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# State legal regulation of the hotel and restaurant complex in the system of development of the national economy

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## Abstract

The main objective of the article was to study the key aspects of the state legal regulation of the hotel and restaurant complex in the system of development of the economy. The subject of research is the state legal regulation of the hotel and restaurant complex.

Based on the results of the conducted research, the key elements of the state legal regulation of the hotel and restaurant complex were considered. In order to achieve the stated objective, a hybrid documentary-based methodology was used, which combined analysis and synthesis in the treatment of information; selection of factual material and data based on the normative framework; descriptive-statistical analysis. The scientific novelty lies in the fact that, in the changing conditions of today's world, the further development of the hotel and restaurant industry requires an increase in the competitiveness of these companies in the national and world tourism market, both on the part of the companies themselves (their owners) and on the part of the State. It is definitely concluded that this task can only be achieved with the introduction of effective legal support in this area of strategic interest.

**Keywords:** legal regulation; legal aspects of tourism; hotel and restaurant complex; economic development.

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# Regulación jurídica estatal del complejo hotelero y restaurantero en el sistema de desarrollo de la economía nacional

## Resumen

El objetivo principal del artículo fue estudiar los aspectos clave de la regulación legal estatal del complejo hotelero y restaurantero en el sistema de desarrollo de la economía. El tema de investigación es la regulación legal estatal del complejo hotelero y restaurantero. Con base en los resultados de la investigación realizada, se consideraron los elementos clave de la regulación legal estatal del complejo hotelero. Para lograr el objetivo planteado se hizo uso de una metodología híbrida de base documental que combinó análisis y síntesis en el tratamiento de la información; selección de material fáctico y datos basados en el marco normativo; análisis descriptivo-estadístico. La novedad científica radica en el hecho de que, en las condiciones cambiantes del mundo de hoy, el mayor desarrollo de la industria hotelera y de restaurantes requiere un aumento de la competitividad de estas empresas en el mercado turístico nacional y mundial, tanto por parte de las propias empresas (sus propietarios) y, por parte del Estado. Definitivamente se concluye que, esta tarea solo se puede lograr con la introducción de un apoyo legal efectivo en esta área de interés estratégico.

**Palabras clave:** regulación legal; aspectos legales del turismo; complejo hotelero y restaurante; desarrollo económico.

## Introduction

The development of tourism in each state was often considered as secondary, the actions of the authorities for its organizational and economic support were unsystematic.

Any state that is aware of the economic benefits from the development of tourism most often invests in the development of its industry, primarily in the hotel and restaurant infrastructure, since it is from the ability to receive foreign tourists at the highest level that the international tourist image of the country is formed (Dishkantyyuk, 2016).

But there are systemic problems in the development of tourism and the hotel and restaurant business in countries whose legal system does not sufficiently support this area, namely (Apaza-Panca, 2020: 119):

- lack of effective state support for small and medium-sized tourism and hotel and restaurant businesses;

- insufficient advertising of the domestic tourism product and hotel and restaurant services within the country and abroad;
- lack of social tourism, social hotels and restaurants, which, given the low income of a significant part of the population, makes it impossible for them to have such a way of recreation.

It should be noted that the state should not use outdated models and should not directly affect the state of economic security of business entities, but only create favorable conditions for the functioning of the hotel and restaurant services market. The issue of reducing the level of corruption and combating the unprofessionalism of the state administrative apparatus remains urgent, which today has a huge impact on the system of ensuring economic security, from the state itself to business entities (Kryshtanovych *et al.*, 2021).

State tourism development programs consider tourism as a highly profitable sector of the national economy and provide significant support, in particular, through the introduction of financial and economic development mechanisms, stimulating entrepreneurship in this area, creating an effective model of investment policy, improving the organizational structure of the industry, which will ultimately contribute to the growth of the authority as a tourist state and strengthen the country's economy.

However, unfortunately, not a single program takes into account the fact that in order to maintain the status of a tourist state in the world market of hotel services, it is necessary to create modern highly comfortable specialized hotel enterprises with the appropriate infrastructure that meet international standards.

## **1. Materials and methods**

Achieving the goal of the study required the solution of certain problems, which led to the use of theoretical ones: induction and deduction to collect primary legal information on state regulation of the hotel and restaurant complex in the system of development of the national economy; analysis and synthesis of information processing; selection of factual material and data based on the processing of the regulatory framework; descriptive-statistical - to characterize the features of the functioning of the hotel and restaurant complex in the system of development of the national economy; the logical method is to comprehend the laws of state and legal regulation of the hotel and restaurant complex in the system of development of the national economy.

## 2. Literature review

In the system of state management of the quality of service in hotels, an important role belongs to the regulatory and legal methods of control, which guarantee high stability and sustainability of the quality of services. The need to improve the quality of service in hotels is also due to the discrepancy between national world standards. In this regard, at the state level, it became necessary to harmonize national and world regulatory and technical documentation in accordance with the current legislative framework of the country (Kulagina and Tatarinov, 2009).

According to a number of authors (Oleksenko and Gosteva, 2013; Sylkin *et al.*, 2021), in modern conditions, management is of particular importance for the legal regulation of economic activity in the hotel industry, consisting of a set of legislative and regulatory and technical acts that are an integral part of the national legal system. The state policy for the development of the hotel industry as the main component of the tourism industry and the service sector is aimed at improving the quality criteria for its functioning.

At the same time, other authors note (Apaza-Panca *et al.*, 2020) that the key administrative levers of state regulation, the use of which makes it possible to improve the work of hotels, are licensing and certification procedures. The introduction of licensing in the hotel sector is aimed at protecting the rights and interests of consumers of hotel services, guaranteeing a certain level of service, compliance with environmental, sanitary and other norms and regulations.

The purpose of regulating the activities of hotels is the harmonization of relations between the consumer (client) and the producer of services (the subject of the provision of hotel services), aimed at harmonizing the interests of the consumer, producer and society and creating favorable conditions for the development of hotel enterprises through the production of legal acts (Vilks, 2005).

The negative impact of tourism on the social parameters of the life of the population is no less significant. Tourism activity contributes to an increase in the anthropogenic pressure on the natural and social environment, degradation of natural landscapes through excessive consumption of resources, land development, pollution of natural objects with waste, which leads to a deterioration in the quality of soil, air and water in reservoirs and seas due to an increase in emissions of harmful substances, spontaneous arrangement of temporary places of rest, kindling hearths, tormenting historical monuments by vandals, etc.

Some types of recreation, such as collecting plants, fishing, hunting, harm wildlife and lead to a decrease in the number or even to the complete disappearance of some species of fauna and flora in certain areas. The

growth in the number of visitors and population in tourist regions, the construction of new facilities requires the use of additional natural resources and increases the burden on the environment (Tepanov, 2018).

Experts believe that if the current trend of tourism growth continues, by 2050 energy consumption will increase by 154%, water - by 152%, solid waste emissions - by 251%, greenhouse gas emissions - by 131%. Therefore, for the international community, including the European Community, the urgent task is to develop new models for the safe development of tourism in the interests of all mankind, its current and future generations.

In 2003, the European Commission established the Commission on Sustainable Tourism, which included representatives of international organizations and EU governments, regional and local authorities, the tourism industry, trade unions, environmental and other public organizations, as well as research and educational institutions. The main tasks of this Commission included the development of rules for tourism activities, destination management, the definition of indicators of tourism sustainability and monitoring systems (Kryshtanovych *et al.*, 2022).

Oleksenko, Bortnykov, Bilohur, Rybalchenko, Makovetska (2021: 768) noted that:

The change in the paradigm of the role of the state in the processes of regulating the activities of restaurant enterprises expanded alternative opportunities for their development, intensified privatization processes, contributed to the emergence and development of a restaurant business network of individual entrepreneurs, stimulated foreign investment and the spread of restaurant business in the national sphere. the economy of the most successful technology for the development of small and medium-sized businesses - franchising, the introduction of progressive methods of production, service and management of restaurant enterprises.

Despite the crisis and its consequences, restaurant business objects are becoming increasingly popular, the creation of which contributed to an increase in the number of jobs. The development of the restaurant business is largely determined by the effectiveness of the socio-economic policy of the state. Therefore, the task of creating an integrated and effective system of state regulation, especially in the field of food and services, is relevant.

Despite this, the issue of the civilizational and cultural aspect of state legal regulation of the hotel and restaurant complex in the system of development of the national economy has not been disclosed and, therefore, is relevant.

### 3. Research Results and Discussions

The hotel and restaurant business is a complex industry that combines production, trade, procurement of raw materials and the organization of the process of consuming home-cooked dishes and purchased goods. Given this, pricing in this area is also meaningful. In the end, the price as the monetary value of a serving of food or drink must contain all the elements necessary to cover the costs of the business, pay indirect taxes, and generate at least the industry average.

A separate element of the price of a public catering enterprise is the markup, which is not limited in modern conditions, and therefore is independently set by the main body of the industry in accordance with the type of enterprise, category of enterprise, product range, efficiency of the production process and competitive environment.

Given the particular importance of margins, we can say that the calculation of product prices in the restaurant industry is carried out according to a method very different from the industrial one. With lower profit margins, restaurants can cut prices ahead of closings as hygiene regulations prohibit selling food made the day before. When optimizing the process of purchasing raw materials, there is also a large reserve in reducing the prices of home-cooked meals. We are talking about the purchase of quality raw materials at lower prices, which will ensure a reduction in food prices.

However, in this case, the price will include additional costs associated with the purchase of such raw materials on their own. Accounting for these factors, which form the retail price (offer price) of one's own goods, may lead to the fact that such a price level will be very high and does not correspond to the demand price in the current market conditions.

To prevent this from happening, the hotel and restaurant business should develop a flexible pricing policy. As part of this policy, different pricing approaches can be taken based on factors such as seasonal factors, holidays and weekends, tourist traffic, and specific opening hours of the establishment, which together constitute the demand for the industry's products (Sylkin *et al.*, 2021).

The development of the hotel and restaurant business to the greatest extent depends on the conditions of the market environment, as it is associated with the consumer service sector and the influence of market economy factors. First of all, it concerns the conjuncture of the market environment, its changes, the state of competitiveness of the enterprise.

The essence of the state-legal mechanism for managing the hotel and restaurant industry (Oleksenko and Bortnikov, 2017):

### **1. External control: Factors of external control:**

- political/legal (labor legislation, tax policy, law on technical regulations and conformity assessment, privatization/deregulation policy);
- economic (interest rates and inflation rate, prospects for economic growth, unemployment rate);
- socio-cultural (demographic changes, development of the society's value system, changes in lifestyle);
- technological (creation of a new market, new discoveries, the level of industry and government funding for research and development, changes in communication technologies, new production technologies, etc.).

### **2. Internal management:**

Factors of internal management:

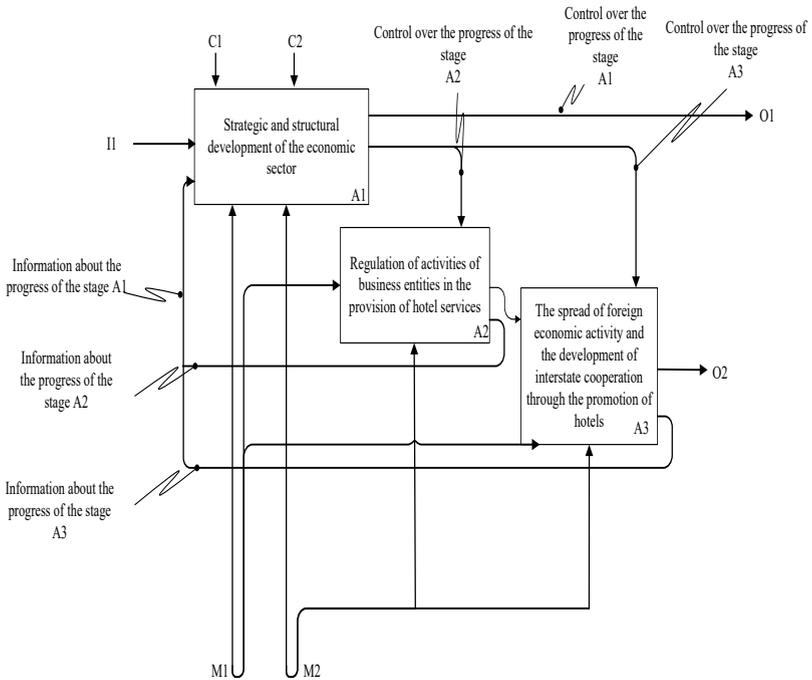
- the purpose of the organization;
- organizational structure;
- technology system;
- personnel and organizational culture.

Internal management is an internal economic mechanism of the enterprise - it is a set of factors of the enterprise that form its long-term profitability and are under the direct control of the managers and staff of the organization.

The main means of the regulatory influence of the state on the activities of the subjects of the hotel and restaurant business are (Bulba *et al.*, 2021):

- state order, state task;
- licensing, patenting and quotas;
- technical regulations;
- application of standards and limits;
- regulation of prices and tariffs.

The essence of the direction of state support for the development of the hotel industry and the components of implementation (Fig.1).



**Figure 1. Model for improving the state-legal regulation of the hotel and restaurant complex in the system of development of the national economy**  
(Source: Formed by authors).

For a better understanding of these processes, let's look at each of the steps in more detail.

1. Strategic and structural development of the economic sector:

- Formulating and stimulating priority areas for the development of the hotel industry in the long term.
- Stimulating the opening and development of small hotels.
- Creation of regional programs for the development of hotel associations based on the coordination of the activities of independent hotels, automated collective booking and reservation systems.

### **3. Regulation of activities of business entities in the provision of hotel services:**

- Monitoring and coordination of activities of enterprises and organizations on issues related to licensing and certification of hotels of various forms of ownership.
- Creation of an appropriate level of security and quality of the provision of hotel services in the context of the implementation of various aspects of master plans for urban development and market infrastructure.
- Coordination of hotel and tourist service processes at the regional and state levels.
- Development of an effective and adapted system of responsibility of officials for damage caused to hotel enterprises during their activities.

#### **3.1. Improving tax policy:**

Establishment of accrual and payment mechanisms and a system of control over the use of targeted funds received by local budgets in the form of hotel and tourist fees in order to develop the hotel industry.

#### **3.2. Improving legal regulation:**

- Updating and harmonization of legal acts and other documentation necessary for the formation of a market mechanism for the activities of the hotel industry in the framework of harmonization with the provisions of the general state policy for the development of the service sector.
- Development and approval of science-based state standards in the field of practical implementation of hotel services.

#### **3.3. Reforming the organizational mechanisms of the hotel industry:**

Creation of conditions for technological modernization of the process of providing hotel services.

#### **3.4. Transformation of personnel policy:**

Implementation of a developed system for organizing training, retraining and advanced training of personnel, conducting research work in the field of hotel services as one of the key factors in the development of the service sector.

#### **4. The spread of foreign economic activity and the development of interstate cooperation through the promotion of hotels:**

Stimulation of the development of foreign economic activity in the hotel industry, ensuring the representation of the interests of the state on these issues abroad, the conclusion of international agreements, the development of measures for the entry of hotels into international hotel chains.

#### **Conclusions**

Thus, a feature of the hotel and restaurant business is the inseparability of the creation of a service from the moment of provision to receipt, and from the entities providing it and receiving the service. This maximizes the importance of providing high quality services. In the hotel and restaurant business, the consumer directly determines for himself the level of quality of the services received and decides whether to receive them again or, conversely, refuse.

Decision making when receiving a service by other consumers is often based on the opinions of previous customers of hotels and restaurants. Consequently, the possibility of developing the capital of hotel and restaurant enterprises directly depends on the quality of services.

The hotel and restaurant business market is one of the most highly competitive due to the large number of entities, mostly independent of each other. We are talking about the development of several large chains, which, having significantly increased their presence in the market, strengthen their influence on it and displace smaller hotel and restaurant business entities from the market.

Therefore, governments should take into account these features and work to maintain a healthy competitive environment in the industry. The tools here are the introduction of the practice of monitoring the competitive environment of the market, the balanced policy of the Antimonopoly Committee, the support of competitiveness and the resource provision of less competitive enterprises in the hotel and restaurant business.

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