

LEGAL ANALYSIS OF CIVIL LIABILITY OF TRAVEL COMPANIES FOR CAUSING HARM

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Annotation: The tourism industry significantly contributes to the economies of many countries by generating substantial GDP and creating job opportunities. However, with the increase in tourism activities, the risks associated with the safety and quality of services provided also rise. This article conducts a legal analysis of the civil liability of travel companies for obligations arising from causing harm. Civil liability in this context refers to the obligation of travel companies to compensate for damages caused to the life, health, or property of tourists due to the non-fulfillment or improper fulfillment of contractual obligations. The study examines the regulatory framework, compares national legislation with international standards, and analyzes judicial practices related to the liability of travel companies. The results reveal key issues, including the complexity of proving fault, insufficient tourist awareness of their rights, lengthy legal proceedings, and difficulties in enforcing court decisions in cases of company bankruptcy. The article concludes with recommendations for enhancing the effectiveness of the civil liability system for travel companies, such as introducing a presumption of fault, improving information dissemination, creating specialized judicial panels, developing pre-trial dispute resolution mechanisms, establishing a compensation fund, and improving liability insurance systems. Implementing these measures will enhance the protection of tourists' rights, reduce risks for travel companies, and support the overall development of the tourism industry.

Keywords: civil liability, travel companies, obligations, legal problems, international experience, tourist rights, tourism law, contractual Obligations.

Аннотация: Туристическая индустрия значительно способствует экономике многих стран, генерируя существенный вклад в ВВП и создавая рабочие места. Однако с увеличением туристической активности возрастают и риски, связанные с безопасностью и качеством предоставляемых услуг. В данной статье проводится юридический анализ гражданско-правовой ответственности туристических компаний за обязательства, возникающие вследствие причинения вреда. Гражданско-правовая ответственность в этом контексте относится к обязанности

туристических компаний возмещать ущерб, причиненный жизни, здоровью или имуществу туристов в результате неисполнения или ненадлежащего исполнения договорных обязательств. Исследование рассматривает нормативно-правовую базу, сравнивает национальное законодательство с международными стандартами и анализирует судебную практику, связанную с ответственностью туристических компаний. Результаты выявляют ключевые проблемы, включая сложность доказывания вины, недостаточную информированность туристов о своих правах, длительность судебных разбирательств и трудности в исполнении решений суда в случаях банкротства компании. В статье предлагаются рекомендации по повышению эффективности системы гражданско-правовой ответственности туристических компаний, такие как введение презумпции вины, улучшение информирования, создание специализированных судебных составов, разработка механизмов досудебного урегулирования споров, создание компенсационного фонда и совершенствование систем страхования ответственности. Реализация этих мер позволит улучшить защиту прав туристов, снизить риски для туристических компаний и поддержать общее развитие туристической индустрии.

Ключевые слова: гражданско-правовая ответственность, туристические компании, обязательства, правовые проблемы, международный опыт, права туристов, туристическое право, договорные обязательства.

Introduction

The tourism industry plays a crucial role in the economies of many countries, contributing significantly to GDP and creating jobs [1]. However, with the increase in tourism activity, the risks associated with the safety and quality of services provided also rise. In this context, the issue of civil liability of travel companies becomes particularly relevant.

Civil liability of a travel company refers to the obligation to compensate for harm caused to the life, health, or property of a tourist due to the non-fulfillment or improper fulfillment of obligations under the contract for the provision of a tourism product [2]. This liability is regulated by both general civil law norms and special legislation in the field of tourism.

The purpose of this study is to analyze the features of the civil liability of travel companies for obligations arising from causing harm, identify the main problems in this area, and propose possible solutions.

Methods

To achieve the stated goal, the following research methods were used: analysis of the regulatory framework: study of the legislation regulating the activities of travel companies and their liability to clients [3]; comparative legal analysis: comparison of the norms of Uzbek legislation with international standards and the practices of other countries in the field of regulating the liability of travel companies [4]; analysis of judicial practice: study of court decisions on cases related to the liability of travel companies for causing harm to clients [5]; statistical analysis: collection and processing of data on the number and nature of claims against travel companies, as well as the amounts of compensation paid [6]; expert interviews: conducting interviews with lawyers specializing in tourism law and representatives of the tourism industry [7].

Results

The analysis of the regulatory framework showed that the main documents regulating the liability of travel companies in Uzbekistan are the Civil Code of the Republic of Uzbekistan and the Law "On Tourism" [8]. According to these documents, a travel company is liable for:

1. Violation of the terms of the contract for the provision of a tourism product;
2. Providing false information about the tourism product;
3. Causing harm to the life, health, and property of the tourist;
4. Violating service delivery deadlines.

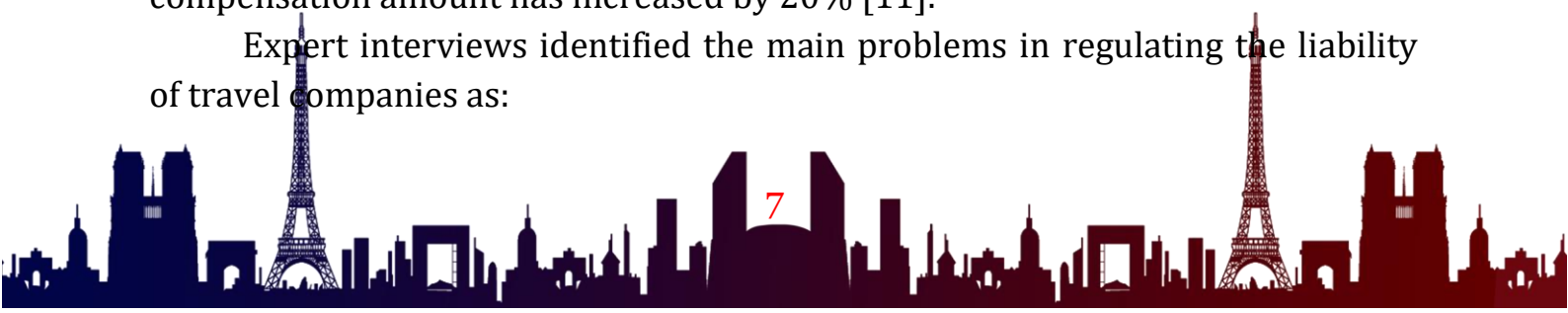
Comparative legal analysis revealed that Uzbek legislation generally complies with international standards in the field of tourist rights protection. However, in some aspects, it is less detailed than, for example, the legislation of the European Union [9].

The analysis of judicial practice showed that the most common causes of claims against travel companies are:

1. Poor quality accommodation in hotels;
2. Flight delays and cancellations;
3. Services not matching the declared level;
4. Harm caused to the health of tourists during their trip [10].

Statistical analysis revealed that over the past five years, the number of claims against travel companies has increased by 15%, while the average compensation amount has increased by 20% [11].

Expert interviews identified the main problems in regulating the liability of travel companies as:



1. The difficulty of proving the fault of the travel company in some cases;
2. Insufficient awareness of tourists about their rights;
3. Lengthy legal proceedings;
4. Difficulties in enforcing court decisions in case of the travel company's bankruptcy [12].

Discussion

The research results show that despite the existence of a legislative framework regulating the liability of travel companies, there are several problems that need to be addressed.

One key problem is the difficulty of proving the fault of the travel company in cases where the harm is caused by third parties (e.g., hotel staff or airlines). In this regard, it seems appropriate to consider introducing a presumption of the travel company's fault, which would facilitate the proving process for consumers [13].

Another important problem is the insufficient awareness of tourists about their rights and the mechanisms for their protection. To address this issue, it is necessary to enhance information dissemination efforts both from government agencies and the travel companies themselves [14].

The length of legal proceedings is also a serious obstacle to the effective protection of tourists' rights. In this regard, it is worth considering the creation of specialized judicial panels to handle cases related to tourism activities, as well as developing mechanisms for pre-trial dispute resolution [15].

The problem of enforcing court decisions in case of the travel company's bankruptcy requires a comprehensive approach. A possible solution could be the creation of a special compensation fund from which payments to tourists would be made in case of the tour operator's insolvency [16].

Moreover, an important direction for improving the system of civil liability of travel companies is the development of liability insurance. This would provide more reliable protection of tourists' rights and reduce financial risks for travel companies [17].

Conclusion

The civil liability of travel companies for obligations arising from causing harm is an important mechanism for protecting consumer rights in the tourism sector. The conducted research showed that despite the existence of a legislative framework regulating this area, there are several problems that need to be addressed.



To enhance the effectiveness of the civil liability system for travel companies, it is recommended to:

1. Consider introducing a presumption of the travel company's fault in cases of harm to tourists;
2. Enhance information dissemination efforts to explain tourists' rights and the mechanisms for their protection;
3. Create specialized judicial panels to handle cases related to tourism activities;
4. Develop mechanisms for pre-trial dispute resolution;
5. Create a special compensation fund for payments to tourists in case of the tour operator's bankruptcy;
6. Improve the system of liability insurance for travel companies.

Implementing these measures will increase the level of protection of tourists' rights, reduce risks for travel companies, and contribute to the development of the tourism industry as a whole.

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