



UDC 349.342

DOI: 10.31548/law2022.04.005

Rural hospitality: Problems of legal regulation of guest safety

Tamara Novak*

PhD in Law, Associate Professor
National University of Life and Environmental Sciences of Ukraine
03041, 15 Heroyiv Oborony Str., Kyiv, Ukraine
<https://orcid.org/0000-0003-2371-3014>

Viktoriia Melnyk

PhD in Law
Bila Tserkva National Agrarian University
09117, 8/1 Soborna Sq., Bila Tserkva, Ukraine
<https://orcid.org/0000-0002-1287-8799>

Article's History:

Received: 12.09.2022

Revised: 31.10.2022

Accepted: 15.11.2022

Abstract

This study investigates the problems of legal regulation of the safety of visitors – guests of rural estates during the provision of rural hospitality services. The relevance of this study is conditioned upon the urgent need to develop special legislation that would reflect the specifics of such a new area of agricultural diversification for Ukraine as rural hospitality, specifically one of the defining aspects for the development of this sphere – the safety of guests of rural estates. The purpose of this study was to characterize the state of legal support for the outlined area and formulate proposals for improving the legal regulation of the safety of visitors/guests of rural estates. The methodological framework of this paper included a set of general scientific and special legal methods of scientific cognition, namely dialectical, system-structural, formal logical, system analysis, and formal legal methods. As a result of the conducted study, the term “safety of rural hospitality” was defined in broad and narrow meanings, and the external and internal levels of safety in rural hospitality were also distinguished. The possibility of applying tourism legislation to regulate external security relations in rural hospitality was substantiated. The need to regulate internal security relations in rural hospitality in a special regulation on rural hospitality in the form of a law was proved. It is proposed to establish in this prospective regulation an imperative rule regarding the conclusion of a written agreement on rural hospitality services, and the substantial terms and conditions of such a contract were defined. A proposal was put forward to develop a model agreement for the provision of rural hospitality services. To streamline the safe rendering of services within rural hospitality to attract guests of a rural estate to perform agricultural work, it was proposed to develop safety instructions for attracting guests of rural estates to perform agricultural work. The obtained conclusions will help in the development of legislation on rural hospitality and can also be used in theoretical and applied scientific research on the specific features of legal regulation of relations concerning rural hospitality

Keywords: country estate, guests of the country estate, consumers of rural hospitality services, service, safety, dangerous factor, damage, legal protection

Suggested Citation:

Novak, T., & Melnyk, V. (2022). Rural hospitality: Problems of legal regulation of guest safety. *Law. Human. Environment*, 13(4), 50-57.



Copyright © The Author(s). This is an open access article distributed under the terms of the Creative Commons Attribution License 4.0 (<https://creativecommons.org/licenses/by/4.0/>)

*Corresponding author

Introduction

An indisputable condition for the development of industries related to the provision of certain services is to guarantee at least two aspects: the quality of services rendered and the safety of consumers of such services. This is especially true for tourism and its related areas. These include rural hospitality, which, on the one hand, cannot be identified with, as it were, “classical” tourist activities (the authors of this paper proved this in their earlier studies (Novak, 2022)), and on the other hand – it also aims to organize recreation, sanitation, cognitive activities, specifically mastering knowledge about history, traditions, rural lifestyle, agricultural labour. Therewith, rural hospitality services, apart from temporary accommodation, meals, and leisure activities, also involve attracting guests (at their request) to perform certain works in a rural estate (e.g., gardening, floriculture, caring for agricultural livestock or poultry, etc.). In turn, agricultural labour itself is specific and quite dangerous. For agricultural work, the presence of such harmful and dangerous factors as biological (farm animals, poultry, insects, nematodes, pathogens common to humans and animals, etc.), physical (machines and mechanisms, dust, vibration, electric field voltage, etc.), chemical (pesticides, agrochemicals, disinfectants and detergents, etc.) is conventional. When inviting guests and organizing leisure activities for them, the farmer must take these dangers into account and respond accordingly. Security measures in this area should be based on regulatory requirements.

In the current legislation of Ukraine and special sources, there are virtually no provisions and works covering the safety of visitors to rural estates. The principal reason here is, as the authors of this paper have already noted, the novelty of this activity. Although, the topic of agricultural tourism or rural green tourism increasingly often becomes the subject of scientific research.

These are studies that identify the prospects of rural tourism in the development of regions/countries. For instance, a study of the cultural and economic consequences of agricultural tourism in unspoiled rural regions of Iran (Lak & Khairabadi, 2022); developments in determining the relationship between the socio-economic revival of villages and the development of agricultural tourism in Albania (Sulaj *et al.*, 2022); assessment of the tourist potential of historic villages in Portugal (Liberato *et al.*, 2021); determination of links between tourism entities in urban and rural areas of Estonia with the search for optimal mutually beneficial ways of interaction (Pilving *et al.*, 2022). Researchers pay considerable attention to the investigation of the accumulated successful practices of agricultural tourism in European countries and identify ways and areas of its consideration in countries where agricultural tourism is just emerging. For instance, a study of understanding agricultural tourism services and agricultural tourism

development areas with evidence from Iran and Poland (Mahmoodi *et al.*, 2022), Italy and Uzbekistan (Matyakubov *et al.*, 2022). There are also studies identifying and classifying the characteristics of services preferred by agricultural tourism clients to form appropriate popular tourist products (Vélez Arenas *et al.*, 2022). As for the safety of tourists in agricultural tourism, then the bulk of work is currently related to the COVID-19 pandemic and measures to prevent the spread of this virus. Therewith, researchers conclude that agricultural tourism farms are relatively safe due to the low concentration of visitors, the remoteness of destinations from crowded places, unity with nature, etc. (Zawadka *et al.*, 2022). A considerable contribution to the regulation of the safety of rendering services of rural green tourism (rural hospitality) in Ukraine in the corona- and post-coronavirus period was made by Ukrainian specialists, having developed methodological recommendations (protocol) for the provision of services of rural green tourism (rural hospitality) in the corona- and post-coronavirus period (Vasylyev *et al.*, 2020).

At the same time, the issue of safety of visitors to rural estates in the context of rural hospitality activities stays virtually open today, except for occasional norms of promising regulations. This encourages the authors of this study to identify the prospects for statutory regulation of the safety of consumers of rural hospitality services through the formulation of the main areas for its improvement. Achieving this purpose of the study involves the following tasks: to analyse the current and promising legislation on the safety of tourism and rural hospitality, scientific and special sources on ways to ensure the safety of visitors to rural estates; to formulate the concept of the safety of rural hospitality; to develop proposals for improving the legal regulation of the safety of rural hospitality services in Ukraine.

Materials and Methods

The methodological framework of this study included such methods of scientific cognition as dialectical, system-structural, formal logical, system analysis, as well as a special formal legal method. The use of the dialectical method allowed clarifying the state of legal regulation of security in the field of rural hospitality, including trends in the development of relevant legislation concerning social and legal factors. The formal logical method was widely used in the study, which allowed the authors of the study to clarify the meaning of the term “safety of rural hospitality” and distinguish it from the related term “safety in tourism”. The same method of scientific cognition contributed to the definition of security in rural hospitality in a broad and narrow sense, as well as to the identification of such types of security as external and internal security in rural hospitality. The study of scientific and special sources on the areas of legal regulation of security in rural hospitality was based

on the use of the method of system analysis. The same method of scientific cognition was used as the basis for determining the shortcomings of the current legislation in the field of tourism safety and promising legislation in the field of rural hospitality safety. The formal legal method helped clarify the content of legal norms in the field under study and develop proposals for its improvement of the legal field.

Considering the specifics of the study, its regulatory framework included acts of various branch affiliation. These are legislative acts governing activities in the tourism sector. The Law of Ukraine "On Tourism" (1995) as a basic regulation that currently governs the principal issues of safety in tourism, and sub-legislative acts adopted for its implementation: the Order of the Ministry of Education and Science of Ukraine "On Approval of Regulations Governing the Procedure for Organizing Tourist and Local History Work" (2014), specifically its appendices, such as Instructions for organizing and conducting tourist sports trips with schoolchildren and students, Instructions for organizing and conducting excursions and trips with schoolchildren and students, and Regulations on tourist route and qualification commissions of educational institutions; Order of the Cabinet of Ministers of Ukraine "On the procedure for conducting search and rescue operations at tourist sites" (2012). To determine promising areas for improving security in tourism, the strategy for the development of tourism and resorts for the period up to 2026 was analysed (Order of the Cabinet of Ministers of Ukraine "On the Approval of the Strategy...", 2017). The Law of Ukraine "On Insurance" (1996) and the Civil Code of Ukraine (2003) were also used in the study in terms of regulating the issue of tourist insurance and relations on compensation for damage caused to the life, health, and property of guests of rural estates. When formulating the proposal for the development of the Exemplary Safety Instructions for the Involvement of Guests of Rural Estates in Agricultural Work and the content of this document, the prescriptions of such acts of labour legislation as the List of Works with Increased Danger (Order of the State Committee of Ukraine on Labour Safety Supervision "List of Works...", 2005), List of Heavy Work and Work with Harmful and Dangerous Working Conditions, Where the Labour of Minors is Prohibited (Order of the Ministry of Health of Ukraine "On the Approval...", 1994), Rules of Labour Safety in Agricultural Production (Order of the Ministry of Social Policy of Ukraine "On the Approval...", 2018), Collection of Exemplary Instructions on Labour Safety for Workers in Crop Production (Order of the Ministry of Agro-Industrial Complex of Ukraine "On the Approval...", 1999) were used. Part of the prospective legislation in this paper is represented by the draft Laws of Ukraine "On Rural and Rural Green Tourism" (2021) and "On Stimulating the Development of Rural Hospitality in Ukraine" (Borodina, 2020).

Results and Discussion

As noted above, the terms "safety of rural hospitality" or "safety of visitors to a rural estate" have not been defined in modern scientific doctrine and legislation. However, the term "tourism safety" is already well-established. Given the importance of the terminology for legal science, it is worth starting research by defining the term "tourism safety".

In the legal doctrine, tourism safety is proposed to be considered as a comprehensive system of measures (administrative, legal, organizational, socio-economic). The area of these measures is determined by 1) protection of the constitutional rights of subjects of tourist activity during tourist trips; 2) prompt identification, prevention, and elimination of both real and possible threats to national interests in the tourism sector of internal and external nature; 3) creation of safe living conditions in the provision and consumption of tourist services (Toryanyk & Dzhyndzhoian, 2018).

Some comments can be made on this approach. Firstly, according to the authors of this study, it is impractical to narrow the area of tourism safety measures exclusively to the protection of constitutional rights, since the rights of tourism entities are not limited to those declared in the Constitution of Ukraine. And secondly, it is controversial to use the term "protection" proceeding from the following. In legal science, there has long been a discussion about the differentiation or identification of such two concepts as "protection" and "security". The authors of this paper join the well-founded conclusions of S. Bulavina and D. Davydova (2017), who prove that "security" is understood as guaranteeing the grounds for acquiring the rights and legitimate interests of persons, while "protection" is expressed through active actions aimed at restoring the right that was violated. That is, security exists, as it were, constantly, while protection is applied after the commission of an offence. Defining tourism safety solely through the protection of rights, according to the authors of this study, unnecessarily narrows this category. It would be more expedient to use the terminological construction "security and protection of rights".

In contrast to the doctrinal definition, the legal definition of tourism safety, prescribed in Part 1 of Article 13 of the Law of Ukraine "On Tourism" (1995), is more successful. According to the mentioned legal norm, tourism safety is considered as "a set of factors that characterize the social, economic, legal, and other state of ensuring the rights and legitimate interests of citizens, legal entities, and the state in the field of tourism" (Law of Ukraine "On Tourism", 1995). According to the authors of the present study, this refers to tourism safety in a broad sense, which covers the interests of not only tourists, but also other subjects: the state, local governments, tourist operators, etc. The essence of tourist safety is covered in Part 3 of Article 13 of the Law of Ukraine "On Tourism" (1995), where the

duties of tourist entities are concentrated. This refers to tourism safety in a narrow sense: in relation to consumers of tourist services (tourists). According to the above-mentioned norm, the duties of tourism entities include informing tourists about potential hazards and risks during travel; providing information about existing preventive measures, namely sanitary and epidemiological ones; organizing places for rendering tourist services according to the current safety requirements; special security measures in the rendering of tourist services according to types of tourism with increased risk; compliance with the requirements for the qualification of tourist support specialists; providing tourists with equipment and inventory that meet the established requirements; organizing prompt aid to victims; informing state authorities according to the established procedure about emergencies that have arisen upon rendering tourist services. Furthermore, Part 4 of Article 13 of the Law of Ukraine "On Tourism" (1995), among the duties of persons engaged in tourism activities, prescribes compliance with environmental requirements, requirements for the protection of historical and cultural heritage, compensation for damage caused to the environment and socio-cultural environment.

As follows from the above, tourism safety is a complex concept. And it is worth agreeing with the existence of separate forms of its manifestation. For instance, M.Ya. Vashchyshyn (2014) identifies three principal forms of tourism safety: 1) personal (physical safety); 2) property safety; 3) external safety.

The legislation on tourism governs safety issues in this area at a fairly prominent level. Foremost, it is an effective mechanism for insurance of risks related to the implementation of tourist activities and consumption of tourist services (Article 16 of the Law of Ukraine "On Tourism" (1995), Law of Ukraine "On Insurance" (1996), etc.); settlement of the issue of financial support of the responsibility of the tour operator and travel agent (Article 15 of the Law of Ukraine "On Tourism" (1995)); establishment of safety rules for the organization of tourism and local history work (Order of the Ministry of Education and Science of Ukraine "On the Approval of Normative...", 2014); normalization of the issue of conducting search and rescue operations at the objects of tourist visits (Order of the Ministry of Emergencies of Ukraine "On the Approval...", 2012). Finally, clear rules of responsibility for violations of legislation in the field of tourism are stipulated (Chapter VI of the Law of Ukraine "On Tourism" (1995)) and requirements for the form, content, and procedure of concluding a contract on tourist services (Article 20 of the Law of Ukraine "On Tourism" (1995)).

In addition, the safety of tourists is reflected as a separate area of implementation of the Strategy for the Development of Tourism and Resorts for the period until 2026 (Order of the Cabinet of Ministers of Ukraine "On the Approval of the Strategy...", 2017). To

improve the quality of tourist services rendered, the Strategy makes provision for organizational measures for emergency aid to injured tourists (during travel or in case of an emergency); information activities (including the operation of a hotline for tourists' appeals and complaints, information support, calling for help); measures for monitoring emergency events in tourism; measures to increase the responsibility of entities involved in the tourism sector to tourists – consumers of tourism services (Order of the Cabinet of Ministers of Ukraine "On the Approval of the Strategy...", 2017).

A radically different situation is observed in the regulation of relations to ensure the safety of rural hospitality. The only available draft of the Law of Ukraine "On Stimulating the Development of Rural Hospitality in Ukraine" (Borodina, 2020) proposes a rather controversial option for the distribution of responsibility between the provider of rural hospitality services and the consumer of such services. Thus, Part 2 of Article 3 of the draft law makes provision for the "principle of complicity and trust", which prescribes guaranteeing the owner of a rural estate compliance with the agreed parameters of services and coordinating these parameters by guests. Additionally, attention is focused on the fact that certification and control of these services is not carried out. Under such conditions, it would be logical to consolidate the agreements reached between the farmer and the guests of the rural estate in the rural hospitality services agreement. However, in the draft Law of Ukraine "On Stimulating the Development of Rural Hospitality in Ukraine" (Borodina, 2020), Article 6 establishes a dispositive approach to concluding such an agreement, giving the parties a) freedom to choose the oral or written form of the transaction; b) the possibility to independently regulate its content, specifically its substantial terms and conditions. In the practical implementation of these provisions, difficulties may arise in case of disputes and the need for the parties to prove the agreed terms, quality characteristics of the services rendered/consumed, etc.

For the objectivity of the study, the authors of this paper consider it necessary to turn to the most relevant areas of rural hospitality – agricultural tourism, rural green tourism.

Researchers distinguish two levels of safety factors in agricultural tourism. External includes the general political situation, the ecological state of the area, the criminal situation, and the socio-economic conditions of doing business. The owner of the farmstead cannot directly influence this level. In contrast, the internal level of safety directly depends on the organization of such activities by the owner of the farmstead, since it includes the organization of safe accommodation for tourists, the quality of food, compliance with sanitary and hygienic requirements, fire safety rules, electrical safety (Duga, 2016). This gradation can also be fully applied to the safety of rural hospitality.

As for the statutory regulation of the safety of consumers of rural green tourism/agricultural tourism/rural tourism services, the situation is as follows. One of the latest drafts of the Law of Ukraine "On Rural and Rural Green Tourism" (2021), registered in the Verkhovna Rada, establishes the need to be guided by the norms of the Law of Ukraine "On Tourism" (1995) when defining general provisions on safety in rural and rural green tourism; financial support of rural tourism service providers; insurance and medical care for tourists in rural and rural green tourism. Additionally, Part 2 of Article 10 of the draft Law of Ukraine "On Rural and Rural Green Tourism" (2021) establishes the obligations of tourism entities in the field of rural and rural green tourism, due to the specific features of this activity. These include informing tourists about potential dangers, considering the specific features of the terrain, fauna, flora; familiarizing tourists with the rules of safe behaviour on the route, during rest, during the night; supervising the preparation of tourists for events organized in the field of rural green tourism; familiarizing tourists with the rules of fire safety, first aid. Finally, the mentioned norm directly refers to the duties of the subjects of tourist activity that provide rural green tourism services: a) warning about possible dangers that may occur on the territory of a private farm in case of accommodation of tourists on this farm; b) direct prohibition of contact of tourists with animals, birds, which may be dangerous for them (Draft Law of Ukraine "On Rural...", 2021). Accordingly, the draft law under study combines the general requirements for the safety of tourists in rural and rural green tourism with special requirements.

Projecting the above on the activities of rural hospitality, the authors of this study see possible subsidiary application of certain norms of tourism legislation when regulating relations in the field of safety of visitors to rural hospitality. The main thing that can be resolved in this way is external safety. All the measures listed in Article 13 of the Law of Ukraine "On Tourism" (1995) are also expedient and applicable in rural hospitality. These are, as it were, "general principles of legal regulation of security in rural hospitality".

As for internal security in rural hospitality, the authors of the present study consider it correct to govern it in a special regulation – the promising law of Ukraine "On Rural Hospitality". It should prescribe requirements for the legal registration of relations between the farmer (provider of rural hospitality services) and visitors/guests of rural estates (consumers of rural hospitality services). It is also proposed to establish in the specified regulation the obligation to conclude a written rural hospitality services agreement, which allows registering the agreements of the parties regarding the scope, quality and safety of services, responsibilities of the parties, etc. It is proposed to determine the substantial terms and conditions of the rural hospitality

services agreement as follows: the period of stay of the guests in the rural estate, indicating the start and end dates of the provision of rural hospitality services; information about the location of the rural estate, living conditions; types and methods of food provision; a program for the organization of leisure for guests of the village estate; the list of services included in the cost of the rural hospitality product; cost of services and payment procedure; payment forms. To help farmers, it is expedient for the Ministry of Agrarian Policy and Food of Ukraine to develop a Model rural hospitality services agreement.

According to the authors of the present study, special attention should be paid in the Law of Ukraine "On Rural Hospitality" to the regulation of the safe rendering of services within the framework of rural hospitality to involve guests of rural estates in performing agricultural work (caring for animals, poultry, growing vegetables, working in gardens, vineyards, harvesting, etc.). The first prerequisite for guests' involvement in such events must be their consent. The second is the mandatory informing of guests by the owner of the country estate about the content and features of such events. The third is to provide guests with full and truthful information about the dangerous and harmful factors present in the performance of such agricultural work. The fourth is that the owner of the country estate or another authorized person conducts a safety briefing for the guests before allowing them to perform the stipulated agricultural work.

To regulate these issues, the authors of the present study propose to develop an Exemplary Safety Instruction for Involving Guests of Rural Estates in Agricultural Work. This document should include the following information.

Firstly, a list of works in which it is forbidden under any circumstances to involve guests of rural estates, even with their consent. When determining such works, the basis should be the List of Works with Increased Danger (Order of the State Committee of Ukraine on Labour Safety Supervision "List of Works...", 2005) and the List of Heavy Works and Works with Harmful and Dangerous Working Conditions, which prohibits the labour of minors (Order of the Ministry of Health of Ukraine "On the Approval...", 1994). Specifically, such especially dangerous works include maintenance of breeding bulls, breeding boars, stallions, suckling sows, work at height, work with pesticides and agrochemicals.

Secondly, safety requirements when involving guests of rural estates in the care of farm animals, poultry, bees, etc. According to the authors of the present study, it is correct to take as a basis/use by analogy the safety rules established by the Rules of Labour Safety in Agricultural Production (Order of the Ministry of Social Policy of Ukraine "On the Approval...", 2018).

Thirdly, safety requirements when attracting guests of rural estates to perform work in crop production.

When formulating them, it is permissible to use exemplary instructions on labour safety for workers during work in crop production (Order of the Ministry of Agro-Industrial Complex of Ukraine "On the Approval...", 1999).

To duly organize the safe rendering of services to guests of rural estates concerning their involvement in agricultural work, the prospective Law of Ukraine "On Rural Hospitality" establishes the obligation of the owner of the rural estate as a service provider to provide guests with all the necessary equipment, tools, and bear responsibility for their good condition.

The authors of the present paper disagree with the approach set out in the draft Law of Ukraine "On Stimulating the Development of Rural Hospitality in Ukraine" (Borodina, 2020) (Part 4 of Article 6) regarding the possibility of establishing in the rural hospitality services agreement other rules of liability for damage caused to the life, health, and property of consumers of such services in the process of their rendering, except for those prescribed by the Civil Code of Ukraine (Civil Code of Ukraine, 2003). Such freedom in the settlement of a crucial safety issue, according to the authors of the present study, can have adverse consequences in case of abuse or basic ignorance of the parties to the agreement with the legal order. Hence, it is proposed to determine the mandatory application of civil legislation in the regulation of a certain range of relations.

Conclusions

The analysis of current regulations in the field of tourism safety and promising legislation on rural hospitality, as well as generalization of the achievements of legal science, allowed the authors of the present study to formulate conclusions as follows.

The security of rural hospitality is a category that can be considered in a broad and narrow sense. In a broad sense, this concept is proposed to be defined as a set of legal, organizational, socio-economic, and other

measures aimed at ensuring the rights and legitimate interests of individuals and the state in the field of rural hospitality. In a narrow sense, the authors of the present study propose to define the safety of rural hospitality as a comprehensive system of measures that ensure the security and protection of the rights and legitimate interests of subjects of rural hospitality and create a state in which there are no or minimized threats to their life and health.

When regulating relations of the external level of safety in rural hospitality, it is advisable to subsidize the application of the norms of tourism legislation.

Internal safety in rural hospitality should be regulated by the norms of a special regulation (law). It is proposed to include in its content a provision on the form and content (substantial terms and conditions) of the rural hospitality services agreement; obligations of the owner of a rural estate as a service provider before entering into an agreement; mandatory provisions on the procedure for resolving issues of compensation for damage caused to the life, health, and property of guests of a rural estate caused upon rendering relevant services. It is advisable to develop a Model rural hospitality services agreement.

To standardize the safe rendering of services within rural hospitality involving guests of rural estates to perform agricultural work, it is proposed to develop a Model Safety Instruction for Involving Guests of Rural Estates in Agricultural Work.

Further research should be aimed at formulating the content of the proposed documents, developing mechanisms for raising awareness of the owners of rural estates regarding the safety of services that they can render, and their regulatory consolidation.

The results obtained can be used in the development of regulations on safety of rural hospitality services, as well as used in theoretical studies covering the issues of legal regulation of rural hospitality.

References

- [1] Borodina, O.M. (Ed.). (2020). *Inclusive rural development in Ukraine*. Kyiv: Institute of the Economy and Forecasting of the National Academy of Sciences of Ukraine.
- [2] Bulavina, S., & Davydova, T. (2017). "Protection" and "security": Theoretical aspects of the legal terms. *History & Law Journal*, 1, 27-31.
- [3] Civil Code of Ukraine. (2003, January). Retrieved from <https://zakon.rada.gov.ua/laws/show/435-15#Text>.
- [4] Draft Law of Ukraine No. 5206 "On Rural and Rural Green Tourism". (2021, March). Retrieved from <https://www.kmu.gov.ua/bills/proekt-zakonu-pro-silskiy-ta-silskiy-zeleniy-turizm>.
- [5] Duga, V.O. (2016). Security management in agrotourism. *Efektivna Ekonomika*, 12. Retrieved from <http://www.economy.nayka.com.ua/?op=1&z=5348>.
- [6] Lak, A., & Khairabadi, O. (2022). Leveraging agritourism in rural areas in developing countries: The case of Iran. *Frontiers in Sustainable Cities*, 4, article number 863385. doi: 10.3389/frsc.2022.863385.
- [7] Law of Ukraine No. 324/95-BP "On Tourism". (1995, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/324/95-%D0%B2%D1%80#Text>.
- [8] Law of Ukraine No. 85/96-BP "On Insurance". (1996, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/85/96-%D0%B2%D1%80#Text>.
- [9] Liberato, P., Cerqueira, I., & Liberato, D. (2021). Conscious tourism's dimension in the historical villages of Portugal. *European Journal of Sustainable Development*, 10(1), 1-22. doi: 10.14207/ejsd.2021.v10n1p1.

- [10] Mahmoodi, M., Roman, M., & Prus, P. (2022). Features and challenges of agritourism: Evidence from Iran and Poland. *Sustainability*, 14(8), article number 4555. doi: 10.3390/su14084555.
- [11] Matyakubov, U., Rakhimbaev, A., Rocchi, B., & Turayev, O. (2022). An evolutionary framework of Italy agritourism development: Actual experience for the acceleration of the agritourism growth in Uzbekistan. *Theoretical & Applied Science*, 110(06), 398-406. doi: 10.15863/TAS.2022.06.110.72.
- [12] Novak, T. (2022). Prospects for the development of legislation on rural green tourism. *Law. Human. Environment*, 13(1), 18-25. doi: 10.31548/law2022.01.002.
- [13] Order of the Cabinet of Ministers of Ukraine No. 168-p "On the Approval of the Strategy for the Development of Tourism and Resorts for the Period until 2026". (2017, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/168-2017-%D1%80#Text>.
- [14] Pilving, T., Kull, T., Suškevičs, M., & Viira, A.-H. (2022). Diverse networks in regional tourism: Ties that foster and hinder the development of rural-urban tourism collaboration in Estonia. *European Journal of Tourism Research*, 30, article number 3010. doi: 10.54055/ejtr.v30i.2596.
- [15] Sulaj, A., Terpollari, A., & Kondi, B. (2022). Villages' revitalization supports a sustainable agritourism in Albania. *Journal of Environmental Management and Tourism*, 13(2), 546-560. doi: 10.14505/jemt.13.2(58).23.
- [16] Toryanyk, V.M., & Dzhyndzhoian, V.V. (2018). *Tourism safety: a study guide*. Dnipro: Higher Private Educational Institution "Dnipro Humanitarian University".
- [17] Vashchyshyn, M.Ya. (2014). *Legal regulation of tourist activity*. Lviv: Soroka T.B. Private Entrepreneur.
- [18] Vasylyev, V.P., Hafurova, O.V., & Motuzenko, O.O. (2020). *Methodological recommendations (protocol) for the provision of rural green tourism (rural hospitality) services in the corona and post-coronavirus period*. Retrieved from <https://agro.dn.gov.ua/wp-content/uploads/2022/02/METODICHKA.pdf>.
- [19] Vélez Arenas, J.S., Beltrán Rodríguez, C.A. & Fernández Rosas, A.A. (2022). Review of the characteristics preferred by clients in agritourism scenarios. *Periodica Polytechnica Social and Management Sciences*. doi: 10.3311/PPso.19159.
- [20] Zawadka, J., Jęczmyk, A., Wojcieszak-Zbierska, M.M., Niedbała, G., Uglis, J., & Pietrzak-Zawadka, J. (2022). Socio-economic factors influencing agritourism farm stays and their safety during the COVID-19 Pandemic. Evidence from Poland. *Sustainability*, 14(6), article number 3526. doi: 10.3390/su14063526.
- [21] Order of the Ministry of Agro-Industrial Complex of Ukraine No. 368 "On the Approval of the Compilation of Sample Instructions on Labor Protection for Workers during Work in Crop Production". (1999, Desember). Retrieved from <https://zakon.rada.gov.ua/rada/show/v0368244-99#Text>.
- [22] Order of the Ministry of Education and Science of Ukraine No. 1124 "On the Approval of Normative Legal Acts that Regulate the Order of Organization of Tourist and Local History Work". (2014, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/z1340-14?lang=uk#Text>.
- [23] Order of the Ministry of Emergency Situations of Ukraine No. 891 "On the Approval of the Procedure for Conducting Search and Rescue Operations at the Objects of Tourist Visits". (2012, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/z1098-12#Text>.
- [24] Order of the Ministry of Health of Ukraine No. 46 "On the Approval of the List of Heavy Jobs and Jobs with Harmful and Dangerous Working Conditions, in which the Use of Minors is Prohibited". (1994, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/z0176-94#Text>.
- [25] Order of the Ministry of Social Policy of Ukraine No. 1240 "On the Approval of the Rules of Labor Protection in Agricultural Production". (2018, August). Retrieved from <https://zakon.rada.gov.ua/laws/show/z1090-18#n12>.
- [26] Order of the State Committee of Ukraine on Labor Protection Supervision No. 15 "List of Works with Increased Danger". (2005, January). Retrieved from <https://zakon.rada.gov.ua/laws/show/z0232-05#Text>.

Сільська гостинність: проблеми правового регулювання безпеки відвідувачів

Тамара Сергіївна Новак

Кандидат юридичних наук, доцент
Національний університет біоресурсів і природокористування України
03041, вул. Героїв Оборони, 15, м. Київ, Україна
<https://orcid.org/0000-0003-2371-3014>

Вікторія Олександрівна Мельник

Кандидат юридичних наук
Білоцерківський національний аграрний університет
09117, Соборна площа, 8/1, м. Біла Церква, Україна
<https://orcid.org/0000-0002-1287-8799>

Анотація

Статтю присвячено дослідженню проблем правового регулювання безпеки відвідувачів – гостей сільських садиб під час надання їм послуг сільської гостинності. Актуальність роботи зумовлено нагальною потребою в розробці спеціального законодавства, яке б відобразило специфіку такого нового для України напрямку диверсифікації сільськогосподарської діяльності, як сільська гостинність, зокрема одного з визначальних для розвитку цієї сфери аспектів – безпеки гостей сільських садиб. Метою дослідження є характеристика стану правового забезпечення окресленої сфери та формулювання авторських пропозицій щодо удосконалення правового регулювання безпеки відвідувачів/гостей сільських садиб. Методологічну основу наукового дослідження склав комплекс загальнонаукових та спеціальних юридичних методів наукового пізнання, а саме: діалектичний, системно-структурний, формально-логічний, метод системного аналізу, формально-юридичний метод. У результаті проведеного дослідження сформульовано визначення поняття «безпека сільської гостинності» в широкому та вузькому значеннях, а також виокремлено зовнішній та внутрішній рівні безпеки в сільській гостинності. Обґрунтовано можливість застосовувати законодавство про туризм для врегулювання відносин зовнішньої безпеки в сільській гостинності. Доведено необхідність урегулювання відносин внутрішньої безпеки в сільській гостинності в спеціальному нормативному акті про сільську гостинність у формі закону. Запропоновано встановити в цьому перспективному нормативному акті імперативне правило щодо укладання договору про надання послуг сільської гостинності в письмовій формі та визначено істотні умови такого договору. Висунуто пропозицію з розробки договору про надання послуг сільської гостинності. З метою упорядкування безпечного надання в межах сільської гостинності послуг із залучення гостей сільської садиби до виконання сільськогосподарських робіт запропоновано розробити інструкцію з безпеки під час залучення гостей сільських садиб до виконання сільськогосподарських робіт. Отримані висновки допоможуть у розробці законодавства про сільську гостинність, а також можуть бути використані в теоретичних та прикладних наукових дослідженнях, присвячених особливостям правового регулювання відносин у сфері сільської гостинності

Ключові слова: сільська садиба, гості сільської садиби, споживачі послуг сільської гостинності, послуга, безпека, небезпечний фактор, шкода, правове забезпечення
