

## The importance of tourism Rights in perspective of Islam and Iran

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**Abstract:** Economists are called the tourism industry as productive investment and the entrepreneur and pay particular attention to this industry, therefore believe that the proper development of tourism is economically increasing exchange of technology. Therefore, proper development of tourism that economically increases in foreign currency. Economics experts believe that, if a country can make use of the potential of special tourist destinations in the countries, the tourist industry is moving. Host region refers to the country or region to which people travel; that is, the receiving country or region for incoming tourists. The importance of tourism in economic development has caused this article examines the legal status of tourism from the perspective of Islam and Iran.

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### Introduction

Sustainable economic development is one of the most fundamental issues in today's world, among the nations of the world, in this way, attract tourism is one of the pillars of sustainable development (Wall, G., and C. Badke.1994). Tourism as a new industry in today's world has become one of the main pillars of the World Trade Economics. Today, tourism is referred to as the smokeless industry that the reasons and consequences of the globalization process. Such a way that many planners and policymakers referred to the tourist industry as the linchpin of development.

Many countries lack of adequate domestic resources for investment Attempt to attract foreign investment in the tourism industry. Thus, FDI (foreign investment) has played an important role in the economy. What seems the most important in this regard, The role of governments in economic development in various regimes, creating an appropriate structure of the legal order, According to the organizations and institutions in order to ensure the most favorable conditions to move economic Finally lead to the development of society and This, it was possible to Designing and carrying suitable laws. Attempt developed government of the economy has been in the same direction to overcome the legal and structural obstacles until suitable circumstances to provide legal and juridical facilities (.Saarinen, J. (2006).

### Tourists Rights in Islam

#### Right to security

Right to security, the most important right should be recognized for Tourists. The admission and entry into the country, it is Right to on the charge of government and the Muslim nation. It is worth noting that the geopolitics of Islam in first, All the Muslims

organize under the rule of a government, And despite, Non-Muslims living in Islamic countries could learn from them titled Folks edema, Islamic government to coexist with conventional contemporaries In which, in exchange for the rights that they were Duties, The rights and obligations is similar to rights and obligations of Muslim. Other non-Muslims, some who lived in countries with Islamic countries have a treaty, they are called Friend Infidels with these people was treated according with the Convention and some other live in enemy countries of Islam. They that individually or collectively, if not co-exist with the Muslim thus Hostility and wars was between them and the Muslims And they called warring infidels. All Muslims obey a government, so today was compatriot and don't need allowed to go to the other Muslim areas. on-Muslims were also closed Contract of coexistence But non-Muslims who do not contract with an Islamic government, Islamic countries have to obtain allow to enter from of governors or one of Muslims and Islamic sources have permission to enter the Islamic country were required for non-Muslims, In other words, permit is security paper And the obtaining of any person is immune from invasion. Muslim leaders denied deception or violation of this permit. So we can say that in the past, some non-Muslim tourists according to the Islamic government had the right to enter the country under an agreement with the Islamic government and some, with the permission of one of the Muslims could to enter Safety and security into the Islamic country. But since the seventeenth century with the modern boundaries has changed concept of country And the sovereignty of each country is only responsible for providing security to the people living in that country And any person without permission of the government of the Islamic to cross the nation's borders of country, Security of

person is not the government charge But will treated as an offender of national laws Obviously Aggression against life, property and dignity of individuals is prohibited without legitimate reason or justification in Islam(Pickthall MW. 1976).

#### **Right of entry, residence, transport, departure**

As mentioned in the past, so anyone could into land: According to some contracts, some with permission And Coreligionists without treaty were permitted to enter the country and freely choose their own housing and place of residence. In the following, we will explain these rights.

#### **Right of entry:**

In the past, everyone had Right to cross country or region. And governments or heads of tribes were granted Right to pass on to their monopoly and could prevent the entry into their territories (Ziyaye Bigdeli MR. 2002). In early Islam, if someone tried to enter the country for research on Islam and Muslims, Governor was obliged to permission enter and also provide her safety. The Qur'an states that "And if one of the idolaters seek protection from you, grant him protection till he hears the word of Allah, then make him attain his place of safety; this is because they are a people who do not know." Leaves no escape for denying enter. Today, legally and in accordance with the principles of international law, governments have jurisdiction to qualify for a visa or permit to enter foreign nationals; the governments are authorized to allow or not allow. Therefore, if government detects harmful arrives to of their country thus May refused to the issuance of visas for them. The authority government is eligible duty for issuing passports and exit permit. In addition, each person has the right to enter own country. As in Section 4, Article 12 of the International Covenant on Civil and Political Rights states: "No one can be arbitrary (non-legal) denied the right to enter his own country." Then the citizen has the right to enter his own country. Government can not arbitrarily prevent him from entering. But others have no such right and authority of the Government is also optional. Obviously, the other people have Right to entry by visa.

#### **Right to temporary residence and transport:**

It is obvious that according to a circumstance enter; Person shall be entitled to reside in an Islamic country and freedom to choose his residence. Non-Muslims in Islamic countries were entered and they were free for residence, if the act was committed against your permit, not allowed to stay and must immediately leave the country. It should be noted that non-Muslims were not allowed to enter mosques and the shrine area and currently they do not.

#### **Right of Exit:**

Any strangers who enter the country will have the right at any time he wants to leave the country. This right is also accepted based on the principles of Islam. The explanation of must be said The jurists discuss permit, Believe that such person is returned to their land And as a principle that No Muslim has no right As create security deceive the enemy. However, it must be said the right to permit not only right of all those who have crossed into Islamic countries, people believe they are not allowed to enter Also have the right to leave the country. Tourists who enter to Islamic countries and in all cases given in the text that has been agreed to adhere. When as citizens or guest are living- Businessmen or tourists -in an Islamic country As long as they have not broken their covenant and a contract period of stay is pending have rights in Islamic society , their rights, it is obligatory on governments and citizens.

#### **Overall safety and security of human, financial, and occupational prestige**

Nobody has the right to attack and harassment to them, if it is offensive to them, the Islamic state is obliged to protect their rights and protection. It is forbidden to steal their property which must be returned their property and rights by the legal authorities. Equipment and tools for the research work and the location of economic activities which - by law are allowed to work - should be safe from any offensive

**Freedom, doing on Ordinances and personal acts according to religion;** like drinking wine, eating pork and the like; If it is as secretly and the their special Indoors; But if they do This Anomalous behavior As obvious in the society and Presence of Muslims, They will be dealt with in accordance with the provisions of the Islamic and they Are free on trade with the Muslim and presence of Business and market. Any of their betrayal and the Fainting in the transaction is prohibited and forbidden

#### **To enjoy freedom of religious performs the duties and national and religious celebrations;**

Presence in temples and religious centers - the existence and survival of the Act is in force - such as synagogues and doing religious practices is free; However, compliance with Respect of Islamic Society.

**It is prohibited to insult them and vituperation of the hole:** It is the respect accorded to the suits cause undue harassment and the humiliation of Muslims, of course is not right to respect them so that can cause Muslims upset.

### **In disagreements, quarrels, conflicts and grievances in the Islamic courts, are treated with equal justice**

There is something that is within the Islamic government of the authority Such as the purchase and sale of land, or investment and the establishment of agricultural and industrial enterprises and construction the like of which depends on the discretion of the Islamic government and Ruling principle of all these efforts is to protect the honor of Islam and Muslim interests.

### **Other rights**

The presence of individuals in society, along with the recognition of his rights, without communication with society, is not possible in peace and tranquility. The right to health, marriage, friendly relationship, social justice, fair wages, livelihoods, housing, healthy food, and hundreds of other rights, The rights of individuals in society. The government has recognized for tourists and citizen.

### **Rights of tourism in Iran**

There are two categories of right for tourists: private law and public law. However, the privacy of our laws has been enacted for foreigners. So most important tourists' rights are listed in the following cases:

#### **1 - The right to plead and lawsuit:**

Namely, tourists can take legal action, like all Iranians, for lost rights or to obtain himself legitimate right comfortably on Iranian courts and is not being led alienated to deprivation. If it is more convenient for tourists litigation procedure increases their confidence in our judicial system and will feel safe. Of course there are the rights for foreigners On Civil Procedure Code and Iranian penal code but with special circumstances, In particular, on the interactive behavior of another country.

#### **2 - Prohibition of unreasonable him arrest**

Tourists must feel in a state of peace and security; if the authorities are attempting to arrest an alien without legal reason cause to conceive others.

#### **3 - Right to respect for his personality**

Tourist is this natural right that is about dignity as a human. This natural right should not be molested no way, apart from these; he would have what language, religion, race and nationality, The host country is obliged to consider this issue.

### **4 - Right to know with the laws and customs of the host country**

Each the host country has a duty to provide a preliminary for tourists before entering the country become familiar with the laws and customs as well as important religious or national society; Because it does not create problems for the host country's by their entry; So, to address this problem will publish a comprehensive booklet that it contains most the rules and customs of society and give to tourists When granting visas.

### **5 - The the right to enjoy of Timely and appropriate services**

Again, the host government is duty bound to provide good facilities for this. If tourists are faced with problems as the Force Majeure Event is able to resolve them quickly; if the government performs worthy measures on the field, will be added to the number of guests. Thus, it is intended to protect the natural rights of tourists and helped to Him prompt on the necessary conditions.

### **Results**

Following this issue, a series of clear rules to protect foreign investors are an inalienable requirement consequently, first must recognize the obstacles And then managed to overcome obstacles. The serious and resolute determination of the all society and the whole system is required policymakers although efforts have been made after the revolution Due to the need for programs like twenty years perspective document on economic development and the elimination of export control laws and exchange is admirable, but there are still many obstacles. They should seek to removal and correct the issue, because there was no consistency in the rules and updating them is very great obstacle. We can conclude that, tourists have rights as well as others in Islamic countries and any violation of their rights is prohibited. It is obvious that any law for a national law that recognizes the rights of all for tourists do not recognize; because firstly: Tourists are passers in the country's short-term and do not need to the rights.

Secondly, granting all the rights, duties to them which they do not charge it. Third, granting all the rights for tourists is not wise and perhaps cause to corruption. It must be said that the law required very short stay in the country should be recognized for tourists the most important of them are: The right to safety, right of entry, free residence and exit, the right to respect and described certain other rights.

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