

Legal Regulation of Tourist Services in the Context of Digitalization: Challenges and Prospects for Reforming the Civil Code of Uzbekistan

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Abstract: In modern conditions of social development, digitalization of various spheres of social life is becoming a natural and inevitable process in the mechanism of legal regulation. Digitalization processes actualize the role and importance of state and legal institutions of modern society, ensuring legal regulation of social life, security and stability of society. The article addresses relevant issues of unifying the legal regulation of civil-law relations in the field of entrepreneurial activities related to the provision of tourism services in the context of digital reality during the reform of the Civil Code of the Republic of Uzbekistan. The author analyzes modern trends and challenges faced by legislators in the field of tourism services due to the rapid digitalization of this industry. Key directions for improving civil legislation are considered, ensuring the unification of legal regulation of tourism activities and protecting the rights of participants in civil transactions.

Keywords: Civil Code, tourism services, entrepreneurial activity, digitalization, unification, civil law reform.

Introduction

One of the significant trends in the development of the modern world is the digitalization of social relations, which, in turn, has a substantial impact on legal processes. Digitalization and computerization are currently occurring at such a rapid pace that some researchers conclude that a new social reality is being formed, encompassing legal aspects of public life. Special studies note that the consequences of digitalization processes may lead to changes in the very nature of law, as well as its regulatory role, boundaries, and limits of action. At the current stage of digital transformation, changes may occur in the so-called formal aspects of law: this refers to the expansion of regulatory impacts of law and the emergence of new forms of such impacts. According to researchers, the very essence of law is not expected to undergo significant changes in the near future; law will continue to serve as a fundamental regulator of societal life. The rapid development of digital technologies is transforming almost all areas of public life, including the sphere of tourism services. The transition to a digital model of providing tourism services has become an objective reality faced by both participants in the tourism business and lawmakers striving to ensure effective legal regulation of these relationships. This circumstance necessitates an analysis of various aspects of digitalization in the legal sphere. The positive societal changes associated with digitalization processes are objectively accompanied by a multitude of diverse risks, which requires the development of a strategy for the effective evolution of regulatory legal mechanisms aimed at organizing various relationships in society within the framework of a new digital reality. The latter imposes high demands on legal science and practice, including components of the system of normative legal regulation across different areas of societal life based on the use of modern digital technologies and artificial intelligence.

In this regard, the issues of improving civil legislation, which ensures the unification of legal regulation of entrepreneurial activities in the field of tourism services considering the specifics of the digital economy, have become particularly relevant [1]. The reform of the Civil Code of the Republic

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of Uzbekistan should take into account modern trends and challenges facing lawmakers in this area [2].

The features of legal regulation of tourism services in the context of digitalization. The digital transformation of the tourism industry entails qualitative changes in the legal regulation of corresponding civil law relations. For instance, new forms of interaction among participants in the tourism market based on the use of information and communication technologies are becoming widespread. This particularly concerns online booking of tourism services, the application of smart contracts, electronic payments, etc. [3].

When discussing the specific legal consequences of digitalization processes, it is appropriate to consider the genesis of digital personal rights, which include the right to access, use, develop, and distribute various works created in digital format, as well as the right to use electronic devices and computers for various purposes, and to access different communication networks, etc. However, these rights are being imbued with new content, which is primarily reflected in sectoral legislation characterized by active and dynamic development. This pertains to labor law, civil law, administrative law, environmental law, and other branches of Russian law.

At the same time, despite the relatively high level of development of domestic sectoral legislation, it objectively requires modernization aimed at facilitating and organizing various aspects of interactions between individuals and legal entities through modern electronic technologies.

These features necessitate a reassessment by lawmakers of approaches to legal regulation in the tourism sector. It is essential to ensure the unification of norms that take into account the specifics of digitalization in this area, while also guaranteeing the protection of the rights and legitimate interests of tourists, travel agents, tour operators, and other subjects of civil turnover.

Currently, significant efforts are being made to develop tourism in our country and attract tourists from abroad. In developed countries, tourism services are regulated by specific articles of civil legislation [4]. Based on the experience of Turkey, Georgia, Italy, and other countries with competition in the tourism sector, a separate provision on tourist services is being introduced. The proposed provision is based on the Georgian model. Additionally, point 3 of the concept for improving civil legislation in the Republic of Uzbekistan, approved by the Presidential Decree of the Republic of Uzbekistan No. 5464 on April 5, 2019, provides for the introduction of qualitatively new mechanisms for contractual legal relations, including the optimization of contract types, expansion of freedom in contract conclusion, and ensuring stability in contractual relations [5].

Georgia is one of the countries that has achieved significant success in developing its tourism sector in a relatively short period. This has been facilitated, among other things, by effective legal regulation in this area.

Key features of the Georgian model include:

1. A clear definition of the legal status and powers of state management bodies in the field of tourism. In Georgia, there is a specialized body - the National Tourism Administration of Georgia, which has broad powers in licensing, controlling, and regulating tourism activities.
2. Establishment of mandatory requirements for tour operators and travel agents, including requirements regarding the minimum charter capital, professional liability, quality assurance systems, and more. This ensures high standards for the provision of tourist services.
3. Regulation of the procedure for concluding contracts and essential conditions for providing tourist services. Special attention is paid to the requirements for the informational content of such contracts, prohibiting the inclusion of false or misleading information.
4. Establishment of mechanisms for protecting the rights and legitimate interests of tourists, including the possibility of pre-trial dispute resolution and the application of liability measures against unscrupulous service providers [6].



Contract for the Provision of Tourist Services. Under the contract for the provision of tourist services, the contractor (tour operator, travel agent, and other entities providing tourist services) undertakes to provide the customer (tourist) with services related to accommodation, meals, transportation, excursions, and consulting services, as well as other services (tourism-related service activities) aimed at meeting the needs of the tourist, including educational and medical services, for a separate fee. There is a prohibition on providing misleading information [7]. Any descriptive forms, prices, and other terms of the contract related to tourist services must not contain inaccurate, irrelevant, or misleading information [8].

Prospects for the Application of the Georgian Model in Uzbekistan. The study of Georgia's experience demonstrates the feasibility of applying it in the reform of the Civil Code of the Republic of Uzbekistan regarding the legal regulation of tourism activities. This will allow:

1. To ensure a clear distribution of powers among state bodies in the field of tourism, creating an effective system of state governance and control.
2. To establish unified mandatory requirements for entities in the tourism business, thereby enhancing the quality and safety of the services they provide.
3. To enshrine transparent rules for concluding contracts for the provision of tourist services, guaranteeing the protection of tourists' rights and interests.
4. To form effective mechanisms for pre-trial dispute resolution and the application of liability measures against violators [9].

The application of certain elements of the Georgian model of legal regulation of tourist services in the process of reforming the Civil Code of the Republic of Uzbekistan can become an effective tool for improving the quality of tourist services, protecting the rights of participants in these legal relations, and stimulating the development of the tourism industry. Undoubtedly, it is necessary to take into account the peculiarities of Uzbekistan's national legal system and economy.

Key Directions for Improving Civil Legislation in the Field of Tourist Services

In the process of reforming the Civil Code of the Republic of Uzbekistan, it is necessary to consider the following key directions for improving [11] the legal regulation of tourist services:

1. Establishing "legal definitions" of key concepts in the field of tourism activities, taking into account digital realities (electronic contracts for the sale of tourist products, digital tourist vouchers, etc.).
2. Setting special requirements for the form and content of contracts for the provision of tourist services [12], concluded in electronic form.
3. Regulating the procedure for conducting electronic payments for tourist services and establishing mechanisms for consumer protection in this area.
4. Defining the legal status, rights, and obligations of participants in the tourism market operating in a digital environment (online tour operators, online travel agents, etc.).
5. Developing special norms aimed at protecting tourists' personal data and ensuring information security during the provision of tourist services.
6. Establishing principles and rules for the application of smart contracts in the field of tourism activities.

Conclusion

The reform of the Civil Code of the Republic of Uzbekistan regarding the legal regulation of civil law relations concerning tourist services should contribute to the unification of norms that take into account the specifics of digitalization in this sector. The proposed key directions for improving civil legislation are intended to ensure effective protection of the rights and legitimate interests of participants in the tourism market, as well as to stimulate entrepreneurial activity in a digital reality.



The digital technologies discussed, in our view, can be used in legal practice as auxiliary tools, which do not imply any significant impact on the decision-making mechanism in specific cases within the judicial system. The digital tools currently being applied or that will be implemented in judicial activities should primarily aim to enhance the quality of justice; however, they should not result in the emergence of a fundamentally different system of judicial proceedings, known as electronic justice. The application of artificial intelligence in the field of justice and other areas of law enforcement cannot serve as an equivalent replacement for representatives of the professional legal community, who are guided, among other things, by their internal conviction. Therefore, human skills remain at the core of legal practice.

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