

THE VARIOUS TYPES OF COMPENSATION AVAILABLE IN THE KINGDOM OF SAUDI ARABIA, AS A RESULT OF A JOURNALIST'S NEGLIGENCE (A COMPARATIVE STUDY)

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ABSTRACT

Through a comparative analytical presentation, this study intends to demonstrate the types of compensation for damage in the Kingdom of Saudi Arabia's publications and publishing system. It addressed the issue in two ways: compensation in kind (restitution or correction) and compensation for a fee (in the second). The first section ended with a summary of the broad requirements for the right to respond or rectify under the Saudi Arabian system of publications and publishing, while the second portion detailed the regulations for moral harm compensation and appreciation. With a non-monetary compensation statement attached. As a methodology, a comparative analysis will highlight the differences and similarities between Saudi and Jordanian law, shed lighting on how Jordanian Laws treated the question of the current research. The results of this comparison show that Saudi legalizations need to establish laws to protect the harmed individuals or entities.

Keywords: Compensation, Compensation in kind, Monetary Compensation, Moral Damage - Publication of the Judgment and an Apology

INTRODUCTION

The causal linkage between the error and the damage can be shown if the components of the journalist's tort culpability for a mistake that caused harm are accessible. As a result, the harm must be mitigated and paid for. Compensation that the injured person is entitled to as a result of the journalist's publishing, which is deemed a violation of reputation and dignity, could be in-kind compensation in the form of returning the situation to its previous state. That resulted in the damage prior to the occurrence of the breach of an obligation. It can be compensated in two ways: monetary compensation in the form of money, or non-monetary reward in the form of executing a certain task. A payment, whether in cash or in kind, necessitates defining the criteria that the court must take into account when calculating the compensation due.

Right of Reaction or Correction is a Form of Compensation in Kind

The journalist's freedom to publish media material is not tightly regulated, but it must not hurt others as a result of that publishing. This adherence may occur prior to publication, as well as after publication, by determining each person's right to respond to or rectify what is published by various media. The right to respond or correct, on the other hand, encourages the journalist to double-check the correctness of whatever he publishes. We have three demands: the first is the right to answer and correct, and the second is to decide who has the right to reply and correct. The conditions for exercising the right to reply and rectify are the second prerequisite. Finally, we have a third requirement: periodical publications must refrain from publishing the response and correction, as well as exemption circumstances.

Determining who has the right to respond and correct is what the right of response and correction entails. In most nations, it is the most significant right granted by publication and publishing legislation. It refers to the right of anybody whose personal information, report, news, article, or criticism is published in a periodical publication and includes personal insult, slander, or fabrication of erroneous information. In addition to his legal right to file a case, he also has the legal right to respond and correct any errors. In the first section, we will define the terms "request for response" and "correction," and in the second section, we will discuss the circumstances for exercising the right to respond or correct.

What does it Mean to have a Right of Response and Correction?

The Saudi regulator and Jordanian lawmaker did not specify the right to respond; they simply stated that a person was eligible if the article or published news was relevant to it. This news was either false or contained false information. (Qayed, p 522) defines the right to reply as "any person's right to respond in the same newspaper on what was published in it directly or indirectly in connection with his person or work within the scope of the law." It's harmful to his interests, and it's the same whether the claim is material or moral. The person's attack does not have to be explicit in order for him to decide whether or not to respond, but the resistance can be tacit or through reference (Nassar, p 195). Others (Belwadeh, p 157) characterized it as a constitutional right for any natural or legal person to respond to a press release in one of the media that is linked to them or their work. The reaction is to give the point of view on the allegation or criticism of denial, factual clarification, and information by deleting—the addition of what has already been published under the terms of the law.

The right to reply has three characteristics (Fahmi, 2012): it is a general right, meaning it is a decision that applies to everyone, and anyone who is mentioned in a press article or news story has the right to request the right to respond to what has been published; it is also an independent right, meaning the injured person has the right to file a compensation case separate from the right to reply; and finally, it is an abstention.

Because there are different jurisprudential interpretations on the legal nature of the right to reply, some have claimed (Nassar, p 193) that the right to react is a legitimate defense that protects a person from material and moral harm caused by publication. Others argue (Qayed, p 527) that the right to respond is nothing more than a personal right. The article or news may not contain harm, which threatens the right holder's interest to reply because the report may include praise, because the exercise of this right does not require the presence of risk. It is not possible because the response is often published after the article or news, implying that the reaction is not intended to address a current issue. In our opinion, the right of reply is one of the personal rights established for people when they exist, because it is a form of justifiable defense and the dominant viewpoint.

The right of correction, according to Alqadi (p 119), is the legal right granted to the natural and legal persons in charge of government agencies to correct items previously published in the media. It was defined by Sultan (p 266) as a technique of correcting inaccuracies posted in order to avoid harm to the person referred to public authority. It is the rectification of information or data from the error specified in the published press material (Belwadeh, p 200). The preceding definitions did not diverge from the process of correction, and it is a natural and legal person's right. Because it is a non-judicial means of correcting errors, the right to correction has a clear legal nature. It is viewed as compensation that is commensurate with the extent of the journalistic error and the public relations damage. The purpose of establishing this privilege is to provide the affected individual with a speedy way to correct any published inaccuracies relating to it as soon as the inaccurate publication is made, without the burden of proving the journalist's error, whether intentional or unintentional (Hijazi, p 457).

Despite their similarities, the right to respond and the right to correct are both general rights that apply to all individuals without discrimination and are determined solely by the individual involved. If there are disparities between them, his heirs may claim after his death, as well as two rulings for the persons affected by the released press material, whether what was published in their regard is a crime or not (Qayed, p 530): First, when the news is completely or partially false, the right to correction applies, however the right to reply applies when the published news requires explanation or addition, therefore the right to respond is broader than the right to correct. Second, the right of reply allows people to rebut claims, while the right of rectification allows people who have been harmed by inaccurate information to seek that it be corrected. Third, the freedom to respond requires the journalist to provide a forum for those who have been wronged to respond to the news, whether real or false.

The Saudi regulator dealt with the right to respond and correct in (Article 35) of the Saudi Press and Publication Law, which was unsuccessful in drafting, and (Article 88) of the Saudi Press and Publication Law's executive regulations came to explain the provisions regulating the right to respond and correct, as Article 35 stipulated that: On the surface, it appears that the Saudi regulator has adopted just the right to rectify in the face of press infractions, with the exception that (Article 88) came to control the two rights. The Jordanian legislator addressed the regulation of the two rights (Response and Correction) in the Jordanian Press and Publications Law (Articles 27 and 28). The wording (Article 27/Paragraph C) states: "C - The provisions of paragraphs (A) and (B) of this article shall apply to any non-Jordanian press publication circulated within the Kingdom." The Saudi Press and Publications Law, as well as its executive restrictions, were not included. We'll go over these pieces in detail, analyzing and comparing them in relation to compensation in kind (response and correction).

Who has the authority to exercise the right to respond and to correct?

Legislators frequently distinguish between the state's public interests and the interests of individuals. We deal with this discrimination through the first intention: the exercise of the right of reaction and correction from natural and private individuals, and in the aim. Second, the state's representation of public interests (public authorities) exercising the right of reaction and rectification.

Individuals and Private Legal Entities

People have this right regardless of whether they are natural or legal persons if any news, information, article, or misleading or false study appears in a periodical publication that includes a reference, even an allusion, to a specific individual.

The executive regulations of Article 88 of the Saudi Press and Publications Law allow the right to reply to or rectify any concerned individual, whether a natural or legal person, at the request of him, his representative, or his heirs. The Jordanian Press and Publications Law (Article 27/Paragraphs A and B) did not depart from what came before (M 88). However, in regulating the right of the person who has the right to reply or correct, Article (88) was different from (Article 27/paragraph A) 2 of the Jordanian Press and Publications Law from the outset. It was done by indicating the range of people who are allowed to respond or correct. If natural persons are unable to exercise their right of reply or correction through their guardian or guardian, it has been clarified. As a result, if the reaction or correction affects someone who is no longer alive, his heirs have the right to respond and rectify. If the publishing includes information about legal persons, the reaction or correction shall come from the first official or whoever substitutes for public or private bodies, or from one of the group members, for professional groups with common interests. Exercising the Right of Response or the Right to Correction, and in this way, the Saudi regulator has mostly completed determining the owner of the right to react or correct by carefully mentioning the owners of this right, thereby avoiding legal issues. We propose that the Jordanian legislator alter (Article

27) the law governing who has the authority to reply and correct. By broadening its mandate, as the Saudi regulator did.

In carrying out the preceding: the committee in charge of investigating violations of the Saudi Press and Publication Law has responded to the defendant's (newspaper) claim that the plaintiff did not come to it to correct the news for publication, that the right to correction was voluntarily granted to him by the system, not required or a condition for filing a complaint, and that the plaintiff did not come to it to correct the news for publication. Even if the newspaper publishes the injured person's answer, the newspaper's obligation and prosecution for the publication of the news, including the plaintiff's image, which affects his dignity and offends him, is not waived. In response to the plaintiff's attorney's claim that the deceased's uncle had contacted the newspaper at the very same time and rejected the news to which the deceased's photo was connected, the court issued another judgment that established the facts and the repercussions of the death. The fact that it was published immediately has no bearing on the fact that the right to respond is protected by the system. It is the responsibility of each owner to submit a request for rectification to the publication, although this does not negate his claim to compensation as stipulated in the law (Article 35). The right to respond does not absolve the newspaper of obligation or prevent it from being published.

Who in the Country Represents the Public Interest (Public Authorities)?

When the public interest or the public authorities intended the news, the article, or the incorrect information, the situation with the Saudi regulator and the Jordanian lawmaker was similar. Some have criticized the saying, according to Mustafa (2013): "Restricting the government's ability to respond and correct when higher interests in the state are slandered or defamed is contrary to democratic principles and values, is incompatible with modern democratic systems based on the principle of separation of powers, and as we all know, the government is one of three authorities within the country represented by the legislative authority. As a result, we propose that this authority be delegated to the public prosecutor or any other appropriate entity "(p 255). The Saudi Press and Publications Law (Article 88/Paragraph A) make no distinction between natural (average) and legal persons. It relates to both the private and public realms.

Conditions for Exercising the Right of Response and Correction

It is critical to exercise the right of response and rectification; the following objective requirements must be met:

1- The individual described in the newspaper or the person concerned must exercise their right to respond and rectify. The application of this criterion does not imply a direct reference to the person's name. This right is given to heirs after his death, according to the Saudi Press and Publication Law, which we did not locate in the Jordanian Press and Publication Law.

2- The concerned person's request must be made in writing. This is not required by the Saudi regulator, but it is required by the Jordanian legislator if the response or correction is connected to his public interest. The following is stated in paragraph B of Article 28: "If a press publication publishes false news or an article containing incorrect information in the public interest, the responsible editor-in-chief must: publish for free a written response or correction that he receives from the concerned authority or director in the issue that is the date on which the response or correction was received, followed by the s

3- The person who is being questioned should be interested in his or her response being published and corrected. According to the Saudi regulator, "If he has a valid material or moral interest, or the desire to avoid harm, and the Jordanian legislator fails to mention it, he is forced to reply.

4- The response and corrective action shall not be in violation of Jordanian legislators' public order and morals. It's one of the circumstances where the response or correction isn't published. The following is stated in Article 28/Paragraph C: "In any of the following cases, the responsible editor-in-chief of the press publication shall decline to issue the response or correction he receives, based on Article (27) of this law: If the response or correction contains content that violates the law, public order, or public morals."

5- With the exception of the Saudi Press and Publication Law and the Jordanian Press and Publication Law, there must be a link between the response and correction and the published topic. In my opinion, the newspaper is not obligated to publish a response and correction that has no link to the posted issue, because doing so reduces the right to react and correct to nothing more than a means of displaying the author's thoughts, response, and correction.

It is critical to exercise the right of response and rectification; the following objective requirements must be met:

1- Responsible for receiving and publishing the response and correction: In the Saudi Press and Publications system, the response and correction must be directed to the editor-in-chief, or whoever takes his place (Article 88/Paragraph B, which states: "B. The editor-in-chief or his representative must publish the correction or response in the same letters and in the same language as the original." At the same time, the editor-in-chief imposed restrictions on the Jordanian Press and Publications Law (). This was introduced (Article 27/paragraphs A and B), which stated: "A. the person to whom the news or article pertains is entitled if the press publication publishes false news or an article containing wrong information. To respond to the news or article, or to request a correction, the responsible editor-in-chief must print the response or correction for free in the issue following the date, in the same place, and in the same letters as the news or item. B. If a press publication publishes false news or an article containing incorrect information in the public interest, the responsible editor-in-chief must publish the written response or correction he receives from the concerned authority or the director for free in the issue following the date on which the response or correction was received, and in the same place and letters in which the response or correction was received " .. Because the editor-in-chief is the first official in the newspaper, this is a favorable position for both of them. He is always keeping an eye on the papers. Furthermore, no publications are made without his permission. As a result, when he broke laws, public order, or public morals, most legislators assigned him civil and criminal liability.

2- In the following edition, publish the response and correction: The editor-in-chief or his representative was required by the Saudi Publications and Publishing System to publish the correction or answer within seven days after receiving it. Whether the newspaper was delivered daily or in the first issue. If this is not the case, publish the response as well as the correction in the first issue after it arrives. If this isn't achievable, use the next highest number. "E. The editor-in-chief or his representative shall publish the correction or response within seven days after its receipt if the newspaper is daily, or in the first issue of it following receipt if it is otherwise," according to (M 88/paragraph E).

The Jordanian Press and Publications Law did not prohibit the publication of individual corrections or responses if they were in the public interest. This was received (Article 27/Paragraphs A and B): "A. Assume that a news organization publishes inaccurate information or an article that contains erroneous information. In that instance, the person to whom the news or story relates has the right to respond to it or demand that it be corrected, and the responsible editor-in-chief has the right to do so. Publish the response or correction in the issue following the date of either of them being received in the same place and in the same letters as the news or article in the press publication, free of charge "If a press publication publishes false news or an article containing inaccurate information about a topic of public interest, the editor in charge is held accountable. To publish the concerned party's or the director's written response or correction for free in the issue following the date on which the response or correction was received, and in the same place and letters as the news or article appeared in the press publication.

3- Free publication of responses and corrections: The Saudi regulator and Jordanian lawmaker have agreed on the principle of free publication of responses and corrections. Of course, it was unthinkable that the editor-in-chief would be held responsible for publishing and revising the response. Otherwise, the problem would devolve into enticing others to respond by disseminating news and inaccurate information about them. The volume of the reaction so that the content of the response or correction is not influenced.

4- The location and size of the answer and correction: The Saudi regulator stipulated that the response be published on the same page as the incorrect news, necessitating the publication of the answer and correction. Paragraph 88 of Article 88.

"B. The editor-in-chief or his representative must print the correction or response in the same letters, in the same language, and on the same page, free of charge, and in a manner sufficient for the purpose," according to B. As well as the Jordanian legislator. This was received (Article 27/paragraphs A and B), which stated: "A. Assume that a news organization publishes inaccurate information or an article that contains wrong information. In that instance, the person to whom the news or story relates has the right to respond to it or demand that it be corrected, and the responsible editor-in-chief has the right to do so. Publish the response or correction in the issue following the date of either of them being received in the same place and in the same letters as the news or article in the press publication, free of charge "If a press publication publishes false news or an article containing inaccurate information about a topic of public interest, the editor in charge

is held accountable. To publish the concerned party's or the director's written response or correction for free in the issue following the date on which the response or correction was received, and in the same place and letters as the news or article appeared in the press publication.

The answer, correction, and exemptions were not published in the periodical publication. The concern here is if the editor-in-chief is refusing to publish the response and correction for no legal reason; the Saudi regulator did not take hard action in this case, instead resorting to a dispute with the Ministry of Information for whatever reason. "If the editor-in-chief or his representative refuses to publish the correction or response for whatever reason," according to Article 89, "the individual concerned may appeal to the minister."

The Jordanian Press and Publications Law (Article 45) allowed for the filing of a lawsuit against him. "If the editor-in-chief of the press publication violates the provisions of either of paragraphs (a) and (b) of Article (27) of this legislation, the aggrieved party may initiate a lawsuit against him," says Article 45/Paragraph B.

The editor-in-obligation chiefs to publish the answer and correction is not contractual. Instead, in some situations, the legislature has given the person in charge of posting to react and correct in the periodic publication the authority to refuse to publish the answer and correction. The following situations are listed in Article 28 of the Jordanian Press and Publication Law: If the press publication had precisely and sufficiently revised the news or piece before obtaining the answer or correction. If a pseudonym or a non-concerned party signed the answer or correction, or if it was written in a language other than the one in which the news or article was written. If the response or correction contains content that violates the law, public order, or public morals. If a reaction is received two months after the news or story is published.

"The response or correction shall arrive within three months at most from the date of publishing the topic to be corrected or responded," the Saudi regulator stated in (Article 88/Paragraph C). It should be observed that this period is the forfeiture, not the prescription; it may not be interrupted or suspended because it is presumed that the reader has forgotten... and there is no need to bring up the subject again after this interval.

In Exchange for a Consideration, Compensation is Provided

In many circumstances, determining compensation in kind might be difficult since, in some situations, it is impossible to recreate the circumstances in which a person's reputation and dignity are violated by an assault on his right to his image until after the damage has occurred. Another sort of compensation is compensation for consideration, which can be in the form of a monetary payment (monetary compensation for moral damage and its evaluation) or the performance of a specific task (non-monetary compensation). We go over both images.

The Value of Monetary Recompense for Moral Loss

The most natural solution to reduce or lessen the damage is through monetary compensation. When it is difficult to rule for compensation in kind and non-monetary compensation is unavailable, the court must rule for monetary compensation. Monetary compensation differs from other compensation strategies in that it can be used to make a decision regardless of the type of injury, whether physical or psychological. In the context of a journalist's assault on the freedom to photograph, the harm can be either material or moral. In the journalist's responsibility, moral damage is severe, since the person's reputation or dignity is jeopardized. Moral injury is defined as "any harm that inflicts an individual's moral obligation or undermines a person's fixed right, such as his right to his image or reputation," according to Khater et al., (2018). (See p 317).

It is the most common harm caused by publishing a photograph of a person without his permission, or republishing it without his permission, or publishing it in a manner that is inconsistent with what was agreed upon with the owner, which distorts the latter's personality and harms his reputation or dignity. According to Bashabsheh (2012), "Some believe that the term "reputation" is a synonym for "dignity," and that it encompasses both objective and subjective concepts (p 627). At the same time, Fahmi points out that a company's reputation is determined by its vision "a person's subjective and inner emotion of wanting to be appreciated and respected by others. According to his assessment of his social standing, he is entitled to treatment and respect from society members consistent with this feeling, that is, the individual's sense of dignity independent of others' opinions, and the content of this feeling is the person's desire for others to respect him, according to the objective concept: it refers to the position that every person occupies (308).

In determining the value of compensation, the judge has extensive authority. Assume the issue is one of material damage. In that situation, there is no difficulty in measuring it because it is simple to measure the loss suffered by the injured and the gain that he lost as a result of the assault on his right to his image, and if the incidents of damage are numerous. The materialism are insignificant as comparison to the moral harm caused by the infringement of this right (Hijazy, 2001; Al-Ahma, 2018). Due to the lack of standards for these damages, as well as the different circumstances affecting the assessment of compensation from one suit to another, it is difficult to assess moral damage when a person's reputation or dignity is harmed as a result of a press assault on his right to his image, and one of the established principles in this regard is that settlement. In terms of damage, it must be calculated at the same level as the real damage, without being increased or decreased. Nonetheless, conditions and elements that may lower or raise the amount of compensation are affecting the estimation of compensation.

On the one hand, compensation should be based on the level of harm, as indicated in the committee's decision, which looked into infractions of the Saudi Press and Publication Law and indicated the reasons for issuing its conclusion. Compensation for moral harm in a litigation in which the defendant (the newspaper) summarizes the facts by publishing news about the plaintiff. Its image is colored and clear on the news of a case in which the plaintiff was acquitted, and he stated: "... and since the mora" harm in many cases cannot be lifted or removed in the same way, because that is not possible by virtue of the nature of this harm, the material compensation was the closest that could compel him in order to achieve justice and lift the burden of proof. Injustice, and since the settlement was the payment of what was required of a financial allowance due to causing harm to others, the committee considers the permissibility of material compensation for moral harm, provided that the damage is direct and fixed, and the cause is unlawful, and all of this is specified in the case in question, so it investigates the elements of negligent liability, e.g., Because the principle in general in settlement is to estimate the amount of direct damage caused by the mistake, and because there is no legal or statutory text requiring the litigator to follow specific criteria for assessing compensation, the determination of its value is subject to the authority to determine. All of this is based on the principle of suitability and the committee's thoroughness, and it is all based on the committee's competence committee's most experts in this topic. In a balanced manner, committee's achieves justice, eliminates injustice, and represses injury, taking into account the surrounding circumstances and the direct impact on the compensation applicant.

The logic behind the committee's decision to compel the defendant (the newspaper) to indemnify the private right claimant is discussed in this section, as well as the jurisprudential approach to the permissibility of pecuniary compensation for moral injury. The committee clarified

the conditions for moral harm and confirmed that calculating moral harm is at the discretion of the committee. This is supported by (Article 363) of the Jordanian Civil Code, which states: "If the guarantee is not determined in the law or the contract, the court examines it in terms of the harm caused when it occurs...", as well as the issue of similar compensation for damages, which we discussed earlier. In contrast to the damage to an individual's reputation and privacy, materialism does not create complications in the area of compensation. Compensation must often be calculated to equal the damage, which necessitates the judge clarifying the aspects of the alleged harm in his decision. When determining compensation, the judge must take into account the circumstances, which are any factors that necessitate aggravation or reduction in compensation (Hijazi, p 468). In this case, a question arises: Does the judge just evaluate the events of the wounded person? Or does he consider the journalist's circumstances as well as the gravity of his error?

When it came to resolving this topic, there was no consensus among civil jurisprudence, so it was split into two camps: the first considers just the circumstances surrounding the victim, which the judge must factor into his compensation calculation. The second moved in a different way entirely. All of the facts and circumstances, including the severity of the error, are taken into account when determining compensation. We'll talk about what happened to the official and what happened to the victim (Jboori, 2015). When determining compensation, the approach is to look at the amount of harm caused to the wounded rather than the gravity of the error, as long as the elements of default are present. Regardless of the gravity of the error, the judge is compelled to award the affected person full compensation. The compensation is calculated in relation to the gravity of the person who caused the damage and the seriousness of the error, as well as the rest of the conditions (Abdel Samee, 2011). The ruling of the committee charged with investigating violations of the Saudi Publications and Publishing Law required the newspaper to compensate the plaintiff for the private right in the sum of (80,000) eight thousand Saudi riyals. It says: "The suspension of a sports journalist due to a guard's complaint. ," and the plaintiff's name and photo were mentioned in the published news, based on the severity of the error and the amount of moral damage caused to the plaintiff and his reputation as a result of what was published in the newspaper.

Also taken into account when determining moral harm compensation is the size of the media outlet through which the privacy or reputational abuse was publicized (Al-Ahwani, 1987). Because compensation is determined by the amount of harm suffered by the injured individual in particular, the specific circumstances of the injured are taken into account. It is calculated on a subjective rather than an objective basis, so that the judge can take compensation when assessing the victim's financial and social situation, because the severity of the damage varies depending on the victim's social status (Abu Maghli, 2009), even if the harm is the same. The damage incurred by a university academic as a result of defamation differs from that incurred by an ordinary employee; nonetheless, the sense of dignity injury is the same for everyone, but the compensation amount must differ.

The judge will not be able to overlook the circumstances surrounding the wounded person while assessing compensation for the harm, because the damage that befalls an average person differs in extent from that of a person who holds a prominent social and family position (Hijazi, p 471). If a man who supports a wife and children publishes false information on his behalf, his injury is greater than that of a single man (Aljboori, p 300). The committee's ruling, which was based on a study of violations of the Saudi Press and Publication Law, stated that the defendant newspaper must compensate the plaintiff for the private right. It included what has been reported as an affront to the plaintiff's character and dignity in an atmosphere where news and information are easily

transmitted among his family. His work, his town, and his family, as well as the fact that what was published included family concerns and arguments based on inaccurate facts.

Second: Non-Monetary Compensation

The extent of the damage caused by the violation of the image's right through press publication is substantially bigger than the other types of harm caused by the traditional causes of damage. As a result, monetary compensation is ineffective in redressing the harm caused by this sort of maltreatment, which causes moral harm. The majority of laws, including Jordan's, compel the publication to publicize the decision. It falls under the provisions of (Article).

Jordanian Civil Law, Article 296/Paragraph 2: Inclusion Path." The Jordanian Press and Publications Law (Article 44) states that: "The convicted person may be ordered by the court that issued the judgment to publish the final judgment in its entirety or a summary of it in the first issue of the periodical publication that will be issued after notifying the judgment and in the same location as the publication. The article that was the subject of the complaint was published in the same letters, and the court may order the judgment or a summary thereof to be published in two more newspapers at the expense of the convicted individual if it thinks it necessary. We'd like to point out that there's a jurisprudential debate on the nature of the procedure for publicizing the judgement through the media, particularly when there's a risk of harming someone's reputation or dignity. As a result, the opinion was that it was Compensation in Kind, rather than Compensation for a non-monetary exchange. Simultaneously, another school of thought opposes the ruling, arguing that publishing it is equivalent to compensation for non-cash consideration (AlMaryeh, 2017).

It is important to remember that the publication of the judicial ruling and the apology are a form of compensation in kind, even if it is not monetary, because compensation in kind is, in reality, returning the situation to its previous state, which is not achieved in the publication of the judicial ruling and excuses, despite the fact that it is based on the principle of publicity. Which is the same as harm, except that the judge orders it as a form of satisfaction and reparation for the harm he has suffered, and that what is stipulated in (Article 38/Paragraph 4) of the Saudi Press and Publications Law is less significant than the publication of the conviction ruling in the newspaper where the news containing the image is published. He caused moral harm to the injured, even though the rulings provide respite from agony and a sense of satisfaction to the afflicted, but broadcasting the judgment has negative implications. New individuals, drawing attention to the search for the newspaper in which the news was published; on the other hand, the publishing of the ruling may not change the conviction of those who already knew the journalist was incorrect. Many publications of an apology have occurred in the newspaper as a result of the decisions of the committees charged with investigating violations of the Saudi Press and Publication Law and the ruling for compensation for the damaged party.

Finally, the following recommendations are summarized:

- Quickening the issuance of the financial transaction system, and as we all know, his birthday is approaching, when there will be a statement of economic rights and obligations, as well as the establishment of basic principles for civil liability and the basis for compensation.

- Rethinking the regulations controlling the right to react or correct in order to make them more effective, especially when the editor's refusal to publish a response or correction carries no civil or criminal consequence.

Without giving a cause, a reaction or a correction is given. It is this that the Jordanian legislator has achieved, by clarifying the circumstances under which the editor-in-chief has the authority to refuse to publish a response or correction.

- By joining the judicial authority, the committees' powers relating to investigating violations of the laws of the publications and publishing system will be transferred to the public courts.
- Publication of the decisions of the committees charged with investigating violations of the Press and Publication Law has a practical impact on developing a media environment that respects the rights of others, as most decisions show a lack of awareness of the response and rectification provisions.

CONCLUSION

This is the first study in the Saudi Publications and Publishing system, and the absence of authorization for financial manipulation is the cause for the paucity of these studies. Another reason is that Saudi Arabia's publishing and publishing system, as well as its executive laws, are devoid of legislative regulations governing accountability and remuneration. We started our investigation with in-kind compensation (the right of restitution or correction), which prevents the injured person from taking his right to compensation to the courts, even if the newspaper answers with a revision or correction of the news he heard or with his dignity. When the recompense in kind did not work, we moved to the compensation stage with a fee. Non-monetary, which is reflected by the newspaper issuing an apology in compliance with the Saudi Press Publication Law. Jordan's Press and Publication Law still contain the ruling.

REFERENCES

- Abdel-Sami, O.A. (2011). *Responsibility arising from literary damage between Islamic jurisprudence and law, Part 1, (1st Edition)*. Al-Wafa Legal Library, Alexandria.
- AlMaria, A.M. (2017). *Civil protection against damages of electronic press*. The New University House, Alexandria, 2017.
- Al-Qadi, M. (2007). *Kamal Media Legislation (Media Controls - Ethical Rules)*, Middle East Media Center, Cairo, 2007.
- Abu-Mughali, M.A. (2009). Compensation for literary damage: A Comparative Study. *Journal of Sharia and Law, United Arab Emirates University, 3*.
- Al-Ahwani, H.E. (1987). *The right to respect for private life, the right to privacy*. A Comparative Study, Dar Al-Nahda Al-Arabiya, Cairo.
- Al-Ahmad, S.A. (2018). Al-Wajeez in civil responsibility. *A Comparative Study of Law and Islamic Jurisprudence, 1st Edition*.
- Al-Jboori, S.H.A. (2015). Rights close to the personality and the means of protecting it. *A comparative study, Dar Al-Fikr University, Alexandria*.
- Al-Tayyeb, B. (2015). The right of response and correction in media and press legislations. *House of Culture for Publishing and Distribution, Amman, 1st Edition*.
- Bashabisha, Z.A. (2012). The adequacy of legal rules to protect human reputation and consideration. *Journal of the Islamic University for Economic and Administrative Studies, 20(2)*.
- Khaled-Mustafa, F. (2012). *Journalist's Civic Responsibility, (3rd Edition)*. Dar Al Fikr University, Alexandria,.
- Jaber, G.N. (1997). Freedom of the press. *A comparative study, in light of Law No. (96) for the year (1996), Arab Renaissance House, Cairo*.
- Imad-Hamdi, H. (2008). *The right to privacy and the responsibility of the journalist*. University Thought House, Alexandria.
- Mustafa-Ahmed, H. (2001). The private life and responsibility of the journalist. *A Comparative Judicial Jurisprudence Study, Dar Al Fikr Al Arabi, Cairo*.
- Nuri-Hamad, K., & Adnan-Ibrahim, A. (2018). *Explanation of civil law, sources of personal rights & obligations*. House of Culture for Publishing and Distribution, Amman.
- Hussein-Abdullah, Q. (1994). Freedom of the press. *A Comparative Study of the Egyptian and French Laws, Dar Al-Nahda Al-Arabiya, Cairo*.
- Khaled-Ramadan, S. (2010). *Criminal responsibility for press crimes, (2nd Edition)*. A comparative study, Dar Al-Nahda Al-Arabiya.
- Publications and Publishing System, No. (M 32) date (3/9/1421 AH (Saudi Arabia))
- Executive Regulations for the Press and Publications System No. (M/F/1/2759/M) date (6/16/1422 AH), (Umm Al-Qura) Official Gazette No. (3863) date (7/18/1422 AH) (Saudi Arabia)
- Civil Law No. (43) of 1976 AD, the Official Gazette No. (2645) dated (1/8/1976 AD) (Jordan)

Press and Publication Law No. (8) for the year (1998AD) and its amendments, The Official Gazette No. (4300) date (1/9/1998 AD) and its amendments up to the amendment No. (4) for the year (2015 AD) Official Gazette No. (5329) date (1/3/2015 AD) (Jordan).