

The research of the tourism consumer protection

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Abstract—With the rapid growth of the tourism consumption, tourism disputes are increasing and diversification. The case of infringement on the rights of the tourism consumers frequently occur. Tourism consumer protection problem is particularly prominent. Therefore, it has the vital significance to reveal the present situation of tourism consumer protection, analyze the reasons of it and give corresponding solutions. This paper discusses the above three aspects in order to provide reference for relevant workers.

Keywords- *tourism consumer protection; tourism law*

I. CURRENT SITUATION OF TOURISM CONSUMER PROTECTION

At present, tourism consumer rights and interests have been often infringed. These cases mainly fall into the following three categories.

A. *Infringement of the Right to Freedom of Travel*

Free travel right is the extension of liberty of person, freedom to travel right refers to the tourism consumers can according to their own will, their preferences, as long as the extent permitted by law, which can have the right to choose travel, travel mode, travel time, free tourist destination and so on, not by any person or organization the interference or jamming illegal.

During the trip, the tour guide to change the stroke order without reason to increase or reduce travel at their own expense to the project, forced tourists shopping have occurred from time to time, visitors can only helplessly accept the way in tourism. For example, a tourist guide went Shangri-La, passing by the Tiger Leaping Gorge scenic area in 2013 June. 11 tourists were unwilling to participate in the 230 Yuan of the project at their own expense. They were abandoned in the halfway, a serious violation of the right to independently choose the tourists. At present, zero fare or negative cost phenomenon is still very serious, disrupted the tourism market order.

B. *Infringement of the Right to Learn the Truth*

Tourism consumers enjoy on their purchase, use of tourist commodities or enjoy travel service of the right to know the real situation. Specific means is: tourism consumers based on the tourism operators to provide information and other relevant information get through formal channels, with the content of tourism product or service as the purchase of travel and Tourism: travel time,

price, service standards and grades and so on, the purpose is to avoid the legal rights and interests are violated illegally.

The travel agency to false advertising to deceive consumers and tourism travel contract signed, then disguised charge extra fees, contact the consumer phenomenon obviously, tourism will be violated consumer's right to know. Moreover, the travel agency is often used is the format of the terms of the contract, in the contract the contracting of consumers is passive, some terms are forced to accept, violations of tourism consumer fair concluding a contract right.

C. *Infringement of the Right to Claim*

The right of claim of tourism consumers in the tourist's legitimate rights and interests are violated when, it has the right according to the law or contract agreed to the contract or tort subject (tour operators) or to travel insurance company claim the right to compensation. They should pay attention to the tourism consumption is the spiritual products and services on the consumer, not only in the material consumption. At present our country tourism consumption infringement happens quite often, but our laws for the breach of contract against the appeal not provided spiritual compensation. It led to the spirit of tourism consumer rights have been violated, not to mention the spirit of compensation.

II. REASONS OF THE INFRINGEMENT OF THE RIGHTS OF TOURISM CONSUMERS

A. *Lack of Education, Rights Awareness is not Strong*

Many tourists in the face of the disputes often luck or that the waiver rights is very complicated, which makes the illegal operators available drilling, consciousness of tourism consumer protection weakness damages the rights and interests of tourists use, evade legal responsibility should bear. But from the substantial and long-term perspective, will lead to mass produce serious mistrust and even hostile to the tourism industry to ignore the protection of tourists' rights and interests, the future development of the tourism industry is very bad.

B. *Lack of the Government and Social Supervision*

Supervise the maintenance of the rights and interests of tourism consumers also cannot do without the government and the society. However, at present the majority of local governments in China lack of tourist complaints mechanism. In violation of rights and interests of tourism consumers, demand can't be reached by the government. In addition, although our country has a large number of media, consumer rights organizations, research institutions and so on, but they

were on tourist process against the news reported less. This is also an important reason of tourism consumer rights and interests have been infringed upon.

C. *Lack of the Tourism Consumer Protection Law*

Our country at a very early already started "establishing tourism law", the current law of tourism in our country has formally implemented, which is of epoch-making significance is. But because of China's tourism industry started relatively late, the new tourism law although targeted and representative, but it mainly from the perspective of vertical legal relationship to regulations, provisions for transverse to the legal relationship of the small, unable to effectively protect the interests of tourists, and consumer rights and interests protection law provisions and more general, application of the existence of blank.

At present, the main problems existing in the tourism administrative law enforcement is some law enforcement officer's lack of knowledge is not civilized law enforcement, poor comprehensive quality, law enforcement does not produce valid documents, bad attitude. The two is not serious law enforcement process, which appears the legal basis is not clear, enforcement procedures are not legitimate, the processing result justice issues. The three is to accept the slow, low treatment efficiency.

III. SOLUTIONS OF THE INFRINGEMENT OF THE RIGHTS OF TOURISM CONSUMERS

A. *Enhance the Education of Consumers and Operators*

This kind of education includes two aspects. One aspect is the education of legal knowledge to make the tour operators have a comprehensive understanding of China's basic legal norms existing and travel regulations, so that they understand the law, law-abiding, in accordance with the law. On the other hand, through publicity and education vigorously, to make tourism operators to understand, protect consumers' legitimate equity is not only a legal obligation, but also a means of competition. Only effectively safeguard the legitimate rights and interests of consumers in the tourism, the foundation of enjoy satisfactory travel services, tour operators to obtain more long-term economic benefits. Only when the government fully to increase tourism operators and consumers in these two aspects of education, to enable them to maintain their own and each other's legitimate rights and interests of attention from the thought, so as to maintain the order of the tourism market, to create a good tourism consumption environment.

B. *Strengthen Supervision Mechanism Construction*

The construction of supervision mechanism mainly includes two aspects, one is the construction of the government supervision mechanism is to construct the social supervision mechanism. Administrative supervision is one of the most powerful means to protect the legitimate rights and interests of tourism consumers. Supervision can make the tourism operators should not arbitrarily trampled on the rights and interests of tourism consumers through its. For example, Nanjing City Tourism Bureau of tourism

consumers developed specifically for tourist complaints mechanism. A series of convenient tourist consumers in violation of administrative departments can get help in time. Judicial supervision is mainly refers to the judicial department, related to the violation of laws and administrative regulations in the field of tourism disputes, dispute on both sides of a certain legal sanctions and legal relief, to protect the legitimate rights and interests of both sides, to maintain the normal operation of tourism economy. Coverage of social supervision is very broad, including professional research institutions, consumer protection organizations and public opinion to be maintained on the rights of the tourism consumers. In recent years, Institute of professional institutions, more and more consumer protection organizations through various investigation of tourism market operation supervision, many media have also interviews on the market exists in the unfair competition behavior and tourism disputes to be disclosed and exposure, these behavior are effectively safeguarding the legitimate rights and interests of tourism consumers. Many tourist consumers believe that they suffered in the tort and not in consultation with the operators of the circumstances. The way of solving the first thought is complaints to the Consumer Association, or to reflect the news media. Therefore, in the future for a long time, the social supervision will continue to play its great supervision effectiveness, together with the administrative supervision, maintenance of the tourism market order and stability. Therefore, to strengthen social supervision, is very necessary.

C. *Improve the Tourism Legal System*

Since the reform and opening up, especially in the background of economic globalization, the global economy has brought the close interdependence increasing degree in twentieth Century 90 since the 1990s, China's tourism industry has developed rapidly, the domestic tourism market gradually fusion, the tourist industry of our country and other countries in the world tourism interaction behavior is becoming more and more frequent, and the norms of behavior in tourism industry still stay in the shallow layers, low order, the lack of basic level of unity, to meet the needs, not to regulate the tourism market reality therefore, to the development of China's tourism industry, and promote the rapid development of international tourism in China, the legislation of tourism law, improve the tourism legal system has become a reality demand.

IV. CONCLUSION

The long-term absence of tourism law, caused huge loss has given China's tourism economy. Especially in the current worldwide impact of the financial crisis, the legislation of tourism law already to brook no delay. Thus, in line with the needs of the times and the demand of the social development of the legislation of tourism law, the content should include the tourism industry in all aspects, to certain norms on tourism activities in order to promote the development of the tourism industry sustained, steady and rapid.

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