

Institutionalization of Tourist Rights Protection as an Indispensable Condition of the Tourism Development Strategy

*¹Romanova Margarita Viktorovna, ²Ermoshkina Svetlana Vasilievna,
³Taneeva Ekaterina Shamilevna and ⁴Levitskaya Elizaveta Yurievna*

¹Department of service and tourism technologies,
Russian state university of tourism and service, Russian Federation, Moscow

²Department of service and tourism technologies,
Russian state university of tourism and service, Russian Federation, Moscow

³Department of technologies in service and tourism,
Russian state university of tourism and service, Russian Federation, Moscow

⁴English language department of economics faculty,
National Research University Higher School of Economics, Russian Federation, Moscow

Abstract: Tourism industry high level of popularity, recent cases of violation of tourist rights both in Russia and abroad demand an adequate attitude towards tourists as its main service users. It is implied that institutionalization of the protection of tourist rights should become an indispensable condition of the tourism development strategy and result in forming a tourist rights protection institution able to work out not only universal and specific mechanisms and instruments of tourist rights protection but also its elaborated and adapted principles.

Key words: Institution • Subjects of law • Mechanism • Instruments of tourist rights protection

INTRODUCTION

It is hard to overestimate the importance of touristic services and their necessity in the modern world. Tourism is a “dynamically developing industry” [1], an integration of cultures, an opportunity to satisfy aesthetic demands of subjects and as a whole one of the factors of the world civilization development. But still man remains the center of tourist activity. In view of this, we suppose the protection of tourist rights in the modern strategy of tourism development should be of paramount importance. In general the issues of man’s protection are of great importance and are regulated in a number of international conventions and Russian standard legal acts. However, none of them deals with the above mentioned problems in detail which is undoubtedly vivid law drawback.

A similar point of view is conveyed in The Hague declaration of the inter-Parliamentary tourism conference in 1989 [2], at which it was correctly highlighted the fragmentary character of the law base and lack of legal guaranteeing of laws in the field of tourist security and protection. At present the analysis of not numerous sources more or less connected with the problems of tourist rights protection showed that this phenomenon is not confirmed in legislation yet.

To counterbalance standard regulation foreign and individual Russian scientific researchers pay much attention to these problems [3]. Specifically, protection issues examined in the context of its synonymous category “tourist security” were touched upon in the works of A.V. Pankratova [4], E.L. Pisarevsky [5]. Their research object is tourist security in the broad sense that is tourist personal security. Several scientists

Corresponding Author: Taneeva Ekaterina Shamilevna, Department of technologies in service and tourism, Russian state university of tourism and service, Russian Federation, Moscow. E-mail: kate_t81@mail.ru.

studied separate elements of tourist rights protection in detail, for example, N.V.Sirik, who made a careful study of the contract of tourist services rendering considering the latter as a civil law instrument of consumer rights protection [6].

To our mind it is extremely important to add a corresponding law regulation to the examined field both on the international and national levels. It seems to us that law regulation of tourist rights protection must be an obligatory condition of the tourism development strategy, the tasks of which are to ensure tourists security, to raise tourist services demands, to make them available for people, to develop tourist activities culture. We suppose that only institutionalization of tourist rights protection, introduction of the term “institution of tourist rights protection” into science and practice, defining the elements of the institution, working out the complex of measures aimed at ensuring the protection institution functioning will allow us to reach the set aim.

MATERIALS AND METHODS

The adopted methodological set of methods let the authors carry out an all-round analysis, generalize, systematize legal relations connected with institutionalization of tourist rights protection. Specifically, a number of universal scientific, specific gnosiological and particular scientific methods was used.

RESULTS

Institutionalization of tourist rights protection is mediated through choosing backbone elements. The authors believe that among them are object, subjects, mechanism and instruments of tourist rights protection.

To the authors' mind personal, social and other tourist rights should be the object of tourist rights protection. Proceeding from the practice of modern tourist relationship among tourists, tour operators and tourist agencies we can assert that the protection issues of the above mentioned kinds of rights either are not covered in legislation and the contract among the stated parties or are discussed in a restrictive way. It also points to the lack of tourist rights protection development.

The range of tourist rights protection subjects can be classified according to a number of criteria. Depending on tourism intensity tourists can be divided into active and passive; according to the tourism aims tourists can be referred to as business, ethnic, sport, religious and ecotourists; subject to the territorial indication subjects can be classified as local, national (intraregional) and

foreign. A special mechanism and instruments of tourist rights protection should be elaborated for each kind of subjects.

We believe that elaboration of not only special but universal mechanisms of tourist rights protection as well is absolutely justified. The universal mechanism of tourist rights protection should include legal, institutionalized and financial components. Legal preventive measures are aimed at warning against tourist rights infringement in various countries with the help of legal regulation of civil, administrative and criminal responsibility for tourist rights infringement. Making a tourist contract, aimed at the protection of tourist rights, obligatory tourists insurance, covering a wide range of insurance accidents, can be referred to as legal measures of tourist rights protection. The institutionalized component presupposes setting up and functioning of state bodies and public organizations which must provide for ensuring tourist rights protection. The financial component presupposes availability of certain means in a government or public fund required in case of tourist rights infringement and rendering necessary help to them to prevent further rights infringement and minimize the risks of such infringements. We suppose that it is possible to approve the proposal made by the authors of the Federal Legislative Draft “On tourism and tourist industry in Russian Federation” [7] and connected with the introduction of such a financial measure of tourist rights protection as insurance institution (financial securing) of tour operators responsibility. This measure will allow to protect tourist rights from unconscientious actions of entrepreneurs.

The main task of the institutionalization of tourist rights protection and its mechanism functioning comes to securing the rights which are given to tourists by law. To our mind it is possible if there exists an arsenal of appropriate instruments ensuring protection which may vary due to the object of tourist rights protection.

CONCLUSION

According to the authors' opinion tourism in Russia and abroad must be protected, guaranteed, aimed at security and democratic freedom of tourists as the main tourist services consumers. In view of this institutionalization of tourist rights protection is expedient, later on-functioning of tourist rights protection institution, working out of indispensable and sufficient measures for appropriate tourist rights protection, participation of broad sections of subjects able to provide such protection.

REFERENCES

1. Anisimov, A.P., S.V. Zlobin and A.Ja. Ryzhenkov, 2011. Problemy pravovogo regulirovanija jekologicheskogo turizma kak vida predprinimatel'skoj dejatel'nosti // Turizm: pravo i jekonomika. N., 3S: 18-24.
2. Gaagskaja deklaracija mezhparlamentskoj deklaracii po turizmu 1989 g. (Vmeste s «Konkretnymi vyvodami i rekomendacijami») // Informacionnaja bjulleten'. Mezhparlamentskaja assambleja gosudarstv-uchastnikov Sodruzhestva Nezavisimyh Gosudarstv. 2000, 25S: 213-239.
3. Berrecher, P., Fundamentals of tourism. Geneva. 1964, pp: 120.
4. Pankratova, A.V., 2011. Snova o bezopasnosti turistov-i ne tol'ko // Turisticheskie i gostinichnye uslugi: buhgalterskij uchet i nalogooblozhenie. N., 6S: 48-56.
5. Pisarevskij, E.L., 2011. Administrativno-pravovoj rezhim obespechenija bezopasnosti turizma // Administrativnoe pravo i process. N, 10S: 14-15.
6. Sirik, N.V., 2001. Dogovor okazanija turistskih uslug v grazhdanskom prave Rossii: Dis. ... kand.jur.nauk. M.
7. Novikova, N., Sakharchuk, Elena; Ilkevich and Sergey, 2013. The Factors of Russia's Low Competitiveness as a Medical Tourism Destination. World Applied Sciences Journal 27 (Education, Law, Economics, Language and Communication), pp: 251-255.