ABSTRACT

objective: The main objective of the article is to analyze the provisions contained in the Passenger Rights Regulation. The article supports the legislation of these regulations because it facilitates the continuous adaptation of passenger rights. However, the article criticizes the lack of precision in defining the interaction between the legal rules applicable to international air travel and domestic passenger air travel. Such internal regulations that apply to cross-border air travel can, in some cases, encourage conflicting laws.

Theoretical reference: The study extensively analyzed the 2017 and 2023 Passenger Rights Protection Regulations in comparison with international laws governing air transport, referencing relevant scholarly works.

Methodology: The study used an analytical approach, examining the 2017 and 2023 Passenger Rights Protection Regulations and comparing them with international laws governing air transport, incorporating insights from relevant studies.

Results and Conclusion: The internal regulations governing cross-border air travel, as critiqued, have the potential to engender conflicting legal frameworks. Moreover, the recently enacted 2023 Passenger Rights Regulation is scrutinized for its lack of a feedback mechanism, a crucial element for future regulatory amendments. The article further underscores the regulatory misalignment with international agreements governing international air transportation, indicating that these internal regulations do not comprehensively and equitably safeguard the rights of all passengers. For legislation to serve as a catalyst for innovative and apt legal frameworks in the advancement of air transportation operations and passenger rights, it is imperative that such internal regulations be all-encompassing, non-conflicting with existing legal norms, incorporate a robust feedback system, and ensure the exhaustive protection of passenger rights.

Implications of research: The article critically evaluates current passenger rights systems by shedding light on their weaknesses and the lack of communication between national and international laws related to air travel. Additionally, it conducts a comparative analysis between the passenger rights systems of 2017 and 2023, detailing the changes and their impact on the relationship between local and international laws. The article addresses deficiencies in the new 2023 legislation, such as the absence of a feedback system and its non-alignment with international agreements, highlighting the need for improvement to ensure greater comprehensiveness and alignment with developments.

Originality/value: This study stands out as the sole examination of passenger rights in Saudi law according to the 2023 regulations. It offers solutions to achieve harmony between national

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laws and international agreements, as well as the potential for continuous improvement of rules within the scope of a perpetually evolving application.

**Keywords:** passenger rights, Saudi law, regulatory legislation, 2023 Passenger Rights Regulation.

**RESUMO**

**Objetivo:** O principal objetivo do artigo é analisar as disposições contidas no Regulamento Direitos dos Passageiros. O artigo apoia a legislação destes regulamentos porque facilita a adaptação continua dos direitos dos passageiros. No entanto, o artigo critica a falta de precisão na definição da interação entre as normas jurídicas aplicáveis ao transporte aéreo internacional e ao transporte aéreo doméstico de passageiros. Estes regulamentos internos aplicáveis às viagens aéreas transfronteiriças podem, em alguns casos, incentivar leis contraditórias.

**Referência teórica:** O estudo analisou amplamente os Regulamentos de Proteção dos Direitos dos Passageiros de 2017 e 2023 em comparação com as leis internacionais que regem o transporte aéreo, fazendo referência a trabalhos acadêmicos relevantes.

**Metodologia:** O estudo utilizou uma abordagem analítica, examinando os Regulamentos de Proteção dos Direitos dos Passageiros de 2017 e 2023 e comparando-os com as leis internacionais que regem o transporte aéreo, incorporando conhecimentos de estudos relevantes.

**Resultados e Conclusão:** os regulamentos internos que regem o transporte aéreo transfronteiriço, tal como criticados, têm potencial para gerar quadros jurídicos contraditórios. Além disso, o regulamento relativo aos direitos dos passageiros, recentemente adotado em 2023, é examinado pela sua falta de um mecanismo de feedback, um elemento crucial para futuras alterações regulamentares. O artigo sublinha ainda o desalinhamento regulamentar com os acordos internacionais que regem o transporte aéreo internacional, indicando que estes regulamentos internos não salvaguardam de forma abrangente e equitativa os direitos de todos os passageiros. Para que a legislação sirva de catalisador para quadros jurídicos inovadores e adequados no avanço das operações de transporte aéreo e dos direitos dos passageiros, é imperativo que tais regulamentos internos sejam abrangentes, não contraditórios com as normas jurídicas existentes, incorporem um sistema de feedback sólido e assegurem a proteção exaustiva dos direitos dos passageiros.

**Implicações da pesquisa:** O artigo avalia criticamente os atuais sistemas de direitos dos passageiros, esclarecendo suas fraquezas e a falta de comunicação entre as leis nacionais e internacionais relacionadas a viagens aéreas. Além disso, realiza uma análise comparativa entre os sistemas de direitos dos passageiros de 2017 e 2023, detalhando as mudanças e seu impacto na relação entre as leis locais e internacionais. O artigo aborda as deficiências da nova lei de 2023, tais como a ausência de um sistema de feedback e o seu não alinhamento com os acordos internacionais, destacando a necessidade de melhorias para assegurar uma maior abrangência e alinhamento com os desenvolvimentos.

**Originalidade/valor:** Este estudo se destaca como o único exame dos direitos dos passageiros na legislação saudita de acordo com os regulamentos de 2023. Oferece soluções para alcançar a harmonia entre as leis nacionais e os acordos internacionais, bem como o potencial para a melhoria contínua das regras no âmbito de uma aplicação em constante evolução.
1 INTRODUCTION

In 2017, the Saudi Civil Aviation Authority issued regulations to protect the rights of passengers (customers), which included some regulatory rules to govern passenger rights and their relationship with the air carrier. Later, in 2023, a new set of regulations was announced to protect the rights of travelers, resulting in the cancellation of the 2017 regulations.

In the Kingdom of Saudi Arabia, laws are issued by the Council of Ministers, which is authorized to enact laws in accordance with the Basic Law of Governance (as stipulated in the Kingdom of Saudi Arabia's constitution (Al-Fahad, A. H.2005) However, regulations like these are issued by the Board of Directors of the General Authority of Civil Aviation based on its legal authority.

The use of regulations as a legislative tool to regulate the relationship between passengers and airlines is more appropriate and flexible, making it easier to amend. The flexible legislative policy supports legislative evolution and innovation, keeping pace with rapid changes that affect the management of air transportation operations.

Legislating passenger rights in regulations was not common in Saudi Arabia until recently. Nevertheless, the general legislative policy in Saudi Arabia has facilitated the adoption of such flexible legislation, as regulations in the Kingdom of Saudi Arabia are flexible and can be amended by the issuing authority without the need for lengthy constitutional procedures.

In this regard, the Saudi Cabinet granted the General Authority of Civil Aviation the authority to issue and amend regulations. This serves flexibility and aligns with the goals of legislative development in response to the circumstances surrounding air transportation. However, there are numerous criticisms of the 2023 Passenger Rights Protection Regulation, which amended and developed many provisions in the previous 2017 regulations.
1.1 THE APPROPRIATENESS OF THE LEGISLATIVE MECHANISM FOR PROTECTING PASSENGER RIGHTS IN SAUDI ARABIA

The development of law (Van Bogaert, E. 1981) related to passenger rights and the management of passenger air travel operations is influenced by several factors. These factors include the advancement of the aviation industry, the specifics of passenger rights such as those of passengers with disabilities (Budd, L., & Ison, S. 2020) and the transportation of pets, economic considerations, as well as the circumstances affecting passenger air travel operations\(^2\). These circumstances are especially pertinent during times of crises, such as the COVID-19 pandemic, disruptions, or peak travel seasons. In such situations, flexible legislation and regulations are more suitable for adapting to and developing policies that align with the prevailing conditions.

The conditions surrounding passenger air travel necessitate legislation that is easily amendable, and regulations effectively serve this purpose. Following the impact of the COVID-19 pandemic, there was a significant disruption to passenger air travel operations (Naboush, E., & Alnimer, R. 2020) and airlines’ responsibilities towards passengers came under scrutiny. This led to a need for adaptable regulations that could be easily modified or replaced by the same legislative authority to keep up with the current situation and ensure fairness. I do not believe that the legal provisions outlined in international agreements and Saudi Arabian domestic law (Civil Aviation Law of 2005) adequately keep pace with these developments, as these legal provisions require extensive and time-consuming procedures to be amended and enforced, unlike regulations that do not necessitate all these steps.

Furthermore, the issues affecting the flow of passenger air travel and the development of laws are diverse, dynamic, and multifaceted. They can be influenced by various factors, including health crises, conflicts, adverse weather conditions, natural disasters like volcanic (Gudmundsson, M.T., Pedersen, R., Vo fjord, K., Thorbjarnardóttir, B., Jakobsdóttir, S., & Roberts, M. J. 2010) eruptions, and more.

There are also unique circumstances in the Kingdom of Saudi Arabia, as it serves as a significant religious destination for Muslim pilgrims from around the world. During the Hajj season, there is a significant increase in the number of passengers arriving and departing from the Kingdom of Saudi Arabia on domestic and international flights\(^3\), with

\(^2\) - research frontier of covid-19 and passenger transport: a focus on policymaking
the destination being the airports near Mecca. This leads to immense pressure on passenger transportation facilities and transport companies during the annual Hajj season, directly impacting air traffic and other transportation operations, resulting in seasonal delays and congestion, considering the fluctuations in numbers from year to year.

Transportation plays a crucial role during the Hajj season, and the substantial increase in the number of flights for pilgrims to and from Saudi Arabian airports leads to flight delays and rescheduling during the Hajj season. Regulations, however, do not include provisions that adequately address issues that occur during peak times in Saudi Arabia, both for domestic and international flights.

1.2 FLEXIBLE LEGISLATION SUPPORTS THE DEVELOPMENT OF AIR PASSENGER TRANSPORTATION OPERATIONS

The laws governing air transportation have significantly evolved, especially concerning international agreements (Dempsey, P.S. 2017). As air travel advances, legislation must keep pace with these changes. Sustaining this progress requires appropriate support. I believe that the evolution of responsibilities and commitments among air passenger carriers should be reflected in passenger rights, in addition to other factors such as the development of the aviation industry.

At the beginning of the last century, legal support for passenger air transportation activities was evident in the relaxation of the air carrier's liability, either by providing them an escape route from responsibility or defining a suitable maximum compensation limit. This was coupled with economic support and financial aid due to its significant economic nature.

Support can be enacted through the issuance, application, and assessment of flexible legislation that serves the interests of both passengers and air carriers. As in the case of the COVID-19 pandemic, which affected legal responsibilities and the financial situation of air carriers (Rothengatter, W., Zhang, J., Hayashi, Y., Nosach, A., Wang, K., & Oum, T. H. 2021),

Economic uncertainties can affect the existence of airline companies (Danilova, E. I., Zarubinska, I. B., & Novak, V. O. 2021), whether they are small or medium-sized. Strict liability provisions against air carriers protect the interests of the weaker party (the passenger) and obligate the airline companies to pay significant amounts as compensation, which could bankrupt them if the carrier is found responsible for the
damages incurred by passengers according to the applied legislation, regardless of the relevant developments or the need to support the air carrier as a major economic activity contributing to building nations' civilization (Lewis, W. M. 1936). However, the passenger rights protection regulations should have considered mechanisms to protect airline companies as well, particularly in cases of significant collective compensations. This balance should have been established within the passenger rights protection regulations.

Support for carriers not only means financial aid or economic (Lee, J.W. 2021) facilities for aviation companies (Abate, M., Christidis, P., & Purwanto, A. J. 2020) but also involves developing the content of legislation and the method of its implementation. Legislation should meet all rapid changes in air passenger transportation, including relevant factors such as health disasters like the COVID-19 pandemic (Smyth, A., Christodoulou, G., Dennis, N., Marwan, A. A., & Campbell, J. 2012).

There is a need to grant an independent and specialized authority with sufficient power to legislate flexible regulations that align with rapid changes and contribute to supporting the aviation sector, which seeks to enhance its competitiveness and achieve sustainability (Sun, X., Wandelt, S., & Zhang, A. 2021). Regulations can also be reviewed quickly and conveniently by the relevant authority, making them faster and more flexible to protect airline companies in urgent and rapidly changing conditions.

Moreover, the legislative approach can provide significant support to transition policies towards a climate-friendly aviation system, by supporting climate (Daniel Scott, Stefan Gössling. 2022) science development and empowering innovation in sustainable technologies aimed at environmental protection. While regular laws may have to go through lengthy constitutional procedures that could hinder achieving urgent goals and require more flexibility.

It is worth mentioning that the new regulation did not include any measures related to environmental protection, considering this as part of the Kingdom's Vision 2030 objectives. This could involve providing advantages for passengers who prefer sustainable air travel or offering various forms of support for sustainable aviation companies.
1.3 ADAPTING PASSENGER RIGHTS LEGISLATION TO EVOLVING CONTENT AND OTHER INFLUENCING FACTORS

To transport passengers by air, modern machines are constantly evolving and affecting the laws that govern the legal relationships of the parties involved in this activity. The Warsaw Convention of 1929 (Batra, J. C. 1999), whose provisions influenced the domestic legislation of countries after their acceptance of the convention, has recently been amended due to significant developments in the passenger air transport industry, along with changes in economic conditions and the evolution of passenger rights. Consequently, the provisions governing the operations and management of air passenger transport have been affected, impacting the relationship between passengers and airlines.

Air passenger transport is not just a legal relationship between one passenger and one airline carrier, as aircraft carry a large number of passengers (Milne, R. J., & Salari, M. 2016), and airlines provide their services to a large public, making them susceptible to economic conditions, emergencies, disasters, weather conditions, political disruptions (Abeyratne, R. 2011), and other factors. All these influences have a rapid impact on the aviation sector. Flexible regulations (laws) are the most suitable means to deal with rapid changes, especially in the Kingdom of Saudi Arabia, given its vast territory and significant air transport movement⁴. The surrounding variables of passenger transport directly affect the laws governing passenger rights. The Warsaw Convention of 1929 was formulated in a way that did not take into account the existence (Weigand, T. A. 2000) and evolution of air passenger transport facilities. For example, it establishes liability based on the assumption that the carrier is at fault, and the burden of proof lies on the opposite party, as well as specifying reasonable compensation that will not force the airline into bankruptcy. Laws governing passenger transport operations from the beginning of the last century to the present are continually (Fox, S. J., & Martín-Domingo, L. 2020) evolving in parallel with changes in various conditions, such as the advancement of aircraft technology, reduced risks, and new management approaches. New laws govern liability and passenger rights. This evolution impacts the content of passenger rights and the laws that govern the relationship between passengers and the airline company. The most prominent of these laws pertain to the rights of passengers with disabilities (Frye, A. 2010) which were not initially regulated in the early years of passenger air travel and

were not addressed in the Executive Regulation for Customer Rights Protection in 2017. However, this was rectified in the Passenger Rights Protection Regulation of 2023.

Furthermore, the diverse conditions surrounding passenger transport, whether economic, political, or health related (Rothengatter, W., Zhang, J., Hayashi, Y., Nosach, A., Wang, K., & Oum, T. H. 2021), may require unconventional behaviors and procedures, especially during health crises. These conditions may sometimes compel passengers to comply with specific types of behavior, such as social distancing (Barnett, A., & Fleming, K. 2020), wearing face masks, or providing health certificates, among others. This behavior necessitates urgent legislation, and specialized regulations should permit passengers to travel during health crises.

I believe that the internal regulation in the Kingdom of Saudi Arabia accommodates these conditions, as long as the regulatory body can issue and amend regulations quickly without the need to resort to the competent constitutional authority for law issuance.

1.4 THE REGULATORY FRAMEWORK FOR AIRCRAFT PASSENGER RIGHTS IN THE KINGDOM OF SAUDI ARABIA

The Civil Aviation Law was issued in 2005, rendering all previous laws related to aviation obsolete upon the implementation of the new law. Preceding this law were a series of developments in civil aviation laws in the Kingdom of Saudi Arabia, starting from 1946 (Airport Tariff Law, Aircraft Landing and Overflight Law, Airport Establishment Law, and Air Navigation Law). Furthermore, Saudi Arabia became a party to the Montreal Convention of 1999 on October 15, 2003. The Cabinet announced arrangements related to the activation of the General Authority of Civil Aviation as an independent legislative body, through a complete separation of its responsibilities on one hand and the board of the General Authority of Saudi Arabian Airlines on the other.

Subsequently, several regulations were issued in the Kingdom of Saudi Arabia, including Customer Rights Protection Regulations in 2017 and later the Passenger Rights Protection Regulations in 2023. Following this mechanism, the Saudi legislator adopted a policy of legislating regulations related to certain aviation law topics, allowing for more flexible responses to rapid changes and developments that require law updates.
The content of these regulations is aimed at protecting passenger rights (the Executive Regulation for Customer Rights Protection in 2017 and the Passenger Rights Protection Regulation in 2023). There is no specified duration for the validity of these regulations, and they can be amended at any time when deemed necessary by the General Authority of Civil Aviation. As for the ordinary law issued by the Saudi Cabinet, as the authority empowered to enact laws in the Kingdom of Saudi Arabia, it takes a long time and goes through multiple stages before it becomes an effective law. It is amended in the same way according to the Saudi constitution. Therefore, it takes a long time that may not align with the developments in the aviation field in general and the fast-changing and recurring circumstances.

The regulatory approach to passenger rights throughout Europe is more responsive to the requirements of air transport in federal countries, where all transport operations within the union are subject to uniform rules in the form of regulations. This regulatory approach meets the ongoing requirements for managing air transport operations by continually (Fox, S. J., & Martín-Domingo, L. 2020) establishing a sophisticated legislative system, especially when stakeholders (Defossez, D. 2021) (passengers) can provide feedback on the legal rules governing their relationship with airlines and their rights. These comments can be used as input for developing laws based on the current situation.

The Saudi legislator aims to establish a comprehensive and advanced legislative system, and the Customer Rights Protection Regulations of 2017 and the Passenger Rights Protection Regulations of 2023 are just a starting point for modern and flexible legal regulation regarding aviation law topics. They will be followed by further steps as the air transport industry evolves and the surrounding circumstances change, along with the development of passenger rights content.

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7 - It is noted that the Saudi legislator is expanding the policy of legislating regulations in various sectors, where several authorities are granted the power to issue regulatory regulations and amend them to be more flexible and in line with reality. Examples of this include the regulations of the Saudi Data and Artificial Intelligence Authority, the Capital Market Authority, and others...
2 CHARACTERISTICS OF PASSENGER RIGHTS REGULATION ACCORDING TO SAUDI LAW REGULATIONS

Flexible legislation policy supports the development of passenger rights content in all circumstances through regulations issued by the Saudi General Authority of Civil Aviation. It is characterized by several features as a tool for legislating passenger rights:

- Legislation is characterized by its flexibility as a source of legal rules compared to other relevant sources of legal rules. Regulations are considered more suitable for the changing circumstances that air passenger transport operations face and have an impact on the scope and content of airline responsibilities, passenger rights, and the actual value of passenger compensation under changing economic conditions.

- Passenger rights protection regulations (Customer Rights Protection Regulations in 2017 and Passenger Rights Protection Regulations in 2023) are issued and easily amended by the General Authority of Civil Aviation. As a result, they are characterized by their realism, as they are issued by an authority directly responsible for managing air passenger transport operations and are in direct contact with all surrounding circumstances.

- The regulations easily meet the requirements for urgent amendments, proposals from directly related entities concerning air passenger transport operations (Defossez, D. 2021), and suggestions for the development of passenger rights, such as recommendations from the Air Passenger Rights Association (APRA).[^8]

- Flexible legislation through regulations issued by the General Authority of Civil Aviation allows for broader participation in shaping the laws that apply to passenger transport compared to the formulation of regular laws, where stakeholders cannot be widely involved in the drafting process.

- The issuance of regulations by specialized authorities in accordance with Saudi law can facilitate the coordination of appropriate regulations for other related modes of transportation if they are formulated in the same manner as is the case with passenger rights on land, sea, or other multimodal transportation (Murati, E. 2020).

Legislation supports the ongoing assessment process by stakeholders and highlights the real obstacles and requirements for legislative development. It can be guided through the review of passenger rights regulations from 261-2004, which were created as an independent review for practical implementation (Hipp, C. 2019).

Implementing domestic legislation policy and aligning it with the content of international agreements makes it easier for the national judge to issue appropriate judgments that are in line with the rulings of judges in other countries. This directly and positively affects the standardization and application of legislation.

Flexible legislation through regulations allows for the establishment of a liability mechanism for airlines when it comes to air passenger transport and its significant impact on consumer (Ltifi, M., & Mesfar, S. 2022) behavior through an advanced and flexible legislative system. Regulations play an effective role due to their flexibility, rapid evolution, and suitability for air passenger transport operations.

3 CRITIQUE OF THE SAUDI EXECUTIVE REGULATIONS ON PASSENGER RIGHTS PROTECTION FOR 2023

Despite the significant importance of legislation concerning the relationship between passengers and airlines, the new regulations of 2023 have several criticisms, as follows:

Lack of clarity in defining the scope of regulation application: This is an important critique. Regardless of all the benefits, these regulations are local and not suitable for international air transportation operations. Although Article 2/3 states that the regulations apply to flights departing from the Kingdom of Saudi Arabia, whether the carrier is national or international, this clause increases the likelihood of legal conflicts and does not consider the judicial options mentioned in the 1999 Montreal Convention.

These regulations do not distinguish between Saudi passengers and passengers of other nationalities, which increases the likelihood of application ambiguity. Moreover, this clause is inaccurate because the internal regulations are issued by the Saudi General Authority of Civil Aviation. How can they apply to
an international airline on international flights subject to international agreements? Additionally, the text does not specify what is meant by "flights departing from the Kingdom of Saudi Arabia." Does this refer to the carrier or the passenger? These ambiguities increase the likelihood of legal conflicts. In general, international transportation is a fertile environment for legal conflicts. This should be taken into account when formulating relevant legislation⁹.

- Assuming that the scope of national regulations related to passenger rights will expand in several countries, the diversity in provisions for each country will also increase, directly affecting international efforts to harmonize aviation law rules (Sand, P. H. 1965) These international efforts began with the 1929 Warsaw Convention and continued with the 1999 Montreal Convention. Unless the provisions of these conventions are repeated in the laws and regulations of each country, there will be issues with the application of laws in terms of scope, conflicts of jurisdiction, and differences in the applied laws. To ensure greater consistency and harmonization, it would be beneficial for countries to incorporate the provisions of these international conventions into their national laws and regulation (Mtani, B. T. 2020).

- The new regulations for protecting passenger rights in 2023 do not adopt a mechanism that allows stakeholders to provide feedback when amending the regulations.

- It would have been better for the new passenger rights regulations to offer a radical and clear solution to overbooking instead of involving passengers in issues they are not responsible for, such as banning the overbooking policy by the airline, as long as the reservation fee is paid by the passenger first.

- The issuance of these regulations by the General Authority of Civil Aviation makes them weak. Legislative authority is granted to the Authority as an exception, despite applying them to all potential passengers, whether on international or domestic flights and to both Saudi and foreign passengers. Under these circumstances, it is preferable for legal rules to be issued by a specialized legislative body, which can be bypassed by granting the General Authority of Civil Aviation the right to propose regulations and rules only and authorizing their

issuance and approval by the Council of Ministers, which has the constitutional authority to issue all legislation. Furthermore, this will not take as much time as ordinary laws, as long as the regulations are considered special laws.

- The title of the regulations does not correspond to their content; it should be titled "Regulations for the Protection of Passenger Rights".

- The regulations do not specify the compensation due from the carrier in cases of damages resulting from delays or passenger refusal, nor do they establish a basis for such evaluation. According to the regulations, all passengers are entitled to compensation regardless of the extent of the damage.

- The regulations impose responsibilities on airlines regarding passengers during runway delays, which are often due to airport authorities, causing both the carrier and passengers to suffer as a result of these delays.

- It would have been appropriate to calculate compensation for baggage per passenger holding a ticket. However, the regulations ignore what is known as collective, family, or group baggage\textsuperscript{10}. A family may have consolidated all their belongings into one suitcase and handed it over to the carrier under one name. Therefore, who should be compensated in such a case?

- The regulations do not address compensation for damages incurred by passengers due to violations of their dignity or harm to their feelings, for example, in cases of racism. Most systems deal with this issue according to established regulations and legal precedents (DiGiacomo, D. 2004).

- The regulations do not govern the terms of electronic air transport contracts made through a booking intermediary, nor do they address the intermediary's responsibility, even though this is one of the most common ways to enter into contracts in the Kingdom of Saudi Arabia (Haanappel, P. P. 2018).

- The regulations do not define some important terms, such as accident, personal injury, loyalty program.

- It would have been better if the regulations explicitly stated that any matter not regulated by these regulations is subject to the provisions of international agreements in force in the Kingdom.

\textsuperscript{10} - Morandi, V., Malighetti, P., Paleari, S., Redondi, R., Honnebier, B. P., DeLatte, D., ... & Wei, Y. THE AVIATION& SPACE.
- The regulations mentioned the term "loyalty programs" in Article (5) several times without providing a clear definition in the first article of the regulations, which defined all the important terms in the regulations.

- Article ten of the regulations addresses compensation for delays based on the difference between the scheduled arrival time and the actual arrival time without considering the flight distance, whether it's international or domestic, and it doesn't address the mechanism for compensating for resulting damages. This contrasts with other regulations, such as those related to the liability of air carriers in the European Union, which clearly and easily quantify compensation based on the flight distance.

- The regulations included some redundant clauses, such as the first paragraph of Article Fourteen. What's the purpose of mentioning it in the regulations when the passenger has already agreed to board in the lower class?

- The fifth paragraph of Article Eighteen holds the air carrier responsible for damages to tools and auxiliary devices up to the damage incurred without considering the source of the damage.

- Article Twenty-Five obligates the air carrier who does not comply with the provisions of these regulations to a fine not exceeding 50,000 Saudi Riyals, without considering the nationality of the air carrier, the regularity of their flights, or establishing a mechanism for implementing or appealing this fine. However, the regulations rely on Special Drawing Rights (SDRs) to determine all the compensations that the carrier is obligated to pay to passengers. So, what's the solution when the passenger is a Saudi who applies for a non-scheduled flight, and how to deal with currency value fluctuations?

- The regulations do not address any scenario where the carrier is insolvent, and the passenger is responsible for compensation.

- Article Twenty-Six allows passengers to sue the carrier for a type of damage called "subsequent damages," which is not clearly defined, while the regulations specify all compensations in the form of a maximum amount that cannot be exceeded.

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11 - https://www.flightright.com/your-rights/eu-regulation
4 CONCLUSION

we see that improving regulations related to passenger rights protection is a key element in enhancing the experience of air travel and ensuring the safety and security of passengers. The new regulations for 2023, which have been critiqued in detail in our article, carry tangible advantages, and we have outlined several positives concerning passenger rights protection.

However, these regulations also bear certain points that can be improved, including clarifying terminologies, specifying responsibilities, and more precise application to international air transport.

To achieve the best results, we must strive for the unification of regulations at both national and international levels and ensure that these regulations are flexible and suitable for the ongoing changes in the aviation industry.

Most importantly, there should be international guidance to achieve unification and coordination of passenger rights protection regulations in different countries, focusing on minimum legal standards and practices. This cooperation between nations can be key in ensuring that the regulations are of high quality and provide adequate protection for travelers worldwide.

In summary, we must continue to improve regulations related to passenger rights protection and adhere to national and international legal guidelines to ensure comprehensive and consistent protection for passengers, contributing to a better travel experience for everyone.
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