

The contribution of Legal framework of tourism activities in development

إسهامات النظام القانوني للنشاطات السياحية في التنمية

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ملخص:

تعد السياحة في العديد من الدول كصناعة قائمة بحد ذاتها تجر أرباحا يحقق من خلالها التنمية الاقتصادية، والذي يؤكد ذلك إحصائيات منظمة السياحة العالمية بخصوص عائدات القطاع السياحي بمختلف مكوناته. وعلى هذا الأساس واكبت الجزائر هذا المنحى باتخاذ عدة إجراءات للنهوض بالقطاع السياحي بتوفير عدة عوامل منها تعديل قانون الاستثمار بمنح عدة امتيازات لبعض من القطاعات التي تعد أواوية في مجال الاستثمار منها السياحة، وفي نفس السياق سعت الدولة لتعزيز وتطوير الترسنة القانونية المتعلقة بقطاع السياحة.

لأجل ذلك تم إصدار نصوص قانونية متعددة لتنظم المجال السياحي والفندقي، كتطوير الأسس التي يقوم عليها العقار الاقتصادي المنشأ للوكالة الوطنية للعقار السياحي، التنمية المستدامة للسياحة، المياه الحموية، التكوين في المجال السياحي، وكذا التشريع المنظم للنشاطات السياحية. ومن بين أهم الأنشطة السياحية التي تعد ركيزة مهمة في إنجاح القطاع السياحي، الفنادق ووكالات السياحة والأسفار. تأتي هذه الورقة البحثية لإبراز الإطار القانوني المنظم لهذه النشاطات السياحية باعتبارها عامل من عوامل إنجاح القطاع السياحي والتنمية الوطنية.

كلمات مفتاحية: المؤسسات الفندقية، وكالات السياحة والأسفار، التنمية، التشريع، الضيافة.

Abstract:

Tourism is considered in several countries as an industry that generates profits through which economic development is achieved, the statistics of the world tourism organization confirms that regarding the revenues of the tourism sector and its various components. In this way Algeria kept up with this strategy by taking several measures for the development of the tourism sector by providing several factors including investment facilities, By granting privileges to some sectors considered as

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potential investment opportunities, such as the tourism sector. In the same context, the state has sought to strengthen and develop the legal framework related to the tourism sector. For this purpose, various legal texts have been issued to regulate the tourism and hospitality industry, such as developing the economic properties by the establishment of the National Agency for Touristic Real Estate, sustainable tourism development, thermalism, education in tourism, and regulating tourism activities. Among the most important tourism activities that constitute a significant pillar in the success of the tourism sector are hospitality industry and travel and tourism agencies. This research paper highlights the legal framework regulating these tourism activities as a factor for the success of the tourism sector and national development.

Keywords: *Hotel establishments, travel and tourism agencies, development, legislation, hospitality.*

Introduction:

The tourism legislation in Algeria has witnessed qualitative progress, the aim of which is to advance and develop the sector in a way that serves the national economy and achieves national development, given that tourism has gone beyond its traditional concept to become an industry based on detailed studies through enabling the achievement of several objectives, including economic, social and cultural ones, at the local and national levels.

The tourism legislation includes several fields such as, sustainable development of tourism, sectoral guideline for tourism development, institutions under guardianship, training institutions, tourism activities, expansion zones and tourist sites, tourism data bank, tourism promotion fund, tourism offices, national federations of tourism offices, consultation and facilitation bodies for tourism activities, festivals and National Tourism Day, legislation and the compensation system for tourism inspectors, the legal framework regulating the ministry of tourism and its external departments.....ect all these legal texts organizing those topics contribute directly and indirectly to achieving local, and national, development.

Therefore the legislation regulating tourism and hospitality activities is important for the development of the tourism sector and the national and local economy, more than that it achieves an important concept which is cultural rapprochement.

This research paper comes to show the importance of the legislation regulating tourism and travel agencies and hospitality industry in promoting and developing the tourism sector, this lead us to the following question : how does the legislation of the travel agencies and hospitality industry contributes for the national development?

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To answer this question, we will adopt a descriptive approach to define the tourism activities, we will also adopt an analytical approach by analyzing legal texts regulating them.

The research will be divided into four main sections, the first one will be about the Legislation regulating the activity of tourism and travel agencies (1), the second about the Legislation regulating the hospitality activity (2) , the third about the role of specialized training in ensuring quality tourism services (3).and the last section will be about the role of the investment law in the development of tourism sector (4).

1.The legislation regulating the activity of tourism and travel agencies

The activity of tourism and travel agencies is regulated by multiple legal texts, the most prominent of which is Law No. 99-06 of April 4, 1999, which specifies the rules governing the activity of the tourism and travel agency, its second article defines the objectives to be achieved by this law, which are :

- organizing and promoting tourism activities and travel;
- establishing professional ethics and Rules for practicing it;
- supporting professionalism;
- improving the quality of services.

1.1 Definition and services of tourism and travel agencies

The third Article of the law 99-06 defines the tourism and travel agency as:

“Every commercial institution, natural or legal person, that permanently carries out a tourism activity consisting in the direct or indirect sale of individual or group trips and stays and all types of services related to them. (Law No. 99/06 of Dhu al-Hijjah 18, 1999).

The content of the services of tourism and travel agency are detailed in Article 4 of the same law, and which mainly revolve around;

- organizing and marketing travel;
- tourist trips, and individual and group stays,
- organizing tours and visits accompanied by guides within cities, sites, and monuments of a touristic, cultural, and historical nature,
- organizing hunting and fishing activities. Artistic, cultural and sports events, conferences and forums that complement the agency’s activities or at the request of its organizers,
- placing the services of translators and tour guides at the disposal of tourists, accommodation or booking rooms in hotel establishments as well as providing related services,
- tourist transportation and selling all types of transportation tickets according to the conditions and regulations applicable to the establishments:
- transportation, selling tickets to entertainment concert venues and events of a cultural, sporting or other type,
- receiving and assisting tourists during their stay,

- carrying out insurance procedures for customers against all risks arising from their tourism activities,
- representing other local or foreign agencies in order to provide various services in their name and position,
- renting. Cars with or without a driver, luggage transportation, rental of mobile homes, and other camping equipment (Law No. 99/06 of Dhu al-Hijjah 18, 1999).

1.2 The rules organizing the activity of tourism and travel agencies:

For the exploitation of a tourism and travel agency a license is required issued by the Minister in charge of tourism after taking the opinion of the National Committee for Accreditation of Tourism and Travel Agencies (Executive Decree 2000-47 of Dhul-Qi'dah 25, JORADP , 2000)

The exploitation license is issued to persons who meet the following conditions specified in Article 7 of Law 99-06:

1-The applicant license must prove professional qualifications related to tourism activity. However, if this condition is not met, the applicant can present another person of his choice who meets this condition to be approved as tourism agent, and the name of this agent must be registered in the exploitation license in addition to the owner name of the agency.

The person charged with managing the tourism and travel agency (the agent) must have in accordance with the third article of the executive decree n° 17- 161 of May 15,2017, specifying the conditions and methods for establishing and exploiting tourism and travel agencies, one of the following professional qualifications:

-Either a bachelor's degree in tourism from a higher education institution.

-Either a bachelor's degree in higher education with one year of experience in the field of tourism.

-Either a high-level technical certificate in tourism or hospitality with one year of experience in the field of tourism.

If the applicant does not meet the qualification conditions stipulated above, he must benefit from the permanent and effective assistance of a natural person who meets these conditions (Executive Decree No. 17-161 of Shaaban 18, 2017).

2-His morals must be good, and good morals are required in the management of legal persons.

3- He must commit to directing his customers to respect public values and morals.

4- To have full legal capacity (the age for practicing this activity is set at least 21 years old –article 3 of the executive decree n°17-161),

5- Must have adequate material installations (The decision dated 14 Muharram 1439 corresponding, 2017)

6- To have a financial guarantee allocated to cover the obligations undertaken by the agency,

7- He must not have another license as a tourism and travel agent.

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The law n° 99-06 includes the agency's duties through Articles 18 to 27, which aims to provide the service within a framework that preserves the customer's security and safety, and also to carry out the activity within the framework of applicable legislation. Among the duties included are:

- the necessity of practicing the activity with the official accreditation of the Ministry in charge of tourism;
- underwriting insurance;
- taking all precautions for the safety of the customer and his luggage;
- complying with the supervision of the agents charged with inspecting violations in this activity;
- submitting periodic statistics to the tourism administration;
- complying with the rules of commercial law;
- and seeking the assistance of certified guides by the Ministry in charge of tourism;

The same provisions applies to branches of tourism and travel agencies regulated by Executive Decree No. 2000-49 specifying the conditions and manner of establishing branches of tourism and travel agencies (Executive Decree No. 2000-49 of Ashura 25, 2000).

It is important to mention that the exercise of the activity of tourist guide is regulated by executive decree n°: 06-224 of 25 jomada el oula 1427 corresponding to June 21, 2006 setting the conditions and modalities for exercising the activity of tourist guide. A "tourist guide" is defined in accordance with the second article of the same decree as any natural person who accompanies tourists, for remuneration, on tourist tours, organized trips, in museums, historical monuments, cultural and natural parks and tourist sites.

The organization of this activity is divided in accordance with the third article of the same decree into two categories:

The national tourist guide: authorized to practice throughout the national territory.

He must hold a higher diploma in one of the following fields: history, art, archaeology, tourism, natural science, architecture, and in addition to national language, must have several level in at least two foreign languages.

The local tourist guide: authorized to practice in the territory of one or two wilayas, he must hold a higher technician diploma in the field, as well as, in addition to the national language, of at least one foreign language.

In addition of the professional qualification related to the activity of a tourist guide mentioned above others conditions are adopted for the two categories which are:

- be at least twenty-one (21) years old;
- be physically fit to perform the activities of a tour guide;
- enjoy full civil and civic rights (Article 6 of the executive decree n°: 06-224).

The request must be submitted to the territorially competent wilaya's tourism and crafts department one month before the date of the meeting of the national

commission for the approval of tourist guides. The competent tourism and craft departments are required to respond to the applicant within three (03) months from the date of receipt of the application for approval. A favorable opinion will be granted only if the required regulatory conditions are met.

Obtaining approval as well as the tourist guide card is subject to positive results of the morality survey. The approved tourist guide will be registered in the register of tourist's guides (Article 7 of the executive decree n°: 06-224).

As part of the exercise of their function, the tourist guide must:

-Fulfill its obligations towards its customers in accordance with the requirements of the aforementioned law;

-provide the best quality of service;

-respect the laws and regulations governing the activity;

-record, in a register numbered and initialed by the competent services of the ministry in charge of tourism, all the operations that it carries out. (Article 25 of the executive decree n°: 06-224).

Other important conditions are mentioned from the article 26 to 34 of the executive decree n°: 06-224, which guarantee that the activity of the tourist guide is carried out in accordance with the regulations in force.

1.3 Administrative and criminal sanctions relating to the violation of regulations of tourism and travel agencies

For the exploitation of the activity of tourism and travel agencies according with the law 99/06, after inspecting the violations by the qualified inspecting agent, will result in a set of penalties that may be administrative or penal, after preparing a report in which the legally qualified inspecting agent accurately lists all the facts he observed, as well as all the statements he received.

The report shall be signed by the inspecting assistant and the perpetrator of the violation. If the violator refuses to sign, this report shall remain authoritative until the contrary is proven, and shall not be subject to confirmation.

The report shall be sent, as the case may be, to the administration in charge of tourism and/or to the competent judicial authority within a period not exceeding one (1) month. And any violation of the provisions of Law 99-06 will result in one of the following administrative sanctions

-warning,

-temporary withdrawal of the license,

-final withdrawal of the license,

Article 31 of Law 99-06 specifies the cases in which a warning is issued are:

-proven failure of the agency to respect the rules of the profession,

-issuance of a judicial ruling due to partial and unjustified non-performance of contractual obligations towards customers or with dealers,

-non-compliance with the provisions of Articles 24, 25, 26 and 27 of the law n°99-06.

In accordance with article 32 the temporary withdrawal of the license will be issued for a period not exceeding six (6) months in the following cases:

- after two warnings,
- the absence of the conditions stipulated in Article 7 for surrendering the license.

The temporary withdrawal decision may be accompanied by conditions that the agent must comply with.

In accordance with article 33 the final withdrawal of the license will be issued in the following cases :

- if the agent does not comply with the conditions specified in the case of temporary withdrawal of the license after notifying him;
- in the event of a return to the violations stipulated in the temporary withdrawal after notifying him;
- in the event of non-compliance with the provisions of Article 9 of law 99-06;
- in the event of a serious professional error or negligence in fulfilling its professional obligations,;
- if the agency is judged bankrupt in accordance with applicable legislation;
- in the case of tax and customs fraud or in the field of violation of the legally proven exchange regulation by the qualified administration;
- in the event of a court ruling due to non-implementation the totality of contractual obligations towards customers or partners;
- If the owner of the agency or the agent is convicted or it is proven that one or both of them colluded with one of the users in distorting, damaging, plundering, stealing or smuggling the national historical heritage and harming natural areas or species, or assisting in doing so;
- sentencing the owner of the agency is subjected to a shameful punishment.

In the same time some of violation of the provisions of Law 99-06 will conduct to criminals sanctions in accordance of the articles 34-45 of the same law.

2. The legislation regulating hospitality activity:

The Law n° 99-01 of January 6, 1999 established general rules related to hotels activity, issued to achieve a set of goals, mentioned in its second article which states those goals as bellow:

- protecting, modernizing, developing and promoting the hotel sector;
- improving the quality of hotel services;
- establishing professional ethics and rules for hotel activity (Law No. 99-01 dated Ramadan 19, 1999).

Several regulations were issued specifying how to implement this law.

2.1 The definition of hotels establishments

A hotel establishment is defined, through Article 4/Paragraph 2 of Law 99/01, which states: “ A hotels establishments is any establishment that receives customers for accommodation, with or without providing additional services”. And through the second article of Executive Decree No. 19/158 of April 30, 2019: “as every commercial establishment that receives passing or resident customers without them making it their residence, and provides them mainly with accommodation services accompanied by related services”.

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The hotel establishment, given its type and location, can be provided with facilities such as, catering, entertainment, hiking, entertainment, treatment, luxury, rest, sports, conferences, the marina complex, the promenade port, and all other tourism-related activities.” (Executive Decree 19/158 of Shaaban 24, 2019).

The infrastructures for accommodation are diverse through multiple categories of hotels institutions regulated by legislation in force, which are :

-Hotels: classified from 1* to 5*, which offers accommodation units for rent, in the form of rooms and possibly suites, located in a building and/or in suburban structures; they can also provide catering and entertainment services. They can also provide catering and entertainment services;

-Touristic complex or holiday villages: classified from 1* to 3*, which offers for rental accommodation units, isolated or grouped, located in one or more hotels and in sets of apartments, chalets or bungalows, and also provide various commercial, catering, relaxation, games, sports and leisure services;

-Hotel apartments or hotel residences: classified from 1* to 3*, which offers rental accommodation units in the form of apartments with a kitchen, isolated or grouped, and can also provide catering and leisure services.

-Motels or roadhouses: classified from 1* to 3*, located near a road, which offers accommodation units for rent to a passing clientele consisting mainly of road users, in the form of rooms located in a building and/or in residential structures, and possibly provides catering and entertainment services;

-Tourist campsites: classified from 1* to 3*, located on a landscaped, fenced and guarded site, which offer for rental chalets or bungalows in light structures or pitches intended to accommodate campers equipped with light equipment, necessary for their stay. They can also offer pitches equipped with accommodation equipment for campers, fixed or mobile. They must include collective sanitary and catering services.

The exploitation of these hotels infrastructures is subject to classification procedures into ranks in accordance with the conditions set by Executive Decree No. 19/158.

Its appendix details the common and specific classification standards for all types of hotels infrastructures. It takes into account several criteria in this classification, including those related to quality and quality of service, cleanliness and safety, environmental protection, exploitation. Energy...etc.

For example:

- the rules for protecting the environment in hotel establishments are: Selective sorting of waste,
- sanitary evacuation of liquid and solid waste,
- maintenance of contaminated materials containers,
- isolation of contaminated materials in appropriate containers,
- maintenance of green spaces, water saving measures,
- energy saving measures and effective use of solar energy, especially in desert zones (Clause 23 of the Common Standards for Classification of Hotel Establishments).

2.2 The homestay accomodation

Algeria witnessed the spread of a new phenomenon represented by the exploitation of homes by their owners to accommodate tourists during the summer season especially for coastal cities, and seasonal holidays for the regions of the south and the high plateaus.

This type of accommodation took an upward trend, therefore the public authorities deemed it necessary to envision. Conditions were established to regulate this type of accommodation to ensure the safety of tourists and the rental residents and their rights.

Thus, a joint ministerial circular was issued in 2012 regulating “homestay accommodation- as a formula for tourist accommodation -” (Joint Ministerial Circular No. 01/2012 between the Ministry of the Interior and Local Communities and the Ministry of Tourism and Handicrafts, June 16, 2012).

This is the method according to which the owner of a residence places it at the disposal of a person. or several people, in exchange for financial compensation and on a temporary basis, all or part of his property, accompanied by the provision of services. The accommodation must be furnished and meet the conditions of security, health and hygiene.

The authorities succeeded in controlling this activity to ensure the safety of tourists as they obligated the owner of the accommodation to declare accommodation to the competent authorities in the municipality where the residence is located, in exchange for a deposit receipt, according to the conditions specified by the circular mentioned above.

To ensure that the residences subject to tourist accommodation comply with these conditions, a cell is established at the level of each department that includes representatives of several directorates, such as the Directorate of Tourism, Health, Civil Protection, and the relevant regional security services, and a representative of the municipality.

The relevant authority is responsible for inspecting the homes whose owners have submitted shelter permits at the municipal level of residence. In the event that the residence conforms to the required conditions, written approval is granted to the permit holder within a period of twenty days from the date of inspection of the residence.

2.3 The conditions for the exploitation of hotel establishments

The legislation regulating hospitality sets rules for building, modifying, preparing, or demolishing any hotel establishment according to specific conditions and procedures, and by obtaining approval of the project plans from the interests of the Ministry in charge of tourism, through the committee responsible for studying plans for hotels projects, which informs the concerned interests of the Ministry in charge of tourism. By ordering either the acceptance of the plans in accordance with the conditions of the Article 47 of Executive Decree No. 06-325 which determines the rules for

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building and equipping hotel establishments,(Executive Decree No. 06-325, 2006), Which indicates the beginning of construction, or the rejection of the plans and the amendments that must be made if necessary, within a period not exceeding two months from the date of receipt of the file.

In the case of no response, the plans are considered approved in accordance with Article 49 of Law 99-01.

It should be noted that the Algerian legislator linked the approval of the plans by the committee to proving the legal relationship between the property and the investor in application of what Article 12 of Executive Decree No. 06-325, which states: “Every project to build or develop a hotel establishment must be proven by a legal contract for ownership or use of the property.” The real estate on which it will be built.

According to Articles 12 and 13 of Executive Decree 19-158, hotel establishments are exploited according to a set of conditions, including:

- obtaining a prior exploitation license issued by the administration in charge of tourism;
- classification of the hotel establishment;
- and approval of a manager of the establishment by the administration in charge of tourism.

They are also subject to strict provisions determined by how the service is provided in the hotel establishment. The license to operate all types of hotel establishments mentioned above is issued by the regional governor based on a proposal from the state director in charge of tourism.

The response can be either affirmative or negative in two cases:

- Lack of necessary conditions for delivery,
- Or if the results of the security services investigations are negative.

The investigations of the security authorities contribute greatly to ensuring that the task of managing hotel establishments is assigned to people who are trusted in view of the specificity of the hotel activity, by verifying the identity of the owner of the hotel establishment, his good morals, as well as his academic qualifications, which are necessary conditions for carrying out the activity in order to preserve the security and safety of customers.

As for the party legally authorized to issue the decision to classify hotel establishments, is the governor of the wilaya's after consulting the opinion of the wilaya's committee, which studies the files of classification of hotel establishments and the standards corresponding to them every five years, and also expresses its opinion on reclassifying hotels establishments to a higher or lower rank.

The exploitation of hotel establishments is subject to the approval of their managers, which requires professional competence, which varies according to the rank of classification of the hotel institution.

Professional qualification is an important condition for exploiting hotels establishments, given that hospitality is based on providing a service that requires qualifications related to training and experience to be performed professionally.

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The degree of these qualifications varies from a hotel establishment to another depending on the degree of importance of its classification.

For example, in order to run a star hotel, its manager must be Holding at least a bachelor's degree in hospitality or tourism, or a senior hospitality technician certificate with one year of hotel experience, or a hospitality technician with three years of hotel experience. As for the manager of a 5-star hotel, a bachelor's degree in hospitality or tourism with three years of experience is required to manage it, or a senior certificate in hospitality technology with five years of hotel experience, or a hospitality technician with seven years of hotel experience.

The approval of the manager of the hotel establishments is delivered to the regionally competent governor based on a proposal from the state director in charge of tourism, and the governor approves the application for accreditation on the basis of documents proving the identity of the manager of the hotel establishment and his professional competence that conforms to the conditions related to the classification standard of the executive decree 19-158.

Given the importance of the touristic accommodation activity and its relationship with the quality of service provision and for ensuring the safety of customers, the management of the hotel establishment, in accordance with Article 29 of Executive Decree 19-158, bears responsibility for the manager of the hotel establishment, he must obligatorily devote himself entirely to this activity under penalty of punishment, and in the event of resignation or dissolution of employment contract for hotel establishment manager: the owner of the hotel establishment must inform the administration in charge of tourism within a period not exceeding one month, and is committed to appointing, within a period not exceeding two months, a new approved manager under the same procedures stipulated in the same decree, as it is prohibited to continue exploiting a hotel establishment without a manager approved by the relevant administration.

The law n° 99-01 includes other conditions under rules for the operation of the hotel establishments from Articles 52 to Articles 68, such as:

- underwriting insurance;
- displaying prices;
- keeping information cards about customers;
- sending monthly to the administration in charge of tourism a statistical note on the number of customers, their nationality and the duration of their stay.

The same law sets out rules about the rights and duties of the hotelier (Articles 14 to 29), and the rights and duties of the customer (Articles 30 to 40), through the hotel contract that binds the two parties.

2.4 The sanctions of violation of hotels establishments' legislation

In order to ensure respect of the operation hotel establishments rules, law 99-01 included a section on hotel control (Articles 69 to 94), through which it specified the bodies legally authorized to inspect violations in the hotels field, as well as the administrative or penal penalties that must be applied to the owners of hotel establishments upon inspection.

It is clear through the legal texts regulating the hospitality field, that the legislator confirms that the practice of the hotel activity must be under strict procedures, the aim of which is to provide a hotel service that responds to international standards, which plays an important role in advertising Algeria as a distinguished tourist destination, which increases the influx of tourists in a way to develop the national economy.

And to achieve quality service, training in the tourism and hospitality sector plays an important role, and that is what we will address in this third section.

3. The role of specialized schools in ensuring quality tourism service

Training and experience in the tourism field plays a great importance in ensuring the good management of the hospitality and tourism activities. On this basis, the tourism sector has given great importance to training through a strategy that ensures high-level competencies, whether in jobs or professions related to tourism and hospitality.

In this regard, the Ministry in charge of tourism has drawn up a training card for the tourism sector, which includes a set of objectives and a practical plan for their implementation.

This plan included measures related to:

- training institutions under supervision,
- cooperation between sectors,
- training programs in tourism professions,
- pedagogical equipment,
- training of trainers, development.
- The competence of the supervisors,
- the conditions for supporting learners,
- teaching foreign languages,
- encouraging the private sector in training,
- encouraging excellence, continuous training,
- reviewing the regulatory system, as well as international cooperation (www.mta.gov.dz).

Several training institutions in the tourism and hospitality fields fall under the supervision of the Ministry in charge of Tourism. These institutions contribute to the specialized training of the specificity of the services provided in the tourism field, which requires professionalism to reach international level in providing services. Among the most prominent training institutions under the supervision of the Ministry in charge of Tourism, the National Higher School of Tourism, which is the most important public higher institution for specialized training in the tourism and hospitality fields.

The National Higher School of Tourism school was established pursuant to Executive Decree No. 94-255 of August 17, 1994, amended and supplemented by Executive Decree No. 98-104 of March 31, 1998, and Executive Decree No. 13-376 of November 9, 2013.

In accordance with Article 3 of Executive Decree No. 94-255, amended by Article 3 of Executive Decree No. 13-376 of November 9, 2013. The school is supervised by a

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guidance council, managed by a general director, and is equipped with an educational and scientific council. Within the framework of the national policy to develop the fields of tourism, hospitality, and mineral baths, the school is responsible for the following:

- Providing high-level training specialized in training and post-graduation in various subjects of tourism, hotels, and mineral baths,
- Improving the level of technical employees in tourism, hospitality, and spas, and their continuous training and updating of their information,
- Looking studies in its fields of specialization in order to respond to the requests expressed by customers
- Participating in various studies carried out in contact with various national or international institutions related to the development of tourism, hotels, and mineral baths,
- Establishing a documentation related to its field of activity,
- Conceiving programs to disseminate tourism, hotel, and mineral bath technologies by all means and on all appropriate supports.
- Creating a magazine specialized in tourism, hospitality, and mineral baths.
- Participating in the development of scientific and technical research in the fields of its specializations.

The role of the National Higher School of Tourism is evident through its quality teaching programs, as they are not limited to theoretical lectures and tutorials, but also includes practical internships which allow students to acquire high-level skills.

And what confirms the necessity of training when practicing tourism activities with a required qualification, is the relationship of these activities to several topics, including economic, environmental, security and health..... etc

Qualification based on training, is a goal of several countries, as it is one of the reasons for development in various fields. This was clearly stated in Algeria's plans for developing the tourism sector, specifically through the Algeria's Tourism Quality Plan, which is based on a set of goals, including supporting the efficiency of human resources in the development of tourism sector (Algerian Tourism Quality Plan Quality Guide - Quality is a Winning Bet Let's Work Together, 2014).

This was also stated in the reports issued by the World Tourism Organization by investing in human resources and relying on adequate education and training strategies to ensure a skilled workforce, and building a partnership between those dealing with the tourism sector and education and training institutions, it is therefore clear from the above, that achieving development in tourism sector can only be with the availability of qualified human resources, which proves the importance of training in this field for a better quality of services of the tourism activities..

4.The role of the investment laws in the development of tourism sector

The law No. 22-18 of 25 Dhou El Hidja 1443, corresponding to July 24, 2022, relating to investment (JORA No. 50 of July 28, 2022), states in its second article its objectives which are :

- to develop priority sectors of activity with high added value;

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- to ensure sustainable and balanced territorial development;
- to promote natural resources and local raw materials;
- to promote technology transfer and develop innovation and the knowledge economy; to generalize the use of new technologies;
- to boost the creation of sustainable jobs and promote the skills of human resources;
- to strengthen and improve the competitiveness of the national economy and its export capacity.

And one of the priority sectors for development in the law of investment is tourism. The same law has established advantages and obligations to invest in Algeria under its articles 6 to 15.

As advantages:

- Land acquisition; Possibility of granting land belonging to the private domain of the State;
- Transfer guarantee (Decree No. 22-299 of September 8, 2022, establishing the terms and conditions for registering investments and the amount and terms of collection of the fee relating to the processing of investment applications);
- Minimum financing thresholds for the transfer guarantee (Executive Decree No. 22-300 of September 8, 2022, establishing the lists of activities, goods, and services ineligible for benefits, as well as the minimum financing thresholds for benefiting from the transfer guarantee);
- Guarantee of exemption from foreign trade formalities and bank domiciliation;
- Guarantee of the supervision of requisitions;
- Guarantee of the right to appeal;
- Guarantee of the protection of intellectual property.

And as obligations:

- Compliance with current legislation and standards relating to the protection of the environment and public health, competition, labor, and the transparency of accounting, tax, and financial information;
- The obligation to provide all information requested by the administration.

In the same way The n° Law 23-17 of November 15, 2023 (Law No. 23-17 of Aouel Joumada El Oula 1445 corresponding to November 15, 2023, setting the conditions and modalities for granting economic real estate falling within the private domain of the State intended for the realization of investment projects, JORA n°73 of Aouel Joumada El Oula 2, 1445 corresponding to November 15, 2023) is issued.

In accordance with the article seven of the same law a National Agency for Touristic Real Estate is established under the Executif Decree n°. 23-489 of 15 Joumada Ethania 1445 corresponding to December 28, 2023 relating to the creation, organization and operation of the National Agency for Touristic Real Estate (JORA n° 85 of 17 Joumada Ethania 1445 corresponding to December 30, 2023) this Agency replaced the National Agency for Tourism Development and the main missions of this agency are/

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- the development and internal connection to the various roads and networks, on behalf of the State, of the tourist land falling within the private domain of the State located within the expansion zones and tourist sites, intended for the implementation of investment projects
- ensuring the external connection to the various roads and networks of the expansion zones and tourist sites, in coordination with the sectors concerned in accordance with the regulations in force;
- the development of various urban planning instruments related to tourist development;
- to determine and delimit the boundaries of the expansion zones and tourist sites and to rehabilitate them, in consultation with the Algerian Agency for the Promotion of Investment;
- the management, operation, monitoring and maintenance of the common areas of the expansion zones and tourist sites, in accordance with the regulations in force;
- the maintenance and updating of the file relating to the tourist land and economic operators established in the expansion zones and tourist sites;
- the safeguarding and preservation of tourist land of which it ensures the management of common areas.

All these laws contributes to the development of tourism activities to intend national development

Conclusion:

The legislation regulating the tourism sector has witnessed a positive upward diversification, whether in terms of quantity or quality. It remains that their effective embodiment in the field requires the concerted efforts of all, whether from the public or private tourism institutions, or from civil society and even citizens, given that tourism is a culture before it becomes an industry.

What can be concluded is that the legislation regulating the tourism activities especially, travel agencies and hotel industry includes several rules that serve the tourism sector and through which it can contribute to its development.

In this regard, and to realize more the objectives of the sector we note that:

- the success of the tourism sector also depends on intensifying the scope of oversight in the practice of tourism activities to provide quality services that will certainly contribute more to promote our country as quality tourist destination
- the success depends also on the joint efforts of other sectors that have a direct or indirect relationship with tourism, such as the sectors of transportation, environment, healthcare, safety, culture ...etc that also contributes for the development of the tourism sector .

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