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The concept, essence and types of tourist activity in the Republic of Kazakhstan

This scientific article discusses the basic provisions on the concept, essence and types of tourist activity in the Republic of Kazakhstan. The authors study the main specifics of tourist activities in the Republic of Kazakhstan at the present stage. Attention is drawn to the fact that today the sphere of tourist activity is one of the most significant and priority areas of the modern economy of any civilized state, which is aimed at satisfying the requirements of people and improving the quality of their lives. In addition to studying the current legislation of the Republic of Kazakhstan, the authors of the article also, within the framework of a comparative analysis, turn to the legislation of the Russian Federation, first of all, to the provisions of Federal Law No. 132-FL «On the Basics of tourist activity in the Russian Federation» (dated November 24, 1996). The methodological basis of this scientific work was made up of dialectic, systemic, comparative legal, normative and other methods of cognition. This article discusses some classifications of types of tourism that currently exist. Tourist product is characterized as the basis of all tourist activities. The components of the tourism product, as well as its main consumer properties, are considered. It is concluded that by creating the most favored nation treatment for travel agencies, the legal and regulatory framework in the sphere of tourism, the state provides equal conditions for the implementation of tourist activities by legal entities and individuals, and promotes the development of international cooperation. The authors of this study pay due attention to the features of tour operator activities and travel agents in the tourist market.

Keywords: tourist activity, tourism, tourist, types of tourism, tourist product, tour operator activity, travel agent activity, legislation on tourist activity, functions of tourist activity.

Introduction

At this moment in time, the tourism sector can be defined as one of the main areas of economic activity of any civilized state. Tourism is directly connected and gives rise to the grounds for the emergence of the sphere with certain services, goods, foreign currency, as well as employment and investment issues. In countries where tourism has become a successfully developed service sector, it maximally affects their national development in economic and social senses.

International tourism comprehensively interacts with various areas of the state activities. This indicates that, of course, there is a certain influence of the tourism sector on the structure and variety of other types of economic activity of each particular state both at the national and international levels.

In the modern period, tourism is a whole system that can offer endless opportunities to get acquainted, first of all, with the history, culture and customs of a given country, as well as with the spiritual and religious values of its people. The most important advantage of the tourism industry is, of course, the revenue flowing into the treasury of the state.

Today, the tourism sector is the world's largest industry and is an established component of the current processes of globalization of modern society. The rapid development of the tourism sector attracts the attention of various economists, lawyers, various international bodies and organizations in order to be able to regulate the existing extra national, international movement of goods, services and people; protect the sovereignty and security of the state; grant the special status to international tourists, etc.

Materials and methods

The methodological basis of the work is represented by systemic approaches to the study of theory, legal acts that relate to issues of legal regulation of tourist activities and, in particular, issues related to the concept, essence and types of tourist activities in the Republic of Kazakhstan. In addition, methods of analysis, synthesis, comparison, as well as dogmatic analysis, historical and normative, substantive and functional techniques are used. The theoretical basis of the study is expressed by the works that were performed by Strigunova D.P., Akhtyamova Ye.V.

The legal framework of the research is represented by the Law of the Republic of Kazakhstan dated June 13, 2001 N 211 «On Tourist Activities in the Republic of Kazakhstan» and the Federal Law of the Russian Federation «On the Basics of Tourist Activities in the Russian Federation» (as amended on June 4, 2018) (version on July 1, 2019), as well as international legal acts affecting tourist activities issues.

Results

The essence of tourism lies in the fact that it represents one of the dominant areas of the modern world economy, the purpose of which is to satisfy the needs of subjects and improve the quality of their life. The role of tourism is clearly manifested in solving all kinds of socio-economic problems in various regions. With its help, the development of small and medium enterprises is ensured. Tourism has an impact on the development of transport, communications, catering, leisure, entertainment and recreation. National tourism is being integrated into the international system of tourism business services for travelers with various goals, and this is how it favorably affects the development of international cooperation and raises the cultural level of the population.

The internal nature and essence of tourism are dualistic in nature, on the one hand, tourism is a special kind of travel, and on the other hand, it is a kind of activity for organizing and realization of these trips.

Tourism organizations are organized by companies that specialize in the provision of tourism services. The paramount task in the implementation of tourism activities is definitely to ensure the safety of tourists. It should be guaranteed by the provision of effective legal levers regulating the sphere of relations between a tourist company, the state and the host state.

Understanding the essence of tourism as a category is impossible without considering and researching the definition of «tourist activity».

Tourist activity is traditionally regarded as a special kind of entrepreneurial activity with its individual characteristics. These include, in particular, the isolation of tourism activities, the possibility of various risks, the focus on obtaining and extracting income from the sale of tourism services, and the state registration of participants in tourist relations.

Tourist activities may well be characterized as the mutual and intermutual activities of travel coordinators to create and promote a tourism product, as well as the totality of certain actions of tourists buying this product.

Tourist activities in the Republic of Kazakhstan are regulated by the Law of the Republic of Kazakhstan «On Tourist Activities in the Republic of Kazakhstan» dated June 13, 2001.

According to clause 12, article 1 of the said Law, tourist activity is an entrepreneurial activity of individuals or legal entities for the provision of tourist services. [1] Likewise, the object of the activity in question is tourism, which, in the first place, means traveling outside the place of stay of the consumer of tourist services, which is not connected with making a profit.

In accordance with the provisions of this regulatory legal act, international and domestic tourism are considered as organizational forms of tourism.

International tourism includes:

Inbound tourism — travel within the Republic of Kazakhstan of persons who do not reside permanently on its territory;

Outbound tourism — a trip of citizens of the Republic of Kazakhstan and persons permanently residing in the Republic of Kazakhstan to another country.

Domestic tourism is a journey within the Republic of Kazakhstan of citizens of the Republic of Kazakhstan and persons permanently residing in its territory.

Types of tourism — social, environmental, hunting, fishing, adventure, sports, business, congress, medical-recreational, cultural-educational, religious, medical, for children and young people, event and others [1].

It seems that in this case, tourist activity should be considered in the broad sense of the word, including in its concept on a parallel track the activities of certain government bodies, tourists, their associations, bodies ensuring the safety of tourists, etc.

Discussion

Analysis of the Law on tourist activities of the Republic of Kazakhstan allows us to conclude that the conceptual apparatus of this regulatory act is imperfect. So, article 2 of this law is devoted to the legislation of the Republic of Kazakhstan on tourist activities. It is completely clear that this does not mean specifically

legislation on the types of activities of tour operators and travel agents, but, in general, the regulatory framework of the tourism sector.[1]

In Russian sources, it was proposed to amend the Federal Law of the Russian Federation «On the Basics of Tourist Activity in the Russian Federation» (as amended on June 4, 2018) (as amended on July 1, 2019) by amending the term «tourist activity» in the relevant articles, for example, the term «activities in the sphere of tourism».

The concept «activities in the sphere of tourism» can include the activities of various subjects of tourist relations: tourists, tourist organizations, tourism industry workers, state authorities and local governments.

When conducting a comparative analysis, we can conclude that, according to the legislation of the Russian Federation, tourist activity is a tour operator and travel agency activity, as well as other travel organization activities.

This gives reason to identify the three main components of tourist activities:

Tour operator activities;

Travel agency activities;

Other travel arrangements.

According to legal definitions given by the Russian legislator, tour operator activity is the activity on the formation, promotion and sale of a tourist product carried out by a legal entity. Travel agency activity is an activity on promotion and realization of a tourist product carried out by a legal entity or an individual entrepreneur. Other activities for the organization of travel can be considered excursion, hotel activities, etc. [2].

Tourist product traditionally consists of the following components: basic services, additional services and related services. The tourist product is sold to the client in the form of a tour. The tour is presented as a whole, as a result of the activities of the tour operator, formed on a specific route and for specific duration.

The main range of services includes a set of services that make up the service program for the tour. The main range of services is a necessary component of any tour, regardless of who this tour is oriented to. Often, basic services are combined into a tour package, the primary unit of a tourist product, which is an obligatory part of the tour.

Additional services — another important component of the tour, providing for any services that, at the discretion of the consumer and according to his preferences, can be provided to him for an additional fee. Such services can be added to the price of the tour at the time of purchase, or offered to the client during the tour and paid for by him independently.

Related services include the provision of tourist equipment, national souvenirs, tourist symbols; currency exchange, credit services, Internet access and other types of services; mail and telegraph services, other types of communication, the provision of individual safes, etc.

Tourist product has consumer properties. Traditionally, in theoretical developments governing this issue, one can indicate such basic consumer qualities of services as:

Reasonableness — the services provided should be correlated with the purpose of travel, not be excessive and meet the needs of the tourist;

Efficiency — achieving the best result with reasonable expenses from the tourist side;

Reliability — the correspondence of the expected content of the tourist product to the actual, the reliability of the advertising information;

Integrity — the ability of a product to fully satisfy the needs of a tourist;

Clarity — the conditions of use of the product should be clear to both the tourist and the staff involved in its service operation;

Simplicity — this means ease of operation, which means minimizing costs while maintaining places of stay in good condition;

Adaptableness — the ease of adapting the product in the service system to different type of consumer;

Usefulness — the ability of product to be used to achieve both one specific and combined goals (for example, relaxation and study).

V.A. Kvartalnov characterized the tour product as «a combination of services and tourist goods». Tourist product includes tours, united by purpose, tourist-excursion services and tourist-souvenir goods [3; 137].

The Kazakhstan legislator gives the following definition of the category «tourist product». This is a complex of tourist services sufficient to satisfaction the needs of the tourist during the trip [1].

It will be observed to the opinion of D.P. Strigunova, who is quite critical of the use by the Russian legislator of the phrase «other travel organization activities». Firstly, the author makes a conclusion that we should talk about «organizing of tourist trips», and the tour operator is the person acting as their organizer.

«However, tourist activities should be understood not only the activities of tour operators, but also travel agents who are specialized subjects of entrepreneurial activity in the sphere of tourism». Secondly, D.P. Strigunova proposes to exclude the concept «other travel organization activities» from the Law on the Basics of Tourism Activities [4; 25].

Ye.V. Akhtyamova offers a completely different definition of tourist activity from a legal one. She believes that tourist activity is the activity of tour operators in the formation and promotion of a tourist product, as well as the legal relationship between tour operators and travel agents regarding its joint promotion and sale to tourists in the form of a comprehensive tourist service (tour) [5; 32].

Joint and coordinated tour operator and travel agency activities with the reasonable formation and organization of tours and their distribution among the population of the country, will ensure guaranteed exciting and informative travel and differentially help to resolve the issue of choosing an individual tour for any segment of the population. Taking into account the correct and reasonable formation of a tourist product, tourism is also one of the most serious factors in strengthening the prestige of the state and its importance in the eyes of the world community and ordinary citizens.

In theory, the main functions of travel companies are called organizational («production»), mediation and information and consulting. The first of them corresponds to tour operator activity and the second and third correspond to both tour operator and travel agency. The provision of information and consulting services refers to «other travel organization activities».

O.N. Vikulova points out the need to distinguish tourist activities from activities to provide tourist services. Tourist activities, in her opinion, is the professional activity of individuals and legal entities in organizing travels, in which the travel company acts as the organizer of the trip, but not the performer of the services included in such a trip [6; 76].

Like any activity created by man, tourist activity presupposes the presence of certain functions. The main functions of tourist activities include the following:

| Function | Appropriation |
|----------------------|---|
| Cognitive | Assumes — the acquisition of new knowledge, acquaintance with new territories, cultures, customs, peoples, etc. |
| Health-improving | The restoration of a person's physical condition is paramount due to proper leisure and comprehensive rest. A special place in tourist activities within the framework of this function under consideration is recreation. |
| Social-communicative | In the process of his travel, a tourist, besides perceiving the impact of the surrounding reality, he effectively influences it himself. Mostly, this is related to international tourism, in the cases of interaction between different peoples and nations with their own established customs and orders. The tourist and the meeting party strive to achieve a certain understanding and warm relationship. Particularly noteworthy is the cooperation of tour operators and the inviting company. |
| Sportive | Active leisure types today are quite popular among the urban population. A fashion for a healthy lifestyle, improvement of one's physical condition, increase of sports opportunities, in turn, leads to a change in living standards for the better. |
| Esthetic | The spiritual development of man is also of great importance. Consequently, tour operators satisfy the needs of tourists by forming and organizing tour packages to creative places, museums, theaters, historical and new architectural complexes, etc. |
| Creative | A tourist, acquiring fresh sensations and new knowledge and opportunities, sees new facets of the world. This brings into being the need for creation and realization of one's creative potential. |
| Pilgrimage | The religious direction in tourism sphere is one of the oldest. The necessity of visiting spiritual places for certain categories of people causes the creation of various and different tourism programs in the appropriate direction. |

Tourist activities fall under the regulation of the general principles of international law, such as the principle of non-interference in internal affairs, the principle of fair execution of contracts, the principle of sovereign equality, etc. The principle of respect for rights and human freedoms is undoubtedly of paramount importance in the regulation of tourism activities in the system of listed international legal principles.

The Republic of Kazakhstan is a participant of two main multilateral human rights treaties of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, which contain the following provisions:

States recognize the rights of citizens to rest and periodical vacation leave (Article 7 of the International Covenant on Economic, Social and Cultural Rights);

States encourage the development of international contacts in the cultural sphere (Article 15 of the International Covenant on Economic, Social and Cultural Rights) [7];

To ensure their cultural development, all peoples have the right to freely dispose of natural wealth and resources (Article 1 of the International Covenant on Civil and Political Rights);

Each citizen has the right to free movement and the right to leave any country, including his own (Article 12 of the International Covenant on Civil and Political Rights) [8].

Conclusion

Regulation of the tourism business at the state level is carried out with the aim of supporting domestic and inbound tourism, protecting the interests of manufacturers of domestic tourism products; protect the rights of travelers, etc.

Forms of state support for the tourism sector are divided into direct and indirect.

Direct forms are investments that are aimed at organizing and creating tourism infrastructure, expenses for specializing regular personnel, marketing, advertising and information support for promoting a national tourism product on the international market.

Indirect forms of tourism support include:

Tax and customs incentives that encourage investment;

Regulation of international relations of various travel agencies on the basis of bilateral government agreements and legislative acts on foreign economic activity.

Ideally, the state is interested in the development of tourism as an effective sector of the economy and an effective means of bringing nations closer together. Creating the most-favoured-nation treatment for travel agencies, the legal and regulatory framework in the sphere of tourism, the state ensures an equal conditions for the implementation of tourist activities by legal entities and individuals, and promotes the development of international cooperation.

As can be seen from the above, at the present day tourism is a special area of activity that has the potential for further successful development. It is characterized by a complex and multi-stage process of preparing a tourist product, activity in the tourist market of tour operators and travel agents. A tourist product should initially be oriented towards tourists who have set a definite goal, striving to receive quality services and requiring a guarantee of their own rights and interests. Undoubtedly, the development of tourist activity is facilitated by the improvement of legislation. At the moment, tourist activity is one of the most important and promising areas of the economy.

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Қазақстан Республикасындағы туристік қызмет ұғымы, мәні және түрлері

Мақалада Қазақстан Республикасындағы туристік қызметтің түсінігі, мәні және түрлері туралы негізгі ережелер қарастырылған. Авторлар қазіргі кезеңдегі Қазақстан Республикасындағы туристік қызметтің негізгі ерекшеліктерін зерттеген. Бүгінгі туристік қызмет саласы адамдардың қажеттіліктерін қанағаттандыруға және олардың өмір сүру сапасын арттыруға бағытталған кез келген өркениетті мемлекеттің қазіргі экономикасының ең маңызды және басым бағыттарының бірі болып табылатынына назар аударылған. Қазақстан Республикасының қолданыстағы заңнамасын зерделеуден басқа, мақала авторлары салыстырмалы талдау шеңберінде Ресей Федерациясының заңнамасына, бірінші кезекте «Ресей Федерациясындағы туристік қызметтің негіздері туралы» № 132-ФЗ Федералдық заңының ережелеріне (1996 жылғы 24 қарашадағы) жүгінген. Ғылыми жұмыстың әдіснамалық негізін диалектикалық, жүйелі, салыстырмалы-құқықтық, нормативтік және танымның өзге де әдістері құрайды. Мақалада қазіргі кездегі туризм түрлерінің кейбір жіктемелері қарастырылған. Туристік өнім барлық туристік қызметтің негізі ретінде сипатталған. Туристік өнімнің компоненттері, сондай-ақ оның негізгі тұтынушылық қасиеттері қарастырылған. Туристік фирмалар үшін барынша қолайлы жағдай жасау режимін, туризм саласындағы құқықтық және нормативтік базаны құра отырып, мемлекет заңды және жеке тұлғалардың туристік қызметті жүзеге асыруы үшін тең жағдайларды қамтамасыз етеді, халықаралық ынтымақтастықты дамытуға ықпал етеді деген қорытынды тұжырымдалды. Осы зерттеудің авторлары туристік нарықтағы тuroператорлық және турагенттік қызметтің ерекшеліктеріне назар аударған.

Кілт сөздер: туристік қызмет, туризм, турист, туризм түрлері, туристік өнім, тuroператорлық қызмет, турагенттік қызмет, туристік қызмет туралы заңнама, туристік қызмет функциялары.

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Понятие, сущность и виды туристской деятельности в Республике Казахстан

В статье рассмотрены основные положения о понятии, сущности и видах туристской деятельности в Республике Казахстан. Авторами изучена основная специфика туристской деятельности в Республике Казахстан на современном этапе. Обращено внимание на то, что на сегодняшний момент сфера туристской деятельности представляется одной из самых значимых и приоритетных направлений современной экономики любого цивилизованного государства, которая направлена на удовлетворение потребностей людей и повышение качества их жизни. Помимо изучения действующего законодательства Республики Казахстан, авторы статьи в рамках сравнительного анализа обращаются к законодательству Российской Федерации, в первую очередь, к положениям Федерального закона № 132-ФЗ «Об основах туристской деятельности в Российской Федерации» (от 24 ноября 1996 г.). Методологическую основу данной научной работы составили диалектический, системный, сравнительно-правовой, нормативный и иные методы познания. Изучены некоторые классификации видов туризма, существующие в настоящий момент. Туристский продукт охарактеризован в качестве базиса всей туристской деятельности. Рассмотрены компоненты туристского продукта, а также его главные потребительские свойства. Сформулирован вывод о том, что, создавая режим наибольшего благоприятствования для турфирм, правовую и нормативную базу в сфере туризма, государство обеспечивает равные условия для осуществления туристской деятельности юридическими и физическими лицами, способствует развитию международного сотрудничества. Авторами данного исследования уделено особое внимание особенностям тuroператорской и турагентской деятельности на туристском рынке.

Ключевые слова: туристская деятельность, туризм, турист, виды туризма, туристский продукт, тuroператорская деятельность, турагентская деятельность, законодательство о туристской деятельности, функции туристской деятельности.

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