

A Revisit to the Legal Issues in the Formation of Electronic Contract Towards Facilitating E-Business

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Abstract

Nowadays the trend of cyberspace contracting or e-business have developed and expanded tremendously. As the world of electronic commerce expands there is an increasing demand for clarity in the rules which apply to all parties to the transactions. There are a few of unsettled issues in electronic contract which need to be revisited and settled. Among them are the uncertainties that exist on many legal issues arise out of the online contract such as when or where the offer and acceptance is made, when the contract is concluded, the capacity of a minor as a contracting party ,whether agreements entered into electronically are enforceable and whether the display of goods in the web is considered as offer or not etc .Under Common law itself even though there are established rules regarding the online contract there are still a few unsettled issues regarding the online contract mainly because a standard international law governing the online contract is yet to be established. This is due to the fact that online contracts revolve around cross border transactions or the contract is beyond the jurisdictions of the respective countries. Therefore there is a great need for a standard international law.

Therefore the paper aims to review some of these fundamental notions and the formation of online contracts to achieve an acceptable degree of certainty that will enable the practice of online contract internationally. Furthermore, it is hoped that more practical principles of law

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governing the online contract can be established and be made applicable to all parties to the online contract.

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