

Administrative law reforms for enhancing business environment in Saudi Arabia

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ABSTRACT

The economic landscape of Saudi Arabia has undergone significant changes in recent years, largely due to various administrative law reforms. The aim of this research paper is to examine the administrative law reforms in Saudi Arabia and their impact on the country's business environment. Based on the findings, the law reforms made in Saudi Arabia include initiating businesses, safeguarding the interests of minority investors, facilitating trade, ensuring contract enforcement, providing access to electricity, facilitating credit acquisition, granting construction permits, and resolving insolvency. Saudi Arabia should take steps to raise public awareness about corruption and establish more robust laws to safeguard whistleblowers. The country should also allocate resources to training programs and establish partnerships with advanced, specialized courts. Creating entrepreneurship programs and workshops to promote an entrepreneurial mindset in schools and the community is crucial. Saudi Arabia can create a favorable environment for economic growth and development by implementing these measures.

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1. Introduction

The economy of the Kingdom of Saudi Arabia has significantly improved in recent years due to various administrative law reforms. Saudi Arabia has been recognized as the most improved economy globally (United States-Saudi Business Council [US-SBC], 2024). As such, Saudi Arabia ranks 62nd globally in ease of doing business, with a score of 71.6 out of 100 (WB, 2019). Therefore, the aim of this research paper is to examine the administrative law reforms in Saudi Arabia and their impact on the country's business environment. Between 2018 and 2020, Saudi Arabia implemented eight business reforms. The reforms implemented in Saudi Arabia include initiating businesses, protecting the rights of minority investors, facilitating trade, ensuring contract enforcement, providing access to electricity, promoting credit acquisition, granting construction permits, and resolving insolvency (US-SBC, 2024; World Bank [WB], 2024). The reforms were intended to streamline bureaucratic processes, minimize bureaucratic obstacles, and improve transparency in corporate transactions. Consequently, Saudi Arabia has become more appealing to investors, resulting in heightened economic expansion and diversification.

2. Materials and Methods

A thorough review of literature was conducted to explore the administrative law reforms to enhance the business environment in Saudi Arabia. To obtain relevant information, various electronic databases, including Google Scholar, Hindawi, Journal Storage (JSTOR), and ProQuest, were used. The search was based on keywords such as administrative law reforms, business environment, and Saudi Arabia. The initial search yielded a total of 1,015 articles. The search results included a variety of scholarly articles, reports, and case studies that provided crucial information on the current challenges and potential solutions for improving the business environment in Saudi Arabia. However, after reviewing the titles and abstracts of the studies, only

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18 articles were found to be pertinent to the topic. For inclusion in the review of literature, the articles and reports needed to be (a) less than five years old, (b) in English, (c) available in full text, and (d) pertinent to the topic. Articles and reports were excluded if they did not meet the aforementioned criteria. Four main themes emerged from the literature review: (a) Making bureaucratic processes efficient, (b) enacting regulatory changes to simplify business procedures, (c) funding infrastructure projects, and (d) encouraging entrepreneurship and innovation.

3. Results

Saudi Arabia has implemented substantial measures to enhance its business climate and simplify administrative procedures through administrative law reforms (WB, 2019; WB, 2024). The reforms encompass the formation of the National Center for Performance Measurement (NCPM), the creation of a one-stop shop for business registration and licensing, the digitalization of government services, the establishment of anti-corruption committees, and the enforcement of more stringent penalties for bribery and embezzlement (WB, 2019; WB, 2024). The objective of these reforms is to attract domestic and foreign investors by establishing a more conducive environment for conducting business. Hence, this literature review entails the findings obtained on the administrative law reforms that Saudi Arabia has implemented to improve its business climate.

3.1 Making Bureaucratic Processes Efficient

Establishing the NCPM, which seeks to track and assess government agency performance and guarantee accountability, is a critical step in enhancing the efficacy and efficiency of public services (National Center for Performance Management, 2018). Saudi Arabia has implemented reforms to enable the creation and public availability of performance measurement reports (WB, 2024). The reforms align with Saudi Arabia's Vision 2030, emphasizing transparency and government operations efficiency (Saudi Embassy, 2023). The government of Saudi Arabia aims to promote a continuous improvement culture in public service delivery by implementing performance measurement systems to enhance decision-making.

The New Zealand Ministry of Foreign Affairs and Trade (NZMFAT) (2023) stated that Saudi Arabia enacted a new Civil Transactions Law (CTL) on December 16th, 2023, with the aim of enhancing the nation's economic climate. The reforms implemented by the CTL encompass streamlining procedures, augmenting transparency, and fostering efficiency within the business sector. The objective of the CTL is to streamline processes and improve clarity, with the goal of minimizing administrative obstacles and instances of corruption; thus, facilitating a more favorable environment for enterprises to operate within Saudi Arabia (NZMFAT, 2023). Reducing administrative obstacles and curbing corruption will lead to heightened competition, innovation, and productivity within the country's commercial sphere. The implementation of e-government services has also been a crucial measure in decreasing paperwork and enhancing efficiency in administrative procedures. For example, the implementation of a new digital platform streamlined the procedure for acquiring construction licenses in Saudi Arabia (US-SBC, 2024). Nadrah et al. (2021) demonstrated that the adoption of the e-government platform in Saudi Arabia has facilitated the provision of enhanced services to enterprises and citizens by the government. The e-government approach will facilitate the attraction of lucrative investments, foster job creation for Saudi Arabians, and contribute to economic growth and development (Nadrah et al., 2021; Basrawi, 2018).

3.2 Starting a Business

According to WB (2024), the government of Saudi Arabia imposed reforms to make starting businesses easier by establishing a one-stop shop that merges several pre- and post-registration procedures. The implementation of a one-stop shop has helped simplify the business startup process for entrepreneurs and reduce bureaucratic obstacles, making Saudi Arabia more appealing to investors (WB, 2024). At present, the expense of initiating a firm for an entrepreneur in Saudi Arabia amounts to approximately 5.4% of the per capita income, which is below the average of 16.7% in the Middle East and North Africa region (WB, 2019). Saudi Arabia has made reforms that streamline the process for married women seeking a national identity card by eliminating the requirement for additional documentation (WB, 2024). The change represents a substantial advancement in achieving gender equality and fostering women's empowerment in the country. Additionally, the reform streamlines the process of identification for married women and enhances their independence and equitable entitlements as Saudi Arabian citizens. In another study, Topal (2019) posited that the promotion of women's empowerment has been a critical strategy for enhancing the competitiveness of the Saudi Arabian economy and facilitating foreign economic integration. As a result, the effort towards empowering women has been instrumental in bolstering the country's economic growth and development.

Saudi Arabia has introduced a streamlined approach to facilitate the establishment of enterprises, wherein entrepreneurs can utilize an online system that integrates the name reservation and article of association submission into a single step (WB, 2024). The strategy facilitates time and labor savings while minimizing errors or delays in the registration process. In addition, the online method facilitates transparency and accountability by offering a centralized platform for entrepreneurs to monitor the advancement of their business registration. Saudi Arabia has also enhanced its online payment infrastructure to obviate the necessity of in-person fee payments (WB, 2024). The enhanced payment system enables individuals to conveniently make payments from their residences, saving time and circumventing the inconvenience of lengthy waits and paperwork.

3.3 International Trade

According to WB (2024), Saudi Arabia has implemented measures to enhance the efficiency and speed of importing and exporting, which include enhancing its single electronic trading window, renovating infrastructure at Jeddah port, implementing risk-based inspections, and introducing an online platform for certifying imported commodities. The steps have significantly optimized the trading process, resulting in a reduction of corporate paperwork and administrative burdens. In order to address the demands of business paperwork and administrative tasks, the operating hours at the Jeddah port were extended to allow for round-the-clock operations. The change has resulted in improved efficiency in trade activities (WB, 2024). Consequently, Saudi Arabia has experienced a surge in its trade volume and has gained greater appeal to international investors.

3.4 Getting Electricity

By utilizing a geographic information system and eliminating certifications of completion, the process of approving new requests for electrical connection and meter installations has been streamlined, leading to an enhanced business climate in Saudi Arabia (US-SBC, 2024; WB, 2024). The government has enacted efforts to streamline and accelerate the process, thereby reducing the amount of time businesses spend. The simplification of connection and meter installations has fostered an increase in the number of enterprises establishing their operations in Saudi Arabia. In addition, the simplification of connection and meter installations has enabled the expansion of established enterprises by furnishing them with a dependable and effective source of electricity. As a result of recent reforms, businesses in Saudi Arabia can now acquire a permanent electrical connection in approximately half the time it took them a year earlier (WB, 2019). According to WB (2019), the process has been simplified to simply involve two stages, making it one of the six countries globally where this type of connection may be established in this way. Saudi Arabia has recently introduced a new compensation program aimed at enhancing the dependability of its electricity provision (WB, 2024). The new plan is designed to provide incentives for electricity companies to deliver a continuous and reliable power grid to consumers. Due to the implementation of this plan, there has been a substantial decrease in power interruptions, resulting in an overall enhancement of energy services in Saudi Arabia and a more favorable business climate in the country.

3.5 Mitigating Corruption

The crown prince Mohammed bin Salman organized an anti-corruption council in order to organize a fight against corruption (Rahman, 2020). The stringent measures used to combat corruption were perceived as a pivotal move in establishing a business environment that is characterized by transparency and accountability in the Kingdom. Saudi Arabia has also adopted a resolute position against bribery and theft by enforcing more stringent sanctions. Vause et al. (2019) claimed that the implementation of Royal Decree 4 of 1,440, which sanctions the anti-bribery law, has demonstrated its efficacy in suppressing corrupt activities. The anti-bribery legislation has been crucial in discouraging individuals from participating in illicit practices while also fostering transparency within Saudi Arabia's commercial landscape. According to Altawyan (2020), whistleblowing has the potential to mitigate corruption in Saudi Arabia, fostering an environment that attracts greater international investments and economic opportunities. The National Anti-Corruption Authority of Saudi Arabia underscores the importance of individuals actively engaging in combating corruption by reporting or disclosing information regarding any such instances (Altawyan, 2020). According to Alanzi (2021), the procurement process in Saudi Arabia benefits from a strong IT infrastructure that promotes transparency. The system is a crucial part of the country's governance framework, ensuring that procurement procedures are conducted with maximum efficiency and fairness. The integration of IT in procurement has significantly reduced corrupt practices while promoting accountability within the government, owing to the implementation of regulations that allow for the immediate termination of contracts if any illegal or corruption-related activities are detected (Alanzi, 2021). As a result, domestic and international stakeholders have increased trust in Saudi Arabia's procurement practices.

3.6 Enacting Regulatory Changes to Simplify Business Procedures

Saudi Arabia has implemented legal frameworks to facilitate the attraction of foreign investment. According to Al-Qahtani and Albakjaji (2023), Saudi Arabia has implemented legislation to ensure that international investments have equivalent incentives, advantages, and assurances as domestic enterprises. The law allows foreign investors to have complete ownership of firms in the majority of economic sectors, hence eliminating the requirement for a local partner. The law has generated significant foreign direct investment (FDI) in the country; hence, promoting its economic growth and development (Al-Qahtani & Albakjaji, 2023).

3.7 Protecting Minor Investors

Saudi Arabia has implemented changes aimed at enhancing the availability of evidence during trials in order to safeguard the interests of small-scale investors (WB, 2024). The dedication to safeguarding the interests of investors has enhanced the trust and assurance of local and global investors in the Saudi Arabian market. The government has established a stable investment environment that promotes long-term partnerships and sustainable growth by guaranteeing transparency and justice in judicial proceedings (Al-Qahtani & Albakjaji, 2023; US-SBC, 2024). These steps have additionally facilitated the attraction of a more

diverse pool of investors, encompassing individuals with an interest in smaller-scale investments. Consequently, this has fostered inclusion and expanded the range of economic options within the country. Saudi Arabia is now ranked third worldwide in terms of ease of doing business, on par with New Zealand and Singapore. The accomplishment is attributed to the implementation of reforms aimed at safeguarding the interests of minority investors (WB, 2019). Saudi Arabia has enacted a reform aimed at promoting the rights of minority shareholders in transactions involving linked parties and improving corporate governance (WB, 2024). The country aims to improve openness and accountability in its corporate governance system with the aim of attracting increased international investment and bolstering investor trust in the Saudi market.

3.8 Specialized Courts

Albaheth (2020) asserted that specialized courts in Saudi Arabia play a vital role in resolving economic issues. Countries that have specialized courts resolve their issues 40% more expeditiously compared to countries that lack such institutions (Albaheth, 2020). The specialized legal courts help in promptly and effectively resolving economic issues; thus, promoting investor confidence in Saudi Arabia's legal system. According to Albaheth (2020), commercial and business courts play a crucial role in a country's economic prosperity.

3.9 Insolvency Resolution

Saudi Arabia has implemented efforts to streamline its bankruptcy resolution process. The reform includes the introduction of a reorganization procedure, which enables creditors to participate in insolvency proceedings. Additionally, the country has made it easier for businesses to obtain credit after the onset of insolvency and has improved voting procedures in reorganization cases (WB, 2024). The country has also enhanced the handling of contracts and guaranteed the uninterrupted operation of businesses during the insolvency process. The measures have been taken to facilitate a just and equitable approach to resolving insolvency cases by enabling creditor involvement and offering loans after the initiation of proceedings. In addition, the enhanced management of contracts and the inclusion of business continuity measures serve to safeguard the interests of all parties involved, establishing a more secure and advantageous business climate (WB, 2024).

Saudi Arabia has also implemented a reorganization process aimed at facilitating the resolution of insolvency cases (US-SBC, 2024; WB, 2024). The reform facilitates the process for enterprises facing financial difficulties to engage in negotiations with their creditors and devise a strategy to reorganize and repay their obligations. The technique offers a versatile and effective approach for enterprises to tackle their financial challenges, thereby fostering a more robust economic environment in Saudi Arabia.

3.10 Tax Payment

In January 2018, the Kingdom of Saudi Arabia implemented a value-added tax (VAT) system with an average rate of 5%. The measure has enhanced the country's fiscal stability and broadened its sources of income (Mgammal et al., 2023; WB, 2024). Saudi Arabia raised its VAT from 5% to 15% in July 2020. The action has elevated government income and showcased Saudi Arabia's dedication to economic restructuring and adherence to global benchmarks. The implementation of the VAT system in Saudi Arabia has resulted in a more stable and equitable economy, enhancing the appeal of the Saudi Arabian market for local and foreign investors (Mgammal et al., 2023). The decision to raise the VAT from 5% to 15% in Saudi Arabia may enhance the commercial landscape. Additionally, Saudi Arabia has implemented a reform to improve the digital platforms used by its citizens for tax filing and payment (WB, 2024). The reform involved the development of intuitive digital tools and online platforms that simplified the process of filing taxes and making online payments for residents. The reform has helped to reduce the burden of paperwork and administrative limitations typically associated with these procedures.

3.11 Enforcing Contracts and Obtaining Credit

Saudi Arabia has improved the enforcement of contracts by releasing court performance measurement reports and providing information on the status of cases in the courts (US-SBC, 2024; WB, 2024). The endeavors have enhanced openness and efficacy in the legal system, instilling firms with heightened assurance in enforcing contracts. Additionally, Saudi Arabia introduced a reorganization procedure to make resolving insolvency easier (US-SBC, 2024; WB, 2024). Through this reform, financially distressed companies can negotiate with their creditors and develop a plan to restructure their debts. The procedure provides a more flexible and efficient way for organizations to address their financial difficulties, ultimately promoting a healthier business climate in the country.

Another measure that has contributed to enhancing the business climate in Saudi Arabia is the implementation of a secured transactions law, which has facilitated access to credit (US-SBC, 2024; WB, 2024). The implementation of the secured transactions law has simplified the procedure of acquiring credit by permitting firms to utilize moveable assets as collateral. The utilization of portable assets as collateral has augmented the accessibility of financing alternatives for local and international investors, enhancing economic activity in Saudi Arabia. The new regulations not only allow for the enforcement of security

interests outside of court but also grant secured creditors complete priority inside bankruptcy proceedings and the ability to secure all forms of debts and obligations between the involved parties (WB, 2024).

Saudi Arabia has recently revised its civil procedure rules to incorporate certain deadlines for court proceedings and has implemented an electronic platform for submitting initial complaints (WB, 2024). Implementing time limitations will ensure the expeditious conduct of court proceedings. Simultaneously, the electronic filing system will streamline the process of submitting first complaints, resulting in increased efficiency and reduced resource use for all stakeholders.

3.12 Property Registration

Saudi Arabia has also enacted measures to simplify land and property registration processes. Saudi Arabia enhanced the efficiency of its land administration system by introducing an online platform for verifying ownership and encumbrances (US-SBC, 2024; WB, 2024). Owing to the innovative online platform, local firms in Saudi Arabia may now efficiently acquire all the requisite permits and authorizations to construct a warehouse within just 100 days. The process incurs a cost of 1.9% of the warehouse value, which is only half of the regional average of 4.4% (WB, 2019).

Saudi Arabia also enhanced the efficiency of property registration by optimizing the dispute resolution mechanisms inside the land administration system. The reforms have not only expedited the registration procedure for land and property, but they have also enhanced transparency and mitigated the risk of fraudulent transactions. Owing to the recent reforms, Saudi Arabia currently ranks 19th worldwide in terms of the simplicity of property registration (WB, 2019). Enhanced dispute resolution mechanisms facilitate a more streamlined and fair approach to resolving any disputes or conflicts related to property ownership in Saudi Arabia (WB, 2024). Saudi Arabia has also enacted measures to streamline and enhance the transparency of the property registration procedure. The reform has been accomplished through the process of digitizing the land records of the country and making available a published fee schedule (WB, 2024). The reform has greatly improved the ease of access and effectiveness of property registration in Saudi Arabia. In addition, the process of converting land records into digital format has effectively diminished the potential for fraudulent activities and corrupt practices within the real estate industry.

3.13 Obtaining Construction Permits

The kingdom implemented a recent reform aimed at streamlining the process of acquiring construction permits by unveiling an internet-based platform (WB, 2024). The platform has facilitated the digitization of documentation and the implementation of online submissions, hence optimizing the entire process. Consequently, candidates can now effortlessly submit their paperwork and monitor the advancement of their applications, saving time and minimizing administrative obstacles. As a result of this reform, Saudi Arabia is ranked 28th worldwide in terms of the ease with which one can obtain a construction permit in the country (WB, 2019). Saudi Arabia has introduced an extra need for civil defense approval following the issue of building licenses (WB, 2024). Therefore, after obtaining a building permit, the civil defense authorities will assess and authorize the safety protocols designed to safeguard people during emergency situations. The inclusion of this extra measure underscores Saudi Arabia's dedication to giving utmost importance to safety and readiness in its construction endeavors.

3.14 Investing in Infrastructure Projects

In recent years, Saudi Arabia has placed a high premium on investing in infrastructure. According to Alghuson (2023), the act of building new roads, airports, trains, and ports has played a substantial role in fostering the economic growth and development of the country. The infrastructure developments have enhanced transportation and logistics, as well as attracted foreign investments and stimulated trade potential for Saudi Arabia (Alghuson, 2023). Todd (2023) reported that Saudi Arabia has commenced a project at the Riyadh Airport to build a substantial aviation hub featuring six parallel runways. Additionally, the project includes the incorporation of a specialized integrated logistics zone spanning an area of three million square meters, with the possibility of future development. Saudi Arabia has made investments to improve its ports and railways, hence increasing connectivity within the kingdom and with international markets (Todd, 2023). The infrastructure advancements are anticipated to greatly enhance the effectiveness and capability of Saudi Arabia's transportation and logistics networks. Riyadh Airport can enhance its capacity to handle increased air cargo volumes and provide a smooth connection for domestic and international trade by expanding its aviation hub and including a logistics zone (Todd, 2023). In addition, the enhancements made to ports and railways will streamline the transportation of commodities domestically while promoting Saudi Arabia's capacity to engage in international supply networks.

3.15 Encouraging Entrepreneurship and Innovation

Saudi Arabia may implement various strategies to foster entrepreneurship and innovation through educational and training initiatives. For example, Saudi Arabia can enact legal changes to encourage collaborations with educational institutions in order to provide specialized courses in entrepreneurship and innovation. Ahmad et al. (2023) and Allmnakrah and Evers (2020) stated that Saudi Arabia endeavors to foster an environment conducive to innovation and an entrepreneurial mindset among students. Therefore, the Vision 2030 committee in Saudi Arabia has allocated resources to enhance the entrepreneurial

culture of the country (Moshashai et al., 2020). Enhancing students' entrepreneurial and inventive talents in Saudi Arabia will cultivate a highly skilled workforce, promoting the country's business environment (Ahmad et al., 2023; Allmnakrah & Evers, 2020). An effectively developed entrepreneurial sector will entice international investment and generate employment prospects for Saudi youth, thereby facilitating the diversification of the economy.

Aloulou and Al-Othman (2021) argued that cultivating an entrepreneurial culture can result in the emergence of domestic startups and technology-based sectors, stimulating economic expansion and diminishing reliance on oil earnings. Saudi Arabia may consider implementing mentorship initiatives that facilitate the connection between young entrepreneurs and seasoned industry experts, thereby promoting the exchange of knowledge and providing guidance (Aloulou & Al-Othman, 2021). Saudi Arabia seeks to establish a conducive environment that encourages individuals to pursue their entrepreneurial ambitions and cultivates a culture of innovation through the implementation of these changes.

4. Conclusion and Recommendations

Between 2018 and 2020, Saudi Arabia has undertaken eight corporate reforms with the objective of simplifying administrative procedures, reducing barriers, and enhancing transparency. The reforms entail various aspects, including business initiation, protection of minority investors, facilitation of international trade, contract enforcement, access to electricity, credit acquisition, construction permit issuance, and insolvency resolution. The process of starting a business has been simplified by establishing a comprehensive service that eliminates the requirement for extra documentation for married women. Women's empowerment has been a crucial strategy in promoting the economic growth and development of Saudi Arabia. Additionally, the reservation of a business name and the submission of the articles of association have been merged into a single procedure. The implementation of risk-based inspections, the improvement of infrastructure, the enhancement of electronic trade single windows, and the launch of an online platform for certifying imported goods have all improved the facilitation of importing and exporting. Saudi Arabia has enacted multiple measures to streamline the process of resolving insolvency, enhance the VAT system, and enhance digital platforms for filing and paying taxes. In addition, the country has facilitated the enforcement of contracts by disseminating court performance measurement reports and providing information on the status of cases. The implementation of a secured transactions law has promoted loan accessibility, enabling enterprises to utilize transportable assets as security. An online ownership and encumbrance check platform has been implemented to enhance the land administration system. Additionally, the publication of a thorough pricing schedule and the digitization of land records have streamlined the process of obtaining construction permits. A supplementary civil defense approval process has been introduced subsequent to the issue of building permits to guarantee safety and readiness in construction endeavors. Saudi Arabia places a high value on infrastructure projects aimed at enhancing transportation and logistics, attracting international investments, and increasing trade prospects. Also, Saudi Arabia is now building a substantial aviation hub and improving ports and railways to boost connectivity and permit more efficient transportation of products. In addition, the country actively encourages entrepreneurship and innovation through educational and training initiatives, enacts legal reforms, and cultivates a thriving entrepreneurial culture among students. These programs seek to establish a conducive environment for economic expansion and innovation.

Several recommendations may be made to help Saudi Arabia improve its business environment even further. First, more inclusive measures and continuous monitoring are crucial to ensuring the effectiveness of the anti-bribery law. Second, raising awareness among the public about the negative consequences of corruption and promoting a culture of integrity can further contribute to reducing corrupt practices in Saudi Arabia. Third, Saudi Arabia should enact stronger legislation to protect whistleblowers; thus, motivating people to report incidents of corruption and creating a safer environment for those who decide to speak up. Fourth, it is essential for Saudi Arabia to allocate resources towards training programs and resources aimed at improving the expertise and proficiency of judges in specific domains of law. The country will enhance its legal framework and attract more international investments by undertaking this action, ultimately fostering its economic growth and development (Albaheth, 2020). Fifth, Saudi Arabia should partner with countries with advanced and specialized courts that can offer invaluable direction and assistance in constructing a resilient legal framework. Sixth, investing in infrastructure will help Saudi Arabia improve its business environment, consequently attracting more domestic and foreign investors. Lastly, there is a need to establish entrepreneurship curricula and training workshops and programs in Saudi Arabia; thereby, promoting an entrepreneurship and innovation culture in the Kingdom.

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