

## CIVIL-LEGAL REGULATION OF THE CONTRACT FOR THE PROVISION OF TOURISM SERVICES

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### ABSTRACT

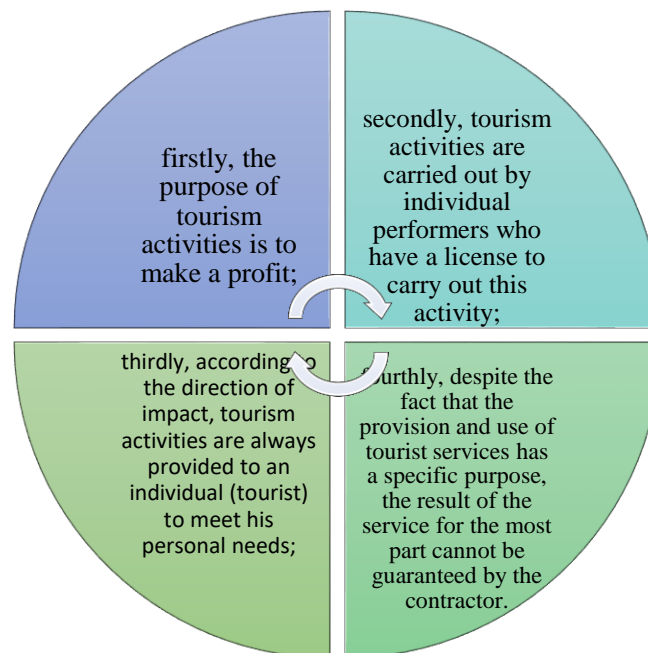
*Tourism services are considered as essential part of the economical development of the country. Therefore, the article deals with the issue of the provision of tourism services as well as the contracts which is based on the civil-legal regulation. The result of the research depicts that civil-legal regulation of the contract is valuable factor for the provision of tourism services.*

**Introduction.** In ensuring the consistent and stable development of the economy, the development and clear definition of well-founded and comprehensive measures, important tasks and directions, economic development programs of various levels for the next period is a guarantee of success. Uzbekistan is a leading country in the region due to its great potential, political stability, strong statehood, the majority of its population consists of people with modern knowledge, rich reserves of valuable natural resources and developed infrastructure.

In recent years, special attention has been paid to the rapid development, promotion and support of small business and private entrepreneurship, which have an increasingly important role in ensuring economic growth, creating new jobs, solving the employment problem, and increasing the income and well-being of the population.

The fact that our country has enough opportunities in the field of tourism, which are not left behind by any foreign country, is the main source that ensures that we achieve many successes in this regard. Taking this into account, the reforms carried out in our country from the first years of independence until now in terms of the sale and development of touristic products that meets the requirements of the time have been giving their positive results[3, p.128-134].

Tourist activity is defined as a type of entrepreneurial activity for the formation, promotion and sale of tourist services, carried out on the basis of a license by a tour operator or travel agent. The following features are characteristic of tourism activities: [5, p.56-63]



It is our goal to further improve the quality of service to tourists and gain the attention of the world community as a country with a tourism industry that fully meets market requirements. The basis of the development of tourism in our republic is the agricultural product. However, there are many problems related to the complex transition period, including the lack of human capacity to manage the sales and development of touristic products in accordance with the requirements of the times, the lack of improvement of the system of mutual relations between organizations, limited opportunities, the slow implementation of marketing and advertising work by them. Development is slow due to problems such as overcrowding. The business of selling and developing touristic products in foreign countries has made great progress, and their implementation in the practice of Uzbekistan is based on today's requirements.

Among the legal instruments that regulate social relations, contracts are the most common. Laws have been used by mankind for thousands of years as a flexible legal tool to regulate various social relations. Another such legal instrument is the law. Of course, the contract regulates the course of work within the framework of the law, defines the scope of their opportunities, and directs their actions. It also determines the consequences of breach of contract requirements

Article 12 of the Law of the Republic of Uzbekistan "On Tourism" is called: "Tourist Services Provision Agreement" and states the following points: "Tourist services are provided on the basis of a contract that determines the order of accounting books, the validity period of the contract and the responsibility for its non-performance or improper performance, as well as other conditions according to the agreement of the parties" [2].

A civil-legal contract is mainly designed to formalize property relations. In some cases, the contract formalizes personal property rights and obligations. This is typical for contracts related to creative activities in the field of creation of works of literature, science and art, including publishing contracts, stage works, film scripts and other contracts; Such agreements



do not specify the property rights and obligations of the parties, including the terms of copyright, liability for breach of deadlines, but also personal and non-property rights, such as the author's name or anonymity in his work, whether or not to allow changes to the text of the work.

The contract for tourist services, depending on the participants concluding the contract, can be divided into three groups:

1. Contracts concluded between the tour operator (travel agent) and the tourist.
2. Agreements concluded between the tour operator and its partners - direct performers of individual services.
3. Contracts concluded between the tour operator and travel agent.

In tourism activities, contractual liability arises in case of non-performance or improper performance of the contract. Failure to perform or improper performance of obligations can occur both through fault and as a result of an accident.

Depending on the specified types of contracts concluded in the field of tourism activities, the civil liability of subjects of tourism activities can be divided into three groups:

- a) Responsibility of the tour operator (tourist) to the tourist;
- b); Responsibility of the tour operator (travel agent) to partners;
- c) Responsibility of the tourist, association of tourists before the tour operator (travel agent).

## RIGHTS AND OBLIGATIONS OF THE PARTIES

The executor has the following rights:[1]

- to change the duration and direction of the tour, the level of service, the type of transport service, the method of ensuring the safety of the Customer's employees and protecting their property with the Customer's consent;
- increase the value of the tour agreed in the contract with the Customer's written consent, notifying the Customer in writing at least 20 days before the start of the tour;
- Demand compensation for damage caused by the customer.

Rights of the customer:

- full use of the set of tourist services provided for in this contract;
- obtaining complete and reliable information related to travel;
- to demand the guarantee of one's safety, protection of one's rights, protection of one's property and receiving emergency medical assistance;
- demand compensation for material and moral damage caused in case of non-fulfillment or improper fulfillment of this contract;
- cancellation of the contract without compensating the Contractor for damages if the total cost of the tour exceeds the value specified in the contract, as well as in case of force majeure.

**Conclusion.** Taking into account the above-mentioned data, it can be concluded that tourist activity is defined as a type of entrepreneurial activity for the formation, promotion and sale of tourist services, carried out on the basis of a license by a tour operator or travel agent. In order to activate the tourism services a civil-legal regulation is claimed as important in this process. A civil-legal contract is mainly designed to formalize property relations. In some cases, the contract formalizes personal property rights and obligations. As a consequent, a civil-legal contract should be implemented in the process of activating tourism services.



## References:

1. [www.lex.uz](http://www.lex.uz) Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On measures to create favorable conditions for the restoration and development of the tourism sector in the Republic of Uzbekistan" 10.07.2020 No. 433
  2. [www.lex.uz](http://www.lex.uz) Law of the Republic of Uzbekistan, No. ORQ-549 18.07.2019
  3. Alieva M.T., Umarzhanov A. —Economy of tourist countries||. Textbook. T: "Finance" 2005.- 339 p
  4. Birzhakov MB, "Introduction to Tourism" Textbook. – Edition 8th, revised and expanded. - St. Petersburg: "Gerda Publishing House", 2006. – 512
- Irmatov M.M. Alieva M.T. etc. Tourism Planning Tashkent, 2005 - 167 p.