

# Types of compensation arising from the journalist's tort in Kingdom of Saudi Arabia (A Comparative study)

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## ABSTRACT

If the elements of the journalist's tort liability for a mistake that caused harm are available, then the causal relationship between the error and the damage is established. Consequently, the damage must be stopped and compensated. The compensation that the injured person is entitled to due to the journalist's publication, which is considered a violation of reputation and dignity, maybe in-kind compensation represented by restoring the situation to what it was. Before the occurrence of the breach of an obligation, that resulted in the damage. It may be compensated with consideration, embodied in the form of an amount of money, and this is monetary compensation; or in the form of performing a specific matter, this is non-monetary compensation. A payment, whether in kind or exchange, requires determining the factors that the court must consider when estimating the compensation due. This research aims to show the forms of compensation for damage in the publications and publishing system issued in the Kingdom of Saudi Arabia through a comparative analytical presentation. It dealt with the topic through two topics: compensation in kind (restitution or correction) and, in the second, compensation for a fee. The first section concluded with a statement of the general provisions for the right to respond or correct in the system of publications and publishing issued in Saudi Arabia, and the second section showed the controls for compensation for moral harm and its appreciation. With a statement of non-monetary compensation.

**KEYWORDS:** Compensation - compensation in kind - monetary compensation - moral damage - publication of the judgment and an apology.

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## The first topic

### Compensation in kind

#### (Right of response or correction)

The freedom of the journalist to publish media material is not strictly limited, but rather this freedom is bound not to harm others due to this publication. This adherence may be before preventing publication and maybe after publication by determining the right of every person to respond or correct what is published by different media. On the other hand, the right to respond or correct prompts the journalist to investigate everything's accuracy he posts. We have the right to respond or correct in three demands: the first is the right to respond and correct and determine who has the right to respond and correct. The second requirement is the conditions for exercising the right to reply and

correct. We conclude with a third requirement: the periodical publication abstaining from publishing the response and correction and exemption cases from it.

## The first requirement

The right of response and correction means determining who has the right to respond and correct. It is the most important right guaranteed by the laws of publications and publishing in most countries. It means the right of anyone on whom a periodical publication publishes information, report, news, article, or criticism that includes personal offense to him or slander or fabrication of incorrect information. In addition to his legal right in filing a lawsuit, he also has the right to exercise his legal right of response and correction. We will address what is meant by the request of response and correction through the first

section and in the second section: conditions for exercising the right of response or correction.

#### **First branch**

#### **The meaning of the right of response and correction**

The Saudi regulator and the Jordanian legislator did not define the right to respond but only indicated the person's eligibility for it if the article or the published news related to it. This news was incorrect or contained incorrect information. Among the definitions of the right to reply is (Qayed, p.522): every person's right to comment in the same newspaper on what was published in it explicitly or implicitly in connection with his person or work within the framework of the law's conditions. Detrimental to his interest, and it is equal to the claim being material or moral. It is not required that the person's attack be explicit for him to decide the right to respond, but the opposition can be implicit or by reference (Nassar, P. 195). Others (Belwadeh, P. 157) defined it as a prescribed right for every natural or legal person to respond to the press publication in one of the media and is related to them or to work related to their jobs. The response is to present the point of view about accusation or criticism of denial, clarification of the facts, and information by deleting—the addition of what has been published using the conditions set forth by law.

The right to reply has characteristics (Fahmi 2012) which are: It is a general right, that is, a right decision for all, and everyone included in the press article or news has the right to request the right to respond to what has been published, and also an independent right, meaning that the injured has the right to file a compensation case separate of the right to reply, and finally It is an absolute right, and it means that the applicant has the right to formulate the response in the manner he deems appropriate, whether in terms of the form or content of the reaction.

There are many jurisprudential opinions about the legal nature of the right to reply, so some have argued (Nassar, P. 193) that the right to respond is a legitimate defense that proves a person against material and moral damages that publishing may cause him. Others went (Qayed, P.527) that the right to reply is nothing but a fundamental right of personality. Because the exercise of this right does not require the presence of

danger, the article or news may not contain harm, which threatens the right holder's interest to respond because the report may include praise. The response is often published after the article or news, meaning that the response is not to confront a current issue, so it is not possible. Considering it a form of legitimate defense and the prevailing opinion, in our opinion, the right of reply is one of the personal rights established for people when they exist.

Alqadi (p.119) defined the right of correction as the right established by law for the natural and legal person in charge of government agencies to correct the topics previously posted in the newspaper related to it. Sultan ( P.266) defined it as a means to correct the errors posted to avoid the damages that may be caused to the person referred to Public authority. Others have known it (Belwadeh, P.200): is the correction of information or data from the error mentioned in the published press material. The previous definitions did not deviate from the correction process, and it is the right of a natural and legal person. The right of correction has a precise legal nature, as it is considered a non-judicial means to correct errors. It is regarded as compensation compatible with the nature of the journalistic mistake and the damage's publicity. The reason for determining this right is to give the concerned person a quick way to correct the published errors related to it as soon as the incorrect publication is there without A burden to prove the journalist's error, whether intentionally or as a result of negligence or unintentionally (Hijazi, P.457).

Despite the similarity between the right to respond and the right to correct, both are general rights established for all individuals without discrimination and decided for the person concerned alone. His heirs may claim after his death, as well as two decisions for the people affected by the published press material, whether what was published in their regard is a crime or not unless there are differences between them (Qayed, P.530): First: The right to correction is when the news is totally or partially lacking in truth, and the right to reply is when the published news needs clarification or addition, so the right to respond is broader than the right to correct. Second: The right of reply provides an opportunity to refute allegations, while the right of correction allows those affected by wrong information to request correction of this information. Third: The

right to respond imposes on the journalist to guarantee a space for the aggrieved to react to the news, whether true or false.

The Saudi regulator dealt with the right of response and correction in (Article 35) of the Saudi Press and Publication Law, which was not successful in drafting, and (Article 88) of the executive regulations of the Saudi Press and Publications Law came to explain the provisions regulating the right to respond and correct, as Article 35 stipulated that: Every newspaper attributed to others an incorrect statement or published false news must be corrected by posting it free of charge, at the request of the person concerned in the first issue issued after the demand for correction, and this shall be in the place where the news was previously published or declared or in a prominent area of it, and for whom The right to claim compensation has been damaged. At first glance, it is understood that the Saudi regulator has adopted nothing but the right to correct in the face of press violations, except that (Article 88) came to regulate the two rights. The Jordanian legislator in (Article 27) and (Article 28) addressed the regulation of the two rights ( Response and Correction) in the Jordanian Press and Publications Law. It is necessary to refer to the text (Article 27 / Paragraph C) stating that: "C - The provisions of paragraphs (A) and (B) of this article shall apply to any non-Jordanian press publication distributed inside the Kingdom." This did not include the Saudi Press and Publications Law and its executive regulations. We will review these articles with analysis and comparison through this topic related to compensation in kind (response and correction).

### The second branch

Who has the right to exercise the right of response and correction?

<sup>1</sup> It stipulated that: "Except for what is issued by a court ruling or a decision by the committee that is binding on publication, the right to respond and correct is guaranteed to every person concerned, whether a natural or legal person, based on a request from him or his legal or legal representative or his heirs if it includes Publishing about these same persons ..... ",

<sup>2</sup> It stipulated that: "A- If the press publication publishes false news or an article containing

Legislators often distinguish between the state's public interests on the one hand and individuals on the other hand. Determining who has the right to exercise this right: we deal with this discrimination through the first intention: the exercise of the right of response and correction from natural and private persons and in the purpose. Second: Exercising the right of reply and correction by the representative of public interests (public authorities) in the state

### First goal

Natural persons and private legal persons

Whether they are natural or legal persons, people have this right if any news, information, article, or false or false research appears in the periodical publication that includes a reference, even an allusion, to a specific person.

The Article 88 of the Saudi Press and Publications Law's executive regulations grants the right to respond or correct every concerned person, whether a natural or legal person, at the request of him or his representative or his heirs. (Article 27 / Paragraph A and B) of the Jordanian Press and Publications Law did not deviate from what came By (M 88). However, Article (88) was distinguished in its beginning<sup>1</sup> from the (Article 27 / Paragraph A)<sup>2</sup> of the Jordanian Press and Publications Law in regulating the right of the person who has the right to respond or correct. It was by indicating the range of persons who have the privilege of response or correction. It has been clarified for natural persons if they cannot use the right of reply or correction through the guardian or guardian. Consequently, if the response or correction affects a person who is not alive, his heirs can exercise the right of reply and correction. Concerning legal persons, the response or correction shall be from the first official or whoever substitutes for the public or private bodies or from one of the group members, for

incorrect information, the person to whom the article or article relates is entitled to respond to the news or article or demand its correction, and the responsible editor-in-chief must publish the response or correction free of charge in the issue that follows the date. Neither of them appeared in the same place and letters in which the news or article was published in the press publication.

professional groups with shared interests if the publication includes what is related to these persons. Exercising the Right of response or the Right to correction, and in this way, the Saudi regulator has accomplished mainly concerning determining the owner of the right to respond or correct by carefully mentioning the owners of this right, thus avoiding legal problems. We suggest to the Jordanian legislator to amend (Article 27) concerning who has the right to respond and correct By expanding its scope, as did the Saudi regulator.

In the implementation of the previous: the committee responsible for looking into violations of the provisions of the Saudi Press and Publication Law has responded to the defendant's (newspaper) claim that the plaintiff did not come to it to correct the news for its publication, that the right to correction was voluntarily granted to him by the system, not required and not a condition for filing a lawsuit, as well as his right to claim. Compensation even if the newspaper publishes the response of the injured person, and therefore the newspaper's responsibility and prosecution are not waived concerning the publication of the news, including the plaintiff's image who harms his dignity and offends him. In another decision, as an answer to what the plaintiff's attorney argued that the deceased's uncle had contacted the newspaper at the same time and denied the news that the picture of the deceased was attached to and clarified the truth and the consequences of the death. This was published directly, does not affect as the right to reply is guaranteed under the system. For every owner, It is for him to present a request for correction to the newspaper, and that does not nullify his right to demand compensation as stated in (Article 35). The right to respond does not waive responsibility for the newspaper or prosecute it for publication.

### **Second goal**

Who represents the public interests (public authorities) in the Country?

The situation with the Saudi regulator and the Jordanian legislator did not differ when the public interest or the public authorities intended the news, the article or the wrong information. Mustafa (2013) notes that: Some have criticized the saying: "Restricting the right of response and correction to the government, if higher interests in the state are slandered or defamed

is contrary to democratic principles and values, is inconsistent with modern democratic systems that operate on the principle of separation of powers, and as we know that the government is one of three authorities Within the Country represented by the legislative authority, the judicial authority and the executive authority. Therefore, we suggest that this right be given to the public prosecution or any relevant body" (P.255). In (Article 88 / Paragraph A) of the Saudi Press and Publications Law, no distinction was made between the natural (average) and the legal person using the word legal Here. It refers to the private and the public.

### **The second requirement**

#### **Conditions for exercising the right of response and correction**

##### **First branch**

##### **Objective conditions**

It is imperative to exercise the right of response and correction; objective conditions set out as follows must be fulfilled:

- 1- The right of response and correction must be presented by the person mentioned in the newspaper or the person concerned. The implementation of this condition does not mean an explicit reference to the name of the person. According to the Saudi Press and Publication Law, this right is transferred to heirs after his death, and we did not find this in the Jordanian Press and Publications Law.
- 2- The request submitted by the concerned person must be in writing. The Saudi regulator does not require this, and the Jordanian legislator requires writing if the response or correction is related to his public interest. (Article 28 / Paragraph B) stipulates that: "If the press publication posts false news or an article containing incorrect information related to the public interest, then the responsible editor-in-chief shall do the following: publish for free a written response or correction, the one he receives from the concerned authority or from the director in the issue that is the date on which the response or correction was received, followed by the same place and letters in which the news or article appeared in the press publication.
- 3- The concerned person should have an interest in publishing his response and correcting it. The Saudi regulator explained, "If he has a legitimate material or moral interest, or to avoid harm, which pushes him to

respond, and the Jordanian legislator does not mention it.

4- The response and correction must not be contrary to the Jordanian legislator's public order and public morals. It is among the cases of refusal to publish the response or correction. (Article 28 / Paragraph C) stipulates that: "The responsible editor-in-chief of the press publication shall refuse to post the response or correction he receives, based on Article (27) of this law in any of the following case: If the content of the response or correction is contrary to the law or public order or contrary to public morals. "

5- There must be a relationship between response and correction and the published topic, except for the Saudi Press and Publication Law and the Jordanian Press and Publication Law. In my opinion, the newspaper does not oblige the newspaper to publish a response and correction that does not relate to the posted topic in any connection, because saying otherwise makes the right to respond and correct Just a way to display the author's opinions, response and correction.

### **The second branch**

#### **Formal conditions**

It is imperative to exercise the right of response and correction; the objective conditions set out as follows must be fulfilled:

1- Responsible for receiving and publishing the response and correction: In the Saudi Press and Publications system, it is required that the response and correction be directed to the editor-in-chief, or whoever takes his place (Article 88 / Paragraph B and E) stating that: "B. The editor-in-chief or his representative must publish the correction or response in the same letters and in the same language And the same page, free of charge, and in a manner that meets the purpose," e. The editor-in-chief or his representative shall publish the correction or response within seven days from the date of its receipt if the newspaper is daily or in the first issue after receipt if it is otherwise. At the same time, the Jordanian Press and Publications Law was limited by the editor-in-chief (). This came in (Article 27 / Paragraph A and B), which stipulated that: "A. If the press publication publishes false news or an article containing incorrect information, then the person to whom the news or article relates is entitled. To respond to the news or the article or request correction, the responsible editor-in-

chief must publish the response or correction free of charge, in the issue that follows the date in the place and in the same letters in which the news or article was published. B. if the press publication posts false news or An article containing incorrect information related to the public interest: the responsible editor-in-chief must publish for free the written response or correction he receives from the concerned authority or from the director in the issue that follows the date, on which the response or correction was received, and in the same place and letters in which the news or article appeared". This is a favourable position for both of them because the editor-in-chief is the first official in the newspaper. He constantly supervises the newspaper. in addition to that, publishing is not done without his permission. For this reason, most of the legislators assigned him civil and penal responsibility when he violated laws or public order and public morals.

2- Publish the response and correction in the next issue: The Saudi Publications and Publishing System obligated the editor-in-chief or his representative to publish the correction or response within seven days from the date of its receipt. Whether the newspaper was daily or in the first issue after receipt. If it was otherwise, publish the response and the correction received in the first issue issued after its arrival. If this is not possible, then the number that follows it. (M 88 / Paragraph E) stipulates that "E. The editor-in-chief or his representative shall publish the correction or response within seven days from the date of its receipt if the newspaper is daily or in the first issue of it after receipt if it is otherwise."

The Jordanian Press and Publications Law did not deviate from publishing the correction or response from individuals or if it related to the public interest. This came in (Article 27 / Paragraph A and B), which stated: "A. Suppose the press publication publishes false news or an article containing incorrect information. In that case, the person to whom the news or article relates is entitled to respond to the news or article or demand its correction and the responsible editor-in-chief Publish the response or correction free of charge in the issue following the date of either of them being received in the place and in the same letters in which the news or article was published in the press publication, "If the press publication publishes false news or an article containing incorrect information

related to the public interest, the responsible editor To publish the written response or correction received by the concerned party or from the director for free in the issue that follows the date on which the response or correction was received, and in the same place and letters in which the news or article appeared in the press publication.

3- Free to post the response and correction: The Saudi regulator and the Jordanian legislator have approved the principle of free publication of the response and the correction. Of course, it was impossible to imagine that the editor-in-chief would be charged for publishing the response and correcting it. Otherwise, the issue would turn into luring people to send responses by posting news and incorrect information about them. The volume of the reaction so as not to affect the content of the response or correction.

4- The place and size of the response and correction: The place specified by the Saudi regulator to publish the response is the same page on which the false news was published, which necessitated the publication of the response and the correction. Article 88 / Paragraph B stipulates that: "B. The editor-in-chief or his representative must publish the correction or response in the same letters, in the same language and on the same page, without charge, and in a manner that is sufficient for the purpose." As well as the Jordanian legislator. This came in (Article 27 / Paragraph A and B), which stated that: "A. Suppose the press publication publishes false news or an article containing incorrect information. In that case, the person to whom the news or article relates is entitled to respond to the news or article or demand its correction and the responsible editor-in-chief Publish the response or correction free of charge in the issue following the date of either of them being received in the place and in the same letters in which the news or article was published in the press publication, "If the press publication publishes false news or an article containing incorrect information related to the public interest, the responsible editor To publish the written response or correction received by the concerned party or from the director for free in the issue that follows the date on which the response or correction was received, and in the same place and letters in which the news or article appeared in the press publication.

### **The third requirement**

The periodical publication abstained from publishing the response, correction, and exemptions from it. The question arises here about whether the editor-in-chief refuses to publish the response and the correction, so this is without legal justification; the Saudi regulator did not take firm action here, all in the matter resorting to a grievance with the Ministry of Information for any reason. Article 89 stipulates that: "The person concerned may appeal to the ministry if the editor-in-chief or his representative refuses to publish the correction or response for any reason."

(Article 45) of the Jordanian Press and Publications Law permitted to file a lawsuit against him. (Article 45 / Paragraph B) stipulates that: "If the editor-in-chief of the press publication violates the provisions of any of paragraphs (a) and (b) of Article (27) of this law, the aggrieved party may file a lawsuit against him."

The obligation to publish the response and the correction entailed by the editor-in-chief is not binding. Instead, there are cases in which the legislature authorized the person responsible for posting to respond and correct in the periodic publication to refuse publishing the response and the correction. These cases were stipulated in Article 28 of the Jordanian Press and Publication Law, and they are: If the press publication had corrected the news or article before receiving the response or correction accurately and sufficiently. If the response or correction was signed by a pseudonym or by a non-concerned party or in a language other than the language in which the news or article was written. If the content of the response or the correction is contrary to the law or public order or contrary to public morals. If the response is received two months after publishing the news or article.

The Saudi regulator was only mentioned in one case in (Article 88 / Paragraph C), where it stipulated that: "The response or correction must arrive within three months at most from the date of publishing the topic to be corrected or answered." It should be noted that: this period is the forfeiture and not the prescription; it may not be interrupted or suspended because after this period, it is assumed that the reader has forgotten ... and there is no longer a need to raise the topic again.

### **The second topic**

#### **Compensation for a consideration**

In many cases, it may be challenging to judge compensation in kind because in some cases, it is not possible to repeat the situation when the reputation and dignity of the person are violated by assaulting his right to his image until before the occurrence of the damage. Thus, another type of compensation, which is called compensation for consideration, may be either paying an amount of money (monetary compensation for moral damage and its estimation) or performing a specific work (non-monetary compensation). We review both pictures.

### **The first requirement**

#### **Monetary compensation for moral injury and its appreciation.**

Monetary compensation is the natural way to eliminate or mitigate the damage. In every case in which it is impossible to rule for compensation in kind, and there is no way for non-monetary compensation, the court must rule for monetary compensation. Monetary compensation is distinguished from other compensation methods that it is suitable for judgment, regardless of the type of damage, whether material or Morally, the damage in the context of a journalist's assault on the right to the photo may be material or moral. Moral damage is extreme in the journalist's responsibility, as the person suffers his reputation or dignity. According to Khater et al. (2018), moral harm is defined: "Any harm that inflicts an individual's moral responsibility or affects a person's fixed right, such as his right to his image or reputation." (P. 317).

It is the predominant harm when publishing a picture of a person without his permission, or re-publishing it without being allowed, or publishing it in a manner contrary to what was agreed upon with its owner, which results in distorting the personality of the latter and harming his reputation or his dignity. Bashabsheh (2012) notes that "some argue that reputation is a synonymous term for dignity and that it includes both objective and personal concepts, (p. 627). At the same time, Fahmi mentions that reputation is defined according to its vision as "the subjective and inner feeling of a person in his desire to deserve appreciation and respect by others. According to his assessment is his social standing and that he deserves from the members of society treatment and respect consistent with this feeling, that is, the individual's feeling of his dignity away from the opinions of others and the

content of this feeling is the person's desire for Respect for him by others, according to the objective concept: it means the position that every person occupies in society and the right that derives from it to be treated in a manner consistent with this position, that is, to be given the Respect required by his social status, (308).

As for how to assess the value of compensation, the judge has broad discretionary power in this regard. Suppose the matter is related to material damage. In that case, no difficulty arises in estimating it due to the ease of counting the loss that is caused to the injured and the gain that he missed due to the assault on his right in his image, and if the cases of damage The materialistic are few compared to the instances of moral harm resulting from the violation of this right, (Hijazy, 2001, p. 256; Al-Ahma, 2018, p. 121). The difficulty arises in assessing moral damage when the reputation or dignity of a person is compromised as a result of the press assault on the right to his image, due to the lack of standards for these damages, as well as the different circumstances affecting the assessment of compensation from one suit to another, and among the established principles in this regard is that settlement Regarding the damage, it must be estimated at the amount of the actual damage without adding or decreasing it. Still, the estimation of compensation is affected by circumstances and factors that may reduce or increase its amount.

On the one hand, compensation should be in the amount of damage, as stated in the committee's decision, looking into violations of the provisions of the Saudi Press and Publication Law, in stating the reasons on which it relied on issuing its judgment. The compensation for moral damage in a lawsuit whose facts are summarized by the defendant (the newspaper) publishing news about the plaintiff attached to it. Its image is colored and clear on the news of a case from which the plaintiff was acquitted, what he stated: "... and since the mora" harm in many cases cannot be lifted or removed in the same way, since that is not possible by virtue of the nature of this harm, the material compensation was the closest that could compel him in order to achieve justice and lift Injustice, and since the settlement was the payment of what was required of a financial allowance due to causing harm to others, the committee considers the permissibility of material compensation for the moral

harm, provided that the damage is direct and fixed and for an unlawful cause, and all of that is specified in the case in question, so it investigates the elements of negligent liability, error, damage and the relationship Causation and compensation is proven, and since the principle in settlement in general is to estimate the amount of direct damage caused by the mistake, and in the absence of a legal or statutory text requiring the litigator to follow specific criteria for assessing compensation, the determination of its value is subject to the authority to determine The committee's competence committee'st expert in this matter, and all of this is based on the principle of suitability and the committee's diligence icommittee'st achieves justice, eliminates Injustice and represses harm in a balanced manner, taking into account the surrounding circumstances and the direct impact on the applicant for compensation.

In this part, we find the reasoning behind the committee's decision to oblige the defendant (the newspaper) to indemnify the private right claimant and take the jurisprudential approach to the permissibility of material compensation for moral damage. The committee clarified the conditions for moral harm, with confirmation that estimating the moral harm is subject to the committee's discretion. This is what was confirmed by (Article 363) of the Jordanian Civil Code, which states: "If the guarantee is not determined in the law or the contract, then the court assesses it in terms of the harm caused when it occurs..." and as we mentioned earlier in the issue of equivalent compensation for damages. Materialism does not raise difficulties in the field of compensation; unlike the damage to individuals' reputation and privacy, payment is not without difficulty. It is often tricky for compensation to equal the damage, and this requires the judge to clarify the elements of the alleged harm in his judgment. When assessing compensation, the judge must consider the circumstances, which are all circumstances that require aggravation or reduction in the assessment of compensation (Hijazi, 468). A question arises in this matter: Does the judge consider the events of the injured person only? Or does he take into account the circumstances of the journalist and the seriousness of his mistake?

There was no agreement between civil jurisprudence when answering this question, so it was divided into

two opinions: the first considers the circumstances of the circumstances surrounding the victim only and which the judge must include in his calculation when assessing compensation. And the second went in a broader direction than that. The circumstances that are weighed upon when considering compensation are all the circumstances and circumstances, including the error severity. The official and we will address the official's events and the victim's circumstances (Jboori, 2015, p. 280). The principle when assessing compensation is not to consider the gravity of the mistake but rather to look at the amount of damage caused to the injured as long as the elements of default are available. The judge is obligated to grant the injured total compensation regardless of the degree of the error severity. The compensation, in comparison to the gravity of the error of the person who caused the damage and the seriousness of the error, is taken into account as a whole with the rest of the circumstances (Abdel Samee, 2011. P.312). The decision of the committee concerned with looking into violations of the provisions of the Saudi Publications and Publishing Law came to oblige the newspaper to pay the plaintiff an amount of (80,000) eight thousand Saudi riyals as compensation for the private right. Based on the severity of the error and the amount of moral damage caused to the plaintiff and his reputation due to what was published in the newspaper, it says: "The suspension of a sports journalist due to a guard's complaint .....", and the plaintiff's name and photo were mentioned in the published news.

Also, one of the matters that is considered when assessing compensation for moral damage is the extent of the media outlet through which privacy or reputational abuse was revealed (AlAhwani, 1987, P. 445). The personal circumstances surrounding the injured are considered because compensation is measured by the amount of damage that afflicted the injured person in particular. It is estimated on a subjective basis and not on an objective basis, so that the judge, when assessing the financial and social position, takes compensation, as the severity of the damage varies according to the social status of the victim (Abu Maghli, 2009, P. 226), even if The harm was the same. The liability that occurs in a university academic due to defamation is different from the damage suffered by a regular employee; However, the

sense of dignity injury is equal for everyone, but the compensation amount must differ.

The judge, while considering the assessment of compensation for the harm, will not be able to ignore the circumstances related to the injured, for the damage that befalls an average person differs in its extent from that of a person who occupies a prominent social and family position (Hijazi, P. 471). For he who supports a wife and children, his harm is greater than that of the single if he publishes false matters on his behalf (Aljboori, P. 300). The committee's decision, concerned with reviewing violations of the provisions of the Saudi Press and Publication Law, stipulated that the defendant newspaper must pay the plaintiff compensation for the private right. It included what has published an offense to the plaintiff's reputation and dignity in an environment that facilitates the transmission of news and facts among his family. His work, his community and his family, and that what was published includes the publication of family issues and disputes due to incorrect facts.

#### **Second: Non-monetary compensation.**

The size of the damage resulting from the violation of the image's right through press publication is much greater than the rest of the forms of harm resulting from the traditional causes that create the damage. Therefore financial compensation becomes useless in redressing the damage in this type of abuse that results in moral damage. Most of the legislation, including the Jordanian one, requires the newspaper to publish the ruling. It falls under what was stipulated in (Article 296 / Paragraph 2) of the Jordanian Civil Law: Inclusion Way." (Article 44) of the Jordanian Press and Publications Law, stipulates that: "The court that issued the judge may order the convicted person to publish the final judgment acquired in its entirety free of charge or to publish a summary about it in the first issue of the periodical publication that will be issued after notifying the judgment and in the same place of the publication. The article subject of the complaint was published in the same letters, and the court, if it deems it necessary, to order the publication of the judgment or a summary thereof in two other newspapers at the expense of the convicted person. We want to point out that there is a jurisprudential disagreement about the nature of the procedure for publishing the ruling through the media, especially in

harm to reputation or dignity. Hence, the opinion went that it is considered Compensation in kind and not Compensation for a non-monetary exchange. Simultaneously, another idea of jurisprudence is opposed, stressing that publishing the ruling is tantamount to Compensation for non-cash consideration (AlMaryeh, 2017. P. 203).

It is valuable to note that: the publication of the judicial ruling and the apology are a matter of compensation in return, even if it is not monetary, as compensation in kind is, in reality, returning the situation to what it was, and this is not achieved in the publication of the judicial ruling and excuses, with the recognition that it is based on the principle of publicity Which is the same as harm, except that the judge rules for it as a form of satisfaction and reparation for the damage caused to him, and that what was stipulated in (Article 38 / Paragraph 4) of the Saudi Press and Publications Law is less weighty than the publication of the conviction ruling in the newspaper in which the news containing the image is published. He inflicted moral harm on the injured, even if they constitute relief to the injured from his pain and give him a kind of satisfaction, but publishing the ruling has negative consequences. New people, thus attracting people's attention to the search for the newspaper in which the news was published, and on the other hand, the publication of the ruling may not change the conviction of the people who knew that the journalist was wrong. It is notable that, through the decisions of the committees concerned with looking into violations of the provisions of the Saudi Press and Publication Law and the ruling for compensation for the injured party, many publications of an apology have appeared in the newspaper.

Finally, A set of recommendations are summarized as follows:

- Expediting the issuance of the system of financial transactions, and as we know, his date of birth is approaching, when there is a statement of economic rights and obligations and the establishment of basic rules for civil liability and the basis for compensation resulting from it.
- Reconsidering the rules governing the right to respond or correct, to be more effective, especially since there is no civil or criminal penalty for the editor's refusal to publish a

response or correction without reason. It is what the Jordanian legislator has accomplished, in which he clarified the cases in which the editor-in-chief has the right to refuse to publish the response or correction.

- Transferring the committees' functions concerned with looking into violations of the provisions of the publications and publishing system to the public judiciary by joining the judicial authority.
- Publication of the decisions of the committees concerned with reviewing violations of the provisions of the Press and Publication Law and has a practical impact in creating a media environment that respects the rights of others, as in most decisions, there was an apparent lack of awareness of the provisions of response and correction.

## CONCLUSION

Compensation is the goal of the injured person to restore the situation to what it was (in-kind compensation) or to obtain monetary compensation to compensate for financial damage or satisfaction for compensation for moral damages, this is the first study in the Saudi Publications and Publishing system, and the reason for the scarcity in these studies is the absence of legalization for financial transactions (the law) Civil which is considered the reference in building responsibility and the mechanism of compensation for it when it has been achieved. The other reason is that the Saudi publications and publishing system and its executive regulations do not contain the statutory texts on which responsibility and compensation are based. We started the study on compensation in kind (the right of restitution or correction), which avoids the injured person resorting to the judiciary with his right to demand compensation even if the newspaper answers him with the amendment or correction of the news that he heard or his dignity. And when the compensation in kind does not work, we moved to the compensation stage with a fee. Usually, in cash or non-monetary, and non-monetary, which is represented by the publication of an apology by the newspaper following the Saudi Press Publication Law. Still, in the Jordanian Press and Publication Law, the ruling is published.

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