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The Exclusive Legal Framework Under Law N. 22-09 :Safeguarding Algerian Start-ups through the Simple Joint Stock Company Structure

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Abstract:

The Simplified Joint Stock Company (SJSC) is a new legal structure introduced under Algerian Law No. 22-09, which is tailored specifically for Start-ups,constitutes a modern legal mechanism designed to preserve,support,and protect. This company model offers entrepreneurs a flexible legal framework that is conducive to growth and innovation. One of the key features of the SJSC is the greater flexibility it provides in managing capital and distributing shares, allowing founders to adapt the company's structure to their specific needs without being bound by the stringent regulations imposed on traditional companies. Additionally, the administrative and accounting procedures are simplified, reducing the financial and regulatory burden on the Start-up. The most notable advantage of the SJSC is its potential to encourage investment and innovation, as it allows founders to attract investors more easily due to its flexible governance rules.

Keywords: Start-up, Simple Joint Stock Company, Innovation, Investment

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INTRODUCTION:

Start-ups have a great attention in most countries of the world; because of their positive results on economy and development. Therefore, Algeria moved towards the adoption of this type of modules as an alternative to achieve economic development and encourage innovative ideas; even if this adoption were somehow late. However, this did not prevent the Algerian legislator from framing them with a law that was concepted specifically for these companies; and providing protection for the ideas' owners; in order to enlarge the range of investment, far from the complete dependence on fuel and traditional economic gains. Furthermore, Start-ups were adopted in most countries of the world, that is why it is difficult to find a unified and overall definition for them because of their relativity and their divergence from one country to another.

For Algeria, moving towards the support of Start-ups came somehow late, compared to the rest of the world. However, the Algerian Government made concrete efforts in order to enhance this type of entreprises; throughout the creation of the Ministry of Start-ups and Knowledge Economy in the year 2020. In addition to that, and as a step to enhance the business climate for entrepreneurs, their legal frame had been issued, represented by many executive decrees, viz the executive decree 20-254[1] related to the establishment of a national committee to award the Mark of "a Start-up", "an innovative project" and "a business incubator". In addition to the executive decree N. 20-54[2] The executive decree N. 20-306 [3], that includes the powers of the Minister of Small Entreprises, Start-ups and Knowledge Economy, as well as the executive decree N. 20-54 that organizes the central administration of the Ministry of Start-ups and Knowledge Economy. Moreover, and as a step to emerge the manifestations of attention to Start-ups, a new legal structure had been created, which is the Simplified Joint Stock Company (SJSC), by virtue of the law 22-09[4] related to the creation of the SJSC as a new structure in order to create Start-ups.

The topic of the legal form of Start-ups has a remarkable importance in Algeria, thanks to its great contribution to support economic development, as they:

-Contribute to stimulate and encourage innovation and creativity, as they provide the frame that allows Start-ups to develop their ideas and products.

-Enhance trust in the legal system, where we find that the presence of a clear and effective legal frame enhances the trust of entrepreneurs and investors in the State's legal system, which encourages the stimulation of more people to launch new projects.

The objectives of the study of this topic aim generally to achieve a stimulated and durable legal environment that supports the development and progress of Start-ups. These objectives are as follows:

-To analyze and evaluate the actual legal frameworks, as the objective is to understand how efficient and suitable the actual laws and legislations are, concerning the support and the protection of Start-ups, and to determine the strengths and weaknesses in them.

-The objective from providing a stable and safe legal environment is to formulate some solutions in order to guarantee a legal environment that is more supportive and more stable for Start-ups, the point that enhances the trust of entrepreneurs and investors.

-To enhance transparency and accountability, as making sure of the work of Start-ups within a clear and transparent legal framework enhances their credibility and limits legal risks.

Furthermore, and because the topic of the Start-ups' legal structure holds a great importance on the legal level, this calls for studying it accurately. From this standpoint, we pose the following problematic: **What arethe new points that the legislator brought by virtue of the law N. 22-09 regarding the legal structure of Start-ups? And what are the legislator's motives that made him adopt the SJSC as an exclusive structure for Start-ups to provide them legal protection?**

In order to answer this problematic, we adopted the descriptive approach in the definition of Start-ups and while citing their characteristics, and the analytical approach while analyzing materials related to the SJSC, as a legal structure of Start-ups. We divided, then, the research paper into what follows:

Chapter I: The Conceptuel Framework Governing Startups in Algerian Law
Chapter Il: Justifications of the SJSC creation as a structure of Start-ups

Chapter I:The Conceptuel Framework Governing Startups in Algerian Law

The term of Start-ups is used to express the creation of an entreprise starting from an innovative idea. However, there are various definitions of Start-ups, and for that reason we will attempt to touch first on the definition of Start-ups, then second on the characteristics of Start-ups, then third on the conditions of awarding the mark of a Start-up, and forth on the role of the National Committee in awarding the mark of a Start-up.

Section one: Definition of the Start-up

Algeria is new to Start-ups, compared to other countries, and most researchers and economic experts disagree on their definitions as follows:

1. The legal definition:

The Algerian legislator does not usually give definitions, but he leaves the matter to jurisprudence. However, the Algerian legislator sought to establish indicators that expressed the legislative desire to issue a legal text that frames Start-ups throughout a set of laws, which are considered as a preface to present a definition for Start-ups in the article 06 of the law 15-21[5] that includes the Directory Law about scientific research and technological development as follows: “It is the entreprise that takes charge of the achievement of the essential or practical research projects, or that realizes the activities of research and development”. Moreover, the Algerian legislator has mentioned the expression “Start-up” by virtue of the Directory law of small and medium entreprises, N. 02-17[6] in its 12th article.

In addition to that, we find the law N. 19-14[7], where the 69th article did not define Start-ups, but it came with a set of stimulations and measures that are related to Start-ups working in the field of innovation and technology. Therefore, the legislator issued an executive decree N. 20-254, related to the establishment of a National Committee to award the marks of “Start-ups”, “Innovative Projects” and “Business Incubators”, in addition to stating a set of conditions that must be met in order to get one of these marks.

It is remarked that the Algerian Legislator has defined the Start-up by virtue of various executive decrees. Therefore, it was better for him to issue an independent law that organizes the Start-up, and then to issue organizational texts that work on the explanation of the legal text.

2. The linguistic definition:

The Start-up is defined in the English language as: “A small project that has just started, where the word Start-up consists of two parts: “Start” that refers to the idea of launching, and "Up" that refers to the idea of strong growth"[8] Furthermore, the French dictionary "Larousse" has defined it as: "Start-up: mot Anglo-Américain, de start, démarrage, et up, haut. Jeune entreprise innovante notamment dans le secteur des nouvelles technologies"[9].(Anglo-American word, from Start, launching, and Up, high). The previous definition means: young innovative entreprises specialized in the sector of modern technology. Its principal mission is to create and to market modern technologies. The American entrepreneur Blank Steve G. has defined it as follows: "A Start-up is a temporary organization designed to search for a repeatable and scalable business mode"[10].

3. The economic definition:

Patrick Frieson sees that Start-ups must not be related to a particular age or a determined volume or a specific sector, but they must involve the following criteria: a strong potential growth, use of modern technologies, huge financing needs and the existence of new markets[11].

In their definition of Start-ups, economic sector experts focused on the point that they are those projects with an artistic character in the business climate, and those that work on presenting new products and services that depend on technology and innovation, which grant them the opportunity to grow and develop.

4.Characteristics of Start-ups

We cannot touch on the definition of Start-ups without getting into their characteristics, because this module of companies is distinguished by several characteristics, notably:

-Depending on technology:their business is based on innovative ideas and on finding financing through internet platforms and through winning the support of business incubators[12].

-Entreprises work within a risky frame:which means that entreprises break into the market without any actual consideration to its volume and their capacity to expand as well as their potential to succeed, which means that they depend on the idea of taking chances and risking. Therefore, banks resort to excessive caution while financing their projects[13] .

- **3.Entreprises require a simple capital**: they are entreprises that require simple dispenses compared tothe volume of profits that can be achieved in a quick and unexpected way[14] .
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Section two: Conditions to award the mark of a Start-up

It is considered a Start-up every entreprise that is subject to the Algerian law and that respects the following criteria:
-That the age of the entreprise does not exceed eight years.
-That the module of the Start-up's business depends on products or services or on a business module or an innovative idea.
-That the capital of the company is minimum 50% owned by natural people or by certified investment funds or by other entreprises that were awarded the mark "Start-up".
-That the entreprise's growth potential is big enough.
-That the number of workers does not exceed 250 workers.

Through this article, it is clear that the legislator did not define the Start-up , but he determined a set of criteria that represent the technical and economic indicators, which are: the maximum and minimum criterion of labor, the invested capital criterion, the production volume or the production value criterion, the sales' value criterion, the added value criterion, the productive energy criterion, the work intensity criterion and the innovation criterion[15]

1.The period of the company:

Referring to the commercial law, we find that the company does not have the legal personality before its entry into the commercial register according to the article 549 of the same law[16] .Moreover, there are those who considered the beginning of calculation of eight 08 years starting from the date when the company got the mark of a Start-up for the first time, considering that the mark is awarded for the period of 04 four years that can be renewed once[17].

However, the problem lies in whether this short period is sufficient for the entreprise to grow and achieve its objective, especially that the innovative idea is different from one entreprise to another. Therefore, this period may be suitable for a given entreprise and insufficient to reach the desired objective for another entreprise.

2.The adoption of a business module for the entreprise on products or services or a business module or an innovative idea:

Before modifying it, the article 11 of the executive decree N. 20-254 was somehow ambiguous, for it stated that the entreprise business module must depend on products or services or a business module or any innovative idea. The ambiguity in this point occurs in the term of “innovation” and its relationship with the product or the service or the business module.

However, and after the issuing of the executive decree 21-422, the article 07 has modified the article 11 of the executive decree 20-254, and it has also clarified the meaning of the term “innovation”, which means: “… the Start-up must suggest an innovation in its products or services or business module or organization module. It can also be said that this modification has contributed to understand the conditions of awarding the mark of a Start-up.

3.That the company capital is minimum 50% owned by natural people or by certified investment funds or by other entreprises that were awarded the mark of a “Start-up”:

The legislator required the Start-up to have a capital that is minimum 50% owned by natural people or by certified investment funds or by other entreprises that were awarded the mark of a Start-up. In addition to that, the will of the legislator tended to make these entreprises independent in terms of their administration and management. Therefore, the owner will be the one who is responsible administratively and legally without any intervention from another entity[18].

4.That the annual business number does not exceed the amount determined by the National Committee:

the annual business number must not exceed the amount determined by the committee[19],In this point there are two ideas:

-The decree did not determine or adjust the annual business number that cannot be exceeded, leaving room for the National Committee to estimate it.

-But because the entreprise has the potential for a big growth, therefore big profits, ceiling the annual business number may create a sort of contradiction.

5.That the workers’ number does not exceed 250 workers:

the workers number must not exceed 250 workers. It should be noted that the number of workers is same as the one determined for small and medium entreprises according to the article 5 of the law 17-02 that includes the Directory law of the development of small and medium entreprises[20],In this point, confusion may occur between Start-ups as well as small and medium entreprises, for they both share the same number of workers, while they have different growth potential.

Section Three: Role of the National Committee in awarding the mark of a Start-up:

It should be noted that getting the mark of a "Start-up" permits the facilitation of making profit of privileges, as well as getting financing and offers from sectors and public entreprises[21].

1. Assortment of the National Committee:

Referring to the provisions of the executive decree 20-254[22], we find that this committee consists of nine 09 permanent members representing several Ministries that have a direct relationship with economic activities, technological development, scientific research and innovation. Moreover, the provisions of the article 04 required that every member must enjoy a professional experience and acquisitions in the field of innovation and technologies, which allows this member to practice his missions efficiently[23]

- representative of the Minister charged of Start-ups and representative of the Minister of Finance and a representative of the Minister charged of Higher Education and Scientific Research,and a representative of the Minister charged of Post and Telecommunications.

-A representative of the Minister charged of Industry,and a representative of the Minister charged of Agriculture and a representative of the Minister charged of Fishing and Fishery Products and representative of the Minister charged of Digitization.

-A representative of the Minister charged of Energy Transition and Renewable Energies.

In addition to another non-permanent member, chosen by the committee to help it in its missions. This member can be an individual or an entity with skills that allow them to help the committee if this latter sought for their help[24],What is noticed in this assortment is that the Algerian legislator marginalized the Ministry of Commerce and the Ministry of Small Entreprises, which are very important in the field of coordination with Start-ups[25].

It is also noticed that the committee is mostly technical in nature. Therefore, it had to have in its assortment specialists and experts in law at least; that are capable of affirming how the legal conditions are met in the person who wants to found it, according to legal texts, while requesting to get the mark of a Start-up.

The members of this committee are installed by virtue of a decision made by the Minister charged of Start-ups, based on a suggestion of authorities that they belong to for 03 renewable years. As for the presidency of the committee, it is the responsibility of the Minister charged of Start-ups or his representative, Furthermore, the provisions of the article 04 required that every member in the committee must enjoy a professional experience and acquisitions in the field of innovation and technologies, which permits him to practice his missions efficiently inside the committee[26].

2. The Committee's workflow :

The committee also diagnoses the innovative projects and promotes the environmental systems of Start-ups.

Moreover, the committee is also in charge of considering appeals presented to it by the owners of new created entreprises and the holders of innovative projects; whose requests to be awarded the mark of a Start-up or an innovative project were rejected. The article 06 stated that the committee reunites twice at least every month, and it can also reunite in extraordinary sessions, based on a summons sent from its president. However, the provisions of the executive decree did not grant to the rest of the members, either individually or collectively, any right to request an extraordinary session[27].

Furthermore, the committee ratifies its internal system in its first reunion, without determining the entity that elaborates the internal system for this committee. Therefore, the question of elaborating its internal system is likely granted to the Minister charged of Start-ups.

The committee's reunions are not valid unless half of its members are present, at least, in the case of the first summons. In the case of lack of quorum, a second summons is sent within the 08 days that follow the date of the first summons. Its reunions are valid in this case whatever the number of present members is, where decisions are made by the simple majority. In case of equal votes, the vote of the president prevails. In addition to that, the article 10 stated that deliberations should be registered in minutes that are edited in a numbered register, which must be certified by the president[28].

3. Procédures to award the mark of a Start-up:

There are many procedures to award the mark of a Start-up, which are:

Stage of presenting therequest:

Arequest is presented by Start-ups desiring to get the mark of a Start-up through the National Electronic Gate of Start-ups, accompanied by the above mentioned documents, in accordance with what is stated in the executive decree N. 20-254[29], that included several conditions to award the mark of a Start-up, which are:

-A copy of the commercial register, as well as the fiscal and statistical definition card,and a copy of the entreprise's fundamental law.

-Certificate of adhesion in the National Fund of Social Insurances (CNAS), accompanied with a nominal list of employees and certificate of adhesion in the National Fund of Social Insurances of the not salaried (CASNOS).

-A copy of financial statements of the current year and a detailed business planner of the entreprise.

-The academic and technical qualifications, as well as the experience of the entreprise's stuff,if applicable, each obtained document of an intellectual property and each prize or reward.

The request is given an answer by the committee in a deadline of 30 days maximum after the date of filing the request, and every delay in the presentation of a part of the requested documents stops this deadline, then the request owner must complete the lacking documents in a deadline of 15 days after the date of notifying the concerned person by the committee; under penalty of his request's rejection according to the article 13 of the executive decree N. 20-254.

The committee makes its decisions that are published in the National Electronic Gate of Start-ups according to the article 15 of the previously mentioned decree, either by:

Awarding the mark of a Start-up: The committee awards the mark of a Start-up once for four (04) renewable years with the same structures, according to the article 14, paragraph 01, of the decree 20-254.Or by:**Rejecting to award the mark of a Start-up:** In case of rejecting the request because of a delay in the documents' presentation or end of deadlines, the concerned entreprise must resubmit the request again following the same electronic form

In case of rejection after presenting all the necessary documents, the committee will have to justify the decision of rejection, and then notify the request owner electronically in a deadline that does not exceed 30 days counting from the date of filing his request, according to the article 14, third paragraph

It should be noted that the law has authorized the same committee to consider the first request, and the plaint as a party of appealing in the decisions of rejection. In this case, the committee is an adverse party to the appealing owner and a judge to decide the plaint at the same time. This act is illogical and makes the possibility for the committee to back down from the rejection very small.

Chapter II: Justifications of the SJSC creation as a Start-ups' structure

It should be noted that the Algerian legislator required that the SJSC establishment should be founded by the entreprises that had been awarded the mark of a Start-up as a primary condition for its standing.This fact pushes us to wonder whatever the legislator has succeeded in the creation of this type of companies specifically and in putting them as a formal entry in the establishment of Start-ups without other types of commercial companies, and whatever this entry is a privilege or an obstruction to Start-ups.

As it is known, commercial companies are divided into finance companies and persons' companies. Each one of them has its characteristics that distinguish it from the other one and its nature that is convenient for the purpose of its creation. Therefore, we will touch in this axe on the finance companies that are more convenient for Start-ups (first), then on the reason why the legislator chose the creation of a new structure of companies in order to establish Start-ups (second).

Section one :Finance companies that are more convenient for Start-ups:

Finance companies are based on the financial consideration and not on the personal one, where the partner contributes with its finance whatever his person is, and he does not acquire the quality of a tradesman, but only the moral person does. Furthermore, the partner's responsibility is limited within the borders of the share he represents, and the presented shares are negotiable in the stock market. Moreover, finance companies do not expire with the death of the partner or his withdrawal, but he can be replaced, because what counts is the share he presented not his person[30].

The SJSC module is considered as one of the most important forms of finance companies, organized by the Algerian legislator in the commercial law within the articles from 592 to 795, and also organized in the executive decree dated on December 23rd, 1995, including the application of the provisions of the commercial law related to SJSC and collectivities[31]

Amongst the characteristics that the SJSC enjoys and that help making it a convenient form for Start-ups, we find:

The partner's responsibility in the SJSC is limited, which makes him question within the bounders of the share he presented only. This factor is considered as a privilege in Start-ups, because it guarantees that the partner questions only within the bounders of the share he presented. This is one of the risks' reduction types, especially for the creative ideas' owners, for they are in the beginning of their journey, where the partner's responsibility is limited, which helps him more to realize his ideas without bearing any personal responsibility.

Amongst the SJSC characteristics, we find that partners do not acquire the quality of a tradesman according to the article 592 of the commercial law, which is considered as a protection for the shareholders, because acquiring the quality of a tradesman entails the submission to legal duties and being committed to several professional commitments, which may complicate the procedures of the Start-up establishment.

The partners' shares are divided into negotiable shares. This characteristic makes them unique compared to other companies, which facilitates for the partners to enter and exit easily. This act is convenient for the Start-up, where the shareholders can enter and exit easily[32]

This matter may be the secret that motivates the small savers to enter these companies, due to the finance recovery easiness in case of need[33]

When this company was created, the Dean of commercial law professors in France, Georges Ripert, said about it that: "it is the most impressive tool that had been discovered in order to collect money, where the capital is the only insurance for its creditors[34],which made its capacity to mobilize savings very high. Moreover, it can offer its capital for public subscription to collect the finance it needs in order to invest it[35],which serves Start-ups, because it helps the shareholders get the finance for their activity's financing.

Section Two:The SJSC as a formal entry for the Start-ups' creation:

In view of the impossibility to create Start-ups in any form of the commercial companies' forms, because of the previously mentioned reasons, the Algerian legislator was pushed to create a new form of companies, so that it will be convenient for the nature of Start-ups, "because the Start-ups' legal situation before the year 2022 rose many questions. In addition to that, any form of companies can be created, until the issuing of the law 22-09 that modifies and completes the Algerian commercial law[36].

It should be noted that the Algerian legislator required that the SJSC must be established by entreprises that had been awarded the mark of a Start-up, as a primary and fundamental condition for its standing.

It is also noticed that the SJSC in the Algerian legislation had only eleven 11 articles, because its organization depends on the parties' will[37].

The commercial law defined the SJSC is the entreprise whose capital is divided into shares, and it consists of partners that do not bear the losses unless within the bounders of the shares they offered…[38]. It is also a commercial company according to its structure, whatever its topic is.

We find that the Algerian legislator, as usual, has clarified the SJSC characteristics, without setting a definition to it, leaving that matter to jurisprudence and justice[39]

Amongst these characteristics, we will clarify the reasons that pushed the Algerian legislator to create this new form of entreprises. Therefore, we will touch on the condition included in the previously mentioned law, which is specific to the SJSC only. According to the article 715 bis 135, this company is as follows: "… the SJSC is distinguished by not requiring a minimum number of partners and capital to create it, as well as by determining its organization and process methods in its fundamental law".

1. The SJSC fundamental law:

The Algerian legislator granted the partners a large freedom in the establishment of the company's fundamental law as it suits them. However, this character may turn into a problem for them, as partners are often young owners of innovative projects, who have no knowledge of law, therefore, they may misuse this contractual freedom[40].In addition to the elements that must be available in the fundamental law, represented, according to the article 546 of the commercial law, in: the company's form as well as its period, address, name, center, topic and capital, as there are some elements that can be added to the SJSC fundamental law, which are[41]:

-The provisions of the assignment of the SJSC president or the one charged of administration, according to the article 715 bis 136, paragraph 01.

-The collective decisions made by the shareholders according to the article 715 bis 137, paragraph 01.

-The decisions made by the Ordinary and Extraordinary General Assembly according to the article 715 bis 137, paragraph 02.

-The methods of estimating the value of the shares related to the presentation of a work and their profits, according to the article 715 bis 140, paragraph 02.

-The assignment of the shares' delegate, who is responsible for the estimation of the In-kind shares' value, according to the article 715 bis 142.

The SJSC fundamental[42] law draft must be molded in an official form at the notary, otherwise it will be invalid

2. No public asylum to saving:

Unlike the SJSC that can be established through public asylum to saving, or through immediate establishment, the Algerian legislator, according to the article 715 bis 139, had restricted the SJSC and banned it from forming its capital through public asylum to saving, and it had also forbidden it from offering its shares on the stock market.

That means that the SJSC is banned from public asylum to saving, which also means that offering these companies' shares for subscription is limited to founders only, without offering them to the public[43]. Moreover, the SJSC is forbidden from offering its shares on the stock market; for negotiation to buy and sell between brokers in the stock market organized in the legislative decree N. 93-10 related to the stock market of movable property[44].

This ban is due to the plenty of procedures related to the establishment through public asylum to general subscription directed to the public, and it is also due to the complication of procedures. The same thing occurs when the company joins the stock market, which is not convenient for the Start-ups' nature that requires simplicity and flexibility in its establishment[45] If this rule were broken, it seems that the Algerian legislator did not impose a fine as a penalty for violating the rule of banning public asylum to saving, effected by what the French legislator adopted concerning this question[46].

It is resulted on this ban the invalidity of the SJSC that is established thereby[47].

3. Not requiring a minimum number of partners:

What distinguishes the SJSC is that it is not required, for its establishment, a particular number of partners, unlike the stock company, where 07 partners at least are required, according to the article 592 of the commercial law[48], Whilefor the SJSC, the legislator did not limit a minimum number of partners, which is clearly obvious through the second and the third paragraphs of the article 715 bis 133

However, the legislator permitted also the establishment of this company with one partner only. In this case, it is named the unique partner SJSC.Furthermore, perhaps what distinguishes this new structure of companies are the flexibility and the simplicity in the establishment procedures, which pushed the Algerian legislator to adopt this type of companies.

It should be noted that the law related to French innovation and research N. 99-587, dated on July 12th, 1999, was the reason for the permissibility of the SJSC establishment by natural and legal persons[49].

4. Not requiring a minimum amount of the SJSC capital:

The estimation of the SJSC capital is subject to its partners' agreement or to the will of the unique shareholder or partner in case of the unique partner SJSC, so that the capital of the established company shall be determined within its fundamental law[50].

The purpose of omitting the minimum capital is to facilitate the requirements and the conditions of practicing commercial works, which raises the SJSC spread and increases from finding more investment opportunities[51].

A work share can be offered, in addition to the cash and in-kind shares, unlike the Stock company, which is a deviation from general rules of finance companies.

The article 715 bis 140 included: "… the SJSC can issue untransferable shares, resulted on presenting a work, where the shares of presenting a work do not enter in the establishment of the company's capital. However, these shares enter in the profits' sharing as well as in the net assets and losses. The methods of its value's estimation are then determined, in addition to its profits within the company's fundamental law[52].

The legislator aims to permit offering the work share in this new type of companies, because amongst its shareholders' characteristics we find the capacity for digital innovation and the contribution to artistic knowledge and expertise. Therefore, the Algerian legislator encouraged the youth who own high diplomas and skills, to contribute to offer all the artistic skills they enjoy in order to turn them to work shares within the SJSC[53] .

CONCLUSION :

The Algerian legislator sought to provide a legal environment for Start-ups, by virtue of the executive decrees that he issued in order to organize them, and by virtue of other legal texts within many laws belonging to the commercial law, which was the reason for the SJSC creation as an exclusive structure for these laws.

The most important results we concluded to through the article are:

- Start-ups enjoy a characteristic that makes them one of the best tools for the National economy salvation, in view of the revenues they bring to the country, for they contribute greatly to the reinforcement of innovation, the creation of work opportunities and the increase of the total local products, which make it a fundamental motor of economic growth.
- The persons desiring to create an SJSC must get the mark of "a Start-up" as a primary condition.
- The SJSC was created especially to establish Start-ups, and it represents the exclusive legal structure for them, unlike other companies, because the SJSC reunites between contractual freedom of partners and their limited responsibility, as the legislator has granted the biggest amount of freedom to partners while determining the conditions and the provisions of commerce.
- Financial and organizational challenges and obstacles contribute to slow growth, to increase failure rate and to restrict innovation.
- Financial support and accompaniment lead to increase the success opportunities, to motivate innovation and to develop skills.

Based on the previously mentioned results, we concluded to many suggestions that we mention as follows:

- Tocollect all the articles related to Start-ups into one unified law, because the multitude of organizations related to them complicates their establishment procedures. Therefore, it is best for the legislator to issue a law especially for Start-ups, and to issue organizational texts in order to explain them.
- To consider the procedure of the National Committee in order to award the mark of a Start-up, because it is the one that grants this mark and that considers the appealing represented to it at the same time when it rejected it.

- The committee specialized to award the mark of a Start-up must include law experts, because the question of legal structure and how the necessary conditions are met for its establishment are considered primarily as a legalists' specialty.
- To review the limitation to accompany Start-up's incubators estimated at eight (08) years, because this period is considered short for Start-ups.
- To readjust the SJSC legal nomination from the Simple Joint Stock Company to the Simplified Joint Stock Company, and that is the correct nomination when the term is translated from French into Arabic.

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