

**LEGAL BASIS OF PROTECTING CONSUMER RIGHTS IN THE TOURISM SERVICES SECTOR**

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**Abstract**

The article examines the main aspects of the legal regulation of tourism services in the Republic of Uzbekistan, aimed at protecting consumer rights. It analyzes the main regulatory legal acts regulating the activities of tour operators and travel agents, including the Civil Code of the Republic of Uzbekistan, the Laws «On Tourism» and «On Protection of Consumer Rights». Particular attention is paid to typical violations of tourists' rights, such as false advertising, charging additional fees and violations in hotel services.

**Keywords:** Legal regulation, tourist services, consumer rights protection, state control, liability, false advertising, compensation for moral damage.

**Introduction**

With the increase in the standard of living of the population, recreation in tourist destinations is becoming more popular. However, along with the increase in demand for tourism services, cases of violations of consumer rights are also increasing. In particular, services that do not meet safety requirements and do not meet quality standards are being offered.

In this regard, the issue of effective protection of consumer rights in the field of tourism services, ensuring their interests, and regulating the relationship between service providers and service recipients is gaining urgent importance.

Legal regulation of tourism services in the Republic of Uzbekistan plays an important role in protecting consumer rights and ensuring the rule of law in the tourism market. The main regulatory legal acts regulating this area are: the Civil Code of the Republic of Uzbekistan, the Laws of the Republic of Uzbekistan «On Tourism» and «On Protection of Consumer Rights».

**Literature review**

The Law «On Tourism» establishes the basic principles of state policy in the field of tourism and regulates legal relations related to the implementation of tourist services. This law establishes the conditions for conducting activities of tour operators and tour agents, including the obligation of tour operators to have financial security, as well as the procedure for registration in the Unified Federal Register of Tour Operators or the Register of Tour Agents, depending on their area of activity. This, in turn, serves to guarantee the safety and quality of tourist services, as well as protect consumer rights.

The Law «On Protection of Consumer Rights» additionally establishes the right to compensation for damage caused and compensation for moral damage in case of violation of

the quality of tourist services. Consumers can file a claim with the tour operator, and in case of refusal, to the court. This allows for effective protection of the rights of tourists and increased responsibility of tour operators for the services provided.

Legal regulation of tourism is aimed at creating conditions for safe recreation of citizens, preserving spiritual and material public values, as well as protecting the environment, in accordance with current legislation. This is achieved through the development and implementation of special regulatory documents regulating various aspects of tourism activities, including inbound, outbound and domestic tourism.

Speaking about state control over compliance with laws, we cannot help but move to the level of contracts. When concluding a contract for the provision of tourist services, companies undertake to ensure the quality of services and compensation for losses, as well as moral damage, in accordance with the legislation. In case of violation of these obligations, the consumer can go to court to protect his rights as a consumer for services of appropriate quality. This right is the most important mechanism for consumer protection.

### **Discussion**

Legal regulation in the field of tourism services has a number of contradictions, primarily related to the number of parties involved in the established relationship. There are at least four parties: a travel agency (tour operator), a tourist (consumer), the state and the tourism industry organization (carriers, accommodation facilities, catering enterprises, etc.).

The complexity of legal regulation is associated with the need to coordinate the interests of all parties, as well as differences in the legal status, obligations and responsibilities of each participant. This often leads to legal gaps and conflicts, especially in controversial or non-standard situations.

The consumer of tourism services is truly the main figure in the tourism industry. His needs, expectations and preferences are the basis for the development and promotion of tourist products and services. In order to attract the attention of consumers, tour operators carefully analyze their behavior and trends, and also take into account various external and internal factors.

In the tourism sector, a number of legal guarantees are provided for consumers. The most important of them are:

1. The right to receive complete and truthful information - the consumer must have clear and complete information in advance about the travel route, living conditions, means of transport, food and additional services.
2. The right to use high-quality and safe services - the tourist services provided must meet established standards and safety requirements.

The quality of tourism services is a little-studied, but very important topic discussed in this science. The quality of services, especially the benefits of tourism, is directly related to the activities of service providers and the level of tourism.

3. The right to demand compliance with the terms of the contract - the fulfillment of the terms of the contract concluded with the tour operator and travel agent is guaranteed, and compensation for damage is provided in case of delay or cancellation.

4. The right to file complaints and claims - if the quality of service or other requirements are violated, the consumer has the opportunity to contact the relevant authorities to protect his rights.

These guarantees serve to strengthen the rights of consumers in the tourism sector, protect their interests and improve the quality of service.

The most common violations of consumer rights in the tourism sector include:

- provision of incorrect or incomplete information about tourist products, including accommodation, transport, food and additional services;
- violation of the terms of the contract, in particular, delay or cancellation of tourist services without good reason;
- violation of safety requirements that pose a threat to the life and health of vacationers;
- provision of low-quality services that do not meet established standards;
- refusal to compensate for damages in case of violation of consumer rights;
- failure to comply with the refund procedure in case of cancellation of the trip or refusal of services;
- restriction of the right of consumers to complain and appeal about the quality of services.

These violations create the need to identify and implement measures to effectively protect the rights of tourists and improve the quality of tourist services in a timely manner.

## Results

Also, charging for additional services without prior notice and agreement with the tourist is a violation of consumer rights. Such situations cause distrust and dissatisfaction among consumers and negatively affect the quality of services in the tourism sector. Therefore, tourist organizations are obliged to provide clear and transparent information about the price and type of services, and inform about additional payments in advance. This not only protects the interests of consumers, but also helps to build trusting and stable relationships between service providers and customers.

Violation of hotel service: refusal to provide a room or other violation of the terms of accommodation are also common problems, which in themselves can be considered a violation of the terms of a public contract.

In such situations, the consumer must be provided with alternative accommodation or fully compensate for the losses incurred as a result of non-provision of the agreed service. At the same time, responsibility is established for the quality and timely provision of services by the hotel or tourist company. If these requirements are not met, the consumer may apply to the relevant government authorities to demand the restoration of their rights.

Also, in order to prevent such violations, it is important to conclude transparent, clear and mutually agreed contracts between tourism service providers and consumers.

The legal regulation of the provision of tourism services has a number of contradictions, primarily related to the number of parties involved in the established relationship. There are at least four parties: a travel agency (tour operator), a tourist (consumer), the state and a tourism industry organization (carriers, accommodation facilities, catering establishments, etc.).

Travel agencies (tour operators) act as intermediaries in the organization and provision of tourism services, they are responsible for ensuring the quality and safety of services. Tourists, as the main consumers of these services, have the right to protect their rights.

State bodies have the authority to develop laws and regulatory legal acts regulating the tourism sector, monitor their implementation, and protect the rights of consumers. At the same time, tourism industry organizations — carriers, hotels, catering establishments, and other service providers — play an important role in ensuring the quality of tourism services.

Legal regulation of relations between these parties is of great importance in improving the quality of services in the tourism sector, effectively protecting consumer rights and ensuring legitimacy in the market.

The right to receive quality services in the tourism sector is one of the fundamental rights of a tourist. This right is enshrined not only in the domestic legislation of the Republic of Uzbekistan, but also in international legal instruments.

In particular, the Hague Declaration, adopted at the Interparliamentary Conference on Tourism in 1989 in the Hague, Netherlands, emphasized that the quality of tourism depends on the quality of services provided as an interpersonal activity<sup>1</sup>. This principle determines the need to ensure the quality and safety of services in the tourism sector.

The Hague Declaration also speaks about the importance of tourism in people's lives, its role in social, economic and cultural development, as well as the responsibility of states in the development of tourism. The Declaration presents tourism as a means of strengthening international cooperation and mutual understanding. Therefore, the quality of tourism services is a key factor in protecting the rights of tourists and should be constantly monitored and improved by states and international organizations.

One of the main problems in the field of tourism services is the improper fulfillment of the terms of the contract concluded between the consumer and the travel agent and tour operator, that is, the responsibility of the person providing the service in the tourism business<sup>2</sup>.

The norms of law and their observance ensure the stability of legal relations in the state. However, it is impossible to create such stability without a stable mechanism that ensures action in accordance with legal norms. If the established regulatory documents are violated, various punitive measures are applied to the participant in legal relations. These measures can take various forms, from fines to deprivation of property rights. Therefore, the institution of liability guarantees their protection when the rights and interests of subjects are violated.

A distinctive feature of the tourism service industry is the intangibility of the product, and the quality of the services provided is evaluated by the consumer in an emotional outburst, which depends on many factors, first of all, the characteristics of the perception of the environment and the psychological state of the subject. It is precisely because of the interrelationship of the above conditions that the assessment of the product provided by travel agencies is subjective.

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<sup>1</sup> Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States. 2000. No. 25. - P.213-239

<sup>2</sup> «ПРАВОВОЕ РЕГУЛИРОВАНИЕ ЗАЩИТЫ ПРАВ ПОТРЕБИТЕЛЕЙ В СФЕРЕ ТУРИСТИЧЕСКОГО ОБСЛУЖИВАНИЯ» Григоренко Н.Ю. Вестник СНО выпуск 12 том:4 Юриспруденция часть-1 стр-114

Tourist services, as "invisible" products, have a number of properties, in particular:

- 1) intangibility - they cannot be shown, seen or tried before receiving;
- 2) inseparability of production and consumption - the service can be provided only when the order is received or the client appears;
- 3) variability - the quality of the tourist service depends on when and where it is provided;
- 4) lack of storage - they cannot be stored or accumulated<sup>3</sup>.

Therefore, in order to provide high-quality tourist services and ensure that the consumer receives the expected result, special attention and a professional approach are required from service providers. This, in turn, is an important condition for protecting consumer rights.

Mistakes cannot be made in the provision of tourist services, since there is no possibility of subsequent correction or return of such services. A consumer who has used a poor-quality tourist service cannot return it to the producer, so it is very important that the quality of the service is high. This situation requires the establishment of strict requirements to protect consumer rights and maintain trust in the tourism sector.

The level of legal liability depends not only on the specific characteristics of the tourist product, but also, first of all, on who provides the tourist services - a travel agent or a tour operator. A tour operator, a travel agent and other entities of tourism activity bear property and other types of liability established by the contract for failure to fully and properly fulfill their obligations in accordance with current legislation.

For example, if a tour operator makes defects in the delivery of a travel program or in the provision of services, he is liable for the damage caused to customers. A travel agent, in turn, is liable for providing unfair or inaccurate information to customers when providing services, as well as for failure to fulfill its obligations in the process of providing services.

At the same time, other entities in the tourism sector - for example, carriers, hotels, catering establishments - may also be held legally liable for failure to provide their services qualitatively or for failure to fulfill contractual obligations.

Thus, legal liability is an important tool in ensuring quality and safety in the tourism services sector, protecting consumer rights, and ensuring the legitimacy of market relations.

## **Conclusion**

The legal framework for the protection of rights in the development of tourism is provided by the existing legislation, state policy and practical mechanisms in the country. In the Republic of Uzbekistan, the sector is regulated with special attention, and a number of regulatory and legal acts are being developed to protect the rights of consumers.

Also, the legal regulation of tourism services ensures comprehensive protection of consumer rights by establishing various types of liability for violations in this area, and also supports the development of the tourism sector on the basis of legality and law and order at the legislative, judicial and prosecutorial levels. It is worth noting that the process of such regulation is

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<sup>3</sup> Фролова, Т.А. Экономика и управление в сфере социально-культурного сервиса и туризма: конспект лекций / Т.А. Фролова. – Таганрог: ТТИ ЮФУ, 2010. – 218 с.

constantly being improved and revised, which is the most important factor in strengthening tourists' trust in tourism services.

The main aspects of legal regulation of tourism services and protection of consumer rights in the Republic of Uzbekistan are analyzed. This analysis includes the following main areas:

1. Regulatory framework: The Civil Code of the Republic of Uzbekistan, the Laws «On Tourism» and «On Protection of Consumer Rights» are considered as the main documents regulating legal relations in the tourism sector.
2. Violations of tourists' rights: Special attention is paid to typical violations of tourists' rights, such as false advertising, charging additional fees without agreement, and violations in hotel services.
3. The role of state bodies: The measures taken by the Committee of the Republic of Uzbekistan for the Development of Competition and Consumer Rights Protection to protect consumer rights in the tourism sector are analyzed.
4. Legal mechanisms and liability: The legal liability mechanisms of tour operators and travel agents providing tourism services are considered, including compliance with the terms of the contract, and their role in protecting consumer rights.
5. Proposals and recommendations: Proposals are made to improve legislation, strengthen the activities of state bodies, and increase the legal literacy of consumers in order to more effectively protect consumer rights in the tourism sector.

This analysis serves to study the current situation in the legal regulation of tourism services and the protection of consumer rights in the Republic of Uzbekistan and identify ways to improve it.

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