

THE RIGHTS OF FOREIGN TOURISTS IN IRANIAN LEGAL SYSTEM REGARDING THE PUBLIC ECONOMIC LAW

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The Global Codes of Tourism Ethics were developed by The United Nations with the aim of improving the tourism industry and building international memorandum and also achieving sustainable development and preserving tourism heritage. These codes above all emphasize on tourism rights as a platform for the development of the tourism industry as a basic institution of Economy. Therefore, the comparative survey of these codes with the laws of the country and determination of its legal capacity is necessary to compile such codes. The development of the Iranian Tourism and Tourism Industry Act adopted in October 2008 and its implementing regulations provide some privileges for tourists, including Personal or direct privileges and indirect privileges in order to creating the appropriate tourism platform. In this article, we intend to survey the capacities of the Iranian legal system as a basic institution of Economy in terms of the rights of foreign tourists.

Keywords: *foreign tourists rights, economic public law, Iranian constitutional law.*

Tourism as a significant industry in Iran plays a major role in the promotion and maintenance of peace in the world. It is also considered an important indicator of security in various countries; that is, the higher the level of security in a country, the easier it will be to achieve all-round development in that country. For instance, whenever a country's security is satisfactory and stable, foreign investment will grow at a higher rate and the country's economy will prosper, and consequently, employment will increase and society will be healthier. Thus, it can be claimed that today tourism is the strongest driving engine of human economic, cultural and social growth.

Accordingly, the necessity of the development of new, integrated and comprehensive regulations, especially concerning the increasing development of tourism, high expectations of the tourists, and the necessity of supporting them, becomes more obvious. And what is especially important in this respect and is considered as the basis of all tourism issues is to acknowledge a right called "the right to tourism" for all human beings as well as the rights and freedoms necessitated by human nature and character, because so long as tourism is not recognized as a right, the human nature of the tourist and his necessary rights and freedoms are ignored.

First, the right to tourism and then its principles and justifications must be discussed separately. Tourism economy is a multidimensional phenomenon that is formed systematically by different factors and elements. Therefore, all these factors should be addressed and emphasized as whole to exploit from these existing advantages and potentials in such type of tourism [27].

Defining the concept of the right to tourism depends on the definition of tourism. Different definitions of tourism have been provided, but it seems that the most accurate definition of tourism has been provided by the World Tourism Organization. According to this definition, "A tourist is a person who travels to a city or country other than that of his/her usual environment for a period of not less than 24 hours and not more than one year, and his intention is to travel for leisure, rest, playing sports, visiting relatives and friends, doing business, going on a work mission, participating in seminars or conferences, receiving treatment, studying and doing research, or performing religious activities."

Thus, according to this definition, tourism refers to any travel for a period of not less than 24 hours and not more than one year and it does not matter if the journey is within a country, from a city to another city, or out of a country.

It is noteworthy that the nature of tourism in any society is the result of interdependent and complex economic and political factors, as well as specific geographical features and the types of entertainment that attracts foreigners [10].

Therefore, the right to tourism refers to the ability and competence of a person to leave his usual residence and travel to another city or country for legitimate purposes such as recreation, sports, study, etc. This ability and competence are necessitated by human nature and are considered an integral part of his being. Therefore, in any society, this privilege or right to travel is recognized as one of the fundamental human rights next to other basic rights such as the right to live or the right to freedom.

The right to tourism, like other basic human rights, has solid foundations and the need to recognize it in any society is evident. In what follows some of these principles are briefly mentioned:

B) Proclamations and resolutions of the General Assembly of the World Tourism Organization: The World Tourism Organization has issued numerous proclamations and resolutions on the right to travel. For example, in 1980 in Manila, the capital of the Philippines, a proclamation was issued emphasizing that tourism is one of the basic activities of nations and its development depends on the freedom of travel.

Resolution A/RES/3/7(X) of the World Tourism Organization, adopted in Bali, Indonesia in October 1993, also states: "Experts believe that the right to travel in complete safety for all citizens of the world is one the fundamental human rights. We condemn any attack or threat that harms this fundamental right to travel, and we declare our support for all countries and individuals who have been harmed by the crimes and intimidation against travelers and tourists" [3].

Also, a proclamation issued in Amman, the capital of Jordan, in 2000 entitled "Peace through Tourism" refers to the right to travel and states that the right to travel is a universal right that everyone should have without any unnecessary conditions. This proclamation was approved in Tehran on October 26, 2001 [25].

As it is seen, the right to tourism is recognized as a basic human right by the abovementioned proclamations and resolutions. The Amman proclamation more explicitly recognizes the right to tourism and since it has been approved by the Islamic Republic of Iran government, it can be mentioned as one of the principles of the right to tourism in Iran.

C) The Universal Declaration of Human Rights: It has been approved by almost all the world countries and is considered the most important international basis for the right to tourism because Article 13 of this declaration states that: "1- Everyone has the right to freedom of movement and residence within the borders of each State. 2- Everyone has the right to leave any country, including his own, and to return to his country."

From "the right to freedom of movement and residence within the borders of each State" it can be concluded that anyone -even foreign nationals- has the right to move freely within the borders of Iran, and this right to freedom of movement necessitates that anyone who has this right must also have the right to tourism; otherwise, the right to freedom of movement makes no sense.

Public rights and freedoms are the essential or natural rights of human beings. These rights and freedoms

are inherent in human nature, and man enjoys them because of being human; therefore, there is no difference between a citizen and an alien, and the most important characteristic of such rights and freedoms is that they are non-transferable, include all human beings, and are unchangeable.

Such rights and freedoms had been developed only as religious and moral beliefs until the eighteenth century, but from the eighteenth century onwards, they gradually evolved and expanded through the American Independence Revolution and the French Revolution of 1789, and became popular [5] and subsequently were incorporated into the laws of countries and today the constitutions of most countries include references to these rights and freedoms. These rights and freedoms vary depending on the degree of development of the countries, that is, the developed countries recognize more rights and freedoms. Furthermore, these rights are by no means exclusive and with the improvement of public opinion in the world, their scope is increasing day by day [16].

The importance of human rights and their relationship to international peace and security is the reason the UN Charter refers to human rights in more than six articles, including Article 55, Paragraph C and urges governments to be committed to working with the United Nations to protect them.

However, there is no consensus among lawyers on the binding nature of this commitment; some consider the cooperation of countries with the United Nations in achieving this goal, that is, to ensure fundamental human freedoms, to be an obligation [15] and some consider the purpose of the drafters of the Charter as merely calling on governments to ensure human rights and do not believe in imposing legal obligations on them [23]. However, what is important today is that human rights have become customary, regardless of international documents and treaties that provide for them [18] and countries recognize the fundamental human rights and freedoms based on the international conventions that bound them and try to dedicate a chapter of their constitution to these rights.

As mentioned, public rights, which due to their innate basis are considered essential to human nature, cannot be specific to certain individuals or to individuals in a particular land. All human beings are, in essence, created equal and branched out from a single source, and factors such as language, race, tribe, and nationality merely distinguish them from one another and they cannot be discriminated against in the enjoyment of public rights. Therefore, in the constitution of our country, following this sublime idea, public rights and

freedoms are recognized for human beings to the extent that they are essential to human nature, and these rights are also ensured for foreigners due to their human dignity. Below, the most important of these rights are discussed:

A) The right to life: The right to life is the most important innate and natural right of men, and this right is the basis of all human rights, because all rights are inherent in human beings, and without them, no right is conceivable. The right to life is acknowledged in all schools of law, and most of them argue that as long as a person does not disturb the social life of others, then they should be protected by law. The right to life is very important in Islam and the protection of this right has been emphasized in the Holy Quran; Surah Al-Maida, verse 32 states: "He who slays a soul unless it be (in punishment) for murder or for spreading mischief on earth shall be as if he had slain all mankind; and he who saves a life shall be as if he had given life to all mankind." And Surah Al-Isra, verse 33 states: "Do not kill the soul whom Allah has forbidden..."

Article 2 of the Islamic Declaration of Human Rights, adopted by the Conference of Islamic States (Cairo), also stipulates:

A) Life is a God-given gift and the right to life is guaranteed to every human being. It is the duty of individuals, societies, and states to safeguard this right against any violation, and it is prohibited to take away life except for a Shari'ah prescribed reason.

B) It is forbidden to resort to any means which could result in the genocidal annihilation of mankind.

C) The preservation of human life throughout the term of time willed by Allah is a duty prescribed by Shari'ah.

In addition, Articles 3, 4, and 5 of the Universal Declaration of Human Rights emphasize the right to life and its importance.

It is important to note that regarding the right to life, all cultures, despite their differences and variations, agree on the importance and greatness of life, which is one of the fundamental principles of all human cultures.

Article 22 of the Constitution of the Islamic Republic of Iran stipulates: "The dignity, life, property, rights, residence, and occupation of the individual are inviolate, except in cases sanctioned by law." Also, in the statute laws, a strong executive guarantee has been considered for violators of the right to life, and in applying these rules, no distinction is made between nationals and foreigners. Accordingly, the Iranian Islamic Penal Code, in its various articles, considers those who protest against human life to be punishable, whether the victim is an Iranian or a foreigner.

B) The principle of security: The principle of personal security is another important principle of public rights and freedoms. This principle was first explicitly stated in the French Declaration of Human Rights and Citizenship in 1789. One of the aims of this principle was to prevent illegal and arbitrary detentions. However, ensuring personal security does not merely include preventing illegal detentions, but rather there are other measures to ensure security, including the non-retroactivity of the law and the principle of legality of crime and punishment [6].

Today, security is one of the fundamental infrastructures of the tourism industry which faces some problems in our country. Although security is higher in Iran compared to most of its neighbors, yet we are faced with factors that are considered as deterrent components at the security level in tourism planning in Iran, such as:

1. The world's general perception of the internal situation in Iran, which is sometimes accompanied by perceptions of widespread and organized violence.

2. Violent treatment of foreign tourists, such as the kidnapping of tourists for political purposes in the recent years.

3. Existence of ideological political factions with extremist agenda and a limited understanding of Islamic rules and regulations.

These and other deterrent factors have led foreign tourists to believe that Iran is unsafe.

Religious and political limitations for tourists is also another important deterrent, and judging based on European standards, tourists interpret them as violence, to such an extent that in a poll in 1999, eight out of ten European citizens stated that the first word that came to their mind after hearing the name of Iran was "terrorism". Yet, a recent poll indicated that 88% of European citizens considered Iran to be "safe" or "relatively safe", 2% believed that Iran is faced with security issues, and 10% considered Iran to be unsafe. Nevertheless, this last group defined lack of security as referring to social limitations.

It should be noted that ensuring the security of tourists by the governments has been emphasized by the proclamation of "Peace through Tourism" in Amman, the capital of Jordan, and it has been determined that governments should provide legal protection to tourists against any threat to their lives and properties and provide the necessary facilities for tourists to travel [7].

Necessary measures have been adopted in the Constitution of the Islamic Republic of Iran to ensure personal security, such as not arresting anyone without a warrant, non-prohibition of living in a place of one's

choosing, the right to a fair trial, the principle of legality of crime and punishment, the non-retroactivity of criminal law, etc. which are stated in the thirty-second, thirty-third, thirty-fourth, thirty-sixth and one hundred and sixty-ninth articles.

C) Freedom of movement: This freedom is also considered one of the most important public rights and freedoms of human beings. According to this principle, everyone has the right to move freely within his own country and even to leave or return to that country. According to this principle, no country can close its borders to its citizens so that people cannot leave the country or return to it.

In the case of foreigners, freedom of movement is also recognized in the laws of the countries in accordance with the principles of the French Revolution. In fact, the French Revolution can be considered as a fundamental factor in recognizing the principle of freedom of entry of foreigners and also the principle of recognizing the minimum rights for foreigners [2], although there is no consensus regarding this principle and some deny this principle and respect governments' freedom of choice. In general, the following three opinions can be expressed about the entry of foreign tourists into the country:

1. The notion of freedom of tourists to enter a country: According to this notion, governments cannot prevent tourists from entering their country or impose any restrictions in this regard [12]. According to this notion, the entry of tourists into a country is one of their fundamental rights which is an international right and its acceptance by the destination country is considered an obligation. This notion is derived from the French Declaration of Human Rights after the French Revolution of 1789. Although this notion primarily provides personal welfare and security and is in line with the goal of the law, yet for reasons such as the security of countries, the respect for the sovereignty of governments, etc., public opinion at the global level still is not ready to accept this notion and countries have not accepted it in their domestic law [11].

2. The notion of restriction of tourists' entry into a country: According to this notion, governments should be given the right to close their borders to foreigners, because these days the issue of entry, transit, residence, and exit in any country is directly related to the security and political system of that country, so tourists should not be permitted to freely enter a country.

3. The notion of freedom of entry of tourists into a country by observing the interests of the country: This notion was put forward by the Institute of International Law, founded in 1928 in Geneva.

According to this notion, although the freedom of entry and residence of foreigners is recognized, this principle cannot be accepted by governments absolutely and unconditionally, because every state must respect international principles to the extent that does not jeopardize the security and public order of its own society. It does not harm itself, and since the public order of each society is different from that of another society, these terms and conditions are not the same in all countries. Nevertheless, jurists at the Institute of International Law added at the same time that morality and justice require that governments not abuse this authority and restrict the freedom of entry and residence of foreigners only in cases that are indeed a foreseeable threat to their country's political life [17].

What is accepted as an international practice in most countries is the latter notion, that is, the entry and residence of foreigners in the country is generally free, but governments always have the right to impose special conditions or restrictions on the entry, passage, and residence of foreigners in order to protect the interests of their citizens and ensure the requirements of their political, economic and social system and maintain their own security [1].

In Iran's legal system, following the principles of the French Revolution and the international practice, the principle of the freedom of entry and residence of tourists has been accepted with certain conditions and in 1931, the legislature, by passing a law called the "Law on the Entry and Residence of Foreigners in Iran", regulated the conditions and limits of the principle of freedom of entry and residence of foreigners, which is now implemented with amendments made in 1957 and extensions made in 1971.

D) The right to housing and respect for the privacy of individuals: According to Articles 22 and 31 of the Constitution of the Islamic Republic of Iran, as well as Article 13 of the Universal Declaration of Human Rights and Article 12 of the International Covenant on Civil and Political Rights, to which Iran is a signatory, individuals are free to choose their place of residence and no one can be forced to live in a certain place. On the other hand, people's homes are inviolable, meaning that no one has the right to enter a house without the owner's permission, and only government officials have the right to enter and inspect a house, provided they have the necessary permission from the judiciary. Therefore, tourists should have the freedom to choose their temporary accommodation. This freedom is the result of the personal security of tourists. Also, no one has the right to interfere in the private life of tourists and they should be protected in terms

of family status and so on. As Article 18 of the Islamic Declaration of Human Rights (Cairo) states in this regard: "(a) Everyone shall have the right to live in security for himself, his religion, his dependents, his honor, and his property. (b) Everyone shall have the right to privacy in the conduct of his private affairs, in his home, among his family, with regard to his property and his relationships... The State shall protect him from arbitrary interference. (c) a private residence is inviolable in all cases. It will not be entered without permission from its inhabitants or in any unlawful manner..."

E) The right to fair trial and freedom of defense:

The right to fair trial and freedom of defense is one of the most important public human rights. The right to a fair trial requires that any person, even if he/she is a foreigner, be able to bring cases to the court of the country where he/she is residing for litigation without facing any discrimination. And the trial should be free and easily accessible. In addition, anyone should be able to freely defend himself against the charges raised against them.

According to Article 34 of the Constitution of the Islamic Republic of Iran, which stipulates: "It is the indisputable right of every citizen to seek justice by recourse to competent courts. All citizens have right of access to such courts..." and also Article 35 of the Constitution, which stipulates: "Both parties to a lawsuit have the right to select an attorney in all courts of law. If they are unable to do so, arrangements must be made to provide them with an attorney", all foreigners who enter the country with a legal permit can refer to the competent courts and tribunals of the country to realize their rights or defend themselves as plaintiffs or defendants, and also choose a lawyer [17].

The right to a fair trial is nowadays accepted by all countries as an international practice because, on the one hand, the sovereignty of countries requires the recognition of such rights, and the result of not recognizing this right is the promotion of revenge and personal trial in society and the disruption of social order, which is contrary to the sovereign duty of states. On the other hand, recognition of the right to a fair trial requires that foreigners enjoy basic human rights such as the right to life, the right to housing and security, etc., and it is the duty of countries to protect those rights [8]. Therefore, today, judicial security is considered a part of national security, forms the basis of human civilization, and is considered one of the main characteristics of advanced societies.

In order to ensure and respect the right to fair trial and freedom of defense, certain principles and rules must be observed, including the principle of innocence,

the openness of the trial, justification of the court's ruling, the right to a lawyer in a civil case, the principle of legality of crime and punishment, the prohibition of torture, the prohibition of the defamation of the accused, and compensation for damages incurred due to the mistakes made by the judge[9]. These rules are explicitly provided in the Constitution of the Islamic Republic of Iran in Articles 37, 165, 166, 35, 36, 38, 39, 171.

In order to prevent the abuse of the right to a fair trial and to compensate the damage caused by the abuse of this right, in Article 144 of the Code of Judicial Procedure of the Public and Revolutionary Courts, the legislator has provided a bail refund procedure and has made the processing of a foreign claim subject to the provision of appropriate security and states: "Citizens of foreign states, whether plaintiffs or third parties, at the request of the litigant, may be ordered to provide adequate collateral for damages incurred by court fees and attorneys' fees. The request for security is accepted only from the defendant who is an Iranian citizen, until the end of the first hearing."

Accordingly, if the plaintiff in a lawsuit is an alien, he will be required to provide security, while if the plaintiff is an Iranian, a foreigner cannot ask him for security. The reason for this is obvious, because a foreign national may file a false and baseless lawsuit against an Iranian citizen, and after being convicted, the Iranian defendant will not be able to compensate for the damages caused to him due to lack of access to the foreign plaintiff or his property [14].

However, the ruling provided for in Article 144 is not absolute and does not include any lawsuits filed by foreigners. In some lawsuits, they are exempted from paying bail and providing security due to reasons such as the condition of reciprocity or maintaining the validity of commercial and official documents. These exemptions are provided in Article 145 of the said law in the following order: "In the following cases, foreign nationals are exempted from providing security as a plaintiff:

1. If in his country, Iranian citizens are exempt from such provision.
2. Claims relating to bills of exchange, promissory notes, and checks.
3. Mutual claims.
4. Claims that are documented in an official document.
5. Lawsuits filed as a result of an official notice, such as objections to registration and lawsuits against termination.
6. Lawsuits against an insolvent."

F) The right to human dignity: In the Holy Qur'an, God Almighty identifies the man as a creature with dignity, and this divine gift is equally pledged to all human beings. It is clear from the Qur'anic verses that God has created men superior to other creatures in the world. Accordingly, all human beings should recognize dignity as a right and be committed to respect that right. According to this notion, i. e. the inherent nature of human dignity, which is due to the presence of the Spirit of God in human beings, all legal and moral systems have recognized the inherent dignity of all human beings and consider it necessary to observe this right [4]. It is believed that a person has this honorable attribute as long as he does not voluntarily commit a crime against himself or others.

To achieve this goal, Article 37 of the Constitution of the Islamic Republic of Iran recognizes the principle of innocence, and Article 39 stipulates that "Affronts, in whatever form, to the dignity and repute of persons arrested, detained, imprisoned, or banished, in accordance with the law, are forbidden and liable to punishment."

As soon as tourists embark on a journey, a series of economic interactions begin. This activity employs various factors of production and is associated with a wide range of other activities. In the tourism industry, tourist attractions, facilities, and welfare services are offered to tourists as goods and their need to visit the region and its attractions is considered as demand [27]. This means that the departure of tourists from a region to visit other regions and countries is considered the demand for goods outside that region and will be followed by the outflow of currency and cash. The arrival of tourists to a region is also an injection of money into the economy of that region. In other words, the departure of tourists from a region to other places is similar to the import of goods, and in the case of countries and regions that are visited, it is similar to the export of goods with the difference that in this industry the consumers of goods (tourists) personally visit the region that provides goods and services; thus, unlike the usual export of goods, payments are always in line with the direction of tourists [22]. In the field of the tourism economy, one can ask why people choose to travel to a particular place instead of another or prefer to stay at home instead of traveling, or why they decide to spend (or invest) their money on travel.

Studies that so far have been conducted on the economic implications of tourism are highly unbalanced; to the extent that most of the studies have focused on topics such as tourism demand, forecasting demand

fluctuations, and the multiplicative effects of tourism on other economic areas, and it can be said that the study of other economic dimensions of tourism has been neglected. The demand for tourism as well as its costs has been studied in many destinations. Despite the relatively rich literature on tourism demand and the various methods of forecasting it, the supply dimension has received less attention in tourism economy studies. Studies conducted on the structure of production and provision of tourism services have somewhat examined the supply of tourism products and services.

- Studying the economics of tourism means studying issues such as demand, firms and markets, their dependencies and international interactions, supply and market structures, pricing and calculating the added value of tourism activities, and in general studying all dimensions, implications, outcomes, and economic factors affecting the tourism industry [19]. To use the available tourism potential, diversify the economy of the industrial region through the development of tourism and related industries are the tasks of the near future for regional policy. For this purpose, it is necessary to systematize the factors of domestic tourism development in the region [26].

According to Landberg, the tourism economy measures the number of travels and their direct, indirect, and induced economic impact [20]. Adrian Bull also believes that economics plays a role in many areas, especially where there is a need to analyze the economic impacts and measures controlling the effects of tourism and market forces that link tourists' demand to tourism supply and goods.

Also, on the one hand, it is important to pay attention to the relationship between economics and law, sociology, psychology, and tourism geography, and on the other hand, economics plays a role in the planning, management, and marketing of organizations and travel and tourism destinations [23]. Microeconomics, which is a branch of economics, studies the method of selecting specific economic units, including hotels, motels, restaurants, airlines, and other tourism sectors, and macroeconomics deals with large-scale social phenomena, especially total tourism expenditures, multiplication factor and other macroeconomic impacts of tourism economy [26].

Economists study tourism in terms of supply and demand, the balance of payments, foreign transactions, employment, national income, economic foresight, and other issues [21], and various factors also affect the impact of tourism on a society's economy. The most important of these factors are:

- Quality of tourist facilities and attractions.
- The rate of employment of foreigners in key jobs in the tourism industry.
- The amount of time per year that tourist attractions are ready to meet the demand for visits (degree of the seasonality of tourism).
- The amount of output from payments and expenses for tourism.
- Percentage of ownership of foreign nationals.
- The size of the national economy of the destination.
- Government participation in providing infrastructure for the tourism industry and creating incentives.
- Level of development of the destination community.
- The amount of foreign tourism expenditure at the destination [3].

On the other hand, government perspectives on economic development and the research methods used to measure the macroeconomic benefits of tourism are somewhat complex.

Since it is extremely difficult to separate tourism expenditures from other national expenditures, many countries are now using Tourism Satellite Accounts (TSAs). Nowadays, TSAs are widely used as a suitable tool to measure the importance and position of tourism in a country's economy. The World Tourism Organization, the United Nations, the OECD, and EUROSTAT have approved the TSA methodology. Visitor expenditure data are collected from surveys, and other tourism industry data from national economic accounts [24]. Tourism satellite accounts collect detailed statistics on the size of different sectors of tourism, the nature of tourism demand, the nature of supply in different sectors of tourism, and the direct impact of tourism on GDP and job creation. A satellite account reorganizes the national economic accounts system to identify the impact of tourism on the national economy.

The advantage of the satellite account approach is its use of available economic data and the inclusion of tourism in an accepted system of accounts. One of the disadvantages of this system is that the information required to extract tourism statistics from national economic accounts is often incomplete and incoherently collected. In addition, the application of satellite methods is much more difficult for the sub-national levels or for tourism sub-sectors.

In its 2008 report, the World Travel and Tourism Council explicitly referred to the most common international method of collecting TSA data. On the demand side, the share of each of the final demand components

in total GDP (derived from travel and tourism expenditures) is collected. On the supply side, tourism GDP is the sum of the components of demand that make up "tourism consumption" minus its imported components. "GDP of tourism economy" is calculated as follows: "Total tourism demand" minus its imported components. The World Travel and Tourism Council (2008) use a data-output approach to determine the added value that increases the share of travel and tourism in GDP. In this approach, the relationship between the output of each industry and the components of tourism demand is examined.

However, there still seem to be gaps in the data. In addition, this approach does not provide a comprehensive data and output model that can compare the travel and tourism industry with other industries. Although the TSA methodology is constantly being improved, these accounts usually measure the direct impacts of tourism and use the multiplicative analysis method to measure indirect and induced impacts. By subtracting the expenses of the citizens of a country in a foreign country from the money received by that country from foreign visitors, the tourism balance is obtained. However, it is difficult to collect and calculate the amounts received accurately. The multiplicative effects of tourism, which can be measured using various methods, are a complex process.

Income, employment, sales, and output are measured. The number of times money is spent and the way money is circulated are also measured. For example, tourists may spend their money directly at a local hotel, shop, or restaurant, then the money may be used to pay overhead costs or workers' wages. Workers also use this money to buy local goods or something else, and so on. Economists refer to these monetary flows as direct, indirect, and induced. These terms are also used for employment; many people work directly in the tourism industry, and others may work in supporting industries (such as construction). The ideal is for money to be in circulation in one country's economy forever, but this is not possible, and money will eventually leak into another country's economy due to the import of goods or labor. Under the best of circumstances, a country develops its tourism industry in a way that does not rely too much on foreign investment, management, and labor, otherwise, the rate of economic leakage will increase and profits will be minimized.

Undoubtedly, tourism as an economic, political, social, and geographical tool is a multidisciplinary science whose evolution and development will not be complete without considering influential factors such as economic security [10]. Economic security as one

of the most important indicators of development is strongly linked to economic public law.

In recent years, economic public law has been a scientific branch and the focus of public law. The reason for its conceptual expansion should be examined in two ways: 1. The sophistication of the concept of government and the demand for its rights (public law and its scientific branches) 2. Attention to legal normative economics¹ and the increase in public interest in the functions of institutional economics² for sustainable economic growth. The main demand of the people from governments in the public sector economy is the expansion of regulatory and legal functions — known as *droit public de regulation* — to increase the infiltration coefficient of access to public rights (individual rights and freedoms) and economic security³. This means that economic public law should seek to increase the right to economic security as one of the most funda-

¹ What economics should be (normative economics) vs. descriptive economics (positive economics), which deals with what exists.

² Institutional economics vs. individualistic economics, which defines a major role for culture, law and history as influential institutions in economics.

³ Douglass Cecil North, *Institutional Change and American Economic Growth*, Cambridge University Press, 1971. P. 167.

mental functions of a state governed by the rule of law — economic security as a matter of sovereignty (not exercising authority).

Economic public law and its branches of economic administrative law ensure the protection of the right to economic security. Due to its economic nature, the right to economic security has several exceptional characteristics: dynamism, diversity, and novelty of these rights require that the nature of these rights often be in need of knowledge analysis of economics.

For two reasons, governments and public law are two major issues in the study of the right to economic security. The first reason is that governments guarantee the right to economic security. The second reason is that the priority will be to limit the right to economic security in its components through governments.

Based on the approach they take to protecting individual and public interests, governments legitimize a degree of interference in the market economy of propriety and competition, and the issues arising from the right to economic security in terms of the application of accepted exceptional legitimacies are based on the above principles. Therefore, the most important factor in ensuring the rights of tourists is to pay attention to the component of the right to economic security as an important pillar of economic public law.

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