose. In the UAE, for example, the Federal Decree by Law No. 46 of 2021 on Electronic Transactions and Trust Services, the Federal Decree-Law No. 45 of 2021 regarding the Protection of Personal Data, the Federal Decree-Law No. 34 of 2021 on Combatting Rumours and Cybercrimes, and other laws. Regarding smart learning, since it is still in its initial stages — especially in third-world countries — it faces a range of challenges in the technical field, information security, privacy, etc. Also, one of the challenges of Smart Learning is the failure of the law to keep up with the tremendous development in the education field. Every evolution in society will generate new problems that require appropriate legal solutions. To face these challenges, the UAE Minister of Education has issued the Distance Learning Code of Conduct in Public Education Institutions in the UAE No. 262 of 2020 (hereinafter, the Code of Conduct). This Code of Conduct has focused on the most crucial element of the virtual educational environment, the students. This regulation applies to public schools and private schools (educational firms). Due to the importance of the Code of Conduct, this research was a legal reading of its texts to highlight the most important legal aspects of e-learning.

Accordingly, this research addresses the problem of the extent the law keeps pace with the tremendous development in the field of education. Therefore, the principal purpose of our paper is to analyze the texts of the Code of Conduct to find out the extent of its success in facing the legal problems raised by distance learning. Accordingly, addressing this problem required utilizing essentially the analytical approach. The significance of this research is reflected in

the fact that it is the first to examine the texts of the Code of Conduct and analyze it legally since legal references in this field are rare. Among the crucial bibliography that was relied on in this paper are research studies by Al-Khasawneh (2020), Islam (2017), and Al-Manea (2018).

The rest of the paper is structured as follows. Section 2 reviews the already existing literature regarding this subject. Section 3 presents the research methodology that we used. Section 4 contains the results. Section 5 discusses the main findings of the paper. Section 6 concludes the paper and sets recommendations for further research.

2. LITERATURE REVIEW

Given the novelty of distance learning in general, and in the Arab region in particular, we faced the problem of scarcity of specialized legal references and judicial rulings related to this topic. Among the studies that were reviewed in the field of distance learning are Shapovalova et al. (2020) and Bokayev et al. (2021). These two papers were related to the educational aspect of distance learning in Russia and Kazakhstan and did not address the legal ones.

Glušac (2016) focused on the ethical and legal aspects of distance learning. Concerning the legal one, the paper discussed many questions related to the legal aspects of smart learning, such as copyright, intellectual property issues, data protection, and licensing.

This research was concerned with higher education in Serbia. One of the topics covered by Pravdiuk (2020) in his research is the right of a person to obtain education in its various forms per the provisions of Ukrainian law and the minimum conditions necessary for granting licenses for distance learning.

Kovačič Kuzmić (2020) focuses on the experience of smart learning in Slovenia. This study addresses a crucial problem raised by smart learning, which is the problem of violating the right to privacy and the need to protect it. Our paper differs from it because it is related to the UAE and addresses issues related to students' negative behavior in general.

Another study by Dobrila (2020) focuses on the experience of smart learning at the University of Digital Education in the European Union in Romania. It addresses a crucial problem raised by smart learning, which is the problem of the adequacy of the infrastructure for the transition from traditional to smart learning. Therefore, it moves away from the legal field research specialized in.

Islam et al.'s (2023) study is one of the modern studies that deals with the issue of distance education in the UAE during COVID-19. However, this study departs from the subject of our paper. On the one hand, its topic is not legal but rather about educational technology. On the other hand, it is related to higher education students, not public schools.

Kamenskih (2022) addresses the matter of distance education during the period of COVID-19. Anyhow, this paper differ from the subject of our paper as it relates to the extent to which students can adapt to these changes and the obstacles they face, such as the lack of information technology (IT)

infrastructures and lack of motivation due to non-physical interaction.

Anigri (2021) analyzes the attempts that took place in Morocco to establish smart universities and the problems faced. Most of these are related to the lack of infrastructure, the lack of technological readiness of students and professors, and potential social inequality.

This research paper distinguishes itself from previous studies in the following matters. It discusses the texts of a law issued in the UAE to address the negative behaviors of some students in distance learning. This study discusses how far the legal rules that regulate students' behavior in the traditional educational environment can be applied to their behavior in the virtual educational environment. The paper also discusses the need for specialized legal rules to regulate the virtual educational environment. It addresses the extent to which students and their parents bear legal, penal, civil, and disciplinary responsibilities. Finally, this research calls for amending some of the texts contained in the Code of Conduct in public education institutions, expanding the statement of legal provisions for smart learning and not being limited to regulating student behavior, and enacting a similar regulation for higher education institutions.

3. RESEARCH METHODOLOGY

In this research, the analytical approach was used to address the issue of students' behavior management in distance learning in public education institutions in the UAE, and evaluate the method of confronting students' behavioral violations, to ensure the quality of education and protect the rights and privacy of others, in particular the protection of children and people of determination. To achieve this purpose, we primarily adopted the method of analyzing the legal texts contained in the Code of Conduct. The preliminary preparation stage of this research began at the end of 2020 (the first semester of the academic year 2020-2021), as we collected data and sources related to the topic of distance learning, mainly about the negative behaviors of some students. As previously mentioned, we faced the problem of scarcity of specialized legal references and judicial rulings. Accordingly, the data contained in this research was obtained from two primary sources. The first source is a set of legal texts that can be classified into two categories: the first category is specialized legal texts, which are the texts contained in the Code of Conduct, and the second category is general legal texts, such as the texts of the Federal Decree-Law No. 45 of 2021 regarding the Protection of Personal Data, the Federal Decree-Law No. 34 of 2021 on Combatting Rumours and Cybercrimes, the Federal Law No. 3 of 2016 on Child Rights (Wadeema's Law), and the Federal Law No. 29 of 2006 in respect of Rights of People with Special Needs.

The second source is a group of jurisprudential sources that can be classified into two categories: the first category is general jurisprudential sources in the field of law (Al-Khasawneh, 2020; Othman, 2014). The second category is jurisprudential sources specialized in the field of education (Qdaisat & Lababneh, 2020; Islam, 2017).

After the completion of the data collection phase, we analyzed the various data derived from the various previous sources and specifically analyzed them based on a mixture of social, educational, and legal data related to the subject of the research to highlight the legal challenges facing smart learning and trying to provide appropriate solutions for them.

It should be noted that this study aims to shed light on the texts of the Code of Conduct to identify their adequacy and success in addressing the issue of student behavior in distance learning. We believe the analytical methodology is the most appropriate to achieve this aim. This methodology is based on reflecting on the wording of legal texts to evaluate these texts and determine their adequacy and accuracy. We believe that this paper is a first step that would achieve legal vigilance among students by introducing them to the texts of the Code of Conduct. After accomplishing this, it is appropriate for the second step in this field to come, represented in conducting field legal research that adopts a practical methodology based on surveying students' opinions on the texts of the Code of Conduct and then practically evaluating those texts. This is a method that would be a suitable alternative for conducting this study.

4. RESULTS

We point out the most important results that we came to through this paper. In the first place, the legal rules that regulate people's behavior in real society in general, and the student's behavior in the traditional educational environment in particular, are the same that organize their behavior in the digital community and virtual educational environment. There is a difference between the digital community and virtual educational setting and the true community and traditional educational setting in many things that make the conventional legal rules insufficient. Since every development in the community would generate new problems that require appropriate legal solutions. Thus, concerning smart learning in the UAE, the Code of Conduct has been issued. The rules outlined in the Code of Conduct guide any educational institution that sets its own Distance Learning Code of Conduct as demonstrated by Paragraph (2) of Article (3) stating: "Other educational authorities should be guided by what is stated in this Code of Conduct as a minimum when implementing its Code of Conduct regulations" (Distance Learning Code of Conduct in Public Education Institutions in the UAE No. 262 of 2020). Article (6) of the Distance Learning Code of Conduct in Public Education Institutions in the UAE No. 262 of 2020 has referred to the behaviors considered behavioral violations in the field of distance learning. This article has classified those violations into four categories according to their degree of seriousness, which are as follows: 1) first-degree (simple) violations, 2) second-degree (fairly dangerous) violations, 3) third-degree (definitely dangerous) violations, and 4) fourth-degree (severely dangerous) violations. The Code of Conduct approach in confronting students' behavioral violations in distance learning is based on

considering the conduct subject as one of the primary study subjects and treating it like the rest in terms of passing and failing the subject. Plus, based on imposing a disciplinary penalty on the violating student with a possibility of being subjected to criminal and civil penalties following the general rules. Children and people of determination have had special legal protection in distance learning according to the Code of Conduct which is the subject of this paper. Given the young age of students in public education, the Code of Conduct tasks the guardians with several crucial duties to ensure that students obtain their right to education in the field of distance learning. The Code of Conduct obliges the guardians to pay compensation for the damages caused by the students. This provision does not contradict what Article (313) of the Federal Law No. 5 of 1985 on the Civil Transactions Law of the United Arab Emirates established, which states that no one is responsible for the actions of another. This is because it permitted the judge to oblige the person charged with monitoring another, who needs supervision because of the young age, to pay compensation.

5. DISCUSSION

5.1. The Code of Conduct and its scope of use

The Code of Conduct aims to establish a suitable educational and teaching environment, which leads to successful virtual learning through enhancing positive behaviors, holding pupils accountable for their conduct, and specifying the rules that should govern applying students' misbehavior penalties. This Code of Conduct has focused on the most crucial element that can make virtual education succeed, the students. Thus, it showed the mechanism of determining the degree of behavior and dealing with the students' misbehavior.

Regarding the scope of application of this Code of Conduct, Paragraph (1) of Article (3) stipulates that the rules of this Code of Conduct apply to all generic education institutions (public and private) that are subject to distance learning in the UAE, from the third grade to the senior year. Hence, kindergarten, first grade, and second grade are not subject to this Code of Conduct due to their young age. Plus, non-generic educational institutions, for example, universities. Owing that university students have reached adulthood, as evidenced by Paragraph (2) of Article (3) that stipulates that other educational authorities should be guided by what is stated in this Code of Conduct as a minimum when implementing its Code of Conduct regulations. That means these institutions can adopt the same rules contained in this Code of Conduct or adopt a stricter Code of Conduct, but they shall not adopt a lenient Code of Conduct. Indeed, what we mentioned in this text would give this research added importance; since the rules contained in this Code of Conduct, which is the subject of this paper, are seen as a guide for any educational institution that sets its own Distance Learning Code of Conduct.

5.2. The legal classification of students' behavioral violations in distance learning

Article (6) of the Code of Conduct referred to those behaviors considered behavioral violations in the distance learning area. The Code of Conduct has classified those violations into four categories according to their degree of seriousness, which are as follows: 1) first-degree (simple) violations; 2) second-degree (fairly dangerous) violations, 3) third-degree (definitely dangerous) violations, and 4) fourth-degree (severely dangerous) violations. These violations can be classified from a legal perspective into two categories, a category (the majority) where a violation of others' rights happens, and another category where no violation of others' rights happens. Undoubtedly, legally what concerns us is the first category. But before delving into the first category and its types, we would like to introduce the second category violations in brief first. It includes being late to the virtual class without reasonable excuses, wearing clothes that are against common decency during the class, eating food and smoking or possessing any smoking tools, attending the virtual class in inappropriate places, and audio and video communication with other students after the end of the official class time for non-educational purposes. As for violations that infringe on the rights of others, they can be categorized from a legal perspective into the following types.

5.2.1. Violations that would impede the progress of distance learning

These violations include side conversations or talks that are not related to the study and obstruct the lesson, adding any unauthorized programs to use and playing games without the permission of the teacher, and installing or downloading programs or products that are likely to harm the device or network, the misuse of the approved education programs features such as (microphones, camera, chat, etc.), neglecting, misusing, and destroying the electronic devices and software, threatening and inciting students to miss the distance learning classes, causing fights between students, removing the teacher or students from the group which will obstruct the lesson, and deliberately disabling the used application for distance learning or destroying its contents.

5.2.2. Violations that violate others' right to privacy

These violations include the use of email or social media to disclose personal information about students or teachers (including address, phone number, account, or email data), the use of the camera for own aims, the sharing of photos or any personal information about students, parents, employees or any other person without their express consent, subscribing to unofficial newsletters within distance learning and disseminating information through them about teachers and students without permission, and using educational content to film and record conversations between students and publish them without prior authorization.

5.2.3. Violations that affect information security: Others' right to privacy

These violations include modifying files and other data or passwords belonging to other users on the network, accessing the account of a teacher or another student with or without their knowledge, usage of a student's personal account by any other person who is not authorized to enter and entering using their account number illegally, cheating in all kinds of electronic exams and in any ordinary or technical way, Leaking or transmitting answers to exams or assignments by all methods and means, deliberately picking up or intercepting any communication through the network used for distance learning (Kovačić Kuzmić, 2021; Qdaisat & Lababneh, 2020; Al-Manea, 2018).

5.2.4. Violations that may prejudice the overall system

These violations include placing inappropriate images for digital citizenship that violate modesty on the display screen or within the presented contents, using the network to access prohibited materials and text files with inappropriate content, publishing materials that violate values, morals, and the overall system, or any material that may harm the reputation of the UAE, using editing programs to produce false content and circulate it on social media, establishing networks for the aim of live communications without prior official permission, publishing, creating, sharing, or promoting malicious or suspicious software, misusing electronic information listed by the Ministry or teachers or students, and adding explicit material.

5.2.5. Violations that may offend others

These violations include using profanity and racist expressions, or any other words (as text, sound, or hint) that offend any other user, posting any hate speech, threatening violence, defamation, or blackmailing, whether intentionally or unintentionally via any digital platform, making fun of a teacher or a colleague during a distance learning session, abusing or insulting the teacher or official visitors during lessons during or after a live broadcast through inappropriate comments, using the network to develop programs that annoy users or to hack or cause damage to other people's accounts and devices, creating or opening hyperlinks or any other deliberately attached files that caused harm unless they are sent from an official and trusted source. It also includes the infringement of intellectual property rights by downloading, copying, or distributing copyrighted material without having the written permission of the owner of those rights.

5.3. The categories of violations

First, we point out that the purpose of legally classifying behavioral violations is to know the legal nature of those violations, hence the extent to which they are subject to the laws in force. Also, the classification we mentioned is not definitive and decisive; because some violations apply to more than one characterization. For instance, making fun

of a teacher or a colleague during the virtual class would impede the progress of distance learning and, simultaneously, violate others' rights. In another instance, placing inappropriate images for digital citizenship that violate modesty on the display screen or within the presented contents would obstruct the progress of distance learning and yet, affect the overall system and morals, and so on. We disagree with the Code of Conduct regarding classifying these two violations as first-degree (simple) violations. Likewise, we disagree with classifying the threatening, intimidating, and inciting students to miss the distance learning classes and using profanity and racist expressions, or any other words (as text, sound, or hint) that offend any other user, as second-degree (fairly dangerous) violations. We see these violations as more significant than what the Code of Conduct considers. Eventually, we point out that though we mentioned these two categories of violations as violations that hinder the progress of learning and as violations that offend others, this does not mean that the other categories do not impede learning or offend others.

5.4. The way the Code of Conduct deals with students' behavioral violations in virtual learning

The Code of Conduct's way of dealing with students' behavioral violations in distance learning is based upon considering (the conduct subject) one of the primary study subjects and treating it like the rest in terms of passing them and failing them. And it is a subject that reflects the student's behavioral education. One hundred points are granted based on two fundamental precepts: positive and excellent conduct. Regarding the first precept, all students, at the beginning of each virtual learning semester, are automatically granted (80%) of the total behavior score. If the student commits any violations stipulated in Article (6), the grades will be deducted as indicated in the schedule referred to in Article (7). Concerning the second precept, which is the excellent behavior that reflects the great practices of students, it is allocated (20%) of the total degree of conduct, as each student is granted the deserved grades at the end of each semester. These practices are classified into three classes: a) personal development related to good conduct and morals, b) appreciating religious values and respecting the identity, heritage, and culture of the UAE and world cultures, and c) social responsibility, leadership skills, and innovation. Article (5) indicated that the priority of granting great conduct points to a set of matters, and they are 1) self-discipline and responsibility, 2) collaboration with colleagues, teachers, school management, and family in following rules, 3) persistence in attending virtual classes and adhering to their schedules, and 4) advance initiatives related to extracurricular activities to achieve the goals of virtual learning distinctly.

5.5. Legal penalties for students' behavioral violations in distance learning

Legal penalties are the impact of violating a legal rule (Al-Awadi, 2009; Khalil & Al-Sharqawi, 2009). The forms of legal penalty vary according to the diversity of violated legal provisions (Al-Awadi,

2009; Al-Obeidi & Al-Jobair, 2014; Khalil & Al-Sharqawi, 2009). Then what are the legal penalties for students' behavioral violations in distance learning? Such violations may be subject to one or more of the following penalties:

The disciplinary penalty: It is a penalty that results from violating a rule related to a group of groups, such as associations, unions, and others (Lotfi, 1994). Article (7) referred to the legal penalties for students' behavioral violations in distance learning, which are as follows: 1) If the student commits first and second-degree violations, the student will get suspended from studying (distance learning), with charging the student assignments to perform during the suspension time; 2) If the student commits violations of the third and fourth degrees, the penalty ranges from withdrawing the user's right to access, monitoring usage, conducting an investigation of the usage of the service retroactively, or both. Thus, it is clear that the penalties approved by the regulation fall under the category of disciplinary penalties.

The criminal penalty: It is that penalty that results from violating a rule of criminal law, hence when the act constitutes a crime. We view that the listed disciplinary penalties in the Code of Conduct do not prevent the violating students from submitting to criminal penalties if the conditions are fulfilled, as Article (7) of the Code of Conduct stipulates that the violating student may face criminal charges in some cases. When we reviewed the Federal Decree-Law No. 34 of 2021 on Combatting Rumours and Cybercrimes, particularly the first chapter related to information technology crimes (Articles 2-19); it showed that some behavioral violations are crimes punishable by law. However, according to UAE law, school students are either not criminally responsible or considered juveniles. Given the interest of the UAE in childhood, many legislations have been enacted that are concerned with preserving the interests of young people, rehabilitating their behavior, and dealing with the crimes they commit by taking appropriate educational and remedial measures for juvenile delinquency. Accordingly, Article (64) of the Federal Law No. 31 of 2021 promulgating the Crimes and Penal Code stipulates that a criminal case shall not be instituted against a person who, at the time of the commission of the crime, was not yet eleven years of age (Al-Qudah, 2013; Al-Shuaibi, 2022; Hamouda, 2008). However, investigation authorities and courts may order that appropriate educational or remedial measures be taken for this child's condition if they deem it necessary (Article (6) of the Federal Law No. 6 of 2022 regarding Juvenile Offenders and Those at Risk of Delinquency). Article (7) of the Federal Law No. 6 of 2022 stipulates that if a juvenile who has completed eleven years of age and is not yet eighteen years of age commits a punishable crime, the judge shall take the appropriate measures he/she deems appropriate (Al-Hakami, 2017). Article (97) of the Federal Law No. 31 of 2021 promulgating the Crimes and Penal Code considered the criminal's young age a mitigating excuse.

The civil penalty: It is a penalty that results from violating a rule of private law, such as civil law. One of the most prominent forms of civil sanction is compensation. Therefore, whoever commits an unlawful act that causes harm to others is

obligated to pay compensation. Doubtless, the disciplinary penalties mentioned in the Code of Conduct do not prevent students from being subject to civil penalties if the conditions for submission are fulfilled. Accordingly, it can be said that if the student commits a behavioral violation that results in harm to others, the student is obligated to pay compensation, even if it is small. Article (282) of the Federal Law No. 5 of 1985 on the Civil Transactions Law of the United Arab Emirates stipulates: "Any harm to others obliges the doer, even if non-discerning, to guarantee the damage", and the non-discriminate is someone who has not reached the age of seven (Article (159/3) of the Federal Law No. 5 of 1985 on the Civil Transactions Law of the United Arab Emirates). The student shall be obligated to pay compensation even if they are subject to a disciplinary or criminal penalty for this violation. Article (297) of the Federal Law No. 5 of 1985 on the Civil Transactions Law of the United Arab Emirates stipulates: "Civil liability does not prejudice criminal liability when its conditions are fulfilled, and the criminal penalty has no effect in determining the scope of civil liability and estimating the guarantee".

5.6. Protecting children and people of determination in distance learning

Children and people of determination have had special legal protection in distance learning. For children, Article (10) clarifies the duties of the Child Protection Unit and the child protection specialists to prevent the violation of the educational rights of the children or any abuse they are subject to via distance learning platforms. The Child Protection Unit must receive reports of any breach of the educational rights of children, any abuse they suffer, or merely a suspicion of violation or abuse. And take appropriate preventive measures to protect the children per the Federal Law No. 3 of 2016 on Child Rights (Wadeema's Law) and its implementing regulations. Its duties also include providing the necessary consultations to the guardians of students subjected to abuse, bullying, violence, or exploitation. Also, introducing them to sound educational foundations for dealing with children and coordinating with the competent authorities to provide psychological, social, and health support to those students.

The duties of the child protection specialist are represented in the necessity of taking preventive measures if there is a threat to the safety of the children and their physical, psychological, moral, or mental health during distance learning or through electronic and smart learning platforms. These measures include guiding students and making them aware of the hazards of electronic bullying and electronic games (Al-Khasawneh, 2020; Islam, 2017; Othman, 2014). Moreover, removing children from dangerous sites and placing them in a safe place to ensure their protection. Plus, electronically communicating with their guardians, providing them the necessary advice to ensure the proper treatment of children and their normal development, and conducting field visits to children if necessary. In addition, to submit a recommendation to concerned authorities to support the families if it turns out that the reason for omission in caring for their children is the poor socio-economic conditions of the family. An important measure in this regard is

to send a warning to the child caretakers if they insist on not complying with the agreed recommendations and to submit a report to their employer to address the Public Prosecution if necessary.

Concerning people of determination, Article (7) of the Code of Conduct stipulates: "If a student with special needs or people of determination commits any behavioral violation related to Distance Learning, coordination shall be made between the Behavior Management Committee, the School Support Team, and the Special Education Support Center to study the behavior and determine the extent relationship of the violation to the disability, ...". It is worth mentioning that Article (4/A-1) stipulates the right of people of determination to inclusive education in all its stages, and it is an organized curriculum to meet the diverse educational needs of all students, including students with disabilities, to increase their participation in learning, cultural and societal activities (the Distance Learning Code of Conduct in Public Education Institutions in the UAE No. 262 of 2020, Article (1)). In this regard, Article (13) of the Federal Law No. 29 of 2006 in respect of Rights of People with Special Needs obligates the Ministry of Education and the Ministry of Higher Education and Scientific Research to provide accessible means and techniques for teaching purposes and to provide enhanced alternative ways of communicating with people with special needs.

5.7. The duties of guardians in distance learning

Given the young age of students in public education, the Code of Conduct tasks the guardians with several crucial duties to ensure that students obtain their right to education in the field of distance learning. When referring to Article (10) of the Distance Learning Code of Conduct in Public Education Institutions in the UAE No. 262 of 2020, it turns out that parents assume full responsibility for user agreement related to the terms of use. They must provide the necessary electronic device (Wadeema's Law) and run the distance learning programs, commit to being present during the broadcast — especially the first class — for guidance and counseling, and refrain from filming and directly viewing the broadcasts (Pravdiuk, 2020; Federal Law No. 3 of 2016 on Child Rights (Wadeema's Law)). We also can see from this article that parents must provide the appropriate environment for students to attend virtual classes in their households. This is done by creating the proper place and offering Internet, maintaining the student's general appearance during lessons, and not preventing the student from attending them, whether through synchronous education or Asynchronous education, indeed they must encourage the students to attend. Beyond that, the guardians must inform the school administration of any behavior that would prejudice the student's academic achievement during the practice of distance learning and adhere to following all distance learning directives issued by the Ministry of Education.

Among the crucial provisions referred to by Article (10) of the Code of Conduct is the guardian's obligation to pay compensation for the damages the student has caused. We believe that this provision does not contradict Article (313) of the Federal Law

No. 5 of 1985 on the Civil Transactions Law of the United Arab Emirates, which states that no one is responsible for the actions of another. This is because it permitted the judge to oblige the person charged with monitoring another, who needs supervision because of the young age, to pay compensation. Note that per the same article, the guardian may request restitution from the student for what the guardian paid as compensation.

Finally, this article stipulates that if the guardian refuses to respond to the school's decisions or to take responsibility for the student's violating behavior, the matter will get referred to the competent authorities through legal affairs.

6. CONCLUSION

We point out the most important results that we came to through this paper. The legal rules that regulate people's behavior in real society in general and the student's behavior in the traditional educational environment in particular, are the same that organize their behavior in the digital community and virtual educational environment. There is a difference between the digital community and virtual educational setting and the true community and traditional educational setting in many things that make the conventional legal rules insufficient. Since every development in the community would generate new problems that require appropriate legal solutions. Thus, concerning smart learning in the UAE, the Code of Conduct has been issued. The rules outlined in this Code of Conduct leads any educational institution that wants to set its own Code of Conduct as demonstrated by Paragraph (2) of Article (3). Article (6) of the Code of Conduct has referred to the behaviors considered behavioral violations in the field of distance learning. This article has classified those violations into four categories according to their degree of seriousness. The Code of Conduct approach in confronting students' behavioral violations in distance learning is based on considering the conduct subject as one of the primary study subjects and treating it like the rest in terms of passing and failing the subject. Plus, based on imposing a disciplinary penalty on the violating student with a possibility of being subjected to criminal and civil penalties following the general rules. Children and people of determination have had special legal protection in distance learning according to the Code of Conduct. Given the young age of students in public education, the Code of Conduct tasks the guardians with several crucial duties to ensure that students obtain their right to education in the field of distance learning. The Code of Conduct obliges the guardians to pay compensation for the damages caused by the students. This provision does not contradict Article (313) of the Federal Law No. 5 of 1985 on the Civil Transactions Law of the United Arab Emirates.

The main limitation of this paper and what caused difficulties is the scarcity of legal references specialized in the e-learning field.

Some of our perspectives for future research in this field are that we invite researchers to pay attention to the legal aspects of e-learning, and among the topics worth researching are the legal protection of children in the field of e-learning,

the legal protection of people of determination in the field of e-learning, the responsibility of parents in the smart learning field, the responsibility of the educational institution in the smart learning field, and civil liability arising from the use of artificial intelligence in the field of e-learning.

After completing the analysis of the legal aspects of smart learning in light of the Distance Learning Code of Conduct in Public Education Institutions in the UAE No. 262 of 2020, we point out the most important recommendations that we came to. First, we call on the UAE legislator to issue a code similar to the Code of Conduct in public education institutions to be applied to higher education institutions, taking into account the differences in ages between students in higher education institutions and public education institutions. We call on the UAE legislator to expand on the legal provisions for smart learning and not be limited to regulating students' behavior. We call on the UAE legislator to amend Article (6) of Distance Learning Code of Conduct in Public Education Institutions in the UAE No. 262 of 2020 to reconsider the classification it adopted because we see that there are some violations whose classification was supposed to be different from what was adopted by this article. For example, we believe that making fun of a teacher or a colleague during a distance learning session and placing inappropriate images for digital citizenship that violate modesty on the display screen or within the presented contents are not supposed to be considered first-degree (simple) violations. And as well as we believe that it is not appropriate to consider threatening and inciting students to miss the distance learning classes, using profanity and racist expressions, or any other words as second-degree (fairly dangerous) violations. Thus, the classification needs to be reviewed. We call on the UAE legislator to reconsider the degree assigned to the second element of behavior measurement, which is excellent conduct, as we call on the legislator to increase this degree to 30% or 40% out of the total degree instead of 20%, and that to encourage students on excellent behavior. We call on researchers in the field of law to pay attention to the legal aspects of smart learning. Some of the topics worth considering in the smart learning field are

the legal protection of children and people of determination, the responsibility of parents, the responsibility of educational institutions, and the civil responsibility arising from artificial intelligence usage. Finally, we call on the UAE legislator not to mention in the Code of Conduct obligating the guardian to pay compensation for the damages caused by the student and to leave this issue to the general rules in the Federal Law No. 5 of 1985 on the Civil Transactions Law of the United Arab Emirates.

To amplify the results of this study, we mention some of the effects consequent to the results reached in this research. Some of them are to increase the legal culture of school students by highlighting behavioral violations and their consequent legal penalties so that they avoid committing them. To draw the legislator's attention to the need to expand the legal regulation to face the problems raised by smart learning and not just regulate the students' behaviors. To alert the legislator to the need to reconsider his approach to treating some dangerous behaviors to tighten the penalty to make it proportional to its seriousness. Also, there is a need to pay attention to the legal regulation of the student's behavior in higher education in smart learning and not just regulating their behavior in general education.

To know the exact impact of the Code of Conduct and the extent to which it affects students' behavior requires conducting field research and choosing samples of schools and students to seek their opinion on the provisions of this Code of Conduct. We believe that the first step to achieving this goal is to educate students about what is stated in this Code of Conduct since it seems that the students do not have enough information about this Code of Conduct. We believe that our paper is a part of this vigilance. Also, it should be noted that we have made great efforts to search for any field studies in this field, but we found nothing.

This paper is going to be a help for the researchers since the bibliography in this field is scarce and since it contains aspects that have never been discussed before. This contribution will build knowledge for researchers and future research in this broad field.

REFERENCES

1. Al-Awadi, A. F. (2009). *Almadkhal lidirasat alqanun* [Introduction to the study of law]. Dar Al-Nahda Al-Arabiya.
2. Al-Hakami, M. F. A. (2017). *Almasyuwliatualjazayiyatuli'ahadath aljanihin walmusharadin* [Criminal liability for juvenile offenders and homeless people] [Master's thesis, United Arab Emirates University]. Scholarworks@UAEU. https://scholarworks.uaeu.ac.ae/cgi/viewcontent.cgi?article=1663&context=all_theses
3. Al-Khasawneh, S. A. (2020). The sufficiency of electronic legislation to limit electronic bullying- Study in Jordanian legislation. *International Journal of Legal and Comparative Jurisprudence Studies (LCJS)*, 1(2), 51-60. <https://doi.org/10.31559/LCJS2020.1.2.1>
4. Al-Manea, O. M. (2018). Alghishu al'akadimiu fi altaealum al'iiliktrunii min wijhat nazar 'aeda' hayyat altadris bijamieat almalik sued [Academic cheating in e-learning from the point of view of faculty members at King Saud University]. *Journal of Educational and Psychological Sciences*, 2018(16), 117-182. <https://search.emarefa.net/detail/BIM-921386>
5. Al-Obeidi, A. H., & Al-Jobair, A. (2014). *Almadkhal lidirasat alqanun* [Introduction to the study of law]. Brighter Horizon Publishers.
6. Al-Qudah, M. M. A. (2013). *Sharah qanun aleuqubat alaitihadii lidawlat al'imarat alearabiat almutahidati: Alqism aleamu alkutaab al'awala: Aljarimat walmusharakat aljinayiyat walmasuwliat aljinayiy* [Explanation of the UAE Federal Penal Code: General Section, Book One: Crime, criminal participation and criminal liability]. University of Sharjah Library.
7. Al-Shuaibi, A. Q. M. (2022). *Sharah Qanun Aleuqubat Alaitihadii Lidawlat Al'imarat Alearabiat Almutahida* [Explanation of the Federal Penal Code of the United Arab Emirates]. Dar Al-Hafiz Publishing.
8. Anigri, M. (2021). E-learning for smart-universities: Pandemic challenges and opportunities in Morocco. *E3S Web Conferences*, 297, Article 01066. <https://doi.org/10.1051/e3sconf/202129701066>

9. Bokayev, B., Torebekova, Z., Abdykalikova, M., & Davletbayeva, Z. (2021). Exposing policy gaps: The experience of Kazakhstan in implementing distance learning during the COVID-19 pandemic. *Transforming Government: People, Process and Policy*, 15(2), 275–290. <https://doi.org/10.1108/TG-07-2020-0147>
10. Distance Learning Code of Conduct in Public Education Institutions in the UAE No.262 of 2020. <https://u.ae/en/information-and-services/justice-safety-and-the-law/handling-the-covid-19-outbreak/distance-learning-in-times-of-covid-19>
11. Dobrila, M. C. (2020). Legal aspects regarding online learning process for students at university and digital education in European Union: Different life, challenges and the ability to continue education during the pandemic caused by coronavirus (COVID-19). *Journal for Multidimensional Education*, 12(2Sup1), 130–137. <https://doi.org/10.18662/rrem/12.2Sup1/298>
12. Executive Council Regulation No. 1 of 2022 issuing the implementing bylaw of Law No. 3 of 2022 concerning the Rights of Persons with Disabilities in the Emirate of Dubai. [https://dip.dubai.gov.ae/Legislation%20Reference/2022/Executive%20Council%20Resolution%20No.%20\(1\)%20of%202022%20Issuing%20the%20Implementing%20Bylaw%20of%20Law%20No.%20\(3\)%20of%202022.html](https://dip.dubai.gov.ae/Legislation%20Reference/2022/Executive%20Council%20Resolution%20No.%20(1)%20of%202022%20Issuing%20the%20Implementing%20Bylaw%20of%20Law%20No.%20(3)%20of%202022.html)
13. Federal Decree by Law No. 46 of 2021 on Electronic Transactions and Trust Services. <https://u.ae/en/about-the-uae/digital-uae/regulatory-framework/electronic-transactions-and-trust-services-law>
14. Federal Decree-Law No. 34 of 2021 on Combatting Rumours and Cybercrimes. <https://u.ae/en/information-and-services/justice-safety-and-the-law/cyber-safety-and-digital-security/law-on-combatting-rumours-and-cybercrimes#:~:text=The%20law%20lists%20offences%20and,the%20security%20of%20the%20UAE.>
15. Federal Decree-Law No. 45 of 2021 regarding the Protection of Personal Data. <https://u.ae/en/about-the-uae/digital-uae/data/data-protection-laws#:~:text=45%20of%202021%20regarding%20the,duties%20of%20all%20parties%20concerned.>
16. Federal Law No. 29 of 2006 in respect of Rights of People with Special Needs. The Ministry of Social Affairs. https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/United-Arab-Emirates_The-Rights-of-People-with-Special-Needs.pdf
17. Federal Law No. 31 of 2021 promulgating the Crimes and Penal Code. <https://laws.uaecabinet.ae/ar/materials/law/1529>
18. Federal Law No. 6 of 2022 regarding Juvenile Offenders and Those at Risk of Delinquency. <https://shorturl.at/qtQRS>
19. Federal Law No. 3 of 2016 on Child Rights (Wadeema's Law). https://www.khda.gov.ae/CMS/WebParts/TextEditor/Documents/Children_Law_English.pdf
20. Federal Law No. 5 of 1985 on the Civil Transactions Law of the United Arab Emirates. Law & Regulations. <https://legaladviceme.com/legislation/126/uae-federal-law-5-of-1985-on-civil-transactions-law-of-united-arab-emirates>
21. Glušac, D. (2016). Ethical and legal aspects of distance learning. In T. Grabiński & M. Woźniak-Zapór (Eds.), *Socio-IT aspects of e-learning* (pp. 21-40). AFM Publishing House. <https://repozytorium.ka.edu.pl/server/api/core/bitstreams/91621dff-9694-44c7-bd6e-5861e8b114bc/content>
22. Hamouda, A. M. A. (2008). *Explanation of the general provisions of the Federal Penal Code: General theory of criminal penalty*. Dubai Police Academy.
23. Islam, A. M. A. (2017). Traditional and cyber bullying between pre-university students. *Journal of Arabian Studies in Education & Psychology*, 86(1). <https://doi.org/10.12816/0041968>
24. Islam, M., Mazlan, N. H., Al Murshidi, G., Hoque, M. S., Karthiga, S. V., & Reza, M. (2023). UAE university students' experiences of virtual classroom learning during Covid 19. *Smart Learning Environments*, 10(5), Article 5. <https://doi.org/10.1186/s40561-023-00225-1>
25. Kamenskih, A. (2022). The analysis of security and privacy risks in smart education environments. *Journal of Smart Cities and Society*, 1(1), 1–13. <https://doi.org/10.3233/SCS-210114>
26. Khalil, M., & Al-Sharqawi, I. A. (2009). *Introduction to the study of law*. University Library.
27. Kovačić Kuzmić, M. (2021). Legal aspects of distance learning. In *Znanost, poučevanje, učenje v spreminjajočem se družbenem kontekstu* [Science, teaching, learning in a changed social context] (pp. 321–330). DOI UBKG. <https://doi.org/10.46793/NUU21.321K>
28. Law No.3 of 2022 concerning the Rights of Persons with Disabilities in the Emirate of Dubai. <https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2022/02/Law-No.-3-of-2022.pdf>
29. Lotfi, M. H. M. (1994). *Introduction to the study of law in light of jurisprudence opinions and judicial rulings*.
30. Othman, M. A. (2014). *Alhimayat aljinayiyat liltifl min aljarayim al'iilikturuniat fi daw' alqanun al'iimaratii* [Criminal protection of the child from cybercrime in the light of UAE Law]. Dubai Police Academy.
31. Popenici, S. A. D., & Kerr, S. (2017). Exploring the impact of artificial intelligence on teaching and learning in higher education. *Research and Practice in Technology Enhanced Learning*, 12(1), Article 22. <https://doi.org/10.1186/s41039-017-0062-8>
32. Pravdiuk, A. (2020). Distance learning: Legal regulation. *Norwegian Journal of Development of the International Science*, 3(51), 7–13. <https://doi.org/10.1055/a-1107-9938>
33. Qdaisat, A. H. S., & Lababneh, M. O. (2020). Mechanisms used to control electronic exams in Jordanian universities during the corona pandemic from the viewpoint of faculty members challenges and future solutions. *Electronic Interdisciplinary Miscellaneous Journal (EIMJ)*, 28. <https://www.eimj.org/mag.php?id=15>
34. Shapovalova, T., Kubrikova, A., Pugatsky, M., & Petrova, G. (2020). Legal and pedagogical aspects of students adaptation to distance learning. In I. V. Kovalev, A. A. Voroshilova, G. Herwig, U. Umbetov, A. S. Budagov, & Y. Y. Bocharova (Eds.), *Economic and social trends for sustainability of modern society (ICEST 2020)* (Vol. 90, pp. 156–165). European Publisher. <https://doi.org/10.15405/epsbs.2020.10.03.19>
35. The UAE Government. (2022). *Guidelines for social media users and Positive Digital Citizenship — Values and Behaviours' Code*. <https://u.ae/en/resources/guidelines>