

## Problems of Development of Tourist Relationships Legal Regulation in the Republic of Kazakhstan

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**Abstract.** In the modern world tourism is considered as social and economic phenomenon, having direct and mediated impact on development of all infrastructures connected with it. But, in the Republic of Kazakhstan which has enormous tourist resources, tourism has not reached a level of development adequate to the potential possibilities yet. Tourist objects are no longer used as a result of undeveloped state of tourist services infrastructure, imperfection of mechanisms of state regulation at its various levels, absence of motivation for private investments into the tourist markets and effective methods of the economic analysis of the country tourist complexes. The civil legislation did not contain the positions characterizing the relationships in sphere of tourism in the recent past. However, in foreign countries legal regulation of tourist activity takes a worthy place, the increasing share of its incomes testifies to it in the world economy. Tourism formation in Kazakhstan as an economy branch will contribute not only in development of the tourist industry, but also in more successful reforming of whole economic system of the Republic of Kazakhstan. The problems of tourist complex management, adaptations of foreign experience of tourism development are actively discussed by modern researchers.

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### 1. Introduction

Tourism is the most dynamically developing branch of the world economy, the legislation on tourism takes on qualitatively new level of regulation, and first of all thanks to unification of the European Community rules of law in this field, and also its regulations within the limits of the World Trade Organization. It is connected with social and economic aspects of existence of the world community, and first of all with its globalization. The upcoming Kazakhstan's entry into the World Trade Organization as a full member demands development of the modern legislation on tourism, unification of norms and rules of tourist service, development of standards and rules of advertising, promotion of national tourist product, etc.

Despite impressing forecasts of tourism development in Kazakhstan, the environment of legal regulation, namely the level of its intensity, intensity, in Kazakhstan it is still lowest. To a certain extent it can be explainable both insufficient regulation of these relationships under the law and known blank in the legal science which completion is represented to the extremely necessary. The theoretical unresolved problem affects both on quality and efficiency of legal work and on legal perfection of the legislation and level of lawyers' training in this field of the law. Problems of development of legal regulation of tourist relationships cause the actuality of the paper.

**1.1. The aim of the research** is to study the legislation of the Republic of Kazakhstan regulating the relationships in sphere of tourist activity and its practical implementation in Kazakhstan and abroad. For the aim achievement it is the following: the analysis of social-economic and legal nature of tourism and tourist activity; determination of the essence of tourism and tourist activity as a component of Kazakhstan economy and version of enterprise activity; consideration of legal status of tourist activity subjects.

**2. The methods of the research:** are based on methodology in which basis there are provisions of the 1995 Constitution of the Republic of Kazakhstan [4], the international laws and principles, and also special international laws and principles of legal regulation of tourist activity. Research of the legal phenomena being the subject of the paper, was carried out on the basis of the general scientific dialectic method of cognition and related to its scientific methods: historical, formal-legal, method of comparative jurisprudence and legal modeling, etc. Thus, studying is based on set of the principles developed in sphere of jurisprudence and inherent any research which in the general form are expressed as principles of an induction and deduction, the analysis of synthesis, unity historical and logic. During work with legal material there was realized classification of legal norms, legal facts was carried

out, the sense of the terms of law on which basis generalizations and definitions were developed. The methodological basis provided the research of legal regulation of tourist activity - in interrelationship and interaction with institutional environment, in its integrity and taking into account all requirements.

**3. The main part:** Now in the world economy the new relationship to tourism development is actively formed as one of the leading export branches of economy. The present stage of economic development of Kazakhstan is characterized by radical complication of occurring social and economic processes, and also by increased competition in the most effective sectors of economy [5].

Transition from a management system to a market mechanism of economy objectively causes the necessary reforming of financial and economic activity of the tourist enterprises. Arisen in this connection the system crisis of the macroeconomic environment determining legal, tax, external economic and other functioning conditions of the enterprises of the Republic of Kazakhstan has essentially complicated the process of transition from one to other system of managing [6]. At the same time, the gradual solution of the listed problems at the state level deduces problems of formation of effective strategy of the functioning enterprises on the first place in new conditions and determination of internal reserves on carrying out of structural reorganization of principal views of activity.

Now, the key point of economic development of the Republic of Kazakhstan is attraction of investments which should cause lifting of the basic branches of economy [7]. Tourism is one of the leading service sectors which in turn are the major sector of a market economy of the developed countries. Development of this sector substantially testifies to a level of development of economy and social-economic priorities forming a state policy.

The solution of global problems demands scale inflow of long-term investments and creation of the effective mechanism of their attraction and use both at state level, and among subjects of tourist business. Necessity of the organization of investment for tourist sphere causes the big practical requirement for carrying out of researches of investment process for tourist industry of Kazakhstan and theoretical substantiation of a choice of directions of investment activity.

Thus the state policy of regulation of tourism development shows necessity of the tourism problems solution according to the following reasons [8]:

- Development of tourist industry demands concentration of considerable financial assets and

presence of a considerable quantity of participants both at a stage of formation of an investment portfolio, building, reconstruction, and at a stage of functioning of the enterprises;

- The highest results in respect of the invested capital pay-back are reached in possibility of formation of a competitive tourist complex that assumes presence of the developed accompanying infrastructure and specialization at all stages of manufacture and realization of tourist services.

Growth of sphere of services enlarges work of variety of branches of goods production interconnected with this sphere in the field of manufacture of services objects. Therefore effective development of a society demands harmonious and balanced development both production of goods and services.

All this caused necessity of increase of requirements to efficiency and quality of administrative solutions at all levels of economic activities and, first of all, in sphere of services.

In the modern world tourism is considered as social and economic phenomenon, having direct and mediated impact on development of all infrastructures connected with it. But, in the Republic of Kazakhstan which has enormous tourist resources, tourism has not reached a level of development adequate to the potential possibilities yet. Tourist objects are no longer used as a result of undeveloped state of tourist services infrastructure, imperfection of mechanisms of state regulation at its various levels, absence of motivation for private investments into the tourist markets and effective methods of the economic analysis of the country tourist complexes [9].

The problems of tourist complex management, adaptations of foreign experience of tourism development are actively discussed by modern researchers.

Nevertheless, points of economic-mathematical modeling, analysis and forecasting of development of tourism as services remain the weakest link in research tool. Now unresolved points are development of realized in practice models and a substantiation of offers on formation and development of tourist business management systems, and increase of competitiveness of quality of the goods and the services offered in the tourist market of Kazakhstan, on the basis of the system approach.

High level of competition in tourist sector and economic reforming cause necessity of development of economic-mathematical models and optimizing problems considering features of the tourist market, market elements for tourist activity of the Republic of Kazakhstan, processes of

reinvestment and reconstruction of objects and other social factors in the field of tourism. It is necessary for balanced development of the highly effective and competitive tourist market, increase of national economy potential and its capacity to pay in the conditions of unstable environment.

For this reason development of new approaches to modeling of objects of tourist services sector, creation of the new methods and models describing their functioning in the conditions of formation of Kazakhstan market economy, is the important and actual scientific problem demanding the urgent solution.

**4. Conclusion.** Market economy formation in the Republic of Kazakhstan has strengthened interest to forms and methods of tourist service of the population. Development of the branch by the accelerated rates and increase of negative consequences of a competition and commercialization of tourist activity have led to understanding of necessity of state regulation of tourist business. During several generations the considerable part of the population used tourist services therefore the requirement for them was mass, i.e. it entered into norm of a life, became a part of national culture.

Tourism, being a social and economic subsystem, is interconnected with such institutes as "economy", "society", «ecological environment». Activity of system "tourism" is impossible without interaction with other branches of a national economy. Therefore the substantiation of necessary state regulation of tourism development is under construction on the basis of studying of a modern condition of the tourist market, analysis of tourism role in a national economy, features of tourist consumption and specificity of a tourist product, its influence on other branches of a national economy, in particular, on an ecological condition and social-cultural development of the country.

Scale and importance of tourism testify to its belonging to strategic branches of a national economy that demands direct state regulation, for the purpose of proportionality of development of territorial and branch economic complexes, substantiations of employment policy, increase of budgetary incomes and management of a condition of payments balance.

State regulation of tourism development is an influence of the state on activity of economic entities and market conditions for maintenance of normal conditions of a market mechanism, realization of the state social and economic priorities and development of the uniform concept of tourism development.

The main principles of state regulation of tourist activity in the Republic of Kazakhstan are [10]:

- 1) Promotion of tourist activity and creation of favorable conditions for its development;
- 2) Determination and support of priority directions of tourist activity;
- 3) Representation formation about the Republic of Kazakhstan as the country favorable for tourism;
- 4) Insurance of safety, protection of tourists' rights and tourist organizations of the Republic of Kazakhstan and their associations, and also protection of their interests and property.

Regulation of tourism development represents the multilevel system including:

- Coherence and promotion of tourism on a global scale which is realized by means of the World tourist organization with the assistance of the international financial organizations;
- Coherence of tourist policy at interstate level which is reached through the regional tourist organizations and special bodies of interstate associations (for example, the European Community);
- Coherence of policy in the field of tourism at national and regional levels which is realized through specially created state bodies and public associations of the tourist organizations.

Numerous connections of tourism with other branches of economy generate the external economic, ecological and social-cultural effects which distribution frequently is out of sphere of management of tourist activity subjects. State regulation of tourism development should be directed on minimization of negative consequences of external influences and increase in positive ones.

In the recent years in Kazakhstan more attention has been begun to pay to tourism development. Prospects of development of a tourist complex in many respects depend on strengthening of state regulation of tourist sphere at national level which should be combined with modern strategy of promotion of regional tourist business.

The purpose of development of tourism in the Republic of Kazakhstan is " Development program for prospective sectors of the tourism industry of the Republic of Kazakhstan for 2010-2014» which determines[11]: a) transformation of tourism into profitable branch of economy by creation of the highly profitable industry of the tourism, capable to make and realize qualitative, competitive product in the conditions of the international tourist market; b) increase in tourist potential of the republic; c) preservation and rational use of cultural-historical and natural-recreational resources; d) availability of tourist resources for all levels of population, maximum satisfaction of

requirements for tourist services; e) stimulation of the population employment; f) increase of interaction efficiency of the state and private structures in tourism sphere; g) development of small and average business.

State regulation of development of tourist activity in the Republic of Kazakhstan is realized on the basis of specified and other purposes with the account of the world experience [12].

### 5. Summary

It is necessary to do for the problem solution: the analysis of features of tourism development against the background of a modern market macroeconomic situation and the basic problems of development of Kazakhstan tourism that will allow to determine the major factors influencing on development of this branch at the present stage. And also to consider features of an information field on the basis of the research of structure of the modern information market and conditions of its development in the field of tourism and the offer of the approach of creation of tourist information centre.

It is necessary to follow the concept of development of Kazakhstan tourism in the conditions of market economy.

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