



Comparative analysis of features of legal regulation of tourism in Azerbaijan, Brazil and Switzerland

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Abstract

The tourism sector occupies the most significant part in the economic development of many countries. The development of tourism plays an important role not only in improving living standards, but also in the employment of the country's population. It is important to note that, for instance, a tourist support sector can provide a huge number of jobs both in the tourism industry itself and in related industries as well. Tourism provides a stable cash flow to the financial component of the country, which has a beneficial effect on its economy. All this makes a significant contribution to ensuring a decent life and free development of a person and a citizen, and is also one of the priorities for the sustainable development of a social legal state. Steady existence and sustainable development of tourism is only possible with proper legal support. Therefore, it is important how issues of this industry are being addressed at the state level, in particular, inter alia, financing state programs to support the tourism industry, training personnel, landscaping, nature reserves building, international cooperation in the field of tourism. It is important to understand that the private sector is not able to cover all financial expenses to ensure the quality functioning of national tourism. Therefore, the level of government intervention in the development of this industry is an important aspect. The article is devoted to the current problems of the tourism industry, and it examines the legal nature of these relations and presents a comparative analysis of the models of legal regulation of tourism in the countries of Azerbaijan, Brazil, and Switzerland. The uniqueness of this article lies in the fact that within the framework of this manuscript, a triad of models of legal regulation of the tourism industry is presented and compared.

Key words: tourism, tourist activities, legal regulation, tourism, Azerbaijan, Brazil tourism, Switzerland tourism.

Introduction

The state and society are extremely interested in improving the tourism development strategy, because "tourism currently accounts for one third of the services rendered, about 10% of the world gross national product, 7% of world investments, 8% of world exports, 11% of world consumer spending. According to the International Labor Organization, 8.1% of the total working age population of the planet is working in the tourism industry" (Hasanov, 2012:14). Legislation in this area is built in such a way as to provide favorable conditions for business activity of entrepreneurial structures, increase the responsibility of organizations and officials for observing the legal rights of consumers of tourism services, stimulating the expansion of the system and training of qualified employees for the tourism sector.

The tourism industry is an extremely expensive area, which covers several areas of activity: these include the country's natural resources, and the hospitality business, the food industry, transfer, sightseeing activities and much more. For each direction of tourism activity, it is necessary to create the suitable conditions under which the chosen sphere can seek to fully cover consumer demand. Coverage here is considered both in terms of quality of service and in terms of quantitative potential, i.e. the ability to serve the largest number of tourists. Accordingly, the direct



state interest in this area is due to the fact that tourism activities bring a stable income and have the potential to generate employment. What is more, many countries of the world single out the tourism sector as one of the main income producers of the country. Thus, back in 1989, the Hague Declaration of the Inter-Parliamentary Conference on Tourism stated that parliaments should consider, as a part of the conclusions made at the conference, all legal rules regarding tourism, with the aim of combining them (while filling in the existing gaps) into comprehensive legislation, where national tourism policies and priorities would be codified.

The Research Problem

The research problem in this research paper lies in the fact that many countries of the world, while having rich natural resources, for example, Brazil, are currently undergoing a tourism business stagnation period, while European countries (France, Germany, Russia, Switzerland) have a stable quantitative growth of foreign tourists. An analysis, conducted by the World Tourism Organization, shows that the global tourism industry has entered a period of steady growth in travel and excursions, coupled with increased competition in this market sector. It is indeed interesting to analyze three models of legal regulation with the aim of establishing various state approaches to the development of this sphere by the example of several countries to identify significant gaps in the legal regulation of tourism individually.

The object of this research was the legal relations cluster in the field of tourism. In the framework of this study, the analysis of the works of such authors as Bugorsky (2019), Galasyuk (2010), Gansky (2014), Gasanov (2012), Durovich (2019), Kabushkin (2019), Sergeeva (2019), Egorov (2017), Zolotovskiy (2019), Kislova (2016), Nakushnova (2016), Khamova (2009), Chernyshev (2015), Shumak (2018) and etc. was made. The methodological basis of the study included general scientific methods, inter-alia, analysis, synthesis, induction, deduction, translation, modeling, systemic method; specific scientific methods: formal legal, system analysis, legal modeling, and the historical method.

Tourism Legal Regulation Peculiarities

As Shumak points out, "it is the legal regulation, where certain problems related to the implementation of relations in the field of tourist activity, arise" (Shumak, 2018:104). So, those countries of the world that have taken the path of state regulation of tourism currently have most of the country's GDP from it. These countries include European countries - Italy, France, Spain, Turkey, some eastern countries - Egypt, the UAE, etc. The inexorable role of state influence in these countries determines the stability of the tourism business prosperity, which consists in a detailed study of the mechanism of relations between consumers and producers of tourism services. "Currently, experts identify three models for managing the tourism industry abroad"(Jukova, 2006:43). Considering each model individually, it is worth noting that the first model "provides existence of a strong and authoritarian ministry that regulates the activities of the entire industry. For its implementation there is a need for large financial investments into the tourism industry and infrastructure, as well as in organizing the promotion of national tourism products abroad" (Bessonova, 2016:22). This model of legal regulation is typical for countries a such as Egypt, Turkey, Tunisia and Thailand.

The second model of legal regulation, for the most part, prevails in European countries, and this model is called 'European'. It includes countries such as France, Spain, Russia, Italy, etc. A peculiar feature of this model is that tourism issues are resolved by a diversified ministry, which, in addition to tourism, also solves economic issues. "Such ministries, as a rule, work in two directions: they solve issues of state regulation (legal support, international cooperation in the field of tourism, etc.) and carry out marketing activities, participate in exhibitions, and manage representative offices abroad" (Bessonova, 2016:22). This model is extremely effective and provides the country with more than a third of international tourist visits. For example, in France, the legal regulation of tourism is assigned to the Ministry of Transport, which, in addition to the main issues (transport and public works) has in its structure a separate segment, the State



Secretariat, which is directly involved in tourism and organizing international cooperation in this field.

In addition to this Ministry, in France there are a number of bodies designed to address issues related to tourism activities – these are the Tourism Council under the Ministry of Transport, the French National Prosperity Committee, which deals with the environment and greening of the country, the French Agency for Tourist Engineering, and the National Supervisory Council for Tourism, which is assigned the role of producing statistical research and marketing developments in the field of tourism. There is also the National Holiday Travel Agency which solves questions of social tourism. It should be noted that in this model of legal regulation it is appropriate to consider France as the example because this country is a world leader in the number of foreign tourists. “At the regional level in France, there are representatives of the central executive branch who are subordinate to the prefects. They coordinate the work of national and local initiatives, since the powers of local authorities in the tourism sector are very large” (Bessonova, 2016:22). In addition, France is the founder of the Maison de la France association, established in 1987, which promotes national tourism abroad. This association combines both government bodies, state enterprises, and the private sector, which is also interested in promoting tourism at the international level. Currently, the association has coverage in 26 countries, in which more than 33 representative offices are open. Such a representative office has been operating in Russia since 2003.

Spain is the second country after France by the number of tourists visiting. The peculiarity of its legal regulation is that in Spain, the first Permanent National Commission on Tourism was created under the Ministry of Economy, which has existed since 1905. The powers of this body in 1996 were transferred to the competence of the Ministry of Economy and Finance. Under the authority of this body there is the General Directorate of Tourism, which is responsible for coordinating the activities of all branches of the tourism industry. In addition, in Spain there is the Spanish Institute of Tourism - Turespana, which is engaged in research and development of marketing programs in the field of tourism. “The Central Directorate for Tourism (administrative issues and the development of strategic directions for the development of tourism), the Paradores hotel chain (89 hotels located in historic buildings), two exhibition and congress centers in Madrid and Malaga) are also subordinate to The Ministry of Economics” (Ostroumov, 2007:60).

The legal regulation of tourism in the developed countries of Europe is arranged in such a special way. National legislation in European countries is thus designed to maximize the delivery of safe and quality services to consumers.

In the third model of legal regulation one of its peculiar features is the absence of a centralized tourist management agency. All issues in the field of tourism are resolved on the basis of a market organization. This model is inherent in countries with highly developed economies, for example, the United States is a vivid example of this model. In America, there is a Travel and Tourism Administration, whose task it is to solve the main tasks in the field of tourism management, coordinate state policy in the tourism industry, build on the protection of the political interests of the country, study and statistical studies in the field of tourism, as well as develop tourism development programs amongst other aspects. In the United States, in each state, there is a body responsible for tourism development, each of these is coordinated by the Central Administration, working in close collaboration with the Tourism Advisory Council, which includes 15 representatives of various states. It should be noted that tourism in the United States brings almost 30% of the country's GDP.

Summing up the above, it follows that the state itself has always played an important role in building highly effective relations in the field of tourism, which, subsequently, bring considerable income to the country, strengthening the national economy. The mechanism of legal regulation is the creation of a regulatory framework that takes into account the characteristics and economic potential of the country. An effective mechanism for the development of tourism activities is the creation of national programs for promoting a tourism product based on statistical research in this



area. It should also be borne in mind that even with a developed economy, the private sector cannot alone, without state support, ensure the full and stable development of the tourism industry in all directions.

It should further be noted that tourism activity develops precisely in those countries in which it is considered one of the aspects of the country's economic growth model. This situation is caused by the fact that at the first stages of the formation and development of tourism, it is needed to invest large amounts of money, the bulk of the budget allocation is taken by the state, and only after the country is brought to the appropriate level of tourism development, is money spent in these areas refunded for private financing.

Features of Azerbaijan Tourism Legal Regulation

Having considered the peculiarities of tourism legal regulation, one cannot but touch upon the development of tourism activities in Azerbaijan, which has a unique historical and cultural value recognized on the world stage. This is due to the fact that, in addition to centuries of history, Azerbaijan has a unique climate, a long beach season, healing springs, unique natural resources. Azerbaijan also has nine climatic zones out of eleven possible. Mineral waters of the Caspian Sea, Naftalan oil and underground salt mines of Duzdag - all of these provoke interest in visiting the country among numerous tourists.

Great influence on the development of tourism in Azerbaijan is provided by support from the State, as it is government support that is a factor stimulating the development of the country's economy and its infrastructure, which creates favorable conditions for the development of tourism. It is the State "that provides the basis for the use of tourism resources of the country in the international economic turnover"(Hasanov, 2012:15).

Azerbaijani legislation actively uses the experience of European countries to develop tourism, however, the country's national and geographical features also play a special role in this regard.

Having plunged into history, we note that the Republic of Azerbaijan gained independence only in 1991, after which, in fact, the processes of formation of its national legislative base began. Tourism activity of Azerbaijan received legal consolidation with the adoption of the "Law on Tourism" in 1999. This Law consisted of 17 articles, defining natural resources as a means of ensuring stability and economic development of the country. "The law also defines the basics of tourism activities and the rules for the rational use of tourism resources as one of the means ensuring the socio-economic development of society"(Bilalov, 2006:276). As a result, some provisions governing tourism activities were reflected in the Laws of the Republic of Azerbaijan "On Protection of Consumers' Rights", "On Entrepreneurship", "On Insurance", and "On Licensing Certain Types of Activities" adopted in 2004; State standards were developed, including "Tourist Services", as well as "Requirements for ensuring the safety of tourists and excursionists", "Classification of hotels", etc. In the same year, some decisions of the Cabinet of Ministers of Azerbaijan were adopted regarding the "Rules for certification of tourist and excursion services", "the Rules on the issuance of special permits (licenses) to certain types of activities in the Republic of Azerbaijan"(The legislative collection of the Republic of Azerbaijan (1997–2011), 2011:726).

These legal acts have played a significant role in creating a favorable atmosphere for the development of tourism in Azerbaijan. A huge role in the development of tourism in the country was played by the international cooperation of the Republic of Azerbaijan in the field of tourism development. So, Azerbaijan has been a member of the World Tourism Organization since 1991. The focus of the World Tourism Organization is manifested in the information promotion of tourism, and the creation of a new material and technical base for its development. The World Tourism Organization considers its goal to create common standards for world tourism by developing and applying common principles in the field of international tourism of the participating countries. Cooperation with international organizations allows Azerbaijan not only to normatively



develop the tourism sector, but also to receive additional financial resources for the development of tourism. So, for example, "under the UN program, the Ministry of Youth, Sports and Tourism of Azerbaijan has received \$240,000 as assistance in ensuring the rational development of domestic tourism" (Hasanov, 2012:18).

The Republic of Azerbaijan is a member of the Eurasian Tourism Organization, which focuses on the promotion and formation of the Single Eurasian tourist space, as well as the development of the Great Silk Road transcontinental route, which is carried out with the assistance of UNESCO. In this organization, Azerbaijan actively participates in the development of the Great Silk Road, and its Ganja-Kazakh region is an important element, and also participates in the TRACECA regional project uniting Europe and Asia. April 2010 was a landmark for the development of Azerbaijan tourism, since at that time the "State Program for the Development of Tourism for 2010-2014" was adopted. The main objective of this program is the development of tourism activities that would meet international standards and ensure the transformation of tourism into one of the important links in the economic chain of the country. This project has proved to be quite successful.

Features of Brazil Tourism Legal Regulation

Tourism in Brazil is one of the fastest growing areas, accounting for about 10 million jobs in this area, which makes up about 14% of the total working population of the country. At the same time, tourism is one of the five main economic bases of the country, which can be seen through growth rates in this area. For example, in 1993, 1.57 million tourists visited Brazil; in 2006 their number grew to 5 million. The main flow of tourists is citizens of the United States, Argentina, and Germany. It should be noted that at this time, Brazil is among the ten most visited countries in the world and this is not strange, because UNESCO recognized nine Brazilian attractions as World Heritage sites, which includes a number of historical city centers, for example, Salvador, San Luis de Maranhao, Brasilia; national parks of Sierra da Apivara and Iguazu, catholic monuments such as Santuario de Bom Jesus do Matuzinius and Missoes Jesuiticas de Guaranis, etc. The tourism potential of the country is huge, as 18 thousand hotels are located on the territory of the country, and about a million restaurants and fast food establishments. It should be noted that both hotels and restaurants cover the whole diversity of star rating, taking into consideration tourists with different incomes, tastes, needs and wants.

For the development of tourism in Brazil, funds from the state budget first came in 1996. The State Tourism Development Program 1996-1999 envisaged a significant increase in the influx of tourists, investing colossal funds to equipping hotels, parks, airports, recreation areas, the transport industry, etc. Currently, more than 17% of GDP is invested in the development of tourism in Brazil. A peculiarity of Brazilian tourism is that, despite the active support of the state, the country's tourism business is private, i.e. almost the entire tourism industry in Brazil is nationally or foreign owned. In Brazil, any companies, whether legal entities or individual entrepreneurs, can carry out tourism activities. The only condition for this type of activity is the required legal licensing to operate.

It should be noted that the tourism industry is governed mainly by the Civil Code. The main executive body of the country in the industry is the Ministry of Tourism. The Ministry is responsible for checking the requirements and standards of sellers of tourism services, as well as whether they have a license to conduct business in this industry. If the requirements established for the tourism business are not met, penalties, written warnings and other measures of influence are provided. Brazil has a Consumer Protection Act, which also governs tourism relations. In the field of tourism in Brazil, an agreement is signed for hotel accommodation, a transfer agreement to a hotel, service agreements, which include all services related to tourism, including booking, transportation, paperwork, etc. These types of contracts are consumption contracts and are subject to the basic provisions of the Law on the Protection of Consumer Rights. Other features of the implementation of tourism services by the law of Brazil are not provided.



The state of Brazil pays great attention to the development of international tourism, using internationally established standards in this field of activity, however, there are a number of problems that prevent Brazil from reaching the international level of tourism that it rightfully deserves. One of the most significant problems is that until the 1990s the country was closed-off, and only afterwards did the country's transition into a democratic system of government open the prospects for world cooperation.

Another problem for the development of Brazilian tourism on a global scale is the mentality and language barriers. The national language is Portuguese and only a small proportion of Brazilians speak English, which creates a huge number of obstacles in the development of tourism activities and services.

The territorial location of this country, namely, its remoteness from European countries, complicates the development of this infrastructure, because not every tourist can afford to cover a huge distance in order to visit Brazil, but whoever decides to take such a step, most commonly, falls in love with this country forever. It should be noted that a significant flow of tourists falls on the countries of the former Soviet Union. This is primarily due to the huge population of these countries, however, tourism cooperation between Brazil and Russia is at a very new and opening level. By the way, there are very few direct flights from Russia to Brazil, they are limited to Rio de Janeiro, Sao Paulo and Angra dos Reis, therefore, in order to visit Brazilian resorts, Russian tourists have to take flights from nearby European countries - France, Germany, Spain and the UK, but these countries belong to the EU countries, which complicates the flight even more (when visiting EU countries, Russians need to have a visa).

Despite all the problems facing Brazil, one cannot but note the increase in the number of tourists to this country. According to the Brazilian Ministry of Tourism, in 2011 the influx of tourists visiting this country amounted 5.5 million people, which is 5.3% more than in 2010.

However, the authorities predicted tourism growth in the country over the coming years did not live up to expectations. So, the ten-year stagnation of the tourist flow to Brazil made the local authorities think about the development of the tourism sector. For almost ten years, the total flow of tourists to Brazil did not exceed 6.7 million people, whereas, for example, the Louvre is visited by more than 7.6 million people per year. At the same time, a huge number of tourists come from neighboring countries, for example, 40% of the total number of tourists come from Argentina, which, incidentally, receives about 7.5 million tourists a year. At the same time, a survey of tourists who visited Brazil shows that 90% are satisfied with their trip (data on the Brazilian tour industry was provided by the Ministry of Tourism and the Foundation for the Institute for Economic Research). The main problem for the development of the country's tourism industry, authorities see in insufficient marketing abroad "Argentina annually invests 60 million US dollars in promoting its country abroad; Peru - 25 million US dollars; At the same time, the Brazilian budget for tourism promotion is only about 8 million US dollars" (Tourism-review, <https://www.tourism-review.ru/brazilskiy-turizm-trebuets-razvitiya-news11100,2019>).

Tourism Minister Marcelo Alvaro Antoniu has emphasized that the state policy of the country is aimed at the development of tourism activities of the country, including a programme to abolish entry visas for some countries, for example, for this period there is an online visa program for countries in Canada, USA, Japan, and Australia, which had a positive effect on the growth of tourists from these countries, are also open to foreign cooperation and investment in industries such as the aviation sector, transport, and hospitality. In 2019, a decision was made to cancel entry visas for a number of countries. Also, a visa-free regime for Russian tourists, which has been in force since 2010, continues to function.

Features of Switzerland Tourism Legal Regulation

In the field of tourism Switzerland has an extensive multilevel legal system, which is regulated both at the federal, regional and local levels. The multi-level system of legal regulation of Swiss



tourism has both a number of positive and a number of negative features. The advantages of such a system is that the independence of each body takes into account the interest of each producer and consumer of tourism services. An important disadvantage is the number of bodies involved in the regulation of tourism services, which, undoubtedly, leads to the dubbing of some functions and the dispersal of financial resources.

The formation of Swiss tourism begins from the beginning of the 19th century, but by its middle the country was already covering a huge tourist demand. The country was not ready for such a tourist flow - there was a lack of hotel complexes, the quality of the tourist services offered did not meet the expectations of tourists. To develop this industry, the country saw the only way out of this situation in the unification of interested subjects of the tourism industry in order to solve financial and organizational problems. Thus, by the middle of the 19th century, in Switzerland there were established so-called "Tourism Societies", and in 1907 the first Central Institute for Tourism of Switzerland was created.

Tourism activities in Switzerland at different times were developed in different ways. World cataclysms, as the Great Patriotic War (1941-1945), strongly affected the development of tourism, which significantly reduced the influx of tourists into the country. Currently, Switzerland has an extensive structure for regulating the tourism business. "On the horizontal, there are 3 equals, relatively independent branches (subsystems) of institutions that regulate tourism production: state authorities and local governments; public law institutions; private law associations, unions" (Gansky, 2014:1).

The vertical system also has three separate branches - federal, cantonal and local. The existence of a vertical system of legal regulation of tourism activities is a peculiarity of Switzerland. The Central Tourism Office divides Switzerland into tourist regions, each of which, in turn, has a tourism organization. At the federal level, to improve tourism activities programs are being developed. They are implemented locally, depending on the economy, environment, social security and other factors inherent in a particular area.

At the local level, each department considers tourism activities within its competence. Some of these departments are the finance department, the statistics department, the national economy department, etc. "An important role in the system of state regulation of the industry is played by the Tourism Service (Fremdenverkehrsdienst) under the Federal Office for Industry, Crafts and Labor, which, in turn, belongs to the Department of National Economy. The Tourism Service is responsible for developing the fundamentals of the government's tourism policy, its responsibilities include maintaining contacts with all tourism organizations in the country" (Gansky, 2014:2).

The development of a unified conceptual policy in the field of tourism is the prerogative of the Federal Tourism Service, the tasks of which are cooperation and support of tourism organizations, as well as the development of tourism advertising, and the strengthening of international relations in this field. The functions of the Federal Service for Tourism are coordinating and supervisory actions related to federal departments and federal bodies, tourism enterprises and organizations. The tourism industry in Switzerland is regulated by several Federal regulations, one of which is the Law of June 18, 1993 No. 944.3 "On Travel Packages" (Law of June 18, 1993, No. 944.3, "On Travel Packages." Switzerland), which regulates the responsibility of tour operators and travel agencies, as well as developing some issues of protecting the rights of consumers of travel services. The law determines that "a tour package means a pre-planned trip for a period of at least 24 hours or a trip with an overnight stay subject to advance payment of at least two of the three specified components: transport; hotel accommodation; other services that are not additional to travel and accommodation costs and constitute a significant part of the total travel expenses" (Chernishev, 2015:77).

The next normative act regulating tourist activities is the Law "On Tourist Vouchers", which regulates the form and content of the agreement between the tourist and the provider of tourist



services. The law establishes the legal responsibility of the tour operator / travel agent, regulating the financial relations of the parties. It also establishes liability for informing the tourist, for harm caused at the time of the consumption of tourist services, etc. This Law entered into force since 1994, and in order to practically implement the provisions of the Law, the Swiss Tourism Association has created an independent organization, the Guarantee Fund, which provides the financial part of the project.

At the international level, Switzerland is a major player in the tourism business. It should be noted that, as a European country, Switzerland has not joined the European Union, however, it actively supports the Schengen entry regime. As Khamova (2009) notes, "the formation of a common tourist space of the EU - Switzerland is carried out by concluding bilateral agreements both within the framework of the first pillar of the European Union and within the framework of the third pillar. Switzerland, having signed the Association Agreement with the Schengen and Dublin Agreements with the EU, is implementing the principle of free movement of persons into national law" (Khamova, 2009:13).

Comparison of Tourism Legal Regulation of Azerbaijan, Brazil and Switzerland

Considering the legal regulation of tourism in countries such as Azerbaijan, Brazil and Switzerland, it should be noted that these are fundamentally different countries both continentally and mentality. Accordingly, the legal regulation of tourism in these countries is different, because state policy is directed and formed, primarily, on the historical base of countries with their customs and mores, natural resources, social status, etc.

The potential for tourism development in Azerbaijan is extremely high compared to other countries. Already, Azerbaijan occupies 39th place out of 148 possible in the field of competing tourism countries. With the growing demand for tourist vacations, the supply of hotel services has also grown, for example, "the potential for tourism development and the demand for tourism services has caused a boom in the construction of small hotels and has led to an increase in the number of hotels of international hotel chains in Azerbaijan – "Hyatt", "Radisson", "Kempinski", "Marriott", "Hilton", "Four Seasons", "Fairmont", "Jumeirah", "Rixos", "Sheraton" and "Swissôtel". The total number of hotel rooms in 530 hotels was 16 559 at the beginning of the year" (Center for Civil Analysis and Independent Research "GRANI" LLC, 2013.:32).

The development of the tourism industry in Azerbaijan directly depends on the gas and oil industry, which provides a large share of GDP. In addition, the country's tourism activities directly depend on the non-production sector, which includes the culture of Azerbaijan, for example, the environment and climatic features.

It should be noted that at present, attracting investment in the tourism industry of Azerbaijan is one of the priority state issues, while the Ministry of Tourism combines with the Ministry of Culture of Azerbaijan, which contributes to the promotion of the tourism product on the world market. The model of legal regulation of tourism, chosen by Azerbaijan, is characterized by the fact that "the issues of tourism development are resolved at the level of some diversified ministry, most often having an economic bias. Such ministries, as a rule, work in two directions: they solve issues of state regulation (legal support, international cooperation in the field of tourism, etc.) and carry out marketing activities, participate in exhibitions, and manage representative offices abroad" (Bessonova, 2016:22).

This model of state regulation of tourism activities is inherent in both developing countries and countries with emerging market countries. It should be noted that Russia is also a country using this model of building relations in the field of tourism. Galasyuk (2010) highlights the following characteristic features inherent in this model: "the definition of tourism as a priority for the development of the economy and culture of the country; the need to achieve a balance in the development of tourism and other sectors of the material and non-production areas; clear distribution of powers between central and regional tourist administrations; widespread



advertising of the country as the most popular tourist destination in foreign tourism markets” (Galasyuk, 2010:191).

Analyzing Brazil as a tourist country, it should be noted that the country has a Latin American model of tourism management. So, the country has an independent Ministry of Tourism, which regulates the main issues in this industry. The presence of the Ministry presupposes a concentration of influence on the tourism industry in one person, as a result of which tourism activity is elevated to the rank of state policy, and government bodies have enormous powers in the areas of investment, research, training, information work, etc. The ministry is assigned the role of a regulatory body in the field of tourism security, border and customs formalities, and the creator of national monitoring bodies. The Ministry of Tourism in Brazil has its own branched structure, which, in addition to advertising and marketing activities, inter alia oversees issues of investment, taxes, property, the economy, education and licensing.

This model of legal regulation is effective for countries in which tourism is actively developing, however, has not yet reached its potential limit. The characteristic features of this legal regulation of tourism activities, Galasyuk (2010) considers as “recognition of inbound tourism as a more profitable source of hard currency in comparison with other sectors of the economy; attracting foreign investment in the creation of tourism infrastructure, which is the most effective area of capital investment; providing government support for the development of small and medium-sized businesses in the tourism sector; the need to organize an effective tourist safety system in case of the existence of a high level of various types of risks in the country; the allocation of significant funds from the state budget for advertising the country as a popular tourist destination, for participating in international exhibitions, fairs, and for supporting the Internet resource” (Galasyuk, 2010: 190).

Brazil, being a country that is somehow behind the European countries, including in the understanding of the implementation of the national tourism product, is forced to spend enormous financial resources aimed both at acquiring new equipment and used to train personnel for the development of the tourism industry so as to make it competitive and sustainable.

The Swiss model of building the legal regulation of tourism is distinguished by the fact that the main issues related to this area fall within the competence of an independent specialized structure (the National Tourism Administration), which creates a flexible regulatory system. This model of legal regulation can be called European, because it was mainly adopted by the countries of Europe. So, a characteristic feature of the legal regulation of Switzerland is that tourism is part of the Ministry of Economic Affairs. The indicated method of legal regulation of tourism activities is inherent in countries with highly developed infrastructure and high economic development. It should be noted that tourism is of great importance for each country, because it brings a sufficient amount of financial resources from outside, which characterizes it as a sphere of economic direction. The competence of the central authority responsible for the tourism sector, as a rule, includes the development and improvement of the legislative framework, coordinating actions of regional departments aimed at the unity of law enforcement practice in the field of tourism, as well as the development of international relations in the field of promoting a tourism product.

The characteristic features of this model of building the development of tourism are: “the tourism industry occupies a certain place in the structure of the economy; active search for opportunities in terms of harmonizing the interests of the state and private business, the center and regions; obtaining by the National Tourism Administration of relative independence in decision-making; implementation of a clear division of NTA into two structures - “administrative” and “marketing” (Galasyuk, 2010: 203). The administrative structure of the National Tourism Administration coordinates global issues of public administration, is responsible for marketing research, and develops international cooperation in the field of tourism. The administrative structure has a large part of the funding, an extensive system and a large number of personnel.



Conclusion

Each country is unique in its own way and has a huge tourist potential. Despite this, the development of the tourism industry for each country is different. The reasons for the uneven progress in the tourism industry are various. The country's economic stability, as well as its national characteristics and territorial location, play a special role in the development of the tourism business. It can be noted that the most effective way to develop the tourism industry is to attract foreign tourists, because they make up a huge part of the profit, and together with it, increase the country's capital, which positively affects its economy and alleviates poverty as employment opportunities arise.

Tourism activity is a special type of activity that is aimed at providing travel organization services, including tourist services. As in any activity, the tourism business is defined by a number of legal norms, which together represent the basics of the legal regulation of tourism activities. Based on the characteristics of the country, the government creates the regulatory framework that will most effectively prove itself in order to develop tourism. It is undoubtedly then governmental support that is the key factor stimulating the development of the country's economy and its infrastructure, which creates favorable conditions for the development of tourism and drives its sustainability.

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