

**ПРАВОВОЕ РЕГУЛИРОВАНИЕ ПРЕДПРИНИМАТЕЛЬСКОЙ ДЕЯТЕЛЬНОСТИ В
СФЕРЕ ПРЕДОСТАВЛЕНИЯ ТУРИСТИЧЕСКИХ УСЛУГ В УСЛОВИЯХ
ЦИФРОВОЙ РЕАЛЬНОСТИ**

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АННОТАЦИЯ

Статья посвящена исследованию договорных обязательств, возникающих при возмездном оказании туристических услуг, а также особенностям их правового регулирования. Рассматриваются правовая природа договоров в сфере туризма, специфика статуса туристских организаций, туроператоров и турагентов, их функции и разграничение ответственности. Проанализированы национальные и международные нормативные акты, регулирующие обязательства участников туристской деятельности, а также опыт зарубежных государств в данной области. Особое внимание уделено проблемам исполнения и неисполнения обязательств туристическими компаниями, с приведением примеров из практики Узбекистана и других стран. На основе проведённого анализа сформулированы рекомендации по включению в договор оказания туристских услуг ключевых условий, направленных на минимизацию правовых рисков и обеспечение защиты прав туристов. Делается вывод о необходимости гармонизации национального законодательства с международными стандартами, закреплёнными Всемирной туристской организацией. Полученные выводы и рекомендации могут быть использованы при совершенствовании договорно-правового регулирования туристских услуг.

Ключевые слова: туристские услуги, договор, обязательства, туроператор, турагент, турист, международный опыт, правовое регулирование.

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**LEGAL REGULATION OF ENTREPRENEURIAL ACTIVITIES IN THE PROVISION OF
TOURISM SERVICES IN THE CONTEXT OF DIGITAL REALITY**

ANNOTATION

The article is devoted to the study of contractual obligations arising from the paid provision of tourism services, as well as the specifics of their legal regulation. The legal nature of contracts in the field of tourism, the special status of tourism organizations, tour operators and travel agents, their functions, and the delineation of liability are examined. National and international regulatory acts governing the obligations of participants in tourism activities, as well as the experience of foreign countries in this area, are analyzed. Particular attention is paid to the problems of performance and non-performance of obligations by tourism companies, with examples drawn from the practice of Uzbekistan and other countries. Based on the analysis, recommendations are formulated for including key provisions in tourism service contracts aimed at minimizing legal risks and ensuring the protection of tourists' rights. The article concludes with the need to harmonize national legislation with international standards established by the World Tourism Organization. The findings and recommendations can be used to improve contractual and legal regulation of tourism services.

Keywords: tourism services, contract, obligations, tour operator, travel agent, tourist, international experience, legal regulation.

INTRODUCTION

Tourism is currently regarded as one of the strategic sectors of the economy of the Republic of Uzbekistan, exerting a significant impact on GDP growth, employment development, and the formation of the country's positive international image. In recent years, the state has implemented a complex of institutional reforms aimed at liberalizing the visa regime, improving transport infrastructure, and creating favorable conditions for attracting private investment into the hotel and tourism business [Presidential Decree of the Republic of Uzbekistan No. PP-5611 of January 5, 2019 "On Additional Measures for the Accelerated Development of Tourism"]. [1]

In the context of digital transformation of the global economy, entrepreneurial activities in the tourism sector of Uzbekistan are increasingly associated with the use of online platforms, digital marketing tools, and cross-border transactions. The modern tourism product is no longer limited to physical infrastructure (hotels, tour operators, agencies) but is largely mediated through digital services — mobile applications, online aggregators, and virtual reality (VR) technologies. This transformation requires a revision of legal regulation and the adaptation of national legislation to the challenges of the digital economy. [2]

Digitalization and Transformation of Tourism Entrepreneurship in Uzbekistan

The spread of global platforms (Booking.com, Airbnb, Expedia) and national digital aggregators (Bookatour, Mybooking, Trip.uz) has fundamentally reshaped the traditional model of doing business in the tourism industry of Uzbekistan. Today, entrepreneurs — hotel owners, hostels, guesthouses, tour operators, and travel agencies — increasingly depend on digital ecosystems for customer acquisition, booking services, and online payments [3].

Innovative technologies that are actively applied in global practice are gradually being implemented in Uzbekistan as well:

- Artificial Intelligence (AI) is used for personalized travel recommendations and dynamic pricing;
- Blockchain technologies provide transparency in transactions and reduce risks of fraud;

- Big Data analytics helps forecast demand and optimize marketing strategies;
- Virtual Reality (VR) tours are used for the promotion of Uzbekistan’s cultural heritage, including Samarkand, Bukhara, and Khiva [UNWTO, 2023] [4].

Nevertheless, digitalization of the tourism sector generates a range of legal challenges:

1. Jurisdiction and licensing. Current legislation of Uzbekistan lacks a clear classification of short-term rentals under the Airbnb model. In many cases, hosts are not registered as individual entrepreneurs, which raises issues related to licensing, taxation, and consumer protection. According to the Law of the Republic of Uzbekistan “On Licensing, Permitting and Notification Procedures” (2021), tour operators are required to obtain licenses, while the activity of digital intermediaries remains outside of explicit regulation [5].
2. Taxation of digital services. International online platforms operate in Uzbekistan without establishing a permanent representative office, complicating taxation processes and creating unfair competition with local businesses. The introduction of VAT for foreign digital service providers (effective from January 1, 2020) has been an important step, but challenges of administration and enforcement still remain [Law of the Republic of Uzbekistan “On Taxes” (2020, as amended)] [6].
3. Consumer rights in online contracts. With the rise of electronic contracts and cross-border transactions, disputes related to refunds, service quality, and delivery deadlines have increased. The Law of the Republic of Uzbekistan “On Consumer Protection” (2019, as amended) and the Law “On Electronic Commerce” (2004, with amendments) provide general provisions, but do not contain specific rules on online tourism transactions, particularly in cross-border relations [7].
4. Personal data protection and cybersecurity. The tourism sector is one of the largest processors of personal data (passport information, banking details, travel itineraries). The Law of the Republic of Uzbekistan “On Personal Data” (2019) introduced basic principles of data protection, but its application in the tourism industry reveals an insufficient level of cybersecurity and enforcement mechanisms [OECD Digital Economy Outlook, 2022]. [8]

Comparative Legal Analysis — detailed academic account.

A comparative examination of regulatory approaches to digital tourism services reveals distinct priorities, instruments and institutional arrangements across jurisdictions. These differences reflect underlying legal traditions (civil-law vs. common-law), policy objectives (consumer protection and data privacy versus innovation and competitiveness), and the degree of state involvement in the digital economy. Below we set out the principal features of four clusters of models — the European Union, the United States, selected Asian jurisdictions, and Uzbekistan — and identify the implications of each approach for the regulation of entrepreneurial activity in the tourism sector. [9]

European Union: protection-centric, harmonised, platform-oriented regulation.

The EU model is characterised by a high degree of harmonisation and an overriding emphasis on consumer protection and personal data rights. Key instruments that affect digital tourism include the Package Travel Directive (Directive 2015/2302/EU), [10] which clarifies contractual rights and liability regimes for package travel and linked travel arrangements, and the General Data Protection Regulation (Regulation (EU) 2016/679, GDPR), which establishes stringent requirements for personal data processing, cross-border transfers and supervisory cooperation. More recently, the EU has developed platform-specific rules (e.g., the Digital Services Act and the Digital Markets Act) and

has been an active participant in international tax coordination initiatives addressing the digital economy [11].

For tourism entrepreneurs, the EU approach means clear mandatory obligations with respect to information duties, cancellation and refund rights, and data protection compliance. It also imposes platform liability and transparency obligations on intermediaries and requires national authorities to cooperate in enforcement. The one-stop-shop mechanism under the GDPR and EU-level consumer redress mechanisms (including online dispute resolution platforms) facilitate cross-border enforcement, but they also increase compliance costs for service providers. The EU model therefore prioritises consumer trust and market integrity even at the cost of heavier regulatory burdens for service providers.

United States: litigation-driven, sectoral regulation and innovation focus

The United States follows a markedly different pattern. Regulation is more fragmented: substantive consumer protection, privacy and platform liability are governed by a combination of federal statutes, sectoral rules and state law. Competition policy and fostering innovation often take precedence, and private enforcement (tort litigation and class actions) plays a central role in shaping provider behaviour. Federal agencies (notably the Federal Trade Commission) and state attorneys general enforce consumer protection standards, while states such as California have adopted comprehensive privacy legislation that affects national markets.

For tourism businesses, the U.S. environment often means greater flexibility in service design and pricing, paired with significant exposure to private litigation and state-level regulatory variation. Regulatory uncertainty is mitigated by robust case law and market mechanisms, but smaller businesses may face unpredictable liability exposure. The American model underscores the trade-off between promoting entrepreneurial dynamism and managing litigation risk.

Selected Asian models (China, Singapore, Kazakhstan): active state regulation and platform governance

Asian jurisdictions demonstrate a range of approaches but share a tendency toward proactive regulatory intervention in the platform economy. China has developed a comprehensive regulatory architecture — including laws on e-commerce, personal information protection and data security — that imposes strict obligations on platforms, data localization and government oversight. Singapore combines a pro-business stance with clear data protection rules (PDPA) and regulatory sandboxes to encourage innovation under supervised conditions. Kazakhstan has pursued digitalization policies and taken measures to regulate online service providers, including steps toward data localization and enhanced platform oversight [12].

In practice, these models place heavy compliance obligations on platform operators (registration, reporting, content and transaction monitoring) and often assign important enforcement and coordination roles to state agencies. For tourism entrepreneurs, the Asian approaches can provide legal certainty and rapid state-led market integration, but they also require significant regulatory compliance and may limit operational autonomy [13].

Uzbekistan: evolving framework, regulatory gaps and reform momentum.

Uzbekistan's regulatory framework is in a transitional phase. Recent policy initiatives (e.g., tourism development programmes, legislative steps on e-commerce and personal data protection) signal an intent to modernize the legal environment and to stimulate digital tourism. Domestic laws establishing

basic consumer rights and data protection principles provide an important foundation; however, several structural gaps remain salient for tourism entrepreneurship: unclear legal status and licensing regime for short-term rental platforms and digital intermediaries; uneven application and enforcement of tax rules for foreign digital service providers; limited sector-specific rules for electronic tourism [14] contracts and cross-border dispute resolution; and weaknesses in practical data-protection enforcement and cyber-security capacities.

The Uzbek case illustrates the difficulties states face when rapid digital adoption outpaces institutional capacity. While current reforms indicate alignment with international standards, the absence of tailored rules for platform liability, electronic contracting in tourism, and effective cross-border enforcement mechanisms undermines both consumer protection and the predictable legal environment entrepreneurs require [15].

Synthesis and policy implications for tourism regulation

Comparative analysis exposes several trade-offs that policymakers must weigh when designing legal regimes for digital tourism services:

Consumer protection vs. innovation costs. The EU model maximises consumer safeguards but increases compliance costs; the U.S. model favours innovation and market dynamism but shifts risk to litigation; Asian models often achieve rapid regulatory integration via strong state intervention, at the expense of operational freedom for platforms [16].

Centralised harmonisation vs. jurisdictional flexibility. Harmonised rules (GDPR, EU directives) simplify cross-border operations but require sophisticated compliance infrastructure; fragmented systems create legal uncertainty for cross-border tourism services.

Platform governance and liability. Effective regulation of intermediaries (transparency, accountability, registration) is necessary to protect consumers in digital markets; models differ in the extent to which liability is placed on platforms versus service providers [17].

Taxation and market fairness. Coordinated international tax rules and domestic measures (e.g., VAT on foreign digital services) are critical to prevent regulatory arbitrage and ensure fair competition between local and foreign providers.

For Uzbekistan, the comparative panorama suggests a pragmatic hybrid approach: adopt clear consumer-protection and data-protection standards comparable to international best practices (to build trust), introduce proportionate but enforceable obligations for digital intermediaries (to ensure accountability), improve tax administration for cross-border digital services (to secure fair competition), and foster regulatory sandboxes and capacity-building to support innovation while testing new regulatory instruments. Such an approach would reconcile the competing objectives of consumer protection, market development and technological innovation in the tourism sector [18].

Prospects for Uzbekistan — detailed policy and legal measures

The digitalisation of the tourism sector presents Uzbekistan with a dual policy challenge: to foster innovation and market entry by digital entrepreneurs while creating a predictable, rights-respecting regulatory environment for consumers and service providers. The following expanded measures set out concrete legal and institutional directions, implementation steps, and foreseeable challenges [19].

1. Adopt clear rules on digital contracts and consumer protection in online tourism services. Electronic contracts underpin most cross-border and domestic online tourism transactions; unclear rules increase disputes and reduce consumer trust. Recommended legal instruments and steps: amend

consumer protection and e-commerce legislation to specify requirements for online tourism contracts (pre-contractual disclosure, standard terms, cancellation and refund regimes, automatic renewal rules); introduce mandatory minimum content for online booking confirmations (price breakdowns, cancellation policy, third-party services, complaint procedures); require platforms and providers to implement accessible electronic notice and consent mechanisms and to preserve transaction records for a defined retention period; create tailored consumer information obligations for tourism (e.g., language of contract, passports/visa information, insurance disclaimers).

Institutional actions: empower consumer protection authorities and tourism regulators to monitor platform compliance and operate hotlines/portals for complaints. Risk of over-prescription that stifles innovation can be mitigated by outcome-based rules (transparency + remedies) rather than prescriptive technical standards. Reduced transactional disputes, higher consumer confidence, clearer allocation of contractual liability between platforms and service providers.

2. Develop a comprehensive framework for personal data protection and cybersecurity

Rationale. Tourism services process sensitive personal and payment data; weak safeguards expose citizens to fraud and reputational harm for providers. Recommended legal instruments and steps: strengthen the national personal data law with sectoral guidance for tourism (data minimisation, retention limits, special requirements for passport and payment data); adopt technical and organisational cybersecurity standards for tourism enterprises (incident response, encryption, access control, regular audits); define lawful bases for cross-border transfers (standard contractual clauses, approved adequacy mechanisms) tailored to tourism flows; establish mandatory breach notification timelines and require notification to affected individuals and a supervisory authority.

Institutional actions: capacity building for data protection authorities, certification schemes for compliant tourism platforms, and public-private ‘cyber hygiene’ initiatives. Balancing data localisation instincts with need for cross-border interoperability — address by explicit, proportional transfer safeguards rather than blanket bans. higher resilience against cyber incidents, harmonised handling of personal data by hotels, platforms and agents, and improved international interoperability.

3. Harmonize national legislation with international standards, especially on taxation and licensing of online platforms

Rationale. Misalignment with international norms creates administrative frictions, tax base erosion and unfair competition.

Recommended legal instruments and steps:

- Clarify the legal status and licensing requirements for digital intermediaries (platforms, OTA, short-term rental hosts) within tourism law or by regulation, specifying which activities trigger licensing or registration.
- Introduce clear tax rules for cross-border digital services (registration thresholds, VAT registration and collection mechanisms for foreign providers, reporting obligations).
- Align personal data, consumer protection and electronic identification rules with internationally recognised instruments to facilitate inbound tourism and foreign investment.

Institutional actions: interagency taskforce (tourism, tax, communications, justice) to coordinate implementation; use bilateral and multilateral forums to enforce tax and regulatory rules on foreign providers.

Challenges & mitigations: enforcement against non-resident providers; mitigate through platform liability rules, marketplace collection obligations, and cooperation agreements with major platform operators.

Expected outcome: level playing field between domestic and foreign providers, improved tax compliance, clearer regulatory perimeter for digital tourism services.

4. Establish alternative dispute resolution (ADR) mechanisms for cross-border tourism disputes

Rationale. Judicial processes are slow and costly for cross-border tourism disputes; ADR increases access to remedies and reduces litigation burden.

Recommended legal instruments and steps:

- Create an accredited online dispute resolution (ODR) platform for tourism complaints, integrated with consumer protection authorities and payment-card chargeback systems.
- Legislate for enforceability of ADR decisions within a domestic framework and provide pathways to limited judicial review.
- Encourage industry codes of conduct with mandatory ADR clauses for platforms and tour operators.

Institutional actions: set up a specialised tourism ADR body or designate existing consumer ombudsman with online jurisdiction and multilingual capacity.

Challenges & mitigations: ensuring enforceability across borders — pursue recognition agreements and incorporate ADR clauses into standard contracts used by platforms.

Expected outcome: faster, cheaper resolution of consumer disputes, lower reputational risk for the sector, and better aggregated data to inform policy.

5. Introduce state-supported digital platforms integrating local tourism services with international markets

Rationale. A public-private digital aggregator can raise market visibility of local suppliers, improve regulatory oversight, and foster exportable tourism products.

Recommended legal instruments and steps: design a state-backed marketplace/API hub that aggregates licensed local hotels, guides and tour operators, guaranteeing compliance with national quality and data standards; establish governance rules for the platform (service level obligations, dispute escalation, data sharing protocols) and enable voluntary integration with private OTAs; promote public-private partnerships (PPP) and provide incentives (training, digital grants) for SMEs to onboard the platform.

Assign a lead body (tourism ministry/board) to manage platform strategy, ensure interoperability with existing booking systems, and provide cybersecurity oversight.

Challenges & mitigations: avoid crowding out private innovation by positioning the state platform as an enabler and certification mark rather than a monopoly distributor. Increased visibility of domestic tourism supply, improved compliance with regulatory norms, and enhanced capacity for market analytics and crisis response.

A coherent package combining the five measures above — clear e-contract rules, robust data and cybersecurity regimes, harmonised taxation and licensing, accessible ADR mechanisms, and state-enabled digital infrastructure — would materially strengthen Uzbekistan's legal environment for digital tourism entrepreneurship. Implementation will require phased legislative amendments,

interagency coordination, capacity building for regulators and industry, and stakeholder engagement (platforms, insurers, banks, consumer associations). If well calibrated, these reforms can both stimulate innovation in the tourism sector and safeguard consumer rights, thereby supporting sustainable growth of Uzbekistan's tourism economy.

Conclusion

The digital transformation of tourism entrepreneurship in Uzbekistan is not only reshaping the structure of the national tourism industry but also redefining the role of legal regulation in ensuring sustainable development. On the one hand, digital platforms and innovative business models significantly expand access to international markets, enhance service quality, and increase the competitiveness of tourism enterprises. On the other hand, the rapid pace of technological change has revealed a range of unresolved legal and institutional issues that must be addressed in order to achieve long-term stability and growth.

First, the gaps in licensing and taxation of digital platforms remain a pressing concern. While global platforms such as Booking.com and Airbnb operate widely in Uzbekistan, the absence of a comprehensive taxation and licensing framework creates regulatory asymmetry between international digital providers and domestic tourism businesses. Without effective oversight, the state risks revenue losses, while local enterprises face unfair competition. Addressing these issues requires harmonization of national tax rules with international standards and the introduction of clear legal provisions for online intermediaries.

Second, consumer protection in digital tourism transactions is a critical area for legal reform. Online booking, cross-border payments, and electronic contracts often leave consumers vulnerable to unfair practices, lack of transparency, and difficulties in dispute resolution. Comparative experience from the European Union demonstrates the importance of establishing binding obligations for disclosure of information, refund mechanisms, and guarantees of consumer rights in the online environment. For Uzbekistan, the adoption of similar standards would enhance consumer confidence and increase the attractiveness of the national tourism market.

Third, the protection of personal data and cybersecurity emerges as one of the most sensitive issues in the digitalization of tourism. Hotels, travel agencies, and online platforms process large volumes of personal information, including biometric and financial data. Weak safeguards not only endanger consumer privacy but also undermine international trust in the country's tourism infrastructure. Strengthening the national framework for personal data protection and aligning it with international instruments, such as the EU's GDPR, will be a decisive step toward ensuring data security and fostering cross-border cooperation.

Fourth, the creation of effective mechanisms of dispute resolution is essential in the context of digital tourism. Traditional court procedures are often lengthy and ill-suited for resolving low-value, high-volume disputes that characterize online tourism transactions. Therefore, the development of alternative and online dispute resolution (ADR/ODR) mechanisms would allow consumers and businesses to settle disputes efficiently and cost-effectively, while also reducing the burden on judicial institutions.

Finally, the long-term success of Uzbekistan's digital tourism strategy depends on the establishment of state-supported digital platforms that integrate local tourism services with international markets. Such platforms could serve as a guarantee of quality and compliance with national regulations, while

also supporting small and medium-sized enterprises in accessing digital ecosystems. However, their development must be carefully balanced to avoid overregulation or the suppression of private sector innovation.

In conclusion, the legal regulation of entrepreneurial activities in the provision of tourism services in the digital era is a multidimensional challenge requiring an integrated approach. It involves not only the modernization of substantive and procedural laws but also the strengthening of institutional capacity, inter-agency coordination, and cooperation with international organizations. For Uzbekistan, the digitalization of tourism presents a strategic opportunity: by adopting international best practices while adapting them to national realities, the country can create a resilient and transparent legal environment. Such an environment will safeguard consumer rights, reduce business risks, and position Uzbekistan as a competitive and trustworthy destination in the global tourism market.

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