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SECTION 34. Tourism.

LEGAL REGULATION IN SPHERE OF RESTAURANT - HOTEL BUSINESS

Abstract: In article legal regulation in sphere of restaurant-hotel business is considered. The international agreements of the Republic of Uzbekistan in the field of tourism with other countries, in common, within the limits of the CIS are considered.

Key words: the international contracts, restaurant -hotel business, tourist business, tourism, the international tourism, market economy.

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Introduction

As it is known, the international contracts form a legal basis of interstate relations; promote development of the international cooperation in tourism.

Tourism owing to an involvement into it of a large quantity of people and resources cannot remain without special legal, organizational, economic levers, including for the purpose of restriction of negative sides of a competition.

Market economy formation in the Republic of Uzbekistan has strengthened interest to forms and methods of tourist service of the population.

Tourism development by the accelerated rates and increase of negative consequences of competition and commercialization of tourist activity has led to understanding of necessity of state regulation of tourist business. Tourism highly remunerative branch of economy and in legal sphere is necessary for improving its regulation by the legislation. And only there, where the state puts into practice an appropriate state policy concerning tourism, formation economic-legal principles regulations of these kinds of activity and maintenance of a sustainable development of tourism, success in tourism is available that proves to be true fantastic incomes of the separate countries of tourist activity (the USA, France, Spain).

Almost all national laws of the states of the world recognize tourism as economy branch, giving to this branch various priorities. The Law of the

Republic of Uzbekistan on tourism recognizes as it's as one of priority branches of economy. But some states carry tourism to sphere not only economy, but also cultures. For example, the Law of Georgia recognizes tourism and resorts uniform and priority branch of national culture and economy. The law of Ukraine proclaims tourism by one of priority directions of development of economy and culture. The culture and resort activity gravitate to tourism which provides the consumer of resources and a heritage.

Materials and Methods

The Republic of Uzbekistan transition to market economy, liberalization of tourist activity, have caused sharp requirement for a professional training, guided in the questions of the international tourism knowing the international and national legal base, able to carry on negotiations with foreign tourist counterparts and competently to make the contract on tourism. The knowledge of bases and problems of legal questions in the international tourism is extremely necessary for deep understanding of legal questions of tourist services for lack of information of our tour operators on conditions of the international tourism quite often brings to nothing efforts on registration of tourist groups, reduces quantity of tourists, the size of a prospective gain from tourism, causes contingencies, leads to failure of mutually advantageous tourist contracts.

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In order to avoid it the constant attention to conditions and norms of regulation of the international tourism, and not only in the Republic of Uzbekistan, but also in the countries of foreign partners is necessary. Knowledge in the field of legal regulation of the international tourism on the basis of studying of standard base, methods of legal regulation in the field of tourism, the basic contracts, means the international tourism, an order of passage of customs control, consideration of economic disputes is necessary as for tourist operators, and tourists.

In this connection the discipline provides studying not only the right of the Republic of Uzbekistan, but also separate aspects of the international and foreign private law regulating foreign trade activities. Such key problems as sources of legal regulation of the international tourism, legal status of the Uzbek and foreign tourists, and also creation of joint travel agencies, conditions of the conclusion of the international tourist contracts, their maintenance and an execution order, process of passage of tourists, through customs border, an order of a presentation of claims and the claims following from the international tourism are important central questions.

For consideration of the international tourism it is necessary to give a close attention on specificity of legal regulation of separate directions international tourism, in particular, telecommunications and the information in tourism, digitalization in tourism. Here legal regulation of liabilities on the international tourism is considered. A base element of construction of discipline is, first, the combination publicly-legal and частноправового regulations of the international tourism and, secondly, consideration of each direction is structured under the scheme: the international statutory acts, the national legislation, the contractual form of regulation of the given international tourism.

Thus, regulation in sphere restaurant - hotel business has character complex, studying character and process of regulation of the international tourism public and private law in their interaction. Legal regulation in sphere restaurant - hotel business puts the problem to acquaint with bases of legal regulation international tourism which are necessary for knowing to the national tourist leaving in foreign countries. Legal relations in sphere of rendering of tourist services represent complex public relations in which are involved the state, the organizations of the tourist industry (hotel, carriers, restaurants, etc.), tourist firms and, certainly, tourists.

Tourist's camera activity is defined as activity on formation, advancement and relaxation of a tourist product which is carried out by tour operator. The law on tourism regulates a legal status of the basic subjects of tourist activity. First, it defines as the persons making trips in our country or abroad in

medical-improving, recreational, informative, physical culture -sports, is professional-business, religious and other purposes without employment by activity, connected with reception of the income of certain sources.

The law regulates functioning of the tourist industry presented by set of hotels and other means of placing, automobiles, objects of sanatorium treatment and rest, public catering, means of entertainment, informative, business, medical-improving, physical culture -sports and other appointment, the organizations which are carrying out tourist's camera and tourist's agency activity, and also operators of tourist information systems and the organizations, guides (guides) rendering service, guides-translators and instructors-conductors. In this case it is a question of such category of executors of services on which shoulders all volume of work on maintenance of quality of tourist service (a food, excursions, transportation, hotel and so forth lays down).

The law regulates activity of tour operators and tourist agents and it regulates practice of the guides (guides) who are professionally prepared persons. They carry out activity on acquaintance of tourists (tourists) with objects of display in the country or a place of time stay.

The guides-translators who are professionally prepared persons, freely own a foreign language which knowledge is necessary for transfer and activity realization on acquaintance of tourists (tourists) with objects of display. Instructors-conductors are professionally prepared persons accompanying tourists and providing their safety at passage of tourist routes.

Basis of all tourism and tourist activity natural, historical, welfare objects which include objects of tourist display, and also make the objects, capable to satisfy spiritual and other requirements of tourists, to promote maintenance of their ability to live, restoration and development of physical strengths.

The given objects the legislator unites "tourist resources" in the general name, defining them as national property which is subject to rational use, protection and protection from the state by means of a responsibility establishment (administrative, civil-law and criminal), provided by the current legislation for damage drawing.

The Republic of Uzbekistan is now the full member of the world community. It actively cooperates with the foreign states in various spheres, including in the field of tourism. In the conditions of globalization in the tourist market the Republic of Uzbekistan develops the general conditions of mutual relations between travel companies, taking into account their national features, but it is necessary to improve legal base of mutual contracts in sphere of tourism and etc.

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Therefore the system of sources of the legal regulation regulating a legal status of subjects, rendering the services, using these services and supervising these services in tourism sphere, is extensive and includes a number of regulatory legal acts: the Republic of Uzbekistan Constitution, the Civil code of the Republic of Uzbekistan, the law on Republic of Uzbekistan tourism. The law on tourism defines tourist activity as tourist's camera and tourist's agency activity, and also other activity on the organization of travel.

At the international level tourist activity: in the Republic of Uzbekistan regulates the International documents in tourism sphere: the General declaration of human rights (1948). It is the first international document of value on human rights and its basic freedom. In it the basic rights and freedom of the person which has been stimulus, including for tourism development have been fixed. For example, in declaration item 13 it is proclaimed: «Each person has the right to move and choose freely to itself a residence within the state. Each person has the right to leave any country, including own, and to come back in the country» (The international pact about the economic, social and cultural rights (1966). In it, position that the states encourage development of the international contacts in cultural area (item 15) in particular is fixed.

Pact item 12 indicates: that each citizen possesses the right to free movement and the right to leave any country, including the own. It defines the basic lines of activity of the states on development of the international tourism. In it intention to promote improvement of conditions for development both individual is expressed and collective tourism, and equally to encourage expansion of youth travel by granting of corresponding privileges.

The Manila declaration on world tourism (1980) has been accepted at the world conference of tourism. The declaration has fixed a duty of the states to promote development of national and international tourism; the government duty to participate in tourism development, defining the basic directions connected with encouragement of corresponding capital investments; the satisfaction of tourist requirements should not put a damage to social and economic interests of the population of tourist areas, environment, natural resources, historical and cultural places; granting of the maximum possibilities and privileges in sphere of youth travel, tourism of persons of old age and persons with physical defects. If till 1980 tourism was considered basically from the point of view of profitableness the Manila declaration has proclaimed the new modern and realistic concept of tourism as a way of carrying out of holidays, as the form of rest, travel and moving's of persons with any purposes.

The Manila declaration has established that since 1980 on September, 27th it is marked as the

world day of the tourist. The document of Acapulco (1982) has been accepted at the World meeting on tourism in Mexico, and has confirmed principles of the Manila declaration. Besides, it has fixed necessity maintenance of the right of citizens on rest, the leisure, and paid holiday and on creation of legislative guidelines for simplification of access to carrying out of holidays by all levels of population; rendering of assistance to tourism by all mass media; tourism inclusions in an education program. The special attention in the Document is given to a role of national tourism in development of world tourism, to acceptance of the financial and technical measures directed on increase of purchasing capacity of citizens. A charter of tourism and the Code of the tourist (it is the appendix to the Charter - are accepted in 1985). They have been accepted on General assembly JUNVTO in Bulgaria. The charter has established fundamental laws and duties of tourists which are concretized in the Code of the tourist. The Hague declaration of tourism (1989): It has been accepted by Inter-parliamentary conference on tourism. The declaration has proclaimed ten principles, being the tool of the international cooperation in tourism sphere, and also rapprochement means between the people.

Its substantive provisions are reduced to the following: tourism this form of carrying out of free time; tourism is an assistance effective remedy to social and economic growth of the country; natural, cultural and human environment - the basic condition of development of tourism; tourism has humane character; each person has the right to free travel; simplification of formalities of travel a basis of development of tourism; safety and protection of tourists, respect of their advantage - the major conditions of development of tourism; the states should accept measures to combat terrorism, improve quality of tourist services, plan development of a tourist infrastructure.

Subjects of tourist activity should consider principles of the Hague declaration and constantly be based on them in the work. The declaration of the World conference of ministers of tourism (1994): The Japanese city of Osaka became a place of its acceptance. In the Declaration the tourism role as largest world manufacturer of services and basic source of employment under condition of the further perfection of vocational training of workers of sphere of tourism, and carrying out of researches in this area is shown. The global ethical code of tourism (1999): it has been accepted at 13th session of General Assembly JUNVTO in Chile (Santiago). This document defines main principles of development of tourism, fixes obligations and the rights of participants of tourist process, and makes recommendations to the tourist organizations on realization of principles of the international certificates.

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The Osaka declaration of a millennium (2001): it has been accepted during 14th session of General assembly JUNVTO. It has defined a role and value of the international tourism as one of leading branches of economy as the factor of preservation of a cultural heritage, and also has specified in crucial importance of information technology for success of the tourist enterprises. In 1991 the Code of relations between hotels and tourist agencies of the World federation of associations of tourist agencies and the International hotel association has taken effect. The code is applied at drawing up of hotel contracts when the hotel and tourist agency are in the different countries.

Conclusion

The Republic of Uzbekistan has been accepted following important documents:

1. The agreement «About cooperation in the field of tourism» (on December, 23rd, 1993): according to the state Agreement have incurred obligations on assistance in development of equal in rights and mutually advantageous cooperation, effective development of tourist resources, on information and is standard-legal maintenance of tourism and on rapprochement of legislations of the states on tourism, on information interchange, experience, scientific and teaching materials, on rendering of assistance in professional training questions. With a view of realization of this Agreement in 1993 Council about the tourism assistance to cooperation in the area of state bodies, national and regional tourist associations, firms and the international tourist organizations became which primary goal has been created.

2. The recommendatory act of Inter-parliamentary Assembly of the CIS «About main

principles of cooperation by the Republic of Uzbekistan in the field of tourism» (on October, 29th, 1994). In it basic terms and concepts (tourism, the tourist, round are given, etc.), fundamental laws and duties of tourists and the tourist organizations are regulated, questions of indemnification and indemnification to tourists on purpose are mentioned to recommend working out by Republic Uzbekistan of corresponding national laws for the further formation of uniform tourist space.

3. The interstate target program (concept) «Development of tourist communications between the states» (on February, 14th, 1996). The Primary goals the Program has established formation of modern is standard-legal base and bases of system interstate, in frameworks the Republic of Uzbekistan, regulations of tourist activity, creation of favorable conditions for development of internal and external tourism, maintenance of development of social tourism, creation in the CIS the uniform tourist market and development of the international cooperation in the field of tourism.

4. The agreement on humanitarian cooperation (on August, 26th, 2005 - Kazan). On it the parties have agreed to expand a variety of kinds of tourism, including cultural, ecological, youth, children's and others; to promote introduction of uniform international system of classification of means of placing and tourist services; a uniform information network.

Following recommendations and developing positions of the specified certificates, the Government of the Republic of Uzbekistan has concluded cooperation agreements in the field of tourism with a number of the governments of the states-participants CIS.

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