

**Judicial legislation and its role in providing legal security for  
investment  
(Study in the Saudi law)**

**Introduction**

One of the most prevalent terminology in the world of finance and business is the term foreign investment. It is intended to create new projects in host countries. This term is spread in the Arab countries, as well as many foreign countries, as it is considered one of the main engines of economic growth in countries, and foreign investment is Especially important for Arab countries, because of its many benefits in increasing local and economic development in those countries, and pumping capital into the national economy, which leads to increased growth of the industrial and commercial sectors

To encourage foreign investment, guarantees must be provided to the investor, which requires talking about mechanisms for settling investment disputes, and it is known that foreign investors do not prefer to resort to the jurisdiction of the host country, to settle disputes about their investments in them, due to considerations related to fear of non-impartiality, or the effectiveness of national laws and judiciary in Achieve adequate protection for these investments. Hence the importance of conflict resolution mechanisms as one of the most important elements of safety for foreign investments

**Research problem**

Most countries seek to develop solutions to the challenges and obstacles to foreign investment, and these solutions are centered in providing an attractive environment for foreign direct investment, in a way that expels foreign investors 'concerns by giving the investor a set of advantages and guarantees, including those relating to judicial legislations for the settlement of investment disputes. So, this research was to answer a major question, which is to what extent does the judicial legislation provide legal security for the foreign investor

The answer to this question requires learning about the following

The problem of slow litigation procedures and its negative impact on investment

Recent legislative amendments and their role in enhancing confidence in - the national judiciary

Arbitration as one of the legal alternatives to settling investment disputes

### **Reasons for choosing a topic**

1-Highlighting the vital and important role of judicial legislations in encouraging investment

2-Explain the recent legislative amendments and their role in the speedy settlement of investment cases to enhance confidence in the national judiciary

3-Determining the judicial guarantees provided by the Saudi investor organization

### **Research Methodology**

To reach its aim, the comparative descriptive analytical method will be adopted, whereby theoretical information will be collected, systematic (legal) texts and jurisprudence opinions will be collected

### **Previous studies**

I did not find anyone have addressed the issue of the role of judicial legislation in providing legal security for the investor by studying, while there are legal studies that have addressed the topic of investment protection in general, including the study of researcher Abdul Latif Ibrahim Al-Shaalan entitled Systematic Protection of Foreign Investment in the Kingdom of Saudi Arabia, a comparative study, a message MA 2012, Naif University - Saudi Arabia, and the researcher was exposed to a statement of the rights enjoyed by the investor in the foreign capital investment system and its executive regulations issued by Royal Decree No. (2-1) and date 5-1-1421AH, compared to the Egyptian system

### **Search Plan**

Introduction

Introductory topic: The problem of slow litigation procedures and their negative impact on investment

Chapter one: Developing judicial legislations in national courts and enhancing confidence in the national judiciary, and it has two requirements

The first part: legalization of the use of modern technology in national courts

The second part: the establishment of specialized courts to consider investment disputes

Chapter two: Legislative recognition of arbitration as an alternative method for settling investment disputes, and it has two requirements

The first part: the role of arbitration and its importance in settling investment disputes

The second part: the legislative organization of arbitration as an aspect to activate the legal security of investment

Conclusion: It includes the most important findings and recommendations