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— BURHAN ALMARIFA —



SAUDI ARABIAN MANAGING PARTNER REPORT

ADVANCES, AI AND AUTOMATION
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CHANGE AND GROWTH

Welcome to the inaugural Managing Partners' Report for Saudi law firms. In navigating the dynamic landscape of our legal market, this publication serves as a compass, reflecting the sector's evolution in harmony with Vision 2030. The transfer of knowledge across generations is paramount in our role as stewards of legal expertise. The seamless integration of experienced practitioners passing their insights to the next wave of legal minds ensures a continuum of excellence. In this era of rapid change, this symbiotic relationship fortifies the foundations on which our legal community stands. Vision 2030 acts as a catalyst, propelling Saudi Arabia into unprecedented growth. The plan not only drives diversification but also initiates transformative reforms, easing the landscape for businesses and encouraging international investment. Our legal sector stands at the nexus of these changes, evolving to meet the demands of a progressive economy.

Embracing technological advancements is not merely an option but a necessity. The integration of legal tech not only expedites processes but also enhances the delivery of justice. Amidst this digital revolution, ethical standards must remain unwavering. Our commitment to upholding the highest ethical benchmarks ensures that the legal profession remains a beacon of trust in an ever-changing world.

As legal practitioners, we are accountable for navigating these advances responsibly. The rapid adoption of technology demands a strategic vision that balances innovation with ethical considerations. Managing Partners bear the responsibility for leading our firms through this transformative period, ensuring that our teams are equipped with the skills and knowledge necessary to thrive in a tech-driven legal landscape.

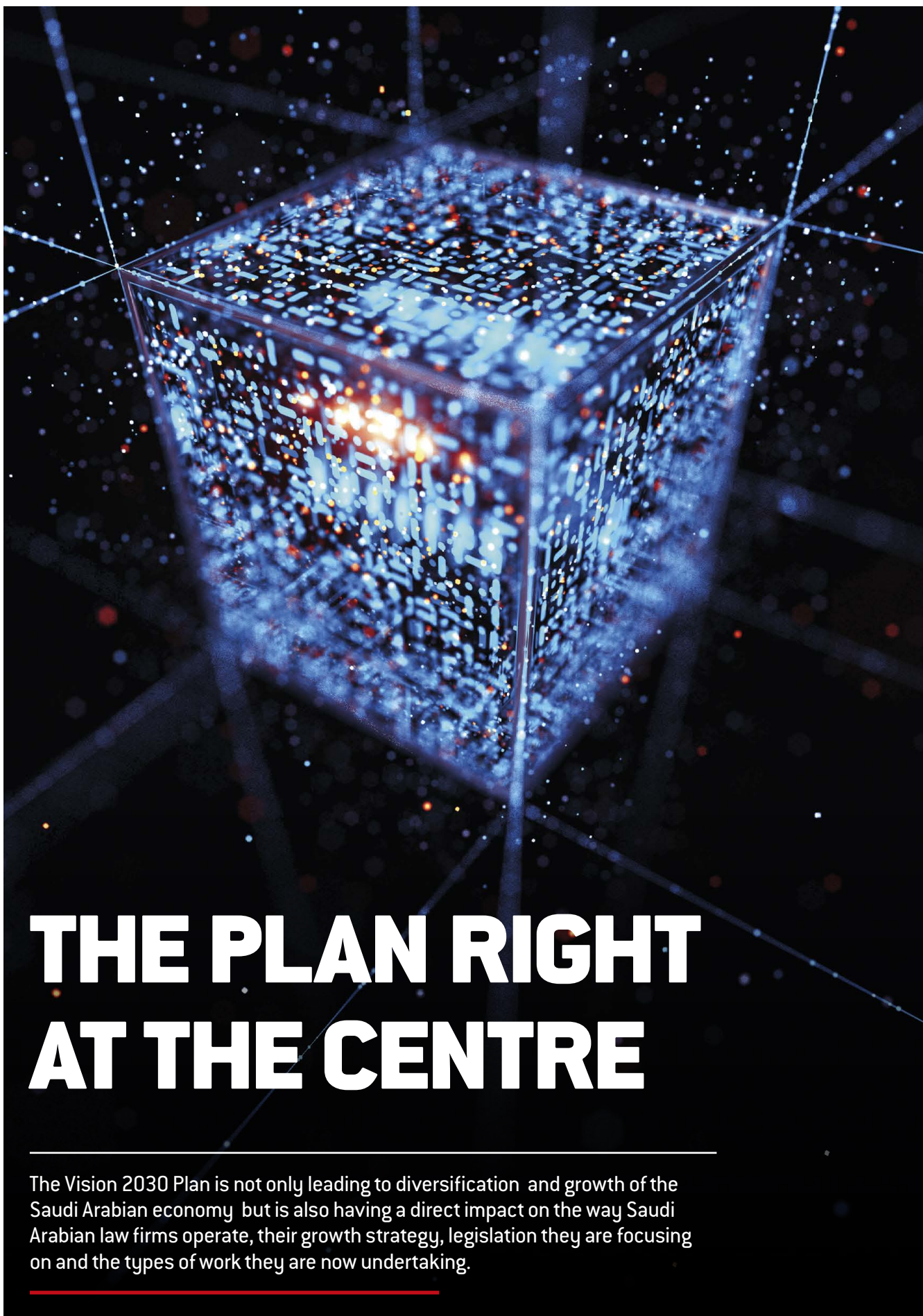
In the context of Vision 2030, managing partners play a pivotal role in aligning legal strategies with the evolving needs of businesses. The metamorphosis in dispute resolution and the rise of arbitration underscore our role as architects of legal solutions. We must proactively guide our firms to adapt to industry-specific challenges, fostering an environment where innovation and ethics coexist seamlessly.

This report encapsulates not just the legal landscape but the strategic responsibility of managing partners in shaping the future. As we navigate the currents of change, we remain steadfast in our commitment to the principles that have shaped us, ensuring the legal sector not only keeps pace with Vision 2030 but also leads the way in crafting a future where justice, innovation, and ethics converge seamlessly.

HRH Princess Hala bint Khaled bin Sultan Al Saud

Founder
Burhan Almarifa

The views and opinions set forth herein are the personal views or opinions of the individuals; they do not necessarily reflect views or opinions of the law firms with which they are associated.



THE PLAN RIGHT AT THE CENTRE

The Vision 2030 Plan is not only leading to diversification and growth of the Saudi Arabian economy but is also having a direct impact on the way Saudi Arabian law firms operate, their growth strategy, legislation they are focusing on and the types of work they are now undertaking.

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What has been most remarkable in this, our very first annual Managing Partners' Report for Saudi Arabia has been that every firm we interviewed reported they had expanded in 2023 and also had plans to do so in 2024.

These plans included both setting up a range of new practice areas and developing the services they offered clients in their existing practice areas. Some firms had also opened new offices, while there were international practices who were taking advantage of recent changes in the law firm licensing regime which had enabled them to register to operate on their own in Saudi Arabia for the first time.

At the heart of all this expansion and change as Fahad Aldehais Almaki of Suhail Partners notes lies Saudi Arabia's Vision 2030, and its aims to diversify the Saudi Arabian economy and improve the business environment there, which in turn is hoped will help encourage increased foreign investment.

As a result of Saudi Arabia Vision 2030, Saudi Arabia has now become one of the fastest growing economies in the world.

Many of the firms we interviewed, including AlSuwikey & AlBusaiyes Law firm have looked at the sectors and industries targeted in Vision 2030, when drawing up their own firm's expansion plans. Sport, transportation (including the maritime sector), health, technology, and financial services (with its increasing digitisation), are now among the sectors being targeted for growth by Saudi law firms.

The developments in these industries and sectors are leading to an increasing demand for specific types of legal services. Fahad M Barabaa & Associates, for example, expect the recent expansion of the sports sector in Saudi Arabia to lead to increased policy drafting work and work on internal procedures for that sector.

While Joza AlRasheed of Herbert Smith Freehills was one of a number who remarked on the Kingdom's strategic decision to transition to renewable energy which as a result of the legal intricacies of this transition and the necessary new infrastructure projects this brings has been leading to an increase in disputes in this area.

However, it has not just been the types of businesses which have been changing in Saudi Arabia as a result of Vision 2030. Even the way businesses choose to establish themselves in the kingdom has been changing, as the economy there evolves. As Mohammed Alaqeel of Mohammed Alaqeel & Co explained: "In the past businesses and companies tended to be set up from scratch in Saudi Arabia but there is now a noticeable shift away from this and towards market participation through resource pooling and collaboration in order to achieve specific goals more efficiently. This change is expected to be facilitated through M&A transactions. Saudi Arabia is emerging as a key market for high-value M&A activities in the region."

Following on from the liberalisation of the foreign investment regulations, Bader AlBusaiyes of AlSuwaiket & AlBusaiyes Law Firm also believes it is highly likely there will be a dramatic increase in cross-border investments, and a growing need for help from experts on the necessary legal documentation and appropriate regulatory frameworks.

A number of the respondents, including Reema A Aref of EY Legal, the first of the Big 4 to establish a legal practice in Saudi Arabia, also expect their capital markets practice to grow.

Vision 2030 has also led to a large number of infrastructure projects and mega infrastructure projects being started in Saudi Arabia. This increasing construction activity and larger numbers of Chinese firms operating in this sector in the kingdom has led to a more general increase in construction dispute work, which Abdulaziz Bin Ali of Abdulaziz Bin Ali law firm notes has included disputes on contract breaches, delays, and quality issues.

INVESTMENT CORRIDOR

While domestic economic growth is undoubtedly an important factor in the expansion of legal services in Saudi Arabia, developments overseas have also had an impact. Herbert Smith Freehills explained how the Middle East's burgeoning investment corridors to and from the UK, Europe, the US, Africa, Asia, and Australia were creating changes too.

As a result, their firm's Middle East practice now includes dedicated teams covering each of those corridors who have the right sector and practice expertise to respond to client needs.

DISPUTE RESOLUTION CHANGES

Perhaps naturally all this increased commercial activity and greater numbers of transactions have also led more generally to greater levels of legal work and more disputes in Saudi Arabia.

Fortunately, given these increasing numbers of disputes in Saudi Arabia, as part of Vision 2030 involves making doing business in the Kingdom simpler and easier, steps have also been taken to expedite justice in Saudi Arabia. As Fahad Barabaa of Fahad Barabaa M Barabaa & Associates states: "There are now specialist judges and new mandatory provisions which have helped litigation procedures here to evolve."

For Suhail Partners it has been the increasing adoption of virtual hearings which has been one of the most noticeable reasons for this acceleration in the judicial process, as hearings are no longer bogged down by logistical constraints and the scheduling delays that were inherent with in-person trials in the past. They add that this digital shift has not only speeded up the overall litigation cycle, but it has also streamlined case management, leading to a significant reduction in the time it takes for a case to progress from the filing stage to resolution.

DISPUTE TRENDS

“Saudi Arabia Ministerial Decision No. 512/1445 has established procedures and guidelines for challenging and appealing court decisions, which should ensure there is a robust, effective system for seeking legal redress.”

Basem AlMaghthawi, AP Legal

“There has been an increase in commercial and bankruptcy disputes this year, particularly in industries such as construction, real estate, and energy. However, the fact, handling and settling these claims out of court is now easier and they are taking less time to settle claims is also having an impact.”

“There has been an increase in the number of shareholder disputes which have been caused by increased corporate restructuring.”

Bader AlBusaiyes, AlSuwaiket & AlBusaiyes Law Firm

“The technological change has also led to us working on more disputes which involve intellectual property, and impersonation, as well as the multi-cultural and multi-technical electronic disputes which are managed remotely and involve E-commerce and multinational companies.”

Dr Fahd Alrefaei, Dr Fahd Alrefaei & Partners Law Firm and Legal Consultations

“During 2023, we have noticed a shift towards key areas such as patent protection and the safeguarding of digital information and data. These areas have emerged as focal points in legal proceedings, and highlight an increased emphasis on intellectual property rights and the critical importance of securing digital assets.”

Abdullah Khairan, Naji Khairan Advocates & Legal Consultants

The firm also believes that the issuing of judicial circulars in Saudi Arabia which cover sets of principles which have been distilled from court precedents, and have become a vital tool in guiding judicial decision-making are also improving litigation in Saudi Arabia by leading to increased consistency and predictability in legal outcomes there.

However, as Abdulaziz Bin Ali of Abdulaziz Bin Ali Law Firm states there have also been changes in the dispute resolution methods being used: “Alternative dispute resolution (ADR) methods such as mediation and arbitration are also now being used more often to resolve commercial maritime disputes,” and as he explains this is because these methods, “offer efficient and cost-effective solutions and help preserve confidentiality and business relationships.”

Meanwhile, ASAP Law are trying to minimise client need to resort to litigation. As a result they have now established a dedicated department which is focusing on providing alternative legal solutions, with mediation a key component of this offering. The firm sees the introduction of the Judicial Costs Law (Saudi Arabia Cabinet Decision No. 65/1443) which specifies and regulates costs, as one of the reasons parties are



increasingly looking for alternative solutions, including mediation and arbitration to litigation, which can be more efficient and cost-effective than resorting to the courts.

LEGISLATIVE CHANGE

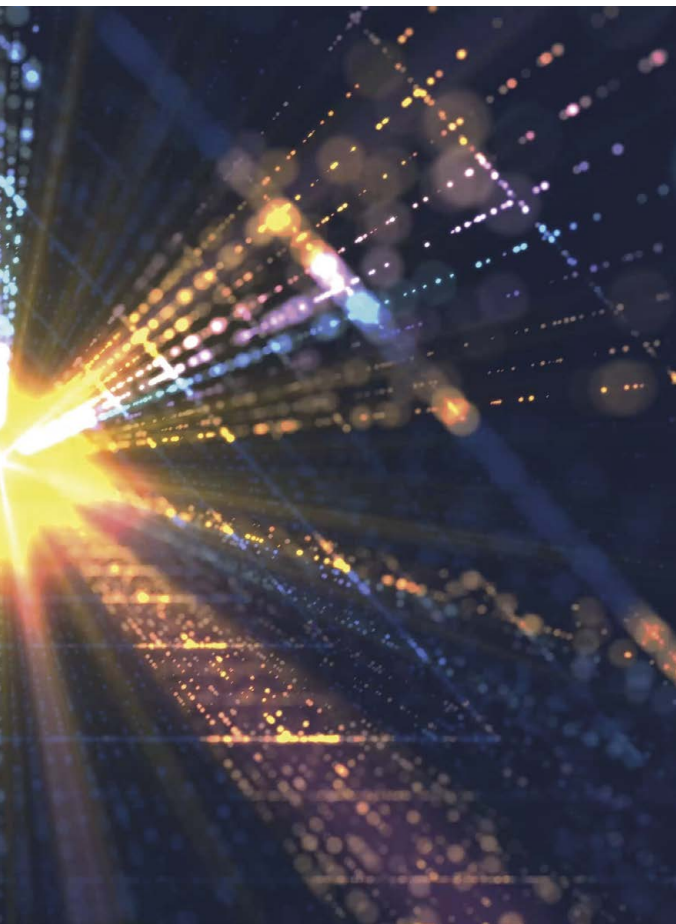
When it comes to what have been the most important laws to have been issued in 2023, again there is considerable agreement.

The new Data Protection Legislation issued this year has been mentioned by many of the firms who are positive about the way it has harmonised the regime in Saudi Arabia with international best practice.

The new Civil Transactions Law (Saudi Arabia Cabinet Decision No. 820/1444) has also been widely praised for the way it sets out clear rules on the interpretation and formation of contracts, and will potentially reduce the numbers of disputes and simplify resolution processes.

Suhail Partners also believe its provisions on ownership and transfer of rights have altered the IP regime in Saudi Arabia. While other firms have seen an increase in contract work.

Meanwhile, Basem AlMaghthawi of AP Legal was among those who felt changes brought in by the new Companies Law (Saudi Arabia Cabinet Decision No. 678/1443), which aims to enhance corporate governance, and make business operations easier in Saudi Arabia have been particularly significant.



He singled out the introduction of a new company structure - the Simplified Joint Stock Company, which he felt should help to attract more foreign investment. Dr Qaisar Hamed Metawea of Dr Qaisar Hamed Metawea agreed on the importance of the Companies Law (Saudi Arabia (Cabinet Decision No. 678/1443) and added that many clients had had to adapt quickly because of the implications it had on the commercial side.

TECHNOLOGICAL CHANGE

2023 has also been the year of AI and automation worldwide, and Saudi Arabian law firms have been part of this revolution.

Abdulaziz Bin Ali Law Firm has used this technology to enable them to handle complex legal matters more effectively and provide data-driven insights to clients.

Meanwhile Herbert Smith Freehills are using in-house tools which use machine learning to provide sophisticated data-informed estimates on the effort and cost of a case. They also use Machine learning tools for document reviews and AI-powered technology to enhance client delivery, foster innovation and efficiency.

Dr Qaisar Hamed Metawea of Dr Qaisar Hamed Metawea Law Firm stated that AI had an important role as firms transitioned from hard copy to digital documents.

He explained: "AI is providing support with electronic document management, storing and organising legal files, document classification, and data extraction with full text search which help make documents more accessible."

ASAP Law is another firm which has been developing and is now enhancing new technological tools in order to automate client interactions. The firm has a Whatsapp Bot called Lawsap which enables clients to send their enquiries and requests through WhatsApp, and have the bot promptly and efficiently respond to them.

They are currently looking into incorporating new technology such as machine learning and AI to enhance the bot's ability to better handle and analyse data, and provide clients with better responses. In addition, AP Legal have been successfully using a program called StartRight as a means of engaging with large numbers of startups.

While Dr Fahd Alrefaei & Partners Law Firm and Legal Consultations have built a system which uses key performance indicators and statistics to assess, monitor and predict conflict and litigation trends and other data about legal processes.

Technological changes of this type have also been impacting law firms' clients and there has been an increase in commercial disputes, especially in the technology and construction sectors. As Dr Meshal Al Akeel of Akeel & Partners added: "We are also increasingly involved in advising clients on digital transformation projects.

This includes navigating the legal challenges related to digital contracts, e-commerce, and online data management."

He continued: "As Saudi Arabia moves towards a more innovation-driven economy, a surge in Intellectual Property (IP) litigation is only to be expected."

Basem AlMaghthawi of AP Legal also expects the growth in industries such as the technology sector, entertainment, and e-commerce is likely to create demand for legal advice on intellectual property.

Government decisions to increase the use of technology in its operations have also impacted the way disputes are being handled.

While over at Nassar & Partner Law, it is felt as all court hearings in Saudi Arabia are now online, and all governmental applications and requests are now carried out through an automated system, and every court, committee, and arbitration centre is now using online resources for all their processes starting with amicable settlement and settlement portals (e.g. Taradi) up to the final decision from the Supreme Court the impact of technology on dispute resolution and processes is significant. As they note these changes include for ihearing attendance, memorandum exchanges and any other requests between the parties which can all now be done online. ■



ABDULAZIZ BIN ALI MANAGING PARTNER ABDULAZIZ BIN ALI LAW FIRM

Abdulaziz Bin Ali is a highly accomplished lawyer whose work focuses on the commercial and disputes sector. He provides strategic advice and guidance to clients, both in Saudi Arabia and internationally, on a wide range of contentious and non-contentious matters.

HAS AI, TECHNOLOGY OR AUTOMATION STARTED TO IMPACT YOUR FIRM OR YOUR CLIENTS?

AI, technology, and automation have started to impact our firm and the type of disputes and projects our clients ask for help with. We have rolled out advanced technology and automation tools in order to streamline our internal processes, improve efficiency, and enhance client service delivery. This technology is enabling us to handle complex legal matters more effectively and provide data-driven insights to clients. In addition, these technological changes have led to an increase in importance of intellectual property protection, confidentiality, and data security, and growing demand from clients for guidance on safeguarding their assets and complying with relevant regulations, as they make these changes.

WHAT IS NEW WITH YOUR FIRM AND WHAT ARE YOUR PLANS FOR 2024?

Our firm is currently experiencing significant growth and expansion. We have ambitious plans in 2024 to further strengthen our market position and enhance our service offering. We plan to expand our client base, domestically and internationally, by leveraging our expertise and providing innovative solutions which meet evolving client needs. We will also invest in cutting-edge technology and talent acquisition to ensure we can continue to deliver exceptional legal services and stay ahead of increasing changes.

WHICH PRACTICE AREAS DO YOU EXPECT TO GROW OR CHANGE IN THE NEXT 12 MONTHS?

Over the next 12 months, we expect growth and changes in Corporate and Commercial law, and in our maritime law practice area. As a result of changes to business and increasing globalisation, we expect to see a surge in corporate

“DISPUTE RESOLUTION (ADR) METHODS SUCH AS MEDIATION AND ARBITRATION ARE ALSO NOW BEING USED MORE OFTEN TO RESOLVE COMMERCIAL MARITIME DISPUTES AS THEY OFFER EFFICIENT AND COST-EFFECTIVE SOLUTIONS AND HELP PRESERVE CONFIDENTIALITY AND BUSINESS RELATIONSHIPS.”

transactions, mergers and acquisitions, and commercial agreements. There have also been a number of significant changes in the maritime industry, including increased trade activity and regulatory change. We are well-positioned to capitalise on these opportunities and provide comprehensive legal support to these sectors.

WHAT DISPUTE/LITIGATION TRENDS HAVE YOU NOTICED IN 2023, COMPARED TO LAST YEAR?

There has been an increase in disputes, particularly in the construction sector, as a result in part of the growing presence of Chinese companies in the region. These disputes tend to involve contract breaches, delays, and quality issues.

Our firm actively handles disputes of this type, and provides effective legal guidance so they can be resolved efficiently. We have also seen

a rise in commercial maritime disputes, which tend to cover a range of maritime trade areas, including contracts, charter parties, cargo claims, and maritime insurance. Issues including contract breaches, disputes over the quality or quantity of goods, delivery delays, and freight disputes are generally behind these disputes.

Alternative dispute resolution (ADR) methods such as mediation and arbitration are also now being used more often to resolve commercial maritime disputes, as they offer efficient and cost-effective solutions and help preserve confidentiality and business relationships.

With commercial maritime disputes experience of maritime law, international trade regulations, and commercial contracts is necessary, and it is important to work with specialist law firms on these complex disputes.

IN 2023, WHICH NEW LEGISLATION/REGULATIONS HAVE HAD THE BIGGEST IMPACT ON YOU AND YOUR CLIENTS?

The Civil Transaction Law (Saudi Arabia Cabinet Decision No. 820/1444) and Companies Law (Saudi Arabia Cabinet Decision No. 678/1443) have had a significant impact on our firm and our clients in 2023. These new laws have introduced important changes and reforms in various areas.

They have also helped to improve transparency, governance, and the protection of the rights and interests of businesses and individuals. We have been closely monitoring these changes and are ensuring our clients remain compliant with these new requirements while also maximising their opportunities for growth and success.

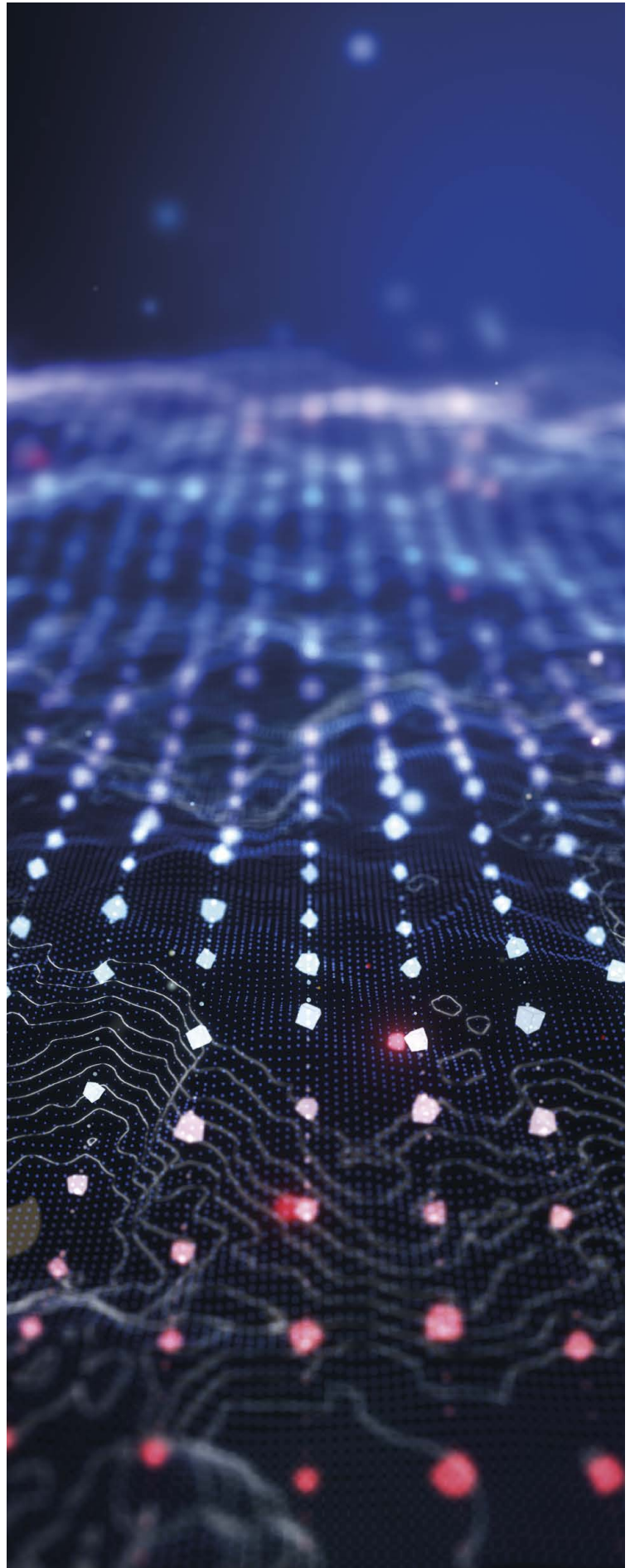
WHAT ADVICE WOULD YOU GIVE TO BUSINESSES IN THE KSA CONSIDERING AN INCREASE IN TECHNOLOGY IN THEIR OPERATIONS??

Saudi Arabian businesses considering an increase in technology in their operations, must also prioritise and raise awareness internally of intellectual property (IP) protection.

As technology becomes more integrated into business processes, the risk of IP infringement and unauthorised use of proprietary information becomes greater. Businesses need to understand their rights and take proactive steps to protect their valuable IP assets.

This includes implementing robust IP protection strategies, conducting regular audits to identify and mitigate risks, and ensuring compliance with relevant laws and regulations.

Seeking legal advice from experienced professionals in this area can provide the necessary guidance and support when navigating the complexities of IP protection and can also help businesses maximise the value of their technological investments. ■





DR MESHAL AL AKEEL AND MARC SAROUFIM, AL AKEEL & PARTNERS

Dr Meshal Al Akeel is the Chairman of Al Akeel & Partners. He is US-educated and licensed by the Saudi Ministry of Justice. His practice focuses primarily on all forms of dispute work, including litigation, arbitration and mediation, and Islamic law matters. His client base includes banks, real estate developers, contractors, retailers, local agents, foreign principals, and multinational companies operating in various industries. He represents clients before a range of courts and boards, including the Board of Grievances, Execution Courts, the SAMA Committee, CMA Committee, Labour Dispute Committees, and Commercial Court, and in arbitration matters.

Marc Saroufim is the Managing Partner of Al Akeel & Partners. He is a US-trained legal consultant with over 20 years' experience of providing advisory services on a wide range of corporate and commercial law matters. He has also worked in the past in the UAE and USA. His client base includes local and international entities and conglomerates, family-owned businesses, high-net-worth individuals, government organisations, and small and medium-sized enterprises, who he advises on joint ventures, mergers and acquisitions, initial public offerings, rights issues, real estate development, agency and distribution, franchises, intellectual property, corporate formations, employment, and company restructuring.

HAS AI, TECHNOLOGY, OR AUTOMATION STARTED TO IMPACT YOUR FIRM OR THE KIND OF DISPUTES/ PROJECTS CLIENTS ARE ASKING YOU TO GET INVOLVED IN?

Dr Meshal Al Akeel: Our firm was a pioneer in integrating AI into legal research and documentation, and it has significantly enhanced our operational efficiency. We are also increasingly involved in advising clients on digital transformation projects. This includes navigating the legal challenges related to digital contracts, e-commerce, and online data management.

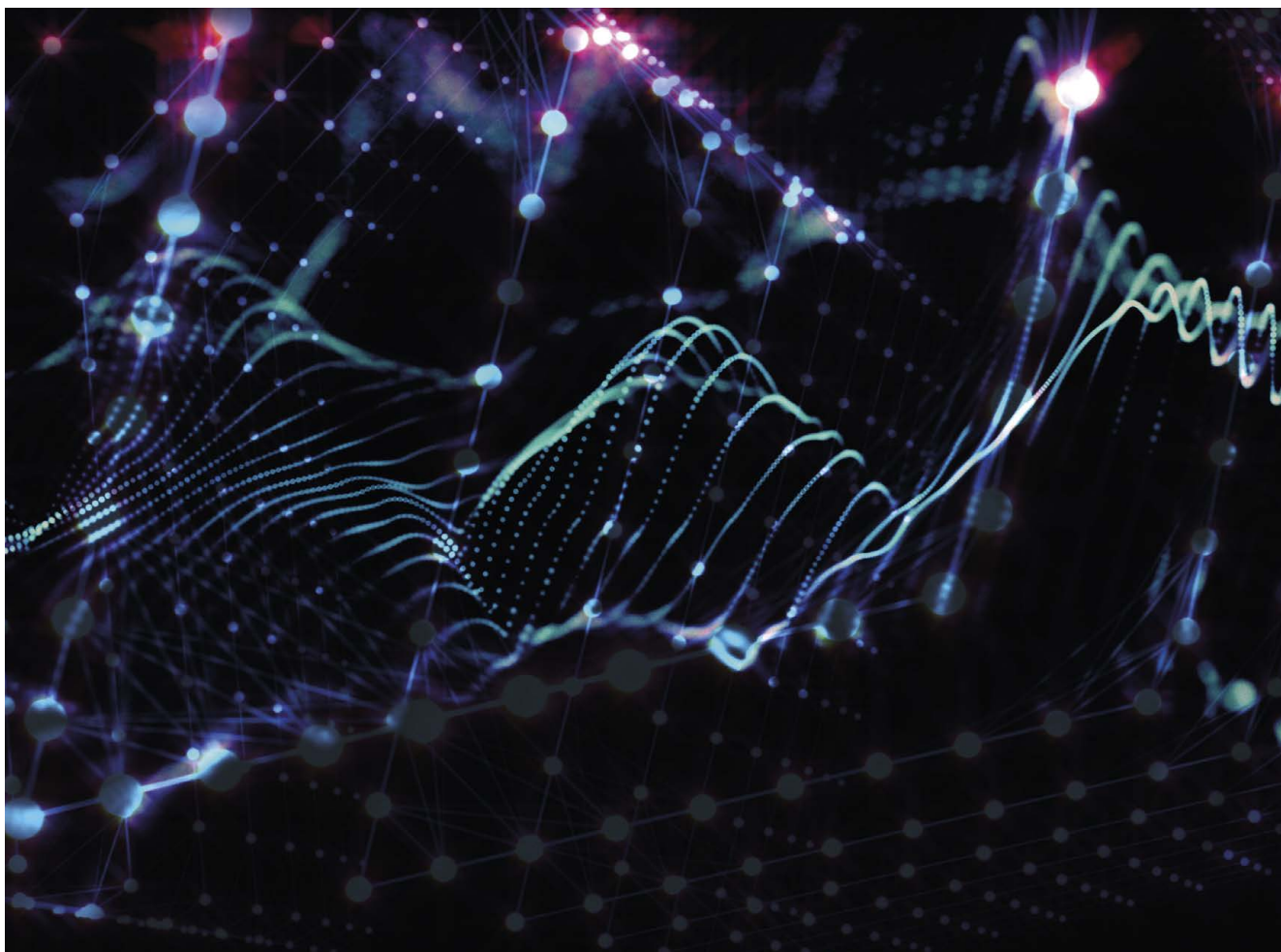
WHAT IS NEW WITH YOUR FIRM AND WHAT ARE YOUR PLANS FOR 2024?

Marc Saroufim: We have recently expanded and now have more associates working for us. We have also strengthened our cooperation with the global law firm Mayer Brown. This strategic alliance should enable us to leverage their international expertise, particularly in cross-border transactions and complex international legal matters. In line with Saudi Arabia's Vision 2030 which aims to diversify the industries and sectors operating in Saudi Arabia, we

have been diversifying the practice areas we operate in and our firm plan matches the sectors which have been highlighted in the national plan. As a result we are developing expertise and capacity in the renewable energy, technology, and financial services, areas where there is significant growth and legal service opportunities. Investment in our staff's continuous professional development also remains a top priority and we are developing more comprehensive training programmes and encouraging our associates to engage in international legal forums so they can broaden their perspectives and skills.

WHICH PRACTICE AREAS DO YOU EXPECT TO GROW OR CHANGE IN THE NEXT 12 MONTHS?

Dr Meshal Al Akeel: Fintech and Cybersecurity are two areas where we expect to see growth in the next 12 months. Given the rapid digitalisation of the financial sector and increased awareness of data security, fintech and cybersecurity are becoming increasingly important areas. As a result we have been developing our expertise in these areas so we can provide specialist legal support. In addition, with data becoming a critical asset for businesses, we have



noticed a growing demand for legal expertise in data protection and privacy laws, which is also an area we are now actively developing.

WHAT DISPUTE/LITIGATION TRENDS HAVE YOU NOTICED IN 2023, COMPARED TO LAST YEAR?

Marc Saroufim: There has been an increase in commercial disputes, especially in the technology and construction sectors, as a result of the increased activity and development in these sectors in Saudi Arabia. Many of these disputes involve complex contractual issues and require detailed legal understanding.

We have also noticed an increase in intellectual property litigation. As Saudi Arabia moves towards a more innovation-driven economy, this surge in Intellectual Property (IP) litigation is only to be expected and we are strengthening our IP law practice to meet this growing need.

IN 2023, WHICH NEW LEGISLATION/REGULATIONS HAVE HAD THE BIGGEST IMPACT ON YOU AND YOUR CLIENTS?

Dr Meshal Al Akeel: For us reforms to the Saudi Foreign Investment regime have been a game-changer, particularly in the way they have eased restrictions and created a more favourable environment for foreign direct investment here. These changes have led to a substantial increase in

“ REFORMS TO THE SAUDI FOREIGN INVESTMENT REGIME HAVE BEEN A GAME-CHANGER.”

the level of advisory services we are providing clients on foreign investment compliance and strategic investment planning.

WHAT ADVICE WOULD YOU GIVE TO BUSINESSES IN THE KSA CONSIDERING AN INCREASE IN TECHNOLOGY IN THEIR OPERATIONS??

Marc Saroufim: As businesses integrate more technology into their operations, they must also be aware of regulatory compliance, particularly in areas like data privacy and cybersecurity.

When it comes to technology, we recommend businesses have a proactive legal strategy and regularly consult legal experts so that they can stay ahead of this evolving legal area.

This will ensure they not only comply with current regulations but are also prepared for future legislative changes. ■



DR BADER ALBUSAIYES MANAGING PARTNER ALSUWAIKET & ALBUSAIYES LAW FIRM

Dr Bader AlBusaiyes has over two decades' experience of work in a range of practice areas, including litigation, arbitration, foreign direct investment and trade, corporate governance, M&A, tax, and insurance regulations, and maritime law and logistics. He is also a fellow of the Chartered Institute of Arbitrators (CIArb).

HAS AI, TECHNOLOGY, OR AUTOMATION STARTED TO IMPACT YOUR FIRM, OR THE KIND OF DISPUTES/ PROJECTS CLIENTS ARE ASKING YOU TO GET INVOLVED IN?

AI and automation have not yet had a significant impact on our day-to-day operations, but we have already been considering the potential this technology has for a firm like us. Following recent advances in AI powered tools we are currently preparing to integrate them into our operations particularly for legal research, document drafting and review, and expect them to improve our accuracy and efficiency in these areas. Our plans include using and investing in AI-driven research tools and adopting automation.

WHAT IS NEW WITH YOUR FIRM AND WHAT ARE YOUR PLANS FOR 2024?

In 2023 we added a number of experienced lawyers and industry specialists to our team. This enabled us to strategically enter both the Logistics and Marine sector. The move into these two sectors was in line with the strategy in Saudi Arabia Vision 2030 as these are seen at a national level as critical growth sectors. Recently our focus has been to broaden the scope of our offering to include intellectual property, commercial litigation, and arbitration in the marine industry within our services. Our strategic initiatives for 2024 include team expansion, practice area diversification, investment in cutting-edge technology and innovation. Throughout 2023 we will continue to focus on strategic expansion. This will mean adding legal professionals with a range of specialisms to our team and cooperating more with international firms, so we are better able to offer complete legal support to a variety of industries. Diversifying our practice areas is also crucial. We have to be ready to address the changing needs of our clients in a business world that is changing fast. We are also strengthening our capabilities in a number

of developing potential sectors, such as renewable energy and technology. Our approach in 2024 will also include embracing technological improvements. To enable our team to provide top-notch services more effectively and efficiently, we are investing in the most modern technological solutions which will streamline our operations, improve productivity when researching, improve legal drafting and enable seamless communication.

WHICH PRACTICE AREAS DO YOU EXPECT TO GROW OR CHANGE IN 2024?

Over the next year, we expect to see substantial growth and transformation in a number of specific practice areas as a result of the market and our clients' evolving needs. As a result of the fast moving business environment in Saudi Arabia, we expect to see a surge in commercial litigation and a growing need for experience, dispute resolution, contract enforcement, and regulatory compliance.

Businesses in Saudi Arabia are also increasingly opting for alternative dispute resolution methods, particularly arbitration, so we expect to notable expansion in this practice area, which will require more specialist arbitrators and legal experts.

Then with data protection and privacy, new legislation (Saudi Arabia Cabinet Decision No. 98/1443) and its related regulations) has come into force. In addition, there has been an increase in data related disputes. As a result compliance with data protection and privacy laws has become more important and this has led to growth in this practice area. Meanwhile as a result of business model changes and technological improvements, securing intellectual property rights has also become more important in Saudi Arabia and this has led to an increase in demand in this practice area, In addition, the levels of economic growth and regulatory change are likely to lead to more M&A activity and corporate restructuring

which may increase demand for legal guidance on these complex transactions. Following on from the liberalisation of the foreign investment regulations, it is also highly likely there will be a dramatic increase in cross-border investments, and a need for help from experts on the legal documentation needed and regulatory frameworks.

A growing emphasis on sustainable development, is also likely to lead to substantial growth in the renewable energy sector in the coming years, as potential mega projects are proposed in the various provinces of Saudi Arabia. Finally, given the digital revolution that is currently taking place and the rise of visual media and technology, legal advice in areas such as content licensing, copyright, and technology contracts will also be essential. Being adaptable and having expertise in these changing practice areas will play a key part in ensuring we are able to provide clients with comprehensive and effective legal solutions

WHAT DISPUTE/LITIGATION TRENDS HAVE YOU NOTICED IN 2023, COMPARED TO LAST YEAR?

There have been a number of significant changes in disputes and litigation in Saudi Arabia in 2023 compared to the previous year. For example, there has been an increase in commercial and bankruptcy disputes this year, particularly in industries such as construction, real estate, and energy. This could be as a result of factors including changes in the rules and regulations affecting these industries and economic changes. However, the fact handling and settling these claims out of court is now easier and they are taking less time to settle claims is also having an impact.

Another change has been the increasing popularity of Alternative Dispute Resolution as a method for settling disputes. Businesses in Saudi Arabia are becoming more aware of the benefits of arbitration, including confidentiality, adaptability, and the ability to select arbitrators with specific expertise. As a result there is a growing preference for alternate dispute channels but also a need for more effective and personalised resolution procedures. This greater focus on alternative dispute resolution (ADR) shows a growing understanding of the advantages of amicable resolution, and that there is shift away from the more adversarial legal approach.

The increasing reliance on digital platforms for marketing and business operations is also leading to a rise in media-based data protection and privacy disputes. This change also shows how important it is to have a strong data protection framework and legal knowledge in order to handle the complexities of data privacy legislation.

There has also been an increase in the number of shareholder disputes which has been caused by increased corporate restructuring. This also highlights how corporate governance is changing and the importance of having appropriate legal support to get through these difficult transitions.

IN 2023 WHICH NEW LEGISLATION/REGULATIONS HAVE HAD THE BIGGEST IMPACT ON YOU AND YOUR CLIENTS?

The introduction of the Personal Data Protection Law (Saudi Arabia Cabinet Decision No. 98/1443 and its associated regulations) has been a pivotal development, and has made areas such as data subject consent and complying with stringent regulations on personal data handling more important. This has led to us undertaking a thorough review and developing our data management and protection practices to ensure compliance with the new legal regime.

Another significant change has been the Civil Transaction Law (Saudi Arabia Cabinet Decision No. 820/1444) which has given international investors a precise legal structure to work within and has simplified commercial transactions and the negotiation of contracts.

The legal clarity this law has brought with it has made transactions easier and made doing business in Saudi Arabia much simpler than before.

There have been two other regulations which have had a big impact on law firms and their clients in 2023.

The new Foreign Investment Law and the Regional Head Quarters Programme have created exciting opportunities for international investment and cooperation. These legislative changes have encouraged us to adapt our services to meet the demands of a more widespread foreign clientele. This approach is also in line with the Vision 2030's economic diversification and globalisation goals.

WHAT ADVICE WOULD YOU GIVE TO BUSINESSES IN THE KSA CONSIDERING AN INCREASE IN TECHNOLOGY IN THEIR OPERATIONS?

Businesses considering an increase in technology in their operations should first undertake a meticulous legal review and fully assess the advantages and disadvantages of adopting that new technology.

They should also make sure they have a capable legal team in place for the project which is knowledgeable about technological subtleties, as this is essential if you are to effectively manage and implement the integration of new technology.

It is also important to have legal alignment with any technological advances. Businesses should ensure that legal frameworks are altered so that they cover technological changes and keep pace with rapid changes in technology. In addition, it is important to prioritise thorough training and spreading awareness to employees/

Employees must fully understand the legal aspects of any technological changes being made and how to ensure lawful application of the technology which is being implemented. Procedures should also be put in place to enable continuous legal monitoring, so prompt modifications can be made to legal procedures as business needs and technological developments evolve. ■



BASEM ALMAGHTHAWI MANAGING PARTNER AP LEGAL

Basem AlMaghthawi is an expert in multi-jurisdictional transactions. He assists clients with negotiations and large transactions on an international basis. Other areas of expertise include ESOP plans, SAFE agreements, work on investment deals, financing and capital markets, and IPOs. He also has sectoral experience with energy, automotive, construction and FinTech clients.

HAS AI, TECHNOLOGY, OR AUTOMATION STARTED TO IMPACT YOUR FIRM, OR THE KIND OF DISPUTES/ PROJECTS CLIENTS ARE ASKING YOU TO GET INVOLVED IN?

AI, technology, and automation have started to impact law firms and the types of disputes and projects clients want help with. AI-powered tools are being used for legal research, document analysis, contract management, and due diligence, leading to increased efficiency and cost savings. Technology is also enabling remote collaboration, so firms can work with clients and handle disputes and projects more seamlessly across different locations. We are also seeing more technology-related disputes, including those involving intellectual property infringement, data breaches, cybersecurity, and e-commerce transactions. Regulatory regimes involving technology, AI, and automation are also evolving creating a greater need for legal advice from clients who wish to comply with these areas. In the legal industry, AI, technology, and automation are transforming processes, introducing new legal challenges, and changing the types of disputes and projects clients want legal assistance with. Legal professionals are adapting to these changes by incorporating technology into their practices and developing expertise in the emerging areas of law related to AI and technology.

WHAT IS NEW WITH YOUR FIRM AND WHAT ARE YOUR PLANS FOR 2024?

In 2024, we have plans to enhance our offerings and strengthen our position as a trusted legal partner. A key focus will be the expansion of our practice areas to meet clients' evolving needs. We are considering adding some new practice areas and expanding existing ones which may mean hiring lawyers with experience in these emerging areas. Embracing new technology is another crucial part of our 2024 plans. In 2023, we successfully used the StartRight

platform with a large number of startups. We now plan to invest in a number of new systems, advanced case management systems, new legal research tools and digital collaboration platforms which should enable us to streamline our operations and provide more seamless and effective legal solutions. Attracting and retaining top legal talent also remains a priority. We will continue to offer competitive compensation packages, and have a strong emphasis on professional development opportunities. We are also committed to providing a supportive work environment which values diversity and inclusion. We want to create an inclusive and diverse team which can provide comprehensive legal services but also reflects our clients' diverse needs. We take a client-centric approach and will increase our focus on understanding clients' needs. We hope by tailoring services to their specific requirements, we can provide personalised legal solutions which deliver exceptional results. Proactive communication, timely updates, and building long-term relationships based on trust will continue to be cornerstones of our client service strategy. By honing our expertise in specific sectors, we will also be able to offer targeted legal advice and solutions to clients in those sectors. This specialisation will enable us to provide valuable insights and tailored support to our clients. We are also committed to sustainability and corporate social responsibility and in 2024 will be adopting environmentally friendly policies within our firm and actively engaging in pro bono initiatives. Community outreach programmes will also be a significant part of our efforts to make a positive impact beyond the legal sector.

WHICH PRACTICE AREAS DO YOU EXPECT TO GROW OR CHANGE IN 2024?

There are a number of areas where we expect to grow in 2024. The rapid advancements in technology, including in AI, cybersecurity, and data privacy, is

creating an increased demand for legal expertise in technology-related areas which is likely to grow. There is an increasing focus on data privacy now, driven by new legislation such as the Saudi Arabian Data Protection Law (Saudi Arabia Cabinet Decision No. 98/1443) and related regulations, as well as growing consumer concern. Clients want legal advice on compliance, data breach response, and dealing with cross-border data transfers. In this age of innovation and digital content, protecting intellectual property rights is also becoming more crucial. The growth in industries such as the technology sector, entertainment, and e-commerce is also likely to create demand for legal advice on intellectual property. In addition, as both society and business increasingly prioritise environmental sustainability, we expect there to be greater demand for legal services which are related to environmental regulations, renewable energy, climate change, and green initiatives.

The healthcare industry is another constantly developing sector and legal professionals who specialise in healthcare regulations, telemedicine, pharmaceuticals, and medical technology are likely to be in high demand.

There has also been significant change in International Trade and Compliance Law, so businesses are increasingly seeking legal guidance on international trade agreements, export controls, sanctions, and customs compliance. Finally, in the financial services area, the rise of blockchain technology and increasing adoption of cryptocurrencies may also lead to a greater need for advice on regulatory compliance in this area, as well as on smart contracts, initial coin offerings (ICOs), and digital asset management.

WHAT DISPUTE/LITIGATION TRENDS HAVE YOU NOTICED IN 2023, COMPARED TO LAST YEAR?

In Saudi Arabia there have been a number of new laws which have had a specific impact on dispute resolution and continue to do so. These include the Evidence Law (Saudi Arabia Cabinet Decision No. 283/1443), the Civil Transactions Law (Saudi Arabia Cabinet Decision No. 820/1444) and the Executive Regulations for Objecting to Judgments (Saudi Arabia Ministerial Decision No. 512/1445). Saudi Arabia Cabinet Decision No. 283/1443 has introduced provisions which govern the admissibility and evaluation of evidence in legal proceedings. These will ensure fairness, transparency, and accuracy in the judicial process, and help support the integrity of judgments. Meanwhile, Saudi Arabia Cabinet Decision No. 820/1444 covers a range of civil law aspects, and provides a comprehensive legal framework for contracts, obligations, and civil rights. Lastly, Saudi Arabia Ministerial Decision No. 512/1445 has established procedures and guidelines for challenging and appealing court decisions, which should ensure there is a robust, effective system for seeking legal redress. These new laws are a significant milestone in

the evolution of the Courts, and should create a more efficient and just judicial system in Saudi Arabia.

IN 2023 WHICH NEW LEGISLATION/REGULATIONS HAVE HAD THE BIGGEST IMPACT ON YOU AND YOUR CLIENTS?

One of the key changes has been the new Companies Law (Saudi Arabia Cabinet Decision No. 678/1443), which aims to enhance corporate governance, and make business operations easier here. It has also introduced a new company structure - the Simplified Joint Stock Company, and should help to attract more foreign investment. It may have an effect on corporate structures, shareholder rights, and compliance requirements. The Central Bank and Capital Market Authority in Saudi Arabia have also been reshaping the financial sector by adopting new laws and regulations, while also supporting the use of technology in the FinTech industry following the creation of a successful sandbox regulatory environment.

There have been initiatives in areas such as Crowdfunding, and Buy Now Pay Later.

A final significant change has been the coming into force of the Personal Data Protection Law (Saudi Arabia Cabinet Decision No. 98/1443) and its associated regulations. This law aligns with international data protection standards and imposes obligations on organisations handling personal data. Businesses have had to change their practices in order to comply with the new requirements on consent, data subject rights, and data security when collecting, processing, storing, and transferring personal data.

WHAT ADVICE WOULD YOU GIVE TO BUSINESSES IN THE KSA CONSIDERING AN INCREASE IN TECHNOLOGY IN THEIR OPERATIONS?

When considering increasing the use of technology businesses must first assess their specific needs and define clear goals that technology can help achieve. This will guide their decision-making processes and help ensure technology adoption aligns with their objectives. It is also important to plan strategically. They should develop a well-thought-out technology adoption strategy which considers areas such as budget, timelines, scalability, and the potential impact on employees and workflows.

This strategy will act as a roadmap for successful implementation. Conducting thorough research is also crucial to identifying the right technological solutions. Businesses should explore available technologies and solutions which are relevant to their industry and operations.

Areas to consider include compatibility, security, reliability, and ongoing support. Consulting with technology experts or consultants who have experience in implementing similar solutions can also help them make informed decisions and avoid potential pitfalls. ■



AYMAN ALSAHAYAN MANAGING PARTNER ASAP LAW

Ayman AlSahayan is both the Managing Partner and Development and Innovation Manager at ASAP Law. He is also an advisor at the Saudi Bar Association and served as the Vice Chairman of the Lawyers Committee in the Riyadh region. He has a diploma in Total Quality Management and an advanced license in Legal Project Management. His areas of expertise include corporate and bankruptcy law and tax advisory work. He also provides clients with brand consulting and patent law advice, and guidance on labour and property law.

HAS AI, TECHNOLOGY, OR AUTOMATION STARTED TO IMPACT YOUR FIRM, OR THE KIND OF DISPUTES/ PROJECTS CLIENTS ARE ASKING YOU TO GET INVOLVED IN?

We have a plan to enhance the technical aspects of our work using technology. For example, we have a WhatsApp bot called Lawsap. This project began in 2023 and will roll out in 2024 and is part of our commitment to continuous improvement. We are working to improve and develop the Lawsap WhatsApp bot, which is a computer program designed to interact with users through WhatsApp. The bot is used to meet the specific needs and requirements of users, and help provide them with information and services in a quick and efficient manner. It has significantly reduced the amount of time our team spends interacting with clients and addressing their enquiries, allowing them to focus on more complex and critical tasks.

Clients can send their enquiries and requests through WhatsApp, and the bot promptly and efficiently responds to them. It then provides basic information such as working hours and the company's location, and directs them to the relevant individual in cases of specialist work. We have been looking at ways to expand its capabilities and improve its performance. We hope to enhance the bot's user interface, increase its query handling capabilities and provide more accurate and comprehensive answers using it. We are also looking at improving its automated response capabilities, and enhancing its speed and efficiency in executing various tasks. We may also incorporate some new technology in it too, such as machine learning and artificial intelligence, to enhance its ability to better handle and analyse data, and provide better responses.

In addition, we hope to develop a robust

database management system for the bot, and improve its information storage and retrieval methods which should improve its performance and increase its efficiency.

Artificial intelligence has had a positive impact on our firm. We have implemented an electronic platform to manage our legal projects, which has been invaluable when it comes to analysis and future predictions. This enables us to systematically organise and track our legal projects, allows task allocation, assignment of responsibilities, and deadlines to be set, aiding efficiency and effective monitoring. This system's data analysis capabilities and statistical insights, also provide us with comprehensive reports and analytics on projects and overall performance, which help with strategic decision-making and process improvement.

WHAT IS NEW WITH YOUR FIRM AND WHAT ARE YOUR PLANS FOR 2024?

Our main aim is to facilitate amicable resolution of disputes through mediation and reconciliation, and minimise client need to resort to litigation. We have now established a dedicated department which is focusing on providing alternative legal solutions. It will offer clients a range of services and resources which promote the amicable resolution of conflicts. For example, mediation will be a key component of this offering and will allow parties in disputes to take part in facilitated negotiations with the assistance of a neutral third party. Our new team is made up of experienced mediators and professionals who are well-versed in conflict resolution techniques. They have the necessary skills to guide parties through the mediation process, help them communicate effectively with their opponent, identify common interests, and develop mutually beneficial solutions.

Mediation and reconciliation, provide several advantages. They offer a confidential and private environment and help ensure sensitive information remains confidential.

They also allow parties to maintain control over the outcome of their disputes, rather than relying on a judgment imposed by a court. This enables them to find creative and customised solutions to their problems which meet their specific needs and interests.

This approach can also significantly reduce the time and cost associated with traditional litigation. We are currently actively promoting this approach to our clients and the wider community.

WHICH PRACTICE AREAS DO YOU EXPECT TO GROW OR CHANGE IN THE NEXT 12 MONTHS?

We expect to see changes in the type of work we do as a result of the new Civil Transactions Law (Saudi Arabia Cabinet Decision No. 820/1444) and developments in the sports industry. Saudi Arabia Cabinet Decision No. 820/1444 is a comprehensive piece of legislation which covers a wide range of legal matters involving civil transactions between individuals and entities. These include contracts, property rights, commercial transactions, and personal rights. By providing clear guidelines and regulations, this law has helped promote transparency, fairness, and efficiency in civil transactions. It aims to protect the rights and interests of individuals and ensure smoother functioning of business and commercial activities. With the continuous development of economic and commercial activities being seen in Saudi Arabia, having a robust legal framework for civil transactions became vital. Saudi Arabia Cabinet Decision No. 820/1444 now provides a solid foundation for conducting business transactions, promoting investments, and facilitating economic growth.

As a result, we expect to see increased demand for contract drafting, negotiation, and dispute resolution in the context of civil transactions. This will be driven by a growing need for legal expertise to navigate complex contractual relationships and ensure compliance with the law.

In addition the sports industry is another area where we expect to see significant growth in the near future. Sport has become a major industry worldwide, and includes professional leagues, athletes, clubs, and a range of stakeholders.

As the sports sector expands in Saudi Arabia, the need for legal support and expertise in this area will become crucial. Here relevant legal matters can range from contract negotiations and athlete representation to intellectual property rights, sponsorship agreements, and dispute resolution. Sports organisations and athletes need legal guidance in order to navigate these complex regulatory frameworks, protect their rights, and ensure

compliance with the rules and regulations of their sport's governing bodies.

The growing popularity of sports events, the emergence of e-sports, and the increased commercialisation of sports is also creating new legal challenges and opportunities. Legal professionals who specialise in sports law can provide assistance in areas including drafting contracts, resolving disputes, safeguarding intellectual property, and advising on regulatory compliance.

IN 2023 WHICH NEW LEGISLATION/REGULATIONS HAVE HAD THE BIGGEST IMPACT ON YOU AND YOUR CLIENTS?

The Judicial Costs Law (Saudi Arabia Cabinet Decision No. 65/1443) has had a significant impact on our work. This law aims to reduce the financial burden for parties involved in legal disputes. It establishes the fees and expenses parties must pay within the framework of a lawsuit. The goal is ensuring fairness in cost and achieving material justice in conflicts. By specifying and regulating costs, this law has encouraged parties to seek alternative solutions, including mediation and arbitration, which can be more efficient and cost-effective than resorting to the courts.

The Evidence Law (Saudi Arabia Cabinet Decision No. 283/1443) has also had a significant impact. This law provides a legal framework for the collection and presentation of evidence in judicial disputes. It has introduced important changes which allow digital evidence to be used and have enhanced its status in legal cases. It also recognises that digital technology has become an integral part of daily life and can provide strong, valid evidence in disputes. As a result, parties can now use electronic and digital evidence, such as emails, digital conversations, and electronic documents, as powerful legal evidence before the court. This helps them better support their arguments and clarify facts. It also reduces the need to rely on traditional forms of evidence which may be more costly and complex.

WHAT ADVICE WOULD YOU GIVE TO BUSINESSES IN THE KSA CONSIDERING AN INCREASE IN TECHNOLOGY IN THEIR OPERATIONS?

My advice to business is to invest more in technology as it can significantly enhance business operations. It can streamline processes, improve service delivery, and even reduce costs. However, it is vital to remember the principles you value, such as Safety and Accountability.

In technology context, this can mean ensuring data privacy and being accountable for tech-related decisions. It is important to adapt to the changes technology brings and be sincere in all your dealings, with clients and employees. It is also important to remember technology is just a tool, it is how we use it that makes all the difference. ■



DR FAHD ALREFAEI CO-FOUNDER, DR FAHD ALREFAEI & PARTNERS LAW FIRM AND LEGAL CONSULTATIONS

Dr Fahd Alrefaei is a specialist in finance, banking and commercial law. When he set up his law firm his aim was to provide specialist support to clients in Sharia, legal advice, arbitration, and notary services. He is also an expert in arbitration and the Deputy Secretary General of the Arab Union for International Commercial Arbitration.

HAS AI, TECHNOLOGY, OR AUTOMATION STARTED TO IMPACT YOUR FIRM, OR THE KIND OF DISPUTES/PROJECTS CLIENTS ARE ASKING YOU TO GET INVOLVED IN?

We have pioneered the adoption of knowledge management methods and digital transformation. Our firm launched a specialist digital transformation project and use an enterprise resource planning (ERP) system which helps to automate and manage legal, administrative, financial matters, logistics, marketing, and key organisational work so we achieve better performance. This system coordinates data flow between the various processes, provides one source of reality, and allows us to simplify the process. We can also link the company's administrative and financial data, supply chain information, legal processes, prepare reports, and manage human resources matters on one platform. We have also been preparing legal codes (Algorithms) for legal processes and legal policy and procedure guidelines which are allowing us to automate all our processes, including important legal processes. Through the ERP system and our other systems, it is possible to use Artificial Intelligence techniques to perform traditional manual tasks more efficiently and to communicate with clients. We also align our legal and advisory services so they match the many legal platforms used for our legal work in order to carry out legal research more efficiently. The types of clients we deal with have changed as a result of this digital transformation, the AI revolution, and increased automation of processes. It is impacting the type of issues, pleadings and defense mechanisms. These days we increasingly receive qualitative issues with technological dimensions, and as a result, traditional clients and issues have tended to disappear. The type of disputes we are involved in has also changed. They are no longer simple issues, and instead are complex issues which first require preparation and specialist training of our team. As a result, we are looking for talent which is qualified and experienced in modern technology to support this qualitative and quantitative transformation.

The technological change has also led to us working on more disputes which involve intellectual property, and impersonation, as well as the multi-cultural and multi-technical electronic disputes which are managed remotely and involve E-commerce and multinational companies. Digital transformation is no longer a luxury or a trend that just involves marketing it is now a mainstay required by reality, clients, the type of issues we are facing, global and local trends, cryptocurrency, e-commerce, social media and the expansion in remote working. We are also seeing technology being used in money laundering, and fraud and misrepresentation. AI is forcing us to keep up with these changes. Access and communication with clients is all being done in a modern, technical way without the need for physical presence, delivery of paper documents, and evidence. Remote conference platforms, default session applications, cloud storage services, increased adoption of electronic fingerprints, and links with state institutions through electronic platforms and applications such as Tawakkalna, Nafath, Absher, and Najiz are all helping to enable better, more efficient and more reliable information exchange. Businesses in Saudi Arabia have to make sure that any ERP system they put in place is aligned to Government systems and meet the compliance requirements. Automation can lead to the loss of some kinds of client and when you use technology you can sometimes face new issues such as unexpected downtime and disruption, hacking, plagiarism, misinformation, and permanent or temporary loss of information as a result of disasters, or wars. Care must be taken not to rely entirely on technology, and to also develop contingencies, alternatives and precautions. Staff, lawyers and consultants should be trained in alternative ways and methods of working which can be used when necessary.

WHAT IS NEW WITH YOUR FIRM AND WHAT ARE YOUR PLANS FOR 2024?

We aim to be an extension of Saudi Arabia's growth and prosperity which is resulting from the Vision 2030 goals.

One of our most important decisions was separating ownership of the firm from its management. We now have an executive director who is a business management specialist and has taken on all executive responsibilities and is responsible for ensuring there are effective governance processes. We also have a financial manager who is a specialist in that field. In terms of plans for 2024, we have a long-term, five-year strategic plan and are working towards transforming from a professional limited liability company into a professional joint stock company working in the field of law and legal consultations. We will be one of the first companies to complete that transformation. Therefore, our plans for 2024 are an extension of that strategic plan which we launched in 2022. It focuses on directing all our work towards taking into account institutional excellence. We have a 21 paths of excellence and development programme. We have set up a human resources department and a department of operational excellence, and have a HR specialist to leads in this area. We have also recruited a marketing specialist and a legal affairs specialist who organises our legal operations and works on improving efficiency and effectiveness. In addition, we have set up a legal project management office to organise and coordinate legal projects and ensure work quality.

Recently, we launched a qualitative digital transformation project in order to better organise our knowledge management processes, and complete the move towards automation for all our operations. A key priority has been creating governance guides for all our business which protect the owners' rights and clarify roles, duties, and rights of all stakeholders. We also apply the Kaizen and Lean Six Sigma methodologies to improve our business.

WHICH PRACTICE AREAS DO YOU EXPECT TO GROW OR CHANGE IN 2024?

Vision 2030 is paving the way for a promising future, which has seen the amendment of legislation and promotion of the rule of law. Global changes are also becoming opportunities for participating in international practice and we are now providing more legal services to non-Saudis. The Saudi accreditation standards for legal practitioners are expected to develop the concept of national legal capacity in line with a lawyer category list. Legal services are expected to take on an international flavour. In our company we have a team which study and analyses legal procedures within the systems of legal bodies in order to promote efficiency and good practice when our team undertake these legal procedures. We expect growth or change in a number of practice areas as a result of changes in the legal profession, social needs, and business requirements. These include legal and professional advice, legal studies and research, foreign investment, intellectual property, commercial arbitration and mediation, corporate governance, legal compliance, and incorporation. We also expect to see an increase in mergers and partnerships between legal and other professional entities due to intense competition. There

may also be an increase in travel and tourism business, more sports law, environmental, execution, international, traffic, medical malpractice, insurance and employment cases. There may be more construction and contracting work, more compensation claims, an increase in tax cases and tax and zakat disputes. More gas, oil, and energy, financial market and debt collection work could also appear. There may be more requests for the creation and revision of international agreements, and for legal translation.

However, there will be less in-person court attendance and less involving paper-based practices. We may also see malicious cases, dubious claims, excessive compensation requests reducing or disappearing, and most personal status cases being resolved by the new systems and regulations which have been brought in. The greater use of technology will also mean clients will no longer need to make as many in person visits to our premises.

WHAT DISPUTE/LITIGATION TRENDS HAVE YOU NOTICED IN 2023, COMPARED TO LAST YEAR?

As a result of Saudi Arabia Vision 2030, Saudi Arabia has become one of the 20 most economically developed countries in the world and because of this development, the Saudi Ministry of Justice, the Bar Association, and all the institutions involved in organising litigation procedures here have been looking at ways to improve the way the legal system works. Law firms have to monitor and keep up to date with these changes. As a result we have developed a mechanism for all data and information on conflict or litigation trends. We have built a system which uses key performance indicators and statistics to assess, monitor and predict conflict and litigation trends and other data about legal processes. Some trends stand out. Compared to 2022, we are seeing an increase in commercial disputes and litigation of all kinds. There has also been more medical malpractice, labour and insurance disputes or litigation. There is an increased number of cases involving financial and administrative corruption and bankruptcy proceedings. In addition, commercial arbitration is rising, along with compensation claims and execution disputes.

IN 2023 WHICH NEW LEGISLATION/REGULATIONS HAVE HAD THE BIGGEST IMPACT ON YOU AND YOUR CLIENTS?

The Ministry of Justice has been focusing on improving judicial practice through the development of legislation, regulations and new operational processes. In 2023, several new laws have had a significant impact on us and our clients.

These include changes to the law on Civil Status, the issuing of a new civil transactions law (Saudi Arabia Cabinet Decision No. 820/1444), a new Evidence Law (Saudi Arabia Cabinet Decision No. 283/1443) and a new Companies law (Saudi Arabia Cabinet Decision No. 678/1443). There has also been an important Real Estate Contribution Law (Saudi Arabia Cabinet Decision No. 881/1444), amendments to the Lawyers' Law and changes on the suspension of services controls. ■



DR QAISAR HAMED METAWEA MANAGING PARTNER, DR QAISAR HAMED METAWEA LAW FIRM

Dr Qaisar Hamed Metawea is experienced in a wide range of areas, including commercial and corporate law, construction, real-estate, tourism, aviation law, foreign investment, competition, intellectual property, digital and data, tax, maritime, and insurance law. He helps clients on filing for tenders and other related GAC documents and collaborates with governmental authorities on developing and assessing regulatory policies.

HAS AI, TECHNOLOGY, OR AUTOMATION STARTED TO IMPACT YOUR FIRM, OR THE KIND OF DISPUTES/ PROJECTS CLIENTS ARE ASKING YOU TO GET INVOLVED IN?

Up until now AI and technology have had a relatively minimal but substantial impact on our firm and client services. AI is complementing our work in legal research. AI-powered research tools and platforms help us in many cases with the analysis of large volumes of legal documents. It has optimised our efficiency, in areas such as workflow management and resource allocation. We have also used it to enhance our cybersecurity and help protect sensitive client information. As we transition from hard copy to digital documents, AI helps with electronic document management, storing and organising legal files, document classification, and data extraction with full text search which is making documents more accessible. However, the extent of the impact is still relatively limited compared to the wide range of legal services we provide. It helps to streamline routine, time-consuming processes, while our core legal work, such as complex legal analysis, client counseling, and advocacy, still largely relies on human expertise and involvement. We acknowledge its potential and plan to integrate more AI features into our systems for potential future use. However, AI adoption must align with business objectives and enhance efficiency, reduce costs, and improve customer experiences without negatively impacting market credibility. Businesses must assess potential costs and benefits and consider areas such as initial investment, operational costs, and expected returns. Assessing industry relevance is also important as some sectors benefit more from it than others. Businesses must also assess whether they have or can access the necessary AI expertise before

implementation. How AI may affect customers and its alignment with their preferences and expectations is also needed. A long term- AI strategy must fit into a business's technological transition journey. It is also worth considering piloting small-scale AI projects before broader implementation of these tools in order to assess the impact. Security measures must also be considered in order to protect sensitive data and ensure AI solutions follow ethical guidelines.

WHAT IS NEW WITH YOUR FIRM AND WHAT ARE YOUR PLANS FOR 2024?

We have experienced marked growth this year and a main contributor to this was our new offices in Riyadh. By providing a full-service offering in Riyadh, we have extended our reach and capabilities in Saudi Arabia. Along with the expansion of the firm, a number of highly qualified new team members with exceptional expertise of local and international law have joined us. In 2024, we intend to enhance our delivery to clients and service level. We plan to broaden our legal approach so we can provide premium client-centric services. We aim to expand the practice areas we offer to meet businesses' evolving needs. We also plan to implement innovative client communication and management tools in order to provide more efficient and transparent legal services, and deliver a seamless, professional experience, which includes more proactive legal counsel and improved accessibility for clients. We hope to foster a culture of continuous learning and professional growth among our team.

WHICH PRACTICE AREAS DO YOU EXPECT TO GROW OR CHANGE IN 2024?

We expect to see substantial growth in a number of areas next year. The new Civil Transactions Law (Saudi Arabia Royal Decree No. M191/1444) has created more

favourable conditions for obligations arising from contracts. Rights and liabilities derived from any type of contract will now be governed in a clearer, more transparent way. There is also now greater alignment between this law and international standards. Saudi Arabia Royal Decree No. M191/1444 will also create more demand for private and commercial agreements. We also expect growth in the technology sector. Advanced technological developments are happening because of new infrastructure projects resulting from Vision 2030 and an increase in e-commerce. Demand in the telecommunications legal sector and for digital policies has significantly increased and is expected to continue growing. More widespread global data protection regulations and an increase in industry awareness has also had an impact on data protection, data processing methods, and privacy policies in Saudi Arabia. With changes to the data protection law (Saudi Arabia Cabinet Decision No. 98/1443) and the issue of implementing regulations, there should be significant growth in this area. This legislation also puts restrictions on facilities involved with cybersecurity protocols, telecommunications and privacy, and cloud computing. Real estate is another area set to expand because of a remarkable number of ongoing individual and national development initiatives. As a result of this construction and infrastructure are also expected to expand, especially with the need to comply with the requirements of Saudi Arabia's construction standards.

WHAT DISPUTE/LITIGATION TRENDS HAVE YOU NOTICED IN 2023, COMPARED TO LAST YEAR?

In 2023, dispute and litigation in Saudi Arabia, has been changing because of the country's focus on economic diversification and the implementation of recent regulatory reforms, which have had a significant impact on this area. The expansion and development of the economy has led to development and an increase in disputes, this has helped our sector to develop. One of most obvious trends has been the increase in commercial, intellectual property, real estate, insurance, and tax litigation. There are currently a number of massive development programmes and mega infrastructure projects taking place here in line with the Saudi Vision 2030 and many real estate developments are taking place, which have led to an increase in the numbers of private disputes on construction, property ownership and development, breach of contractual agreements, and property titles and inheritance matters. There has also been a dramatic increase in construction and infrastructure disputes, because of the number of construction and infrastructure development projects taking place in urban areas. The growth in this sector is leading to an increase in these types of disputes.

There has also been noticeable development of the creative and technological industries in Saudi Arabia which is leading to more intellectual property

disputes, particularly those involving copyright and trademark infringement, which have become more prevalent. As this market expands, and as we see more novel trademarks and commercial identities more intellectual property disputes involving protection of entities' trademarks, patents, copyright, and trade secrets are expected.

The expansion of trade in Saudi Arabia has also led to an increase in maritime and customs disputes. This has been caused by the specific expansion of maritime trade, development of ports and shipping infrastructure, and an increase in commercial activities involving the trade and import of goods. These disputes are covering issues, including insurance claims, charter party disputes, and environmental incidents.

IN 2023 WHICH NEW LEGISLATION/REGULATIONS HAVE HAD THE BIGGEST IMPACT ON YOU AND YOUR CLIENTS?

There have been changes in Saudi Arabian legislation this year, and new laws and regulations have had a significant impact on our firm and clients. They have helped to modernise and diversify the legal sector here. They are redefining the legal regime in order to create a clearer, more dynamic and more efficient economy. The laws which have had the biggest impact have included the Companies Law (Saudi Arabia Cabinet Decision No. 678/1443) which led to many clients having to adapt quickly because of the implications it had on the commercial side. Another area with a rapidly evolving legal position has been data protection. The Personal Data Protection Law (Saudi Arabia Cabinet Decision No. 98/1443) was amended in 2023, and has completely changed operations in the technology and data processing sectors by providing clarity on the required procedures with personal data processing and transfer. This law has also reinforced the rights of the data subjects by imposing stringent restrictions on Controllers. It has reinforced essential data protection requirements and led to more comprehensive measures and controls being put in place. The technology sector has also been impacted by the 4th edition of the Cloud Computing Services Provisioning Regulations which came into force on 10/10/2023 and has strengthened security for personal data in the cloud context. These new regulations outline data protection rights in all types of cloud computing.

Clients have been eager to act on these changes and are now also taking a greater interest in data processing and protection. Another area which has had a significant impact has been the increase in tax related disputes with the Tax Dispute and Violation Committee.

This has been caused by a number of tax reforms and the increased focus on regulatory compliance by the tax regulator this year.

These developments highlight Saudi Arabia's efforts and commitment to increasing tax compliance and revenue generation. ■



REEMA A AREF KSA LEADER EY LAW

Reema A Aref is Saudi Licensed Lawyer who specialises in tax, corporate and commercial law. This includes work on corporate transactions, M&A, regulatory and legislative legal services, company establishment, and foreign direct investment. She previously worked as a legal investigator in a multinational corporation and as a tax and customs specialist at the Zakat, Tax and Customs Authority [ZATCA].



HAS AI, TECHNOLOGY, OR AUTOMATION STARTED TO IMPACT YOUR FIRM, OR THE KIND OF DISPUTES/ PROJECTS CLIENTS ARE ASKING YOU TO GET INVOLVED IN?

Advancements in AI and other technology tools are enabling us to provide more efficient services to clients. In general, my advice to clients considering using these new technological tools in their operations is that the key to the success is to also be aware of the framework around compliance and what the data privacy implications will be.

WHAT IS NEW WITH YOUR FIRM AND WHAT ARE YOUR PLANS FOR 2024?

EY was the first of what are known as the Big 4 to establish a legal practice in Saudi Arabia, In 2024, the priority will be to continue to expand with the country and across the wider MENA region.

WHICH PRACTICE AREAS DO YOU EXPECT TO GROW OR CHANGE IN 2024?

We expect to see the capital market practice to grow within our firm. In addition, we hope to continue

to expand our current regulatory and corporate transaction practices. Having continuous growth across these practice areas is part of our commitment to building a comprehensive one-stop-shop of multi-disciplinary professional services in Saudi Arabia and the wider MENA region.

WHAT DISPUTE/LITIGATION TRENDS HAVE YOU NOTICED IN 2023, COMPARED TO LAST YEAR?

At EY Law we do not offer dispute resolution or litigation services apart from for tax disputes.

IN 2023 WHICH NEW LEGISLATION/REGULATIONS HAVE HAD THE BIGGEST IMPACT ON YOU AND YOUR CLIENTS?

There have been three legislative changes in Saudi Arabia which have had the biggest impact in 2023. These have been the new company law (Saudi Arabia Cabinet Decision No. 678/1443), the data privacy law (Saudi Arabia Cabinet Decision No. 98/1443) and its supporting regulations, as well the civil transactions law (Saudi Arabia Cabinet Decision No. 820/1444). The changes to the Special Economic Zones and on Regional Headquarters (RHQ)s are also of note. ■



FAHAD BARABAA, MANAGING PARTNER, FAHAD M BARABAA & ASSOCIATES

Fahad Barabaa has experience in a variety of sectors, including banking, sports and corporate practice. In the past he has worked as a legal specialist at one of the largest banks in Saudi Arabia, and been a member of several football clubs and sports authorities. He is seen as a pioneer in sports law, and has an interest in it which pre-dates recent expansion of this sector in Saudi Arabia. His other specialisms include advising on corporate law issues, M&A transactions, and legal due diligence.

HAS AI, TECHNOLOGY OR AUTOMATION STARTED TO IMPACT YOUR FIRM OR THE KIND OF DISPUTES/PROJECTS CLIENTS ARE ASKING YOU TO GET INVOLVED IN?

There have already been some remarkable advances in artificial intelligence and automation in Saudi Arabia which are helping the legal sector to develop. These developments are enabling us to provide the fast-moving services our clients need with the help of electronic platforms which have been accredited by the Ministry of Justice.

WHAT IS NEW WITH YOUR FIRM AND WHAT ARE YOUR PLANS FOR 2024?

Our 2024 plan focuses on providing legal services which have a fresh approach. We are focusing on the provision of due diligence services to companies which want to offer their shares to the market or are interested in mergers and acquisitions. We also aim to expand our legal services to the sports industry. This will include policy drafting and work on internal procedures. We are also committed to improving the efficiency of all our team and providing them with continuous training opportunities.

WHICH PRACTICE AREAS DO YOU EXPECT TO GROW OR CHANGE IN THE NEXT 12 MONTHS?

The main areas of growth in next few months will be in mergers and acquisitions and the governance-related practice areas. We also expect increased demand for legal training as many law students and graduates are now showing an interest in specialising in specific legal areas. This will open up opportunities for legal trainers to provide specialist training. A growing number of foreign companies and investors are coming to Saudi Arabia, which is helping to develop the market for legal specialists, and the Saudi Bar Association is playing a significant role in facilitating this.

WHAT DISPUTE/LITIGATION TRENDS HAVE YOU NOTICED IN 2023, COMPARED TO LAST YEAR?

There has been significant progress in enhancing expedited justice in Saudi Arabia. There are now specialist judges who

have a broad understanding and expertise in various sectors. The time required to resolve disputes has also reduced with the introduction of new mandatory provisions which have helped litigation procedures here to evolve. As a result an increasing number of disputes are resolved through reconciliation, and lawyers are helping to increase the number of parties opting for this route.

IN 2023 WHICH NEW LEGISLATION/REGULATIONS HAVE HAD THE BIGGEST IMPACT ON YOU AND YOUR CLIENTS?

We and our clients have benefited from several key laws, including the Company Law (Saudi Arabia Cabinet Decision No. 678/1443), the Evidence Law (Saudi Arabia Cabinet Decision No. 283/1443), Commercial Courts (Saudi Arabia Cabinet Decision No. 511/1441), and Foreign Investment Law changes which have solved many of the challenges we previously faced. These regimes, along with other new laws and regulations are making it easier for law firms to carefully draft legal studies and opinions which help clarify clients' legal positions and enable them to navigate complex legal matters.

WHAT ADVICE WOULD YOU GIVE TO BUSINESSES IN THE KSA CONSIDERING AN INCREASE IN TECHNOLOGY IN THEIR OPERATIONS?

My advice to those looking to increase the use of technology in their operations is to first prioritise responsibility. This can be done by including provisions in employment contracts and establishing internal policies and procedures with employees that safeguard the rights of all parties involved in the firm's electronic operations. Forgery, fraud, and cybercrimes are all potential risks when there are technological changes, so due care is needed when technology is used. This is particularly important for law firms as their work and client documents are confidential. It is also important to keep up with technological developments and consider how they might impact different areas of your operations. This helps you manage your business more effectively and keep up with competitors. ■



JOZA ALRASHEED, MANAGING PARTNER, HERBERT SMITH FREEHILLS

Joza AlRasheed is the Managing Partner of the Herbert Smith Freehills' Riyadh office. She is a corporate and projects lawyer who specialises in advising governments and private entities on domestic and international mergers, acquisitions, antitrust, and international trade (WTO), regulatory and project development in the energy, infrastructure, mining and metals and construction and engineering fields. She is a New York and Saudi Arabian qualified lawyer and also a Board member of the Georgetown University MENA Law Alumni Advisory Board.

HAS AI, TECHNOLOGY, OR AUTOMATION STARTED TO IMPACT YOUR FIRM, OR THE KIND OF DISPUTES/PROJECTS CLIENTS ARE ASKING YOU TO GET INVOLVED IN?

We have a practice which focuses on digital legal services, in particular the complex challenges posed by emerging technology such as AI, blockchain and digital assets. We also have in-house tools which use machine learning to provide sophisticated data informed estimates on the effort and cost of a case. Machine learning tools are also used for document reviews and we use AI-powered technology to enhance client delivery, foster innovation and efficiency. Change can be challenging, but we have, and continue, to build our capabilities and teams so we can provide clients with the best solutions. Businesses in Saudi Arabia can get immense value from incorporating AI and technology into their operations. For the legal profession, success at a macro and micro level, lies in our ability to foster a symbiotic relationship between legal technology, client expectations, and traditional legal knowledge. It is important to upskill your workforce so they can navigate this technology's opportunities and risks. Building confidence in AI requires a focused approach. It is important to cut through the noise and be aware of both the challenges and opportunities

WHAT IS NEW WITH YOUR FIRM AND WHAT ARE YOUR PLANS FOR 2024?

We are continuing to pursue our Ambition 2025 strategy, which we follow internally despite differing global and regional economic conditions. Our 'twin engines' business model combines our pre-eminent contentious practices with market-leading transactional and advisory services and has been effective particularly in markets facing economic headwinds. We expect to see growth in areas including

private capital, energy transition and ESG, which are the main focus of our strategy. We are also committed to continuing to attract and retain top-tier talent, fostering high-performing teams, and championing diversity and inclusion. Life@HSF, the firm's most extensive Employee Value Proposition project to date, provides a clear framework with which to articulate our strong values and diverse culture. We have been in the region for 45-years and our local and global teams act for international and regional clients doing business throughout the MENA region including in Saudi Arabia, the UAE, Qatar, Bahrain, Kuwait, Iraq, Oman, Jordan and Egypt. We were one of the first international law firms to receive a foreign law firm license from the Saudi Ministry of Justice and Ministry of Investment of Saudi Arabia, and our strategic expansion into Riyadh has been a significant milestone and has reinforced our commitment to the Middle East's burgeoning investment corridors to and from the UK, Europe, the US, Africa, Asia, and Australia. Our Middle East practice includes dedicated teams which cover each of those corridors with the right sector and practice expertise to respond to client needs. Initially, our new Riyadh office will focus primarily focus on the energy, mining, infrastructure, TMT (technology, media, and telecommunications), private capital and the aviation and automotive sectors, along with government and the public sector. Looking ahead, we aim to capitalise on the predicted economic growth in EMEA, and to support further growth from these regions. Our strategic emphasis on digitalisation, coupled with our continued investment in technology, is also helping ensure we remain at the forefront of legal innovation.

WHICH PRACTICE AREAS DO YOU EXPECT TO GROW OR CHANGE IN THE NEXT 12 MONTHS?

We have a good reputation for energy and infrastructure work and have the skills and team

to cover all aspects of a project lifecycle. Saudi Arabia and other GCC states stand out as proactive investors. Sovereign wealth funds such as the Saudi Arabian Public Investment Fund and those in other GCC states are good examples of the financial expertise found in the region, which has around 30 well-capitalised funds. The Middle East also has a rapidly expanding private capital industry, within which we have a reputation as a leading legal advisor to global investors and corporates. This creates a strong network of investment capital able to explore new opportunities across a diverse range of countries and sectors. The strategic alliances which have been forged in this thriving ecosystem have positioned the region and primarily Saudi Arabia as a key player in global investment. We also expect further growth in energy and infrastructure work, fueled by the Saudi Arabia's commitment to energy transition and new industries and sectors. With our enhanced capabilities in Riyadh, we are now well-equipped to advise on the international and local law aspects of transactions in Saudi Arabia.

WHAT DISPUTE/LITIGATION TRENDS HAVE YOU NOTICED IN 2023, COMPARED TO LAST YEAR?

This year there have been some noticeable trends in disputes and litigation, and considerable change since last year, including the undeniable rise of arbitration in Saudi Arabia. There has also been increased demand for dispute services, particularly in sectors that are critical to the region's economic transformation such as energy, construction, and infrastructure. The increase in dispute resolution services in the energy sector, may stem from changes including the transition to new energy sources and the complex legal implications of a transition of this type.

There has also been a noticeable rise in infrastructure-related disputes, possibly reflecting the increased investments and numbers of development initiatives in the region. As countries here embark on ambitious infrastructure projects, the complexities and legal intricacies involved in these ventures have helped to contribute to a growing demand for dispute resolution services.

M&A and joint-ventures are also an integral part of economic growth and strategic business initiatives. There has been a rise in disputes in these areas which underline the intricate legal challenges associated with transactions of this type.

Whether related to contractual disagreements, regulatory compliance or post-transaction issues, the demand for dispute resolution services in this area remains strong.

There has also been a marked increase in project finance disputes, reflecting the expanding footprint of major projects across various industries. The complexities involved in financing and executing these large-scale projects can often create legal

challenges which need expert dispute resolution services. The trends being seen in dispute and litigation work are reflecting what is happening in the key sectors which are steering economic evolution in the region. The thriving nature of our own contentious practices in this dynamic environment demonstrates our ability to adapt to evolving client needs and is helping to reinforce our position as a 'go-to' legal partner for navigating complex disputes in a rapidly changing business landscape.

IN 2023 WHICH NEW LEGISLATION/REGULATIONS HAVE HAD THE BIGGEST IMPACT ON YOU AND YOUR CLIENTS?

Our strategic decisions to focus on private capital, energy transition and ESG position us in a place from which we can navigate and adapt to the frequent legislative and regulatory change in Saudi Arabia effectively. The new Personal Data Protection Law (Saudi Arabia Cabinet Decision No. 98/1443) has been a significant change.

This law reinforces the protection of individuals' personal data in line with international best practice, and shows an adaptive forward-looking approach is being taken towards the challenges and opportunities presented by technological advancements such as the automated processing of personal data. The Saudi Authority for Data and Artificial Intelligence's (SDAIA) has also issued AI Ethics Principles which underline the country's commitment to creating an environment that encourages responsible development and deployment of AI technologies.

The new Civil Transactions Law (Saudi Arabia Cabinet Decision No. 820/1444) has been another notable achievement which aligns the legal framework here with international standards and best practices governing contract and tort.

This legislation is aimed to provide investors with more certainty on the application of the law by the Saudi courts which was historically less consistent compared with other jurisdictions.

Saudi Arabia Cabinet Decision No. 820/1444 shows a commitment to providing a legal environment which is conducive to economic growth and international collaboration while still codifying and honouring Sharia doctrine.

By aligning legislation with established legal principles, Saudi Arabia is helping to enhance its appeal for international investors and businesses, and to promote a transparent and predictable legal framework for civil transactions.

Some of these developments demonstrate Saudi Arabia's determination to harmonise its legal infrastructure with global standards.

These progressive legal reforms not only bolster individual rights and privacy but also help contribute to the Kingdom's emergence as a technologically advanced and business-friendly jurisdiction. ■



KHALID NASSAR

MANAGING PARTNER, KHALID NASSAR & PARTNER LAW FIRM

Khalid Abdullah Khairan is a licensed lawyer and a legal advisor. He has more than 16 years' experience in pleadings before judicial authorities and providing legal consultations. He has provided legal services for several governmental projects and has worked as an advisor for the Ministry of Health. He is a key member of the Saudi Lawyers' Association, and also a member of the Office of Resolution of Commercial Disputes at the Ministry of Commerce.

'HAS AI, TECHNOLOGY, OR AUTOMATION STARTED TO IMPACT YOUR FIRM, OR THE KIND OF DISPUTES/ PROJECTS CLIENTS ARE ASKING YOU TO GET INVOLVED IN?

Our firm is using sophisticated data analytics tools to predict the legal outcomes, streamline operations, provide reports and identify market opportunities. We plan to leverage technology to enhance our operations and to provide clients not only with the best quality legal services but also with educational resources.

Technology has now impacted the whole legal profession. All court hearings in Saudi Arabia are now online, and all governmental applications and requests are now carried out through an automated system for any governmental application. There can sometimes be issues with this and applications may sometimes either not go through or will not be accepted by the system. For example, there can be issues when amending bylaws or Articles of Association. It is now necessary to fill out all the articles in an automated application, rather than just filing a drafted bylaw. This can cause issues as clients sometimes want a specific article to be reviewed as to whether it might be permissible under the law, however, the system which is now used to file the amendment may not accept an article of this type.

However, this increased use of technology in the legal field in Saudi Arabia has greatly benefited firms and is saving a lot of time and effort.

WHAT IS NEW WITH YOUR FIRM AND WHAT ARE YOUR PLANS FOR 2024?

We have a marketing plan which covers a range of vital areas. These plans include how we will reach target clients and convert them to actual clients. Part of that plan includes hiring the best talent in relevant areas who shine in their field. Meanwhile our operational

plan involves growing our firm and expanding the legal services we offer. We also want to optimise our corporate processes with meticulous planning and management.

WHICH PRACTICE AREAS DO YOU EXPECT TO GROW OR CHANGE IN 2024?

We expect to see growth in an number of practice areas including corporate governance, capital markets, aviation, transportation, and health care in 2024.

WHAT DISPUTE/LITIGATION TRENDS HAVE YOU NOTICED IN 2023, COMPARED TO LAST YEAR?

There does not seem to have been significant changes in dispute and litigation in 2023 compared to the position in 2022. However, there are significant differences in what is happening now and what happened before COVID 19.

In Saudi Arabia all litigation processes are now automated and every court, committee, and arbitration centre is now using online resources for all their processes starting with amicable settlement and settlement portals (e.g. Taradi) up until the final decision from the Supreme Court. This includes for hearing attendance, memorandum-exchanges and any other request between the parties which can all now be done online.

Another significant change has been the Judicial Fees Regulations which came into force at the start of 2022. These regulations determine a specific fee for most of the judicial services and different party requests, such as an appeal request.

The role of lawyers is also becoming more important. In 90% of the cases before judicial and semi judicial authorities, the attendance of a licensed lawyer is a requirement, especially where a company is being represented in a commercial dispute. If this does not happen it can lead to the case being rejected or a



request based on its procedures being made without looking at the core matters of the dispute. This is a change as in the past judicial, and semi judicial authorities would accept representation of any power of attorney holder even if they were not a licensed lawyer.

In terms of commercial disputes, Saudi Arabia has a growing economy, and commercial disputes are common in business transactions. Disputes can arise due to breaches of contract, non-payment, intellectual property issues, or disagreements over contract terms and conditions. The current growth in the numbers of commercial disputes is potentially being influenced by economic factors, government policies, and changes in regulations.

There has also been an increase in construction and real estate disputes. The Saudi Arabian government has been investing heavily in infrastructure development and real estate projects. Disputes involving construction contracts, delays, quality issues, and payment disputes can arise in this sector. Changes in construction regulations or government initiatives may also lead to changes in the numbers of construction and real estate disputes.

In addition, we have seen a large number of Labour and Employment Disputes. Saudi Arabia has a significant expatriate workforce, and disputes of this type can occur on issues including wrongful termination, discrimination, wage disputes, and working conditions. Changes in labour laws, regulations, or economic conditions can also have an impact on disputes of this type. A present in Saudi Arabia there is an emphasis on innovation and technology, which means intellectual property disputes can arise. These disputes tend to involve patents, trademarks, copyright, and trade secrets. Changes in intellectual

property laws or growth of specific industries can also have an impact on this area. Saudi Arabia is engaged in international trade and investment, which can lead to cross-border disputes. These disputes can involve issues including international contracts, arbitration, investment disputes, or enforcement of foreign judgments. They can also be influenced by global economic conditions, geopolitical factors, or international changes.

IN 2023 WHICH NEW LEGISLATION/REGULATIONS HAVE HAD THE BIGGEST IMPACT ON YOU AND YOUR CLIENTS?

The most significant legal change in 2023 has been the comprehensive new Companies Law (Saudi Arabia Cabinet Decision No. 678/1443).

WHAT ADVICE WOULD YOU GIVE TO BUSINESSES IN THE KSA CONSIDERING AN INCREASE IN TECHNOLOGY IN THEIR OPERATIONS?

I would advise businesses considering an increase in the use of technology in their operations to also consider a number of legal points. Firstly, they should check the Data Protection Law (Saudi Arabia Cabinet Decision No. 98/1443) and its associated regulations which recently came into effect as well as any other relevant technological laws and ensure they are complying with them.

In addition, they should check and if necessary obtain any licenses, required to begin the technology related activity. It is also important to ensure the system has been properly protected. For example, this will include putting in place cybersecurity provisions for data protection purposes. Finally, it will be important to have necessary intellectual property certificates in place to ensure the technology is fully protected if this is necessary. ■



MOHAMMED ALAQEEL MANAGING PARTNER MOHAMMED ALAQEEL & CO

Mohammed Alaqeel is the managing partner of the firm he founded. He is an expert in a range of areas of law and has spent time working in major international law firms and was as a legal board adviser at a number of companies. He advises clients from a number of different sectors on ground breaking deals and international transactions.

HAS AI, TECHNOLOGY, OR AUTOMATION STARTED TO IMPACT YOUR FIRM, OR THE KIND OF DISPUTES/ PROJECTS CLIENTS ARE ASKING YOU TO GET INVOLVED IN?

Our firm recognises the increasing importance of developments in AI, technology, and automation to the legal sector. We do not expect this technology to negatively impact the services provided by our firm and view it as a valuable tool which can assist rather than compete with us. Certain legal services cannot be provided through AI alone, such as due diligence which requires a level of legal expertise, performance, and creativity that goes beyond simple data enquiries and responses. Human judgment and legal acumen is indispensable. We embrace technology but are cautious about promoting the misconception that it can entirely replace law firms. AI, despite its advances lacks the capacity for accountability or to provide guarantees on its outputs. There is no insurance against the incorrect advice it may provide, and risks associated with this technology can be substantial, and require effective risk management. AI and automation as tools can complement and enhance legal services, primarily by increasing speed and accuracy. This approach, makes it possible to harness technology and improve service efficiency while retaining the vital human elements such as judgment and responsibility. It means we continue to provide clients with the best of both worlds - the benefits of technology and the assurance of human expertise and accountability.

WHAT IS NEW WITH YOUR FIRM AND WHAT ARE YOUR PLANS FOR 2024?

Our firm has been on a transformative journey since we became a company in 2020. Looking ahead to 2024, our main focus is the implementation of strategic initiatives we have been working on. We have an unwavering commitment to investing in

national professional talent and see this as the cornerstone of our future success. The goal for 2024 is to nurture and promote the next generation within our firm, and support their professional and personal growth and specialisation. We also are committed to cultivating a strong firm culture which not only values our lawyers but also provides them with the support and inspiration they need to excel beyond their day-to-day work. We will continue to invest in our people through high-quality, impactful CPD with a particular focus on leadership development. We are also eager to channel these young lawyers' energy and fresh perspectives which brings a wealth of ideas and innovation. Our commitment to developing core leadership skills early on and continuously enhancing them at each career stage helps ensure that we are prepared for the sector challenges of tomorrow.

WHICH PRACTICE AREAS DO YOU EXPECT TO GROW OR CHANGE IN 2024?

In the next year we expect to see significant growth and transformation in several practice areas, and a particular focus on mergers and acquisitions. The business world in Saudi Arabia has been changing and is being, driven forward by Vision 2030. In the past businesses and companies tended to be set up from scratch but there is now a noticeable shift away from this and towards market participation through resource pooling and collaboration in order to achieve specific goals more efficiently. This change is expected to be facilitated through M&A transactions. This change is a direct result of various initiatives, including those being led by the Public Investment Fund (PIF) and other national projects. We expect M&A activity to gain momentum as a result. Saudi Arabia has also been actively pursuing economic diversification and privatization initiatives, as well as positioning itself as one of the most dynamic markets for M&A in the region. For international companies looking

for new opportunities, Saudi Arabia offers a unique environment. With a young and expanding population and a rapidly growing economy, the legal and regulatory environment for M&A in Saudi Arabia is poised for continued growth. Saudi Arabia is emerging as a key market for high-value M&A activities in the region and it is a trend which is expected to continue for the next few years as the economy continues to expand, and the government actively encourages privatization and foreign investment. M&A will play an integral role in the ongoing diversification of the economy and increased participation by the private sector and foreign investors. We also expect to see growth and changes in other practice areas driven by Saudi Arabia's commitment to modernisation and economic development.

WHAT DISPUTE/LITIGATION TRENDS HAVE YOU NOTICED IN 2023, COMPARED TO LAST YEAR?

There have been a number of significant developments in disputes and litigation, in 2023, compared to 2022. We achieved a landmark decision through a royal decree issued by the highest authority. This decree corrected a title deed that had been previously cancelled by the Supreme Court, involving a 1.5 million square meter plot. This showed how we were able to navigate complex and irregular litigation procedures, including committees and administrative decisions. However, it is important to note the legal framework in Saudi Arabia is changing at an unprecedented rate and this is affecting various aspects of the legal profession. The profession is having to take on board new concepts and ideas, adapt to changing client needs and expectations, leverage technology, and reshape legal education. It is also having to align with community needs (including those of the courts and funding), promote diversity, manage change, navigate globalisation, and ensure regulation changes are complied with. A significant aspect of this transformation is clients' changing expectations on greater value in legal services, the increase in competition among lawyers, and the growing use of technology to streamline court services. Online dispute resolution has become more prominent and lawyers are adapting to this by improving their skills and knowledge. In this environment, certain skills and knowledge are becoming more important for lawyers, including technological proficiency, practice-related skills such as collaboration and negotiation, business acumen, project management, international and cross-border law expertise, interdisciplinary experience, resilience, flexibility, and the ability to adapt to change. These changes create risks and opportunities, lawyers must continuously adapt to.

IN 2023 WHICH NEW LEGISLATION/REGULATIONS HAVE HAD THE BIGGEST IMPACT ON YOU AND YOUR CLIENTS?

In 2023, several significant legal changes were introduced and have had a profound impact on the broader legal landscape and on clients. These

two key laws have been the Civil Transactions Law (Saudi Arabia Cabinet Decision No. 820/1444) and the Evidence Law (Saudi Arabia Cabinet Decision No. 283/1443). These laws are a fundamental shift in Saudi Arabia's legal regime. They demonstrate the Kingdom's commitment to legal reform and modernisation. Saudi Arabia Cabinet Decision No. 283/1443 has been as a pivotal factor in this legislative transformation. It plays a crucial role in enhancing justice, protecting individual rights, and reducing disputes. It aligns with Saudi Arabia's vision for sustainable growth and is helping to create an appealing legal environment which will inspire confidence in contracts and obligations. Meanwhile, Saudi Arabia Cabinet Decision No. 820/1444 has significantly transformed specialist legislation, and positively impacted the business environment. It increases Saudi's attractiveness, regulates economic activities and financial rights, facilitates investment decision-making, promotes transparency, and improves predictability in civil transaction judgments. It will reduce disparity in judicial reasoning, enable swift justice and efficient dispute resolution while safeguarding individuals' legal rights.

The new Companies Law (Saudi Arabia Cabinet Decision No. 678/1443) has also been important as it recognises the validity of shareholders' agreements in court and grants them binding legal force. This is a significant step in building the commercial legislative framework and in judicial reform.

WHAT ADVICE WOULD YOU GIVE TO BUSINESSES IN THE KSA CONSIDERING AN INCREASE IN TECHNOLOGY IN THEIR OPERATIONS?

When introducing new technology into business operations, it is vital to view technology as a valuable tool which can assist rather than a standalone solution.

Saudi Arabia has made significant strides in adopting technology, including with recently launched government platforms and initiatives. However, when technology is used for delivering legal services or providing critical advice, it must be done in a responsible, cautious manner. It is important to ask about the level of responsibility the technology will bear if incorrect advice is given. For example if a platform designed to provide medical advice gave the wrong advice, who would be responsible if that advice led to a patient's injury or death? Similar considerations apply when AI is used in legal services. This raises important questions for legislators and regulators on how accountability is to work if AI provides incorrect advice?

The need to give specific guarantees or insurance may be needed, or this technology can be used simply to assist or advise. Users should also remember that results generated by such technology are merely advisory and consulting a specialist attorney is still vital for crucial legal matters. ■



ABDULLAH KHAIRAN MANAGING PARTNER NAJI KHAIRAN ADVOCATES & LEGAL CONSULTANTS

Abdullah Khairan is a licensed lawyer and a legal advisor. He has more than 16 years' experience and has worked as a member of the medical committees and as a public prosecutor before the legitimate health authorities. He is also a member of the Office of Resolution of Commercial Disputes at the Ministry of Commerce.

HAS AI, TECHNOLOGY, OR AUTOMATION STARTED TO IMPACT YOUR FIRM, OR THE KIND OF DISPUTES/ PROJECTS CLIENTS ARE ASKING YOU TO GET INVOLVED IN?

The digital development and ongoing integration of AI across the world has led to a transformative phase in terms of technology, and automation for our firm, which is influencing our internal operations and the nature of the disputes and projects we work on for our clients. The adoption of technology is also now playing a pivotal role in facilitating legal proceedings and leading to improvements in efficiency. The move to remote litigation has redefined the traditional legal landscape, and now offers a flexible and accessible approach to legal proceedings, speeds processes, and is ensuring a seamless experience for all parties involved.

WHAT IS NEW WITH YOUR FIRM AND WHAT ARE YOUR PLANS FOR 2024?

Our strategic initiatives and developmental plans for 2024 align with Saudi Arabia's Vision 2030 and are intended to support the government and private sectors. We are committed to a client-centric philosophy and are refining our service approach to ensure we provide the highest standards and are closely aligned with the distinctive needs of each client.

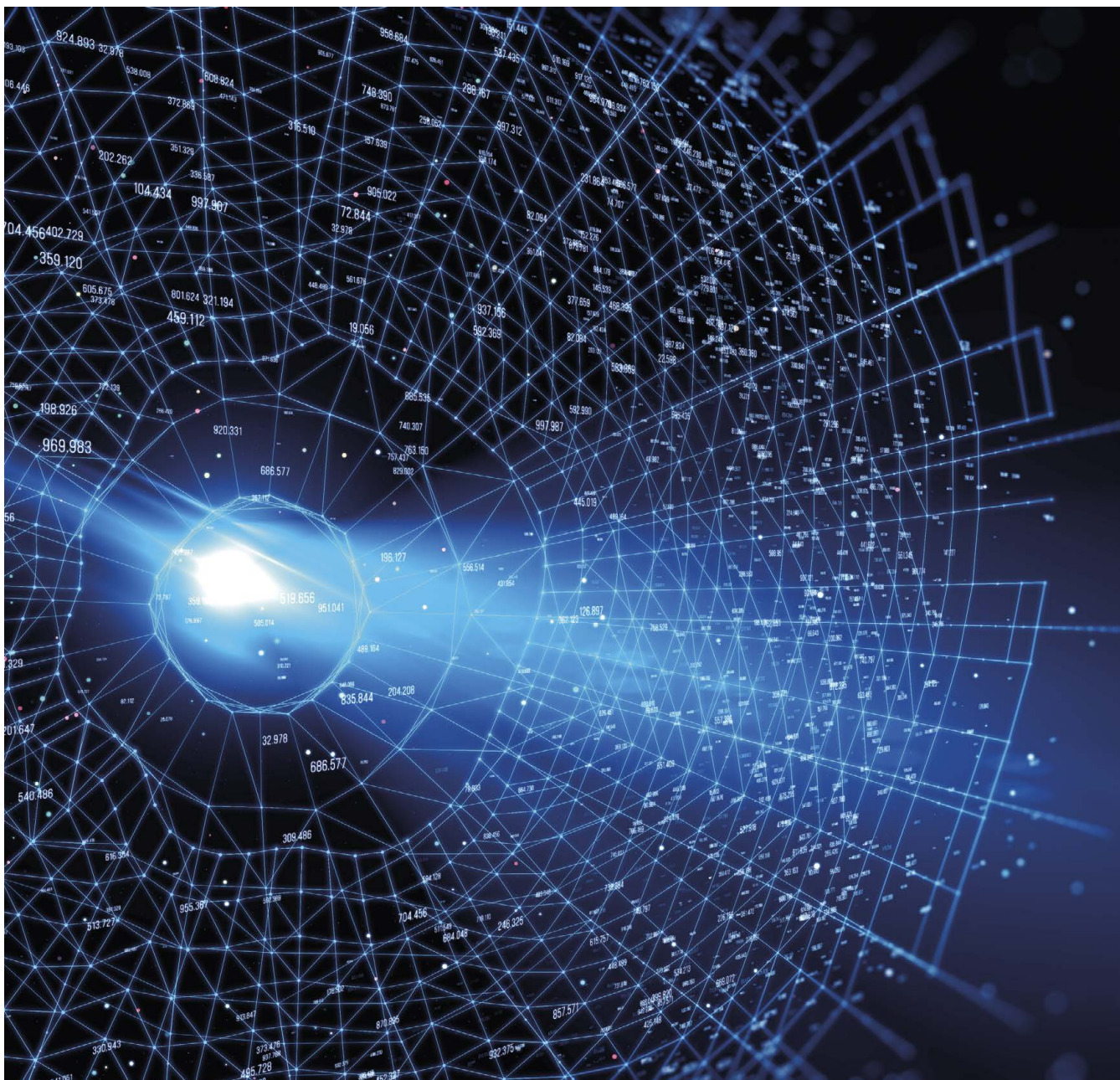
Our key priority is the expansion of our legal service portfolio. Our aim is to present the Saudi lawyer in the most positive way, which means providing top-quality services to our clients and taking a lead role in some of the new fields developing in Saudi Arabia. An important part of our growth strategy is the continual investment in our legal team's professional development. Through rigorous training programmes and strategic recruitment, we are developing a team of highly skilled and specialised legal professionals.

“THE MOVE TO REMOTE LITIGATION HAS REDEFINED THE TRADITIONAL LEGAL LANDSCAPE.”

Taking this strategic direction will help us deliver heightened value and ensure we provide service excellence to clients.

WHICH PRACTICE AREAS DO YOU EXPECT TO GROW OR CHANGE IN 2024?

The legal market in Saudi Arabia is set to change dramatically in the next 12 months, driven by the goals in Vision 2030. We expect there to be substantial growth and development in several key practice areas which are key to the country's development. There will be noticeable changes in commercial law as a result of the evolution going on in the business world at present. Intellectual Property Rights will continue to be a focal point, as a result of the increasing recognition of the importance of innovation and creative work here. As the digital sector expands there will be a significant focus on digital data and information. We also expect to see increased demand for legal advice, driven by the need for strategic legal guidance which has been created by evolving economic conditions and regulatory challenges. As businesses try to navigate these complexities, legal advice will become increasingly important. We aim to actively involve ourselves in the sectors and industries that directly contribute to the achievement of Vision 2030. This will mean adapting to emerging trends, and actively contributing to the progressive development of Saudi Arabia.



WHAT DISPUTE/LITIGATION TRENDS HAVE YOU NOTICED IN 2023, COMPARED TO LAST YEAR?

During 2023, we have noticed a shift towards key areas such as patent protection and the safeguarding of digital information and data. These areas have emerged as focal points in legal proceedings, and highlight an increased emphasis on intellectual property rights and the critical importance of securing digital assets.

We expect that these trends will continue to shape the legal landscape in the coming year. In addition, we have seen an increase in awareness by local and foreign investors of the benefits of investing in Saudi Arabia.

This has included regulations and how entities can establish themselves in here following on from economic developments in the local market and the promising growth rate.

IN 2023 WHICH NEW LEGISLATION/REGULATIONS HAVE HAD THE BIGGEST IMPACT ON YOU AND YOUR CLIENTS?

In Saudi Arabia a number of laws have recently been enacted which are having a positive impact on the judicial system.

These include but are not limited to the Civil Transactions Law (Saudi Arabia Cabinet Decision No. 820/1444), the Personal Status Law (Saudi Arabia Cabinet Decision No. 429/1443), the Evidence Law (Saudi Arabia Cabinet Decision No. 283/1443) and the Personal Data Protection Law (Saudi Arabia Cabinet Decision No. 98/1443).

These new laws along with a number of others which have been recently issued are helping to develop the justice system, protect rights and make it easier to undertake legal action, which is benefiting individuals, companies, judges and lawyers. ■



FAHAD ALDEHAIS ALMALKI

MANAGING PARTNER

SUHAIL PARTNERS

Fahad AlDehais AlMalki advises on Saudi Arabian regulatory areas and reform. He works both as an advisor to a number of government ministries, departments and entities on Saudi Vision 2030 projects, and is a practising litigator. His other specialisms include the capital markets, corporate governance and M&A.

HAS AI, TECHNOLOGY, OR AUTOMATION STARTED TO IMPACT YOUR FIRM, OR THE KIND OF DISPUTES/ PROJECTS CLIENTS ARE ASKING YOU TO GET INVOLVED IN?

Artificial Intelligence (AI) supports our practice and does not affect it in a negative way. It helps speed our work and enhance its quality, leaving our team to focus on more innovative approaches and legal points which need to be fed back into the AI. Clients are also seeking advice from us on how best to leverage AI, and have raised complex questions on liability and regulation. The legal profession must adapt swiftly to this change, and develop new competencies in tech-related law.

WHAT IS NEW WITH YOUR FIRM AND WHAT ARE YOUR PLANS FOR 2024?

Suhail Partners itself is quite a new firm. We launched in November 2021, and since then have experienced remarkable growth. We have been a fully independent law firm from the very start. In the last year there has been tremendous expansion of our teams, physical presence, clients, mandates, training, and past employee network. Our capacity has tripled, and we have attracted exceptional Saudi legal talent to join us. The size of our offices have also increased and we now have a dynamic and conducive environment that fosters collaboration and innovation by our team. This infrastructure and secured IT and practice applications align with our commitment to continually enhance our capabilities and ensure we are meeting the evolving needs of our valued partners.

As a part of our expansion plans for 2024, we aim to diversify our practice areas, so we are also covering sports law, financial and tax regulations, and intellectual property.

WHICH PRACTICE AREAS DO YOU EXPECT TO GROW OR CHANGE IN 2024?

As a result of a more robust legal framework supporting electronic transactions, we expect

to see an increased need for legal guidance on implementing technology in business operations. We expect lawyers specialising in IT contracts, e-commerce, and digital rights management to find their expertise in high demand, especially as companies seek to avoid potential pitfalls in this evolving area.

Saudi Arabia is also continuing to liberalise its economy and develop its financial services sector. Therefore, legal professionals with expertise in financial regulations will be critical to these developments. The establishment of a more defined regulatory environment, particularly in the fintech area, where rapid innovation and investment has been seen, will mean businesses will have to navigate complex legal and compliance issues in this area in the coming year.

We also expect to see an increase in Intellectual Property (IP) work. The new Civil Transactions Law (Saudi Arabia Cabinet Decision No. 820/1444)'s provisions on ownership and transfer of rights have altered the IP regime in Saudi Arabia. They offer more security to creators and innovators. This will lead to an increased need for specialist IP legal services, including litigation, patent registration, and rights management, which is likely to grow as more businesses and individuals seek to protect their creative assets.

Sports and esports law is another emerging area in Saudi Arabia. The growing popularity and commercialisation of sport and esports in the region, is creating an expanding market for legal expertise in this field. This includes issues involving contracts, sponsorship, broadcasting rights, and even dispute resolution specific to the sports and esports sectors.

Tax law, particularly in the context of the ongoing tax restructuring in Saudi Arabia, is another area we see as poised for growth. As the tax regime evolves, there will be an increased need for legal expertise in

areas such as tax planning, compliance, and dispute resolution.

WHAT DISPUTE/LITIGATION TRENDS HAVE YOU NOTICED IN 2023, COMPARED TO LAST YEAR?

In 2023, litigation in Saudi Arabia was transformed primarily as a result of the increasing adoption of virtual hearings. This key change was driven by a desire for efficiency and to increasingly leverage technology in legal practice. The transition to virtual platforms has led to a noticeable acceleration in the judicial process. Hearings, which were once bogged down by logistical constraints and scheduling delays that were inherent with in-person trials are now more swiftly arranged and conducted. This digital shift has not only speeded up the overall litigation cycle, but it is also streamlining case management, leading to a significant reduction in the time it takes for a case to progress from the filing stage to resolution. In line with this digital migration, has been a strategic development in legal structuring through the issuing of judicial circulars. These circulars, cover sets of principles which have been distilled from court precedents, and have become a vital tool in guiding judicial decision-making. These circulars aim to standardise interpretations and fill in legislative gaps. As a result they are leading to greater consistency and predictability in legal outcomes.

IN 2023 WHICH NEW LEGISLATION/REGULATIONS HAVE HAD THE BIGGEST IMPACT ON YOU AND YOUR CLIENTS?

In 2023 there have been two transformative pieces of legislation - the Civil Transactions Law (Saudi Arabia Cabinet Decision No. 820/1444) and the comprehensive new Companies Law (Saudi Arabia Cabinet Decision No. 678/1443). These two laws have sent ripples through the legal community and the corporate world, and have significantly changed the way business is done in here.

Saudi Arabia Cabinet Decision No. 820/1444 is the law which has the potential to exert the most profound impact on legal practices in Saudi Arabia. It has been a paradigm shift and has modernised and consolidated a range of provisions which previously relied on a combination of Sharia law and a number of different royal decrees. This law is a cornerstone of Vision 2030's goal to diversify the economy and improve the business environment, by offering a codified legal structure which aligns with international standards.

For clients, Saudi Arabia Cabinet Decision No. 820/1444 marks a new era of legal certainty and clarity which will touch every aspect of their business and personal dealings. It sets out clear rules on the interpretation and formation of contracts, potentially reducing the numbers of disputes and simplifying resolution processes.

Meanwhile, Saudi Arabia Cabinet Decision No.

678/1443 has also had a substantial impact on our clients and the broader business community in Saudi Arabia.

The revised Companies Law is a comprehensive piece of legislation which governs the incorporation, management, and dissolution of companies in the Kingdom. It introduces several reforms which are aimed at streamlining business practices, enhancing corporate governance, and attracting foreign investment.

WHAT ADVICE WOULD YOU GIVE TO BUSINESSES IN THE KSA CONSIDERING AN INCREASE IN TECHNOLOGY IN THEIR OPERATIONS?

Saudi Arabia is experiencing a transformative period in its economic and technological development, as technology plays a key role in the Vision 2030 plan. As businesses in the Saudi consider enhancing their technological capabilities, there a number of areas they should consider.

Saudi Arabia Cabinet Decision No. 820/1444 has introduced a new set of rules which may affect various aspects of doing business. Therefore, it will be important to understand how these rules will apply to digital transactions, data management, and electronic contracts. It is also important to stay informed about ongoing regulatory changes which could affect your tech operations, as the Saudi Arabian government has been proactive in updating the laws here to support its digital transformation goals. Businesses should also develop internal policies that reflect these new legal requirements. These include policies on data privacy, digital transactions, and the use of technology in the workplace. It can also be important to conduct comprehensive cybersecurity risk assessments in order to identify potential weaknesses within the business's technological infrastructure. It is a good idea to implement industry best practices for cybersecurity, such as using secure encryption methods for data storage and transmission, undertaking regular security audits, and employee training programmes.

Obtaining expert advice is also key. This can include consulting experts who specialise in tech-related law at any early stage of any tech adoption. Their insight can help guide the development and implementation of technology in a way that is compliant with local laws. Contracts with tech vendors and service providers should also be thoroughly reviewed by legal professionals and should clearly define the scope of services, data handling responsibilities, and liability provisions. It is also important to invest in training your team so they understand the legal implications of technology used in operations. Regular workshops and seminars can ensure everyone is updated on the latest legal and regulatory requirements. ■

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