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Legal foundations for the development of tourism in Kazakhstan in national and international dimensions

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Abstract: The article examines Kazakhstan's legal framework for tourism at the national and international levels, highlighting legislative shortcomings and proposing reforms to enhance regulatory effectiveness. The topic's relevance stems from strategic role of tourism in Kazakhstan's economic growth in the context of global integration and legislative modernization. The study analyzes key legal documents, including the Constitution, the Law on Tourism Activities, and related regulations shaping the industry's legal environment.

Government policy prioritizes infrastructure development, industry competitiveness, and legal alignment with global standards. Identified challenges include regulatory fragmentation, weak implementation of international norms, and inconsistencies in law enforcement. Key issues involve traveler protection, online tourism regulations, and the lack of standardized hotel classification. Various regulatory models – market-driven, state-controlled, and hybrid are analyzed.

The authors emphasize the need for comprehensive legal modernization, harmonization with international standards, and improved business and investment conditions. The research offers practical value by providing insights for enhancing Kazakhstan's tourism legislation in line with global best practices and industry needs.

Key words: tourism, legal regulation of tourism, international standards, national legislation, tourism development, protection of tourists' rights, tourism industry.

Introduction

Tourism is one of the most important areas of socio-economic development of Kazakhstan, contributing to the diversification of the national economy and strengthening the country's international position. The strategic priorities of Kazakhstan's state policy emphasize enhancing conditions for the sustainable development of the tourism sector. This approach is outlined in the "Kazakhstan-2050" Strategy [1], the Presidential Addresses, and key national programs. Additionally, the National Development Plan (until 2025) identifies tourism as a critical sector, with particular attention given to domestic tourism and its increasing significance for the national economy [2]. The Tourism Industry Development Concept 2023-2029 [3] further highlights the academic relevance of the issue by aiming to establish a highly competitive tourism sector, seamlessly integrated into the global tourism market. These documents confirm Kazakhstan's commitment to the development of tourism as a strategic economic sector with high potential for growth, investment and job creation.

Being an active participant in international cooperation, Kazakhstan contributes to shaping legal frameworks in tourism. This is reflected in its engagement with the UNWTO and adherence to various international agreements aimed at enhancing the industry. The gradual adaptation of Kazakhstan's legal system to global tourism standards is evident in ongoing efforts to align regulations with best practices that safeguard tourist rights, stimulate investment, and promote sustainability. In particular, Kazakhstan's legislation takes into account the provisions of the UNWTO Global Code of Ethics for Tourism, as well as the recommendations of the International Civil Aviation Organization (ICAO) on tourist mobility and visa regulation [4].

The growth of tourism in Kazakhstan is also influenced by the economic as well as the political factors including the role of the country in the region and the world. As regards the issue of Kazakhstan's increasing involvement in the global tourism market, the issue of the legal framework for regulating the sector becomes significant. An analysis of national legislation in comparison with international norms will help identify legal barriers, identify priority areas for reform and create the basis for sustainable development of the tourism industry in the long term.

This necessity arises from the obligation to develop a legal foundation that aligns with Kazakhstan's national interests while fulfilling its international agreements, fostering the growth of tourism. In a globalized world, regulatory policies must address internal socio-economic dynamics and incorporate internationally recognized standards established by leading organizations such as the UNWTO, WTO, and Eurasian Economic Union (EAEU).

To achieve this objective, it is essential to solve a number of interrelated tasks aimed at a comprehensive understanding and improvement of the legal framework governing tourism in Kazakhstan. The initial step involves an in-depth analysis of the theoretical and legal principles underlying tourism regulation, which will help to define its core characteristics and specific legal mechanisms. This will create the foundation for further analysis and development of recommendations.

A comprehensive analysis of Kazakhstan's tourism-related legal framework, including the Constitution, the Law "On tourism activities in the Republic of Kazakhstan" and subordinate

regulations, is required to detect inconsistencies and legislative gaps. An assessment of the role of government agencies in tourism management will help determine the effectiveness of the current system and ways to optimize it. The study of Kazakhstan's international standards and obligations will make it possible to assess compliance with national legislation and identify areas requiring improvement. A comparative analysis of foreign experience will help to adapt successful legal mechanisms. Based on the research, it is necessary to propose improvements in national legislation, taking into account global trends, which will increase the effectiveness of legal regulation of tourism in Kazakhstan. The relevance of the topic is confirmed by the country's strategic documents, which emphasize the importance of tourism development for economic growth.

The legal regulation of tourism in the Republic of Kazakhstan is developing in the context of global integration and modernization of national legislation. Given that the "Kazakhstan-2050" Strategy and Presidential Addresses emphasize economic diversification and position tourism as a key industry, addressing the challenges of harmonizing national regulations with global standards becomes a priority. However, it is still possible to speak about problems related to fragmentation of regulatory framework, lack of enforcement of international norms and differences in law enforcement practice [5].

The scientific novelty of the research lies in a comprehensive comparative legal analysis of national legislation on tourism and international legal norms governing tourism activities. Unlike previous studies, which mainly considered certain aspects of national regulation, this work focuses on the interaction of international and national norms, identifying gaps and conflicts in legal regulation.

The findings of this study will contribute to the development of proposals for improving the legal framework for tourism regulation in Kazakhstan in line with international standards. This, in turn, will advance the theoretical foundations of sectoral legislation and ensure the practical applicability of the conclusions for government authorities and businesses.

Research methods

This research incorporates several fundamental methodological approaches. The study is based on theoretical and legal examination, an assessment of national legislation, an evaluation of governmental functions, an analysis of international legal standards, a comparative review, an exploration of international treaties, and an in-depth study of academic sources. The applied scientific methods include comparative legal analysis to juxtapose national and international regulations, document examination to scrutinize legislative provisions and treaties, systematization for data structuring, along with inductive and deductive reasoning to formulate conclusions.

Results and discussion

Economy's fastest-growing sector today is tourism while affecting a country's social and cultural development. Globalization demands that tourism operates under strong legal

frameworks which simultaneously protect state interests together with business and tourist rights. Tourism regulation through law establishes specific guidelines to promote industry growth and safeguard tourist interests while organizing tourism businesses and sustaining the tourism industry across time [6].

The regulatory foundation for tourism governance in Kazakhstan includes the country's Constitution [7], the Law "On tourism activities in the Republic of Kazakhstan" [8], the Civil Code, and various subsidiary legal provisions. The national tourism policy focuses on strengthening infrastructure, boosting industry competitiveness, and aligning domestic legislation with global legal norms. It includes legal framework of licensing, standardization, service certification, and consumer rights protection, which all together form a complete legal framework for regulating tourism activities.

The fundamental legal document governing tourism activities in Kazakhstan is the country's Constitution. This foundational law establishes Kazakhstan as a democratic, secular, and rule-of-law state that upholds human rights and adheres to market economy principles. According to Article 1, the highest political values are the individual, their rights, and freedoms. This principle is significant for the tourism sector as tourism concerns involve questions on the liberty of movement, recreation, and access to cultural properties of citizens.

Article 21 of the Constitution enshrines the right of citizens to freedom of movement, choice of place of stay and residence within the Republic of Kazakhstan, which forms the fundamental foundations for the development of domestic tourism. In addition, article 26 guarantees everyone's right to business, which creates conditions for the development of the private sector in the field of tourism services. Article 29 is also important, which enshrines the right of citizens to health protection, which implies state control over the safety of tourist services.

Kazakhstan has built a regulatory system for tourism based on constitutional principles. The primary legal document in this sphere is the Law "On Tourism Activities in the Republic of Kazakhstan," which establishes the legal, economic, and social principles of state policy in tourism. This legislation outlines the responsibilities of government agencies, defines the roles of tourism market participants, and sets forth mechanisms to safeguard tourist rights. Furthermore, it formulates state policy objectives, including the development of tourism infrastructure, the protection of travelers' rights, and the creation of favorable conditions for investment. The law also highlights key principles of state regulation, emphasizing sustainable tourism growth, tourist safety, and the alignment of national legislation with international norms.

Tourism activities in Kazakhstan are legally governed by several regulatory instruments including bylaws, government resolutions, ministerial orders and other normative acts. Among the key documents is the State Programme for the Industry Development of Tourism [9], launched from 2019-2025, which identifies priority directions such as increasing the infrastructure and supporting domestic and inbound tourism. The 2023 programme has been succeeded by the Concept for the Development of the Tourism Industry for 2023-2029 which is a new strategy to further develop the sector and increase the sector's economic significance and improve the tourism offering. Furthermore, the Order of the Minister of Culture and Sports of the Republic of Kazakhstan No 29, dated May 29, 2020, laid down the Rules for the Provision of Public Services

on Licensing Tour Operator Activities which define the procedure and parameters for tour operator licenses [10].

As a result of changes in the international standards, development of digital technologies, and new economic challenges, it is necessary to enhance the prevailing national legislation on tourism as an urgent subject. The government authorities of Kazakhstan continue to work on updating legislation, focusing on successful foreign practices and international recommendations.

The national policy framework aims to foster tourism industry expansion and attract foreign investment, contributing to the country's improved ranking in the global competitiveness index. The institutional regulatory system comprises central and local executive authorities responsible for implementing state policies in the tourism sector.

In the Republic of Kazakhstan, the Ministry of Tourism and Sports serves as the primary governing body overseeing tourism sector development. This includes the identification of state programs that support tourism, regulatory roles in the industry, the promotion of the tourism image of Kazakhstan internationally, and the enhancement of internal and external tourism. The Ministry also ensures observance of legal norms of tourism and preparation of recommendations on its improvement. The development and oversight of cultural tourism in Kazakhstan are managed by the Ministry of Culture and Information, while the Ministry of Ecology and Natural Resources plays a key role in regulating ecotourism and conserving protected natural areas that serve as tourist destinations.

The legal regulation of tourism is facilitated by local executive bodies (akimats). They ensure the implementation of state tourism policies at the regional level, develop tourism development programs for specific regions, facilitate investment activities in the tourism sector, and promote tourist attractions and routes [11].

The institutional system also includes the National Chamber of Entrepreneurs "Atameken", associations of tour operators, and self-regulatory organizations involved in developing standards, regulating the activities of tourism companies, and protecting the rights of tourists. Public-private sector cooperation in tourism is carried out through public-private partnership mechanisms aimed at developing tourism infrastructure and attracting investments.

Despite ongoing legal reforms in the tourism sector, several issues continue to hinder the industry's effective development. One of the key challenges is the imperfection of the regulatory framework [5]. Kazakhstan lacks a unified code or comprehensive law governing all aspects of tourism activities. The current law adopted in 2001, does not fully cover all aspects of the modern tourism industry and requires an update. As a result, legal regulation is based on numerous fragmented normative acts, leading to legal uncertainty and complicating law enforcement practices.

Another major issue is the lack of an effective mechanism for protecting tourists' rights. The law provides for general provisions on consumer rights protection in tourism services but in practice, tourists are likely to face challenges in getting refunds for trips that have been canceled or where tour operators provide substandard services and where there are gaps in the legislation regarding compensation for emergencies.

Furthermore, there is insufficient implementation of international standards into national legislation. Despite Kazakhstan's participation in international organizations such as the UNWTO

and the WTO, national regulations do not always align with international requirements. For instance, standards governing accommodation services, guided tours, transportation activities, and tourist safety need to be updated to meet international levels.

Regulation of online tourism remains an additional challenge. The increasing use of digital technologies and online booking services creates a need which calls for regulatory oversight of online platforms as well as cross-border regulation while tourism service aggregators remain largely unregulated. However, these aspects remain insufficiently developed in Kazakhstan's current legislation.

Some authors argue that the tourism industry is directly dependent on technologies that facilitate the creation of new and the enhancement of existing service offerings, as well as the improvement of market infrastructure. This, in turn, helps minimize operational costs while increasing the speed and quality of service delivery [12]. They distinguish two main methods of the services' availability: the services are purchased through a travel agent or tour operator – all services are provided through an intermediary, and online independent booking platforms. The latter has been gaining popularity due to the increasing digital literacy of Kazakhstan's population. The authors emphasize the need for further digitalization of tourism facilities, expansion of service offerings, improvement of legislation, and strengthening consumer trust in online transactions to ensure the sustainable development of online tourism. In conclusion, it is noted that with the development of technology, the growth of digital skills and the transition to cashless payments, online tourism is becoming a promising area in the industry, which we fully agree with.

To eradicate these problems, it is necessary to carry out an all-round upgrade of current legislation which includes a review of international practice and enhanced government regulation and increased safeguards for tourists. The introduction of new legal frameworks, the standardization of the national regulatory framework to international best practice and the establishment of conducive business and investment environments will be crucial for the sustainable growth of the tourism industry in Kazakhstan.

The legal regulation of tourism is based on several theoretical approaches to determine the optimal model of government intervention in the industry. Among the key concepts are:

1. A liberal approach, according to which government interference in the tourism sector should be minimal, and regulation is provided by market mechanisms and self-regulating organizations. This approach is common in countries with developed market economies, where professional associations play a major role in shaping industry standards.

Tanya Yoncheva notes that in countries with a developed tourism industry, some important areas of activity are devoted to business self-regulation. This corresponds to a liberal approach, where minimal government intervention and market mechanisms play a key role. It is also mentioned that some countries do not apply mandatory categorization of tourist sites, preferring not to violate the principle of a free market. This is another example of a liberal approach, where the market determines standards, not the state [13];

2. A government-oriented model that assumes the active participation of the state in regulating tourism activities, developing and implementing industry support programs, implementing state standards and monitoring their compliance [14]. Kazakhstan has incorporated this

strategy into its legal framework, as evidenced by the establishment of state programs for tourism advancement and the formation of dedicated governmental bodies, including the Ministry of Tourism and Sports;

3. A mixed model involving a combination of market mechanisms and government regulation. In this case, the legal norms are aimed not only at protecting the interests of the state and consumers, but also at creating favorable conditions for doing business in the tourism sector.

Each of these concepts has its own advantages and disadvantages. However, for Kazakhstan, the most appropriate solution seems to be a mixed model that simultaneously takes into account national interests and meets international standards, which contributes to the sustainable development of the tourism industry. This approach, recommended by the research of foreign scientists [15], emphasizes the need for a combination of state regulation and self-regulation mechanisms.

International cooperation plays a key role in shaping the national system of legal regulation of tourism. Kazakhstan has signed and acceded to several international agreements that regulate tourism and, therefore, are a tool for harmonizing the domestic legislation with generally recognized international standards.

The norms of the UNWTO, which are meant to help ensure the sustainable development of tourism, to protect the rights of tourists and to promote cooperation, are applicable to the legal system of Kazakhstan and can be used as a basis for adapting the main provisions of this organization in the national legislation, the development of new standards and the implementation of modern regulatory mechanisms in the industry. Also, the formation of national legislation is dependent on international agreements within the EAEU framework to simplify crossing of borders, regulate tourist services and protect consumer rights, which means that domestic legislation has to be adapted to the norms of the union. Bilateral agreements with foreign countries regulating the visa-free regime, mutual recognition of tourism standards and investment cooperation play an essential role, which helps attract foreign investors, expand international cooperation and increase the tourist attractiveness of the country. The adoption of international norms will help Kazakhstan to synchronize legal standards with international best practice, and thus the industry can develop effectively and the sector can become more competitive. General tourism legal regulation does not exist only for national laws but also considers international commitments through agreement participation both multilateral and bilateral that advances legal frameworks while safeguarding tourist rights and promoting national tourism business growth.

Kazakhstan is a party to a number of international treaties regulating various aspects of tourism activities. Kazakhstan's participation in international organizations such as the UNWTO also has an impact on the development of tourism in the country [16].

The bilateral agreements of Kazakhstan with various states play a key role in the legal regulation of the tourism sector, ensuring the simplification of the visa regime, mutual recognition of tourism standards and the creation of favorable conditions for investment cooperation. Kazakhstan has signed inter alia cooperation agreements in tourism sector with the Russian Federation, Turkey, China, Central Asian countries and other countries and this has helped in the enhancement of the existing international tourist arrivals. Cooperation with the

Russian Federation, regulated by a number of bilateral agreements, is of particular importance. As stated in Article 25 of the Treaty on Good-Neighborliness and Alliance in the 21st Century, signed on November 11, 2013, both parties are committed to strengthening cooperation in tourism. Meanwhile, the Agreement on Cooperation in the Field of Tourism of January 11, 2001, provides a framework for this collaboration, covering aspects such as governmental support for tourism regulation, easing of customs and border formalities, information-sharing initiatives, and capacity-building programs for tourism professionals [17].

In addition, Kazakhstan and Russia have agreements on interregional and cross-border cooperation, as well as a visa-free regime agreement that allows Kazakh citizens to stay in Russia without a visa for up to 90 days. The Memorandum of Cooperation in the development of mutual tourism initiatives was signed in 2018 by the Russian Federation Federal Agency for Tourism (Rosturizm) and the National Company Kazakh Tourism. These agreements define the means of cooperation for the enhancement of tourism relations between the two countries, facilitate the ease of movement of tourists and the enhancement of existing and potential tourist flows.

The regulatory framework for tourism in Kazakhstan is also shaped by various international agreements, notably those of the EAEU and CIS. These agreements focus on ensuring uniform tourism standards, streamlining visa and migration policies, advancing the idea of a shared tourism zone, integrating national tourism policies, and creating a legal basis for institutional cooperation in tourism, as stipulated in the 1994 cooperation agreement. In addition, the CIS develops common standards for tourist services, mechanisms for simplified travel of tourists and joint routes, paying special attention to the safety and legal protection of their interests. The development of tourism infrastructure is significantly influenced by major international financial organizations, including the World Bank and the Asian Development Bank. Their role is evident in enhancing investment attraction strategies and fostering a more favorable investment climate. Aligning national legislation with globally recognized standards contributes to strengthening the industry's competitiveness, advancing service quality, and safeguarding the rights of travelers. Moreover, analyzing foreign regulatory practices enables the adaptation of efficient legal frameworks while considering Kazakhstan's specific national context.

One of the successful examples is the European Union (EU), where there is a unified regulatory framework governing the activities of tour operators, protection of tourists' rights and insurance of tourist risks. EU countries place special emphasis on contract transparency for consumers, the liability of tourism companies for substandard services, and the protection of travelers' rights in cases of tour cancellations or tour operator bankruptcies [18]. For Kazakhstan, this experience is particularly relevant for improving legislation on tourist rights protection and introducing mandatory travel service insurance.

A successful example of tourism governance is seen in China, where government authorities take the lead in shaping and advancing the sector. The tourism sector in China is governed by comprehensive legislation that includes strict certification requirements for tourism companies, mandatory licensing, and state subsidies for strategically important areas of tourism. China National Tourism Administration, also known as CNTA, is the government agency that is in charge of tourism and is a stakeholder in the regulation of the tourism industry in China. The body is based within the State Council of China, has state funding and its mandate is to market

tourism internationally in China [19]. In Kazakhstan, adopting elements of the Chinese model could be beneficial, particularly in implementing stricter control over tour operators, which would improve the quality of tourism services.

In Turkey, state policy is focused on actively developing tourism through tax incentives, investment programs, and support for the growth of the hospitality industry [20]. A key focus is placed on facilitating foreign direct investment and streamlining visa policies to encourage international tourist inflows. Given the strategic importance of tourism development, Kazakhstan can leverage this experience to improve its sector's attractiveness to investors, as outlined in various government initiatives.

To effectively implement foreign legal mechanisms, it is crucial to first examine the distinctive features of Kazakhstan's legal framework. Subsequently, national legislation must be aligned with global standards, with an emphasis on establishing regulatory frameworks for licensing and certification in the tourism sector, as well as strengthening safeguards for tourist rights. However, this process is accompanied by legal conflicts arising from discrepancies between national regulations and the country's international commitments.

One of the key challenges lies in the differences between the requirements of international agreements and existing national regulations. For example, sources highlight the need to improve service quality and standardize hotel services in Kazakhstan. It is noted that a significant portion of accommodation facilities lacks a star rating, indicating problems with the unification of standards. This issue is indirectly linked to the absence of a mandatory, unified classification system [21].

Another legal conflict arises in the regulation of travel insurance. In international practice, mandatory travel insurance is widespread, whereas in Kazakhstan, this area remains insufficiently regulated. Until 2018, Kazakhstan had a system of compulsory insurance for outbound tourists, as well as mandatory civil liability insurance for tour operators and travel agents. However, due to the bankruptcy of tour operators and other issues, this system proved to be ineffective. As a result of reforms, mandatory medical insurance for tourists was introduced, offering three programs depending on the destination country. While this represents progress in regulation, it does not cover all potential risks, such as tour operators' failure to fulfill obligations due to bankruptcy or fraud. Some experts suggest establishing a mutual insurance society for tour operators and travel agents as a possible solution to these issues [22].

Moreover, in the sphere of visa regulations, Kazakhstan is enhancing its cooperation with other countries based on mutual intentions, including visa-free agreements with several countries. However, there is still a need to enhance the country's visa policy to bring it into line with international best practice. The introduction of electronic visas and the simplification of migration procedures for foreign tourists remain pressing tasks, as these mechanisms have already become standard practice in many countries.

For the effective regulation of the tourism industry in Kazakhstan, further legislative improvements are necessary, taking into account global trends and international obligations. The most important areas are the development of a unified system of standards for tourist services, ensuring their compliance with international requirements, as well as the introduction of mandatory classification of hotels and tourist facilities to improve the quality of service and

consumer protection. A significant role is played by the reform of tourist insurance, including the introduction of compulsory insurance for tourists traveling abroad and the development of domestic tourism insurance mechanisms, which will increase the level of security and bring the national insurance system in line with international standards. Further digitalization of the tourism sector through the automation of visa procedures, the creation of a unified database of travel operators and the introduction of electronic control mechanisms will enhance market transparency and consumer protection. An important aspect also remains the unification of national legislation with the norms of international organizations, which requires the improvement of law enforcement mechanisms and the creation of specialized bodies to monitor the fulfillment of international obligations in the field of tourism.

It is necessary to carry out continuous legislative changes to resolve the current legal issues concerning the sector improve tourist protection and build up sustainable tourism structures. Given the present global trends, it is important for Kazakhstan to focus on international best practices and make its tourism industry as competitive as possible on the world stage.

Conclusion

The importance of tourism for Kazakhstan's socio-economic and cultural growth cannot be overstated, as it remains a key strategic industry. The further development of the industry is impossible without the legal regulation, with which it will be possible to achieve a balance between the interests of the state, business and tourists, especially in the context of globalization and the growing demands of international standards.

An assessment of existing legislation, including the Constitution, the Law "On Tourism Activities in the Republic of Kazakhstan," and related regulations, reveals that considerable efforts have been made to refine the legal framework. The state's tourism policy focuses on infrastructure development, increasing sector competitiveness, and harmonizing national laws with international standards. However, issues persist, including an inconsistent regulatory framework, non-alignment with international legal norms, and discrepancies in law enforcement approaches.

The most pressing problems include the lack of a unified code or comprehensive law on tourism, insufficiently effective mechanisms for protecting the rights of tourists, weak harmonization of national rules with international standards, and insufficient regulation of online tourism. To tackle these problems, it is necessary to carry out an extensive update of current legislation and improve government regulatory functions. A mixed regulatory model that incorporates both market instruments and government control appears to be the most promising, which will take into account both the interests of the private sector and protect citizens properly.

International cooperation, including within the framework of the EAEU and the CIS, plays an important role in shaping the national legal regulation system. Kazakhstan actively participates in international agreements, which contributes to the unification of standards, simplification of procedures and the creation of a single tourist space. At the same time, when borrowing foreign experience, it is necessary to adapt to the specifics of Kazakhstan and streamline legal norms

in accordance with international requirements. Legal conflicts related to differences in service standards and travel insurance requirements remain a significant challenge here.

Further effective integration of Kazakhstan into the global tourism space requires the introduction of a unified system of standards, mandatory classification of hotels, improvement of travel insurance mechanisms and comprehensive digitalization of the industry. Consistent legislative reform aimed at eliminating legal conflicts and increasing the level of protection of tourists will strengthen the competitiveness of the domestic tourism sector and strengthen its international potential.

It can, therefore, be inferred that an all-encompassing strategy that merges the concerns of the state with the requirements of international norms is a crucial condition for the effective creation of tourism regulation in Kazakhstan. Only the systematic solution of the legislative problems and the participation of the state power and the successful international collaboration can make the development of the sustainable and the growth of the tourism industry possible.

The contribution of the authors:

A. Turysbek, as the corresponding author, was responsible for formulating the research framework, structuring the study design, and analyzing the obtained findings. **A. Issayeva** contributed by developing the core content of the paper, conducting a comprehensive literature review, and synthesizing previous research on the subject. **G. Abubakirova** prepared the introduction and methodology of the article, translated the references, abstract, and information about the authors, and assisted in finalizing the conclusion of the research.

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Қазақстандағы туризмді дамытудың ұлттық және халықаралық өлшемдегі құқықтық негіздері

Аңдатпа: Қазақстанның ұлттық және халықаралық деңгейдегі туризмді құқықтық реттеу мәселелері мақалада жан-жақты қарастырылады. Туризм саласының стратегиялық маңызы оның ел экономикасының өсуіне қосатын үлесімен, жаһандық интеграция жағдайындағы дамуының өзектілігімен және құқықтық базаны жетілдіру қажеттілігімен тығыз байланысты. Бұл тұрғыда Қазақстан Республикасының Конституциясы, «Қазақстан Республикасындағы туристік қызмет туралы» Заңы және өзге де нормативтік-құқықтық актілердің нормалары талданады.

Зерттеуде туристік қызметті құқықтық реттеудегі негізгі проблемалар көрсетіледі, соның ішінде құқықтық нормалардың бірізді болмауы, халықаралық стандарттардың жеткіліксіз имплементациясы және заңнаманы қолдану тәжірибесіндегі сәйкессіздіктер ерекше атап өтіледі. Туристердің құқықтарын қорғау, онлайн-туризмді реттеу және қонақүйлерді стандарттау жүйесінің жетілмегендігі де өзекті мәселелер қатарында қарастырылады.

Сонымен қатар, мемлекеттік саясаттың инфрақұрылымды дамытуға, саланың бәсекеге қабілеттілігін арттыруға және заңнаманы халықаралық стандарттарға сәйкестендіруге бағытталған негізгі бағыттары айқындалады. Туризмді реттеудің нарықтық, мемлекеттік және аралас модельдері салыстырмалы талдаудан өтеді.

Авторлар саланы құқықтық тұрғыдан дамыту үшін заңнаманы кешенді жаңғырту, ұлттық нормаларды халықаралық талаптармен үйлестіру және инвестициялық ортаны жақсарту қажеттігін негіздейді. Бұл зерттеу Қазақстандағы туризм саласының құқықтық базасын жетілдіруге және оны халықаралық тәжірибеге сәйкестендіруге бағытталған нақты ұсыныстар әзірлеуге ықпал етеді.

Түйін сөздер: туризм, туризмнің құқықтық реттелуі, халықаралық стандарттар, ұлттық заңнама, туризмді дамыту, туристердің құқықтарын қорғау, туризм саласы.

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Правовые основы развития туризма в Казахстане в национальном и международном измерении

Аннотация: В статье рассматривается правовая база регулирования туризма в Казахстане на национальном и международном уровнях, выявляются законодательные пробелы и

предлагаются реформы для повышения эффективности регулирования. Актуальность темы обусловлена стратегической ролью туризма в экономическом развитии Казахстана в условиях глобальной интеграции и модернизации законодательства. В исследовании анализируются основные законодательные акты, включая Конституцию, Закон «О туристской деятельности в Республике Казахстан» и другие нормативные правовые акты, формирующие правовую среду отрасли.

Государственная политика ориентирована на развитие инфраструктуры, повышение конкурентоспособности отрасли и приведение национального законодательства в соответствие с международными стандартами. Среди ключевых проблем выделяются фрагментарность регулирования, недостаточная имплементация международных норм и несоответствия в правоприменительной практике. Вопросы правовой защиты туристов, регулирования онлайн-туризма и отсутствия единой системы классификации гостиниц остаются актуальными. Также проводится анализ различных моделей регулирования – рыночной, государственной и смешанной.

Авторы подчеркивают необходимость комплексной модернизации законодательства, гармонизации национальных норм с международными стандартами, а также создания благоприятных условий для бизнеса и инвестиций. Практическая значимость исследования заключается в том, что его результаты могут быть использованы для совершенствования правовой базы туризма в Казахстане с учетом международного опыта и потребностей отрасли.

Ключевые слова: туризм, правовое регулирование туризма, международные стандарты, национальное законодательство, развитие туризма, защита прав туристов, туристическая отрасль.

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