

## Legal regulation of tourism: experience and prospects

---

**Abstract.** This article examines the issues of existing international and national experience in the field of legal regulation of tourism in the post-pandemic world. The main stages of development of legislation on tourism in the Republic of Kazakhstan have been formed, which is one of the fundamental conditions for the formation of a separate branch of tourism law. The article provides examples of international regulation of the tourism sector, as well as models of state policy regarding the development and stimulation of tourism activities. Thus, the analysis made a certain contribution to the theoretical foundations of tourism law.

**Keywords:** tourism, pandemic, Kazakhstan, support of tourist activities.

DOI: <https://doi.org/10.32523/2616-6844-2023-142-1-35-48>

---

### Introduction

The development of tourism and tourist activities is aimed at increasing the level of mobility and employment of the country's population, contributing to the stable economic growth of regional economies, and the rational use of cultural and natural heritage sites. These circumstances make a significant contribution to ensuring a decent life and free development of man and citizen and also act as one of the priorities of sustainable development of the Republic of Kazakhstan as a social legal state.

The sustainable existence and sustainable development of tourism is possible only with proper legal support. As early as 1989, the Hague Declaration of the Inter-Parliamentary Conference on

Tourism [1] stated that parliaments should consider, in the light of the conclusions of the conference, all legal rules relating to tourism with a view to combining them (while addressing existing gaps) into comprehensive legislation that would codify national tourism policies and priorities [2].

The global coronavirus pandemic has led to the world's largest crisis, affecting various sectors of the economy, including the tourism industry. According to the World Tourism Organization (UNWTO), 2020 was the worst year in history for global tourism: the number of international trips decreased by 74% compared to 2019 [3].

The global crisis associated with the pandemic has also affected the Republic of Kazakhstan. Due to the epidemiological situation and restrictive quarantine

---

measures for crossing borders in the first 9 months of 2021, there is a decrease in the number of visitors to inbound tourism by 46.8% (0.95 million people against 1.8 million) compared to the same period last year.

Meanwhile, over the same period, domestic tourism in accommodation places has seen an increase in the number of visitors by 64.6%, which amounted to 3.9 million people.

With the easing of quarantine measures since the beginning of the year, the volume of services provided by accommodation places is returning to the pre-quarantine level. Thus, according to the results of January-September 2021, there is an increase of 66.4% (78.9 billion tenge) compared to the same period of the previous year [3].

In the global Travel and Tourism Competitiveness Index of the World Economic Forum-2019 (the consolidated ranking of the world's countries on the Global Competitiveness Index in 2020 was not presented), Kazakhstan ranks 80th out of 140 countries, having improved its position compared to the previous index in 2017 - 81st place (evaluated once every two years, the best countries in the ranking are Spain, France and Germany, the worst being Yemen, Chad, and Liberia). The rating considers a number of factors that ensure the sustainable development of the travel and tourism sector [3].

The current state of tourist activity testifies to the need for the appropriate legal regulation of the existing social relations in view of their specificity and the presence of a special sectoral set of regulatory legal acts. In addition, the availability of special sectoral legislation in the field of tourism will facilitate law enforcement practice, create conditions for

the further development and strengthening of this sector of the economy, and open opportunities for the establishment and implementation of numerous start-up projects, including the direction of domestic ecological tourism.

### **Stages of formation of the legislation of the Republic of Kazakhstan**

In Kazakhstan, legislation in the field of tourism activities has passed in its development **3 stages**, which are directly related to the adoption of special separate regulatory legal acts.

**The first stage (1991-1999)** was a turning point in the development of tourism in Kazakhstan, the transition to a market economy contributed to a change in the structure of the tourism industry, an increase in the number of firms engaged in the sale of tourist services (travel agency), the emergence of new laws, norms, and rules that create conditions for the development of private entrepreneurship in tourism.

With the acquisition of independence in the Republic of Kazakhstan, the basis was laid for the regulation of tourist activities and the revival of the historical and cultural heritage of the people:

1. Law of the Republic of Kazakhstan "On Tourism" dated July 3, 1992, No. 1508-XII; [4]

2. Decree of the President of the Republic of Kazakhstan: "On the implementation of the Tashkent Declaration of the Heads of Turkic-Speaking States, the project of UNESCO and the World Tourism Organization for the development of tourism infrastructure on the Great Silk Road in the Republic of Kazakhstan" dated April 30, 1997 No. 3476; [5] "On the State Program of the Republic

---

of Kazakhstan "Revival of the Historical Centers of the Silk Road, Preservation and Successive Development of the Cultural Heritage of the Turkic-Speaking States, Creation of Tourism Infrastructure" dated February 27, 1998 No. 3859 [6], etc.

Regarding **the issues of state support** for private entrepreneurship in tourism, the Regulation of the Cabinet of Ministers of the Republic of Kazakhstan "Resolution on the Development of Tourism and Sports" [dated April 22, 1998] was adopted, the purpose of which was "... *exempt enterprises and organizations that direct profits from production activities to the development of tourism, physical culture, and sports, reconstruction, construction of tourist and sports facilities, as well as carrying out their construction, from paying income taxes in the part that is aimed at these purposes; exempt tourist and sports facilities from taxes on value-added received from tourist and sports services.*"

**The second stage (2001-2019)** in the legislation in the field of tourism activities gave impetus to progressive changes. The peculiarity of this stage is the reform of the legislative framework in the field of tourism and the development of a new concept for the development of tourism. State support for the first time is manifested in the financial support of the industry.

On June 13, 2001, the Law of the Republic of Kazakhstan No. 211-II "On Tourist Activity in the Republic of Kazakhstan" was adopted [8].

Normative legal consolidation of **state support for the tourism sector of this period**, inbound and domestic, in particular, in Kazakhstan is represented by three areas:

1) Inclusion of the tourism sector in the current provisions of national

programs for the support and development of entrepreneurship. Such programs include the Unified Program for Business Support and Development "Business Road Map - 2020" [9], in which the main areas of entrepreneurship support are: support for new business initiatives of entrepreneurs of single-industry towns, small towns, and rural settlements; sectoral support entrepreneurs/subjects of industrial and innovative activities that carry out activities in priority sectors of the economy and manufacturing industries; reduction of currency risks of entrepreneurs; provision of non-financial measures to support entrepreneurship.

2) Legislation of the Republic of Kazakhstan, providing for the forms and methods of state support, a simplified regulatory regime. Among this category of regulatory legal acts: the Entrepreneurial Code of the Republic of Kazakhstan (investment bonuses, simplification of the control and supervisory system) [10]; Law of the Republic of Kazakhstan "On Permits and Notifications" [11] (optimization of permitting procedures); Tax Code of the Republic of Kazakhstan (simplified taxation procedure for individual entrepreneurs, non-governmental organizations).

3) Sectoral program and regulatory legal documents: Resolution of the Government of the Republic of Kazakhstan dated June 30, 2017, No. 406 "On Approval of the Concept for the Development of the Tourism Industry of the Republic of Kazakhstan until 2023" [12], within the framework of which it is planned to maximize the investment climate for the development of tourism. [13]

The last **third stage (2020-present)** is characterized by active state and legislative measures to support the way out of the

crisis of the tourism sector of the economy caused by the COVID-19 pandemic. Thus, the state of the program for the development of the tourism industry of the Republic of Kazakhstan for 2019-2025 (Resolution of the Government of the Republic of Kazakhstan dated May 31, 2019, No. 360) [14] due to the global situation could not be implemented, and accordingly, the goal of increasing the share of tourism in total GDP by at least 8% by 2025 is not feasible.

To provide prompt support measures, the Law of the Republic of Kazakhstan dated April 30, 2021, No. 34-VII "On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Tourist Activities" [15] was adopted, providing for numerous **stimulating, compensatory norms to support the domestic tourism industry**. Thanks to these changes, from January 1, 2022, state support measures were launched:

1. Subsidizing the costs of tour operators for a foreign tourist (15 000 tenge);
2. The state began to reimburse part of the costs of business entities for the purchase of equipment and machinery for ski resorts (25%);
3. Subsidizing the cost of the ticket included in the tourist product when carrying minor passengers by air;
4. Partial reimbursement of costs of business entities in the construction, and reconstruction of tourist facilities (10%);
5. Reimbursement of part of the costs of business entities for the construction of roadside service facilities (10%);
6. Partial reimbursement of expenses for the purchase of tourist buses (25%);
7. Reimbursement of costs for the

maintenance of sanitary and hygienic services (83 300 tenge/month).

Other legislative changes:

1. Introduction of the concept of priority tourist territory;
2. Reduction of the threshold for tourism investment projects in terms of

volume investments from 2 million times to 200-thousand times the MCI indicator to obtain investment preferences;

3. the introduction of the "tourist fee" system;
4. fragmentation of the license for tour operator activity into subspecies –

in the field of outbound tourism, in the field of inbound and domestic tourism, etc.

At present, the Republic of Kazakhstan has a visa-free regime for citizens of 77 countries, including a visa-free regime of up to 14 days for citizens of China, India, and Iran. After the coronavirus pandemic, international flights with 28 countries on 111 routes were restored.

At the same time, the adopted norms have several shortcomings that require elimination and harmonization with international legal norms.

### **International experience in legal regulation**

The legal regulation of international tourism on a multilateral basis is carried out, first, within the framework of the UN, within the framework of which the main international conventions and agreements on the legal regulation of international tourism have been developed and adopted. These include:

The Universal Declaration of Human Rights of 1948, Article 24 of which enshrines for everyone "the right to rest

---

and free time, including reasonable limitation of working hours and periodically paid holidays" [16];

The International Covenant on Economic, Social and Cultural Rights of 1966, according to Articles 7 and 15 of which States "undertake to ensure to everyone the right to rest, free time, reasonable limitation of working hours and holidays with periodic pay, as well as payment for public holidays" [17];

The International Covenant on Civil and Political Rights of 1966, articles 1 and 12 of which state: "For the sake of their cultural development, all peoples have the right freely to dispose of their natural wealth and resources"; "every citizen has the right to freedom of movement and the right to leave any country, including his own" [18];

General Resolution of the United Nations Rome Conference on International Tourism and Travel of 1963 [19];

Final Act of the 1975 Conference on Security and Cooperation in Europe [20];

Manila Declaration on World Tourism (adopted by the World Tourism Conference) of 1980 [21];

A document by Acapulco (Mexico) on the outcome of the discussion on actions to progressively achieve the goals set out in the Manila Declaration on World Tourism, 1982 [22];

Charter of Tourism (Tourist Code) of 1985 [23];

Final document of the Vienna Meeting of Representatives of the States Participating in the Conference on Security and Cooperation in Europe in 1989 [24];

The Hague Declaration on Tourism of 1989 [2];

Declaration of the World Tourism Forum of the World Conference of Ministers of Tourism (Osaka, Japan) of

1994 and a number of other international conventions and agreements regulating the international legal aspects of tourism [25];

Regional international treaties in the field of tourism include, for example, the Agreement in the field of Tourism of the countries of the Commonwealth of Independent States (CIS) of December 23, 1993, the main purpose of which is to simplify border and customs formalities, coordinate cooperation within the framework of international organizations, including the WTO [26].

Ratification and adoption of international legal documents had a positive impact on the development of the Kazakhstan tourism market.

One of the steps towards the development of international relations in the field of tourism was the accession of Kazakhstan in 1993 as a full member to the World Tourism Organization (hereinafter - THE WTO), the conclusion of international agreements on cooperation in the field of tourism. It should be noted that a number of agreements are initiated by the governments of foreign countries, finding Kazakhstan a promising partnership with a rich tourist potential.

Based on the analysis, considering the recommendations of the WTO and the existing experience, two basic components of Kazakhstan's tourist product can be distinguished: cultural tourism on the Silk Road (pilgrimage and traditional) and closely related eco-adventure tourism (safari, rafting, ornithological, trekking, mountaineering, hunting, fishing). In this regard, increased attention was paid to the regions with resources for eco-adventure tourism, through which the Silk Road route runs - Almaty, Dzhambul, South Kazakhstan, East Kazakhstan, and Akmol regions.

---

The international practice has formed **three effective approaches** to state regulation of the development of national tourism:

1. independent development of tourism on local terms on market terms (developed countries with large private tourism companies (legal entities or individual entrepreneurs engaged in the sale of tourist services); the country should be comprehensively attractive to tourists);

2. creation of a special state body with great powers (countries with transition and developing economies; political interest in maintaining inbound tourism and the national tourism industry);

3. state coordination of tourism in a multidisciplinary ministry (developed relations of public-private partnership; with a special promotion of the national tourist product abroad) [27]. Currently, the third approach is being implemented in Kazakhstan: The Ministry of Culture and Sports has been created in the republic, within which the Tourism Industry Committee has been created.

Many nations of the world have recognized the importance of tourism and have adopted laws governing **the state direction and policy in tourism**. The Republic of Korea and Japan have adopted the "Basic Law on Tourism" [28], on the basis of which they develop all the necessary legal tools necessary in the tourism business. Both nations are making great efforts to promote tourism. In the case of France, the government adopted the «Code of Laws on Tourism», which has the character of a basic law, containing a variety of legislative acts related to tourism, systematically developed in a consistent provision. Countries have their own methods to provide the necessary fund to finance the development and

support of the tourism industry and issue the necessary legislative acts for the use of financial resources. Korea provides **financial support** for the tourism business in accordance with the Law "On the Fund for the Promotion of Tourism and Development". In Bern (Switzerland), the state taxes accommodation in accordance with the law on the promotion of tourism. [29]

Analysis of the international experience of countries that have identified tourism as a priority direction of the economy showed several of the most effective *measures of state support* for tourism activities:

1) direct political will and support over the years from the country's leadership to combine conflicting priorities; 2) direct financial participation of the state in the development of large resort areas through the creation of specialized agencies, funds and operators; 3) financial incentives and mechanisms to support investment in tourist facilities; 4) direct state financing of the creation of engineering and communication, transport and "soft" tourism infrastructure (provision of qualified human resources, information support), as well as the creation of the most significant projects in the tourism industry. [13]

### **Discussion of the problems of the tourism industry in Kazakhstan**

The development of the tourism industry at an accelerated pace and the increase in the negative consequences of competition and commercialization of tourism activities, as well as recent world events (pandemic, the geopolitical situation, etc.) have led to an understanding not only of the need to provide measures of state support and

---

state regulation of the tourism business but also to the fair use by business entities of the state aid provided.

In Kazakhstan, tourism is a developing branch of the economy, and therefore there is a real need to improve the regulatory and legal regulation of tourism activities carried out both within and outside the country.

The study of the problems of development of the tourism industry in Kazakhstan allows us to identify the following types of problems: economic, organizational, legal, sociocultural, infrastructural, and environmental. All these problems are interrelated and interdependent, which reflect the tourist and recreational complex of Kazakhstan, and the general socio-economic problems of the country.

Legislative novelties of recent years have generally had a positive impact on the situation in Kazakhstan's tourism (especially domestic tourism, as the statistics above show):

- a system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism (financial support for the responsibility of tour operators and tour operators-charterers);

- there has been defined a mechanism for protecting the rights of tourists in the field of outbound tourism, emergency assistance (carried out by the administrator in the field of outbound tourism);

- a set of measures to support domestic and inbound tourism has been determined (the State Program for the Development of the Tourism Industry of the Republic of Kazakhstan for 2019- 2025, approved by the Decree of the Government of the Republic of Kazakhstan dated May 31, 2019, No. 360, the Development

Strategy of the Joint Stock Company "National Company "KazakhTourism" for 2022 - 2031, etc.); [30]

- a number of measures of state support are fixed through the provision of subsidies and reimbursements of part of the costs of tour operators, and business entities in the implementation of various activities aimed at the development of tourism (subsidizing the costs of tour operators in the field of inbound tourism for each foreign tourist, reimbursement of part of the costs of business entities in the construction, reconstruction of tourist facilities, reimbursement of part of the costs of subjects entrepreneurship for the purchase of equipment and machinery for ski resorts, reimbursement of part of the costs for the maintenance of sanitary and hygienic units, reimbursement of part of the costs of business entities for the construction of roadside service facilities, reimbursement of part of the costs of purchasing motor vehicles with a capacity of more than eight seats, excluding the driver's seat, to business entities engaged in tourist activities, etc.)

- The procedure for the formation, and functioning of priority tourist territories and their management, etc. is provided.

### **Conclusion**

At the same time, Kazakhstan's legislation on tourism activities needs further development and improvement, bringing it in line with international legal norms, rules, and standards, considering national traditions of legal regulation. The following shortcomings of the legislation require timely resolution:

- 1) Lack of detailed regulation of the legal status of priority tourist areas. The absence of clear criteria for classification as

---

such becomes the subject of legal conflicts. Thus, in the order of the Minister of Culture and Sports of the Republic of Kazakhstan dated October 27, 2021, No. 332 "On Approval of the Touristification Card", there are no grounds, criteria, and conditions for classifying these tourist territories of the republican level in the map of touristification [31].

2) Insufficient regulation of investment activities, and issues of attracting investments in the field of tourism. Article 14-2, devoted to state support for investments, restricts the rights of legal entities depending on the priority of the investment project in accordance with the norms of the Entrepreneurial Code and excludes the possibility of obtaining preferences from individual investors.

3) The presence of gaps in legal norms; corruption risks in the norms of law included in the Law of the Republic of

Kazakhstan dated April 30, 2021, No. 34-VII "On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Tourist Activities" on measures of state support for tourism activities.

4) Along with the existence of many norms enshrining the competencies of the authorized body and the Ministry of Education in terms of subsidizing and reimbursing certain costs to business entities, however, in those parts of the law on tourism activities there are no special norms establishing possible measures of state support for tourism activities.

5) The need to bring in line with the norms of the tax and budget legislation of the Republic of Kazakhstan, since the established measures of state support are associated with certain financial costs from the Republican and local budgets.

## References

1. The Hague Declaration on Tourism (14 April 1989) [https://online.zakon.kz/Document/?doc\\_id=30840439&pos=3;-70#pos=3;-70](https://online.zakon.kz/Document/?doc_id=30840439&pos=3;-70#pos=3;-70) (accessed: 20.09.2022).

2. Legal support of tourism: textbook / team of authors; ed. by E.L. Pisarevsky. – M.: Federal Agency for Tourism, 2014. p. 7.

3. Draft Resolution of the Government of the Republic of Kazakhstan "On Approval of the Concept of Development of the Tourism Industry of the Republic of Kazakhstan until 2026" <https://legalacts.egov.kz/npa/view?id=14018347> (accessed: 20.09.2022).

4. Law of the Republic of Kazakhstan dated July 3, 1992 No. 1508-XII On Tourism (with amendments) (has lost its force). [https://online.zakon.kz/Document/?doc\\_id=1001314](https://online.zakon.kz/Document/?doc_id=1001314) (accessed: 20.09.2022).

5. Decree of the President of the Republic of Kazakhstan dated April 30, 1997 N 3476 "On the implementation of the Tashkent Declaration of the Heads of Turkic-Speaking States, the project of UNESCO and the World Tourism Organization for the development of tourism infrastructure on the Great Silk Road in the Republic of Kazakhstan". <https://adilet.zan.kz/rus/docs/U970003476> (accessed: 20.09.2022).

6. Decree of the President of the Republic of Kazakhstan dated February 27, 1998 N 3859 On the State Program of the Republic of Kazakhstan "Revival of historical centers of



---

the Silk Road, preservation and successive development of the cultural heritage of Turkic-speaking states, creation of tourism infrastructure" (Lost its force by the Decree of the President of the Republic of Kazakhstan dated January 14, 2008 N 511). [https://adilet.zan.kz/rus/docs/U980003859\\_/history](https://adilet.zan.kz/rus/docs/U980003859_/history) (accessed: 20.09.2022).

7. Resolution of the Cabinet of Ministers of the Republic of Kazakhstan dated April 22, 1992 No. 369 "On the development of tourism and progress in the Republic of Kazakhstan" (Lost its force - by the Decree of the Government of the Republic of Kazakhstan dated August 3, 2005 N 810 (P050810). [https://adilet.zan.kz/rus/docs/P920000369\\_/links](https://adilet.zan.kz/rus/docs/P920000369_/links) (accessed: 20.09.2022).

8. Law of the Republic of Kazakhstan "On Tourist Activity in the Republic of Kazakhstan" dated June 13, 2001 N 211. <https://adilet.zan.kz/rus/docs/Z010000211> (accessed: 20.09.2022).

9. Resolution of the Government of the Republic of Kazakhstan "On Approval of the Unified Program for Business Support and Development "Business Road Map 2020", Amendments to the Resolution of the Government of the Republic of Kazakhstan dated June 10, 2010 No. 556 "On Some Measures to Implement the Business Road Map 2020 Program and Recognition of Certain Decisions of the Government of the Republic of Kazakhstan" dated March 31, 2015 No. 16. <https://adilet.zan.kz/rus/docs/P1500000168> (accessed: 20.09.2022).

10. Entrepreneurial Code of the Republic of Kazakhstan. Code of the Republic of Kazakhstan dated October 29, 2015 No. 375-V air defense system. <https://adilet.zan.kz/rus/docs/K1500000375> (accessed: 20.09.2022).

11. Law of the Republic of Kazakhstan "On Permits and Notifications" dated May 16, 2014. <https://adilet.zan.kz/rus/docs/Z1400000202> (accessed: 20.09.2022)

12. Resolution of the Government of the Republic of Kazakhstan "On Approval of the Concept of Development of the Tourism Industry of the Republic of Kazakhstan until 2023" dated June 30, 2017. <https://adilet.zan.kz/rus/docs/P1700000406> (accessed: 20.09.2022).

13. Petrenko E.S., Dauletova A.M., Mazhitova S.K., Shabaltina L.V. Analysis of measures of state support for the development of tourism in the Republic of Kazakhstan. JOURNAL OF INTERNATIONAL ECONOMIC AFFAIRS #4'2019 (October-December). (accessed: 20.09.2022)

14. Resolution of the Government of the Republic of Kazakhstan "On Approval of the State Program for the Development of the Tourism Industry of the Republic of Kazakhstan for 2019-2025" dated May 31, 2019. <https://adilet.zan.kz/rus/docs/P1900000360/history> (accessed: 20.09.2022).

15. The Law of the Republic of Kazakhstan "On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Tourist Activities" dated April 30, 2021. <https://adilet.zan.kz/rus/docs/Z2100000034> (accessed: 20.09.2022).

16. Universal Declaration of Human Rights of 10 December 1948. <https://adilet.zan.kz/rus/docs/O4800000001> (accessed: 20.09.2022)

17. International Covenant on Economic, Social and Cultural Rights, of 16 December 1966. <https://sud.gov.kz/rus/content/mezhdunarodnyy-pakt-ob-ekonomicheskikh-socialnyh-i-kulturnyh-pravah> (accessed: 20.09.2022).

- 
18. International Covenant on Civil and Political Rights of 16 December 1966. <https://sud.gov.kz/rus/content/mezhdunarodnyy-pakt-o-grazhdanskih-i-politicheskikh-pravah> (accessed: 20.09.2022).
19. United Nations Conference on International Tourism and Travel, 1963. <https://docs.cntd.ru/document/901813699> (accessed: 20.09.2022).
20. Final Act of the Conference on Security and Cooperation in Europe of 1975 <https://docs.cntd.ru/document/1901862> (accessed: 20.09.2022).
21. Manila Declaration on World Tourism. [https://online.zakon.kz/Document/?doc\\_id=30840437](https://online.zakon.kz/Document/?doc_id=30840437) (accessed: 20.09.2022).
22. Document by Acapulco (Mexico) on the discussion on actions to progressively achieve the goals set by the Manila Declaration on World Tourism, 1982 <https://docs.cntd.ru/document/901813697> (accessed: 20.09.2022).
23. Tourism Charter (Tourist Code) 1985 [https://city-tourism.kz/f/hartiya\\_turizma\\_i\\_kodeks\\_turista.pdf](https://city-tourism.kz/f/hartiya_turizma_i_kodeks_turista.pdf) (accessed: 20.09.2022).
24. Final Document of the Vienna Meeting of Representatives of the States Participating in the Conference on Security and Cooperation in Europe in 1989 [https://online.zakon.kz/Document/?doc\\_id=1016882](https://online.zakon.kz/Document/?doc_id=1016882) (accessed: 20.09.2022).
25. Declaration of the World Tourism Forum of the World Conference of Ministers of Tourism (Osaka, Japan) of 1994 and a number of other international conventions and agreements regulating the international legal aspects of tourism. <https://docs.cntd.ru/document/901756803> (accessed: 20.09.2022).
26. Agreement in the field of tourism of the countries of the Commonwealth of Independent States (CIS) of December 23, 1993 [https://online.zakon.kz/Document/?doc\\_id=31282562](https://online.zakon.kz/Document/?doc_id=31282562) (accessed: 20.09.2022).
27. Böhret C., Konzendorf G. Handbuch Gesetzesfolgenabschätzung (GFA) – Gesetze, Verordnungen, Verwaltungsvorschriften. – Baden-Baden: Nomos – 2001; Kudryavtseva Yu.V. Strategic aspects of innovative development of international tourism of the Russian Federation within the framework of the EurAsEC // Creative Economy. – 2014. – № 2(86). – с. 64-73. – url: [http://bgscience.ru/lib/5085.](http://bgscience.ru/lib/5085;); Maklashina L.R. Factors influencing the development of innovative activities of tourism industry enterprises // Creative economy. – 2012. – No 5(65). – p. 116-120. – url: [http://bgscience.ru/lib/4730.](http://bgscience.ru/lib/4730;); Dagman S. Conceptual approaches to sustainable tourism based on the use of integral marketing methods // Economic relations. – 2019. – No 4. – doi: 10.18334/eo.9.4.41297 (accessed: 20.09.2022).
28. Law of Japan on Tourism, 1952 <http://konamike.net/hiro/documents/2007JAFITTOYOUNIV.pdf> (accessed: 20.09.2022).
29. The concept of the draft law "On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Tourist Activities" (draft) <https://legalacts.egov.kz/application/downloadconcept?id=1961133> (accessed: 20.09.2022).
30. Development strategy of the joint-stock company "National Company "KazakhTourism" for 2022-2031. <https://adilet.zan.kz/rus/docs/P2100000948> (accessed: 20.09.2022).

---

31. Order of the Minister of Culture and Sports of the Republic of Kazakhstan dated October 27, 2021 No. 332 "On Approval of the Touristification Card". <https://adilet.zan.kz/rus/docs/V2100024950> (accessed: 20.09.2022).

**А.А. Мукашева, Н.Ө. Ыбырай**

*Л.Н. Гумилев атындағы Еуразия ұлттық университеті, Астана, Қазақстан*

### **Туризмді құқықтық реттеу: тәжірибесі және перспективалар**

**Аңдатпа.** Бұл мақалада пандемиядан кейінгі әлем жағдайында туризмді құқықтық реттеу саласындағы халықаралық және ұлттық тәжірибе мәселелері қарастырылады. Қазақстан Республикасында туризм туралы заңнаманы дамытудың негізгі кезеңдері қалыптастырылды, бұл туризм туралы құқықтың жекелеген саласын қалыптастырудың негізгі шарттарының бірі болып табылады. Мақалада туризм саласын халықаралық реттеудің мысалдары, сондай-ақ туристік қызметті дамыту мен ынталандыруға қатысты мемлекеттік саясат модельдері келтірілген. Осылайша, жүргізілген талдау туризм туралы құқықтың теориялық негіздеріне белгілі бір үлес қосады.

**Түйін сөздер:** туризм, пандемия, Қазақстан, туристік қызметті қолдау.

**А.А. Мукашева, Н.О. Ыбырай**

*Евразийский национальный университет им. Л.Н. Гумилева, Астана, Казахстан*

### **Правовое регулирование туризма: опыт и перспективы**

**Аннотация.** В данной статье рассматриваются вопросы имеющегося международного и национального опыта в сфере правового регулирования туризма в условиях постпандемийного мира. Сформированы основные этапы развития законодательства о туризме в Республике Казахстан, что является одним из основополагающих условий становления отдельной отрасли права о туризме. В статье приводятся примеры международного регулирования сферы туризма, а также модели государственной политики в отношении развития и стимулирования туристической деятельности. Тем самым проведенный анализ внесет определенный вклад в теоретические основы права о туризме.

**Ключевые слова:** туризм, пандемия, Казахстан, поддержка туристской деятельности.

---

## Список литературы

1. Гагская декларация по туризму (14 апреля 1989 года) [https://online.zakon.kz/Document/?doc\\_id=30840439&pos=3;-70#pos=3;-70](https://online.zakon.kz/Document/?doc_id=30840439&pos=3;-70#pos=3;-70) (Дата обращения: 20.09.2022)
2. Правовое обеспечение туризма: учебник / коллектив авторов; под общ. ред. Е.Л. Писаревского. – М.: Федеральное агентство по туризму, 2014. – С. 7.
3. Проект постановления правительства Республики Казахстан «Об утверждении Концепции развития туристской отрасли Республики Казахстан до 2026 года». <https://legalacts.egov.kz/npa/view?id=14018347> (Дата обращения: 20.09.2022)
4. Закон Республики Казахстан от 3 июля 1992 г. № 1508-ХІІ О туризме (с изменениями) (утратил силу). [https://online.zakon.kz/Document/?doc\\_id=1001314](https://online.zakon.kz/Document/?doc_id=1001314) (Дата обращения: 20.09.2022)
5. Указ Президента Республики Казахстан от 30 апреля 1997 г. N 3476 «О реализации Ташкентской декларации глав тюркоязычных государств, проекта ЮНЕСКО и Всемирной Туристской организации по развитию инфраструктуры туризма на Великом Шелковом пути в Республике Казахстан». <https://adilet.zan.kz/rus/docs/U970003476> (Дата обращения: 20.09.2022)
6. Указ Президента Республики Казахстан от 27 февраля 1998 г. N 3859 О Государственной программе Республики Казахстан "Возрождение исторических центров Шелкового пути, сохранение и преемственное развитие культурного наследия тюркоязычных государств, создание инфраструктуры туризма" (Утратил силу Указом Президента Республики Казахстан от 14 января 2008 года N 511). [https://adilet.zan.kz/rus/docs/U980003859/\\_/history](https://adilet.zan.kz/rus/docs/U980003859/_/history) (Дата обращения: 20.09.2022)
7. Постановление Кабинета Министров Республики Казахстан от 22 апреля 1992 г. N 369 «О развитии туризма и спорта в Республике Казахстан» (Утратило силу - постановлением Правительства РК от 3 августа 2005 года N 810 (P050810)). [https://adilet.zan.kz/rus/docs/P920000369/\\_/links](https://adilet.zan.kz/rus/docs/P920000369/_/links) (Дата обращения: 20.09.2022)
8. Закон Республики Казахстан «О туристской деятельности в Республике Казахстан» от 13 июня 2001 года N 211. <https://adilet.zan.kz/rus/docs/Z010000211> (Дата обращения: 20.09.2022)
9. Постановление Правительства Республики Казахстан «Об утверждении Единой программы поддержки и развития бизнеса "Дорожная карта бизнеса 2020", внесении изменений в постановление Правительства Республики Казахстан от 10 июня 2010 года № 556 "О некоторых мерах по реализации Программы "Дорожная карта бизнеса 2020" и признании утратившими силу некоторых решений Правительства Республики Казахстан" от 31 марта 2015 года № 16. <https://adilet.zan.kz/rus/docs/P1500000168> (Дата обращения: 20.09.2022)
10. Предпринимательский кодекс Республики Казахстан. Кодекс Республики Казахстан от 29 октября 2015 года № 375-V ЗРК. <https://adilet.zan.kz/rus/docs/K1500000375> (Дата обращения: 20.09.2022)
11. Закон Республики Казахстан «О разрешениях и уведомлениях» от 16 мая 2014 года. <https://adilet.zan.kz/rus/docs/Z1400000202> (Дата обращения: 20.09.2022)

- 
12. Постановление Правительства Республики Казахстан «Об утверждении Концепции развития туристской отрасли Республики Казахстан до 2023 года» от 30 июня 2017. <https://adilet.zan.kz/rus/docs/P1700000406> (Дата обращения: 20.09.2022)
  13. Петренко Е.С., Даулетова А.М., Мажитова С.К., Шабалтина Л.В. Анализ мер государственной поддержки по развитию туризма в Республике Казахстан. JOURNAL OF INTERNATIONAL ECONOMIC AFFAIRS #4'2019 (October-December). (Дата обращения: 20.09.2022)
  14. Постановление Правительства Республики Казахстан «Об утверждении Государственной программы развития туристской отрасли Республики Казахстан на 2019-2025 годы» от 31 мая 2019 года. <https://adilet.zan.kz/rus/docs/P1900000360/history> (Дата обращения: 20.09.2022)
  15. Закон Республики Казахстан «О внесении изменений и дополнений в некоторые законодательные акты Республики Казахстан по вопросам туристской деятельности» от 30 апреля 2021 года. <https://adilet.zan.kz/rus/docs/Z2100000034> (Дата обращения: 20.09.2022)
  16. Всеобщая декларация прав человека от 10 декабря 1948 года. <https://adilet.zan.kz/rus/docs/O4800000001> (Дата обращения: 20.09.2022)
  17. Международный пакт об экономических, социальных и культурных правах от 16 декабря 1966 года. <https://sud.gov.kz/rus/content/mezhdunarodnyy-pakt-ob-ekonomicheskikh-socialnyh-i-kulturnyh-pravah> (Дата обращения: 20.09.2022)
  18. Международный пакт о гражданских и политических правах от 16 декабря 1966 года. <https://sud.gov.kz/rus/content/mezhdunarodnyy-pakt-o-grazhdanskih-i-politicheskikh-pravah> (Дата обращения: 20.09.2022)
  19. Конференция Организации Объединенных Наций по международному туризму и путешествиям 1963 года. <https://docs.cntd.ru/document/901813699> (Дата обращения: 20.09.2022)
  20. Заключительный акт Совещания по безопасности и сотрудничеству в Европе 1975 г. <https://docs.cntd.ru/document/1901862> (Дата обращения: 20.09.2022)
  21. Манильская декларация по мировому туризму. [https://online.zakon.kz/Document/?doc\\_id=30840437](https://online.zakon.kz/Document/?doc_id=30840437) (Дата обращения: 20.09.2022)
  22. Документ Акапулько (Мексика) по итогам обсуждения действий по постепенному достижению целей, намеченных Манильской декларацией по мировому туризму, 1982 г. <https://docs.cntd.ru/document/901813697> (Дата обращения: 20.09.2022)
  23. Хартия туризма (Кодекс туриста) 1985 г. [https://city-tourism.kz/f/hartiya\\_turizma\\_i\\_kodeks\\_turista.pdf](https://city-tourism.kz/f/hartiya_turizma_i_kodeks_turista.pdf) (Дата обращения: 20.09.2022)
  24. Итоговый документ Венской встречи представителей государств-участников Совещания по безопасности и сотрудничеству в Европе 1989 г. [https://online.zakon.kz/Document/?doc\\_id=1016882](https://online.zakon.kz/Document/?doc_id=1016882) (Дата обращения: 20.09.2022)
  25. Декларация Мирового туристского форума Всемирной конференции министров по туризму (г. Осака, Япония) 1994 г. и ряд других международных конвенций и соглашений, регулирующих международно-правовые аспекты туризма. <https://docs.cntd.ru/document/901756803> (Дата обращения: 20.09.2022)

---

26. Соглашение в области туризма стран Содружества Независимых Государств (СНГ) от 23 декабря 1993 г.  
[https://online.zakon.kz/Document/?doc\\_id=31282562](https://online.zakon.kz/Document/?doc_id=31282562) (Дата обращения: 20.09.2022)

27. Böhret C., Konzendorf G. Handbuch Gesetzesfolgenabschätzung (GFA) – Gesetze, Verordnungen, Verwaltungsvorschriften. – Baden-Baden: Nomos – 2001; Кудрявцева Ю.В. Стратегические аспекты инновационного развития международного туризма РФ в рамках ЕвразЭС // Креативная экономика. – 2014. – № 2(86). – с. 64-73. – url: <http://bgscience.ru/lib/5085>; Маклашина Л.Р. Факторы, влияющие на развитие инновационной деятельности предприятий индустрии туризма // Креативная экономика. – 2012. – № 5(65). – с. 116-120. – url: <http://bgscience.ru/lib/4730>; Дагман С. Концептуальные подходы к устойчивому туризму на основе использования интегральных методов маркетинга // Экономические отношения. – 2019. – №4. – doi: 10.18334/eo.9.4.41297. (Дата обращения: 20.09.2022)

28. Закон Японии «О туризме», 1952 г.  
<http://konamike.net/hiro/documents/2007JAFITTOYOUUNIV.pdf> (Дата обращения: 20.09.2022)

29. Концепция законопроекта «О внесении изменений и дополнений в некоторые законодательные акты Республики Казахстан по вопросам туристской деятельности» (проект) <https://legalacts.egov.kz/application/downloadconcept?id=1961133> (Дата обращения: 20.09.2022)

30. Стратегия развития акционерного общества «Национальная компания «KazakhTourism» на 2022–2031 годы. <https://adilet.zan.kz/rus/docs/P2100000948> (Дата обращения: 20.09.2022)

31. Приказ министра культуры и спорта Республики Казахстан от 27 октября 2021 года № 332 «Об утверждении карты туристификации». <https://adilet.zan.kz/rus/docs/V2100024950> (Дата обращения: 20.09.2022)

### **Information about authors:**

**Mukasheva A.A.** - Doctor of Law, Professor at the Department of Civil, labour, and environmental law, L.N. Gumilyov Eurasian National University, 2 Satpayev str., Astana, Kazakhstan.

**Үбырай N.U.** - The 2<sup>nd</sup> year master student in Law, L.N. Gumilyov Eurasian National University, 2 Satpayev str., Astana, Kazakhstan.

**Мукашева А.А.** - заң ғылымдарының докторы, Л.Н. Гумилев атындағы ЕҰУ заң факультетінің Азаматтық, еңбек және экологиялық құқық кафедрасының профессоры, Сәтпаев көш. 2, Астана, Қазақстан.

**Үбырай Н.Ө.** - Л. Н. Гумилев атындағы ЕҰУ заң факультетінің екінші жыл докторанты, Сәтпаев көш. 2, Астана, Қазақстан.