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Integrated or Separated? A Comparative Legal Analysis of Tourism and Hospitality Regulation: The Case of Kosovo

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ABSTRACT

This paper examines the relationship between tourism and hospitality using an analytical framework of sectoral regulation, regulatory governance, and the distinction between public and private legal regimes. It employs doctrinal, normative and comparative legal methods to examine the legislative frameworks of Kosovo, Albania, Croatia and Serbia in order to evaluate alternative models for organising tourism and hospitality regulation. Tourism is analysed as a public–strategic legal regime oriented towards development policy, territorial planning and administrative management, whereas hospitality is conceptualised as a private–contractual legal regime built upon the accommodation contract and consumer protection. Through doctrinal, normative and comparative legal analysis, the paper argues that where tourism and hospitality are regulated within a single legislative instrument without an explicit distinction between their public-strategic and private-contractual dimensions, the applicable legal framework may become more difficult to interpret and coordinate. The analysis therefore focuses on legislative organisation and regulatory coherence rather than on demonstrating differences in judicial outcomes. The argument is developed through an article-by-article analysis of Law No. 08/L-074 on Tourism of the Republic of Kosovo, demonstrating that the statute regulates the travel-package contract in considerable detail while leaving the hotel–guest relationship largely within the sphere of administrative regulation. The comparative analysis contrasts the integrated legislative model adopted by Kosovo and Albania with the separated legislative models adopted in Serbia and Croatia. On this basis, the paper proposes, as its original doctrinal contribution, a dual-coordinated model of regulation that distinguishes tourism and hospitality as autonomous legal fields while coordinating their interaction through defined legislative mechanisms. The paper concludes that improved legislative organisation may contribute to greater regulatory coherence and legal clarity, thereby supporting more predictable and sustainable governance of the tourism and hospitality sector over the longer term.

1. INTRODUCTION

The legal regulation of tourism and hospitality is among the most demanding areas of contemporary services law, not because norms are lacking, but because the activities gathered under the sector are legally heterogeneous. In legislative and institutional practice, tourism and hospitality are frequently treated as a single functional whole, which has produced integrative legal frameworks in which both activities are governed by one normative instrument. Tourism and hospitality research increasingly recognises the significance of public policy and institutional arrangements in shaping sectoral development [1]. Such arrangements have significant implications for the quality of governance and for the long-term sustainability of tourism systems [2]. They also raise a foundational doctrinal question: do tourism and hospitality belong to the same legal regime, or are they distinct fields that, although functionally interconnected, are governed by fundamentally different regulatory logics?

This article draws on the broader literature on sectoral regulation, regulatory governance, and the distinction between public and private legal regimes. The expression "sectoral legal regulation" is used descriptively throughout this paper to refer to the legal organisation of a specific economic sector rather than as the name of an established legal theory. Accordingly, the paper does not seek to develop or apply a formal theory of sectoral regulation. Instead, these concepts provide the analytical framework for examining the legal relationship between tourism and hospitality and for assessing alternative models of legislative organisation.

Against this background, the paper argues that functional interconnection does not necessarily entail legal identity. Rather than claiming that an integrated regulatory model inherently produces legal uncertainty, it suggests that such a

model may create conditions in which legal certainty becomes more difficult to achieve, particularly where contractual hospitality relationships are not expressly regulated within the applicable legal framework. In such circumstances, courts, administrative authorities and market participants may be required to determine the applicable legal framework by combining tourism legislation with general contract law and consumer protection law. The paper therefore examines whether a separate legislative framework for hospitality may contribute to greater regulatory coherence and legal clarity. Hospitality, by contrast, is a service-provision activity built upon a direct legal relationship between the economic operator and the user. The hotel–guest relationship is contractual, and it is marked by a structural asymmetry between the parties that justifies the intervention of mandatory norms on consumer protection, non-discrimination, personal safety and enhanced liability [3, 4]. These features situate hospitality within a distinct regime in which private-law principles are interwoven with strong requirements of public interest.

The legal problem arises at the point where these two logics are merged without conceptual distinction inside one legislative instrument. Such overlap may complicate the identification of the applicable legal framework, particularly where sector-specific hospitality relationships depend upon the combined application of tourism legislation, general contract law and consumer protection law. The analysis developed in this paper suggests that some of the difficulties associated with hospitality regulation may derive not only from the quantity of regulation, but also from the way in which the legislative framework is organised.

This architectural defect is not only a doctrinal concern. Where the regime governing a service is unclear, the predictability that operators and consumers rely upon is reduced, disputes become harder to resolve, and the trust on which destination competitiveness depends is weakened. Coherent legal frameworks are increasingly recognised as a component of the institutional dimension of sustainability, alongside the environmental, economic and social dimensions with which the literature is more familiar [2, 5]. The argument of this paper is accordingly framed within the question of *sustainable governance*: a regime that cannot reliably allocate rights and liabilities in the everyday hotel–guest relationship cannot underpin the resilient, long-term development of the sector it purports to serve.

The case of Kosovo offers a particularly instructive illustration. Law No. 08/L-074 on Tourism [6] incorporates essential elements of hospitality regulation, yet it does not treat hospitality as an autonomous legal regime, producing a condition of normative and functional ambiguity that is analysed in detail below. Drawing on doctrinal, normative and comparative analysis, the paper seeks to show that a clear conceptual separation between tourism and hospitality, combined with deliberate normative coordination, is a prerequisite for regulatory coherence and for the effective protection of rights in the tourism services sector.

2. RESEARCH METHODOLOGY

The paper rests on a doctrinal and normative approach to legal research, which suits the nature of the problem examined. Because the object of the study is not the empirical measurement of tourism policy or the statistical assessment of sectoral performance, but rather the examination of legislative organisation and conceptual coherence, the chosen methodology analyses legal norms as elements of a structured legal system composed of principles, concepts and institutional relationships. This methodological orientation also supports the broader objective of identifying legislative structures capable of ensuring coherent and sustainable governance of the tourism and hospitality sector over time.

The comparative dimension of the study is based on a functional approach to comparative law. Kosovo constitutes the principal case study, while Albania, Croatia and Serbia are examined as reference jurisdictions representing alternative legislative models for organising tourism and hospitality regulation. The comparison is not intended to rank jurisdictions according to regulatory performance but to analyse how different legislative structures allocate regulatory functions and coordinate the relationship between tourism and hospitality within their respective legal systems.

The analysis focuses primarily on legislative architecture rather than judicial outcomes. Accordingly, this paper does not seek to demonstrate that an integrated regulatory model necessarily results in incorrect judicial decisions or weaker consumer protection. Instead, it examines whether different legislative structures influence the coherence, clarity and organisation of the legal framework governing tourism and hospitality. The comparative analysis therefore evaluates legislative design and regulatory organisation rather than the effectiveness of judicial enforcement in individual cases.

At the core lies the normative legal method, through which the formal sources of law are examined—legislation on tourism and hospitality, relevant doctrine, and the general principles of law—not to describe provisions mechanically but to assess their regulatory function and their consistency with the legal nature of the relationships they govern. Second, the paper relies on the analytical–dogmatic method, through which tourism and hospitality are treated as distinct legal regimes and the relationship between public and private law within the sector is unpacked. Dogmatic analysis is used here to expose conceptual inconsistencies that a purely descriptive reading would not reveal.

The comparison does not catalogue national systems; rather, it identifies doctrinal models of regulation and anchors them in concrete legislative practice. Albania, Serbia and Croatia were selected as comparative reference jurisdictions because they belong to the broader South-East European legal tradition while adopting different legislative approaches to the organisation of tourism and hospitality regulation. Kosovo constitutes the principal case study. The selection allows the regional trajectory of legislative reform to be examined rather than merely described. The case of Kosovo is then analysed through the critical method, evaluating whether the legislature's normative choices are coherent with the legal nature of the relationships being regulated. Finally, the synthetic method integrates the normative, dogmatic and comparative findings into a single framework from which the paper's doctrinal contribution—the dual-coordinated model—is articulated.

3. LEGAL ANALYSIS

3.1 Tourism and hospitality as distinct legal regimes

The conceptual foundation of the argument is the distinction between two regulatory logics that the integrative approach

conflates. This section states that distinction once, in full, so that the analysis that follows can apply it rather than repeat it.

Tourism, in its legal sense, is a public–strategic regime. Its characteristic instruments are programmatic and administrative: development strategies, territorial and destination planning, registers and licensing, institutional coordination and supervision. Its addressee is, in the first place, the public administration and the sector as a whole, and its purpose is to establish the framework within which tourism activity develops. The norms typical of this regime are framework norms; they guide policy and administrative action rather than determine the rights and obligations of identified parties in a concrete transaction [7, 8].

Hospitality is a different kind of legal phenomenon. It is realised through the accommodation contract—the agreement under which the operator undertakes to provide lodging and associated services in accordance with agreed terms, professional standards and the legitimate expectations of the guest, and the guest undertakes to observe the conditions of use and to pay the price [9]. The relationship is civil-law in character and grounded in freedom of contract, but that freedom is not, and cannot be, absolute. A defining feature of the relationship is the structural asymmetry between a professional operator and an individual guest, in which the operator enjoys an economic, organisational and informational advantage [10]. It is precisely this asymmetry that justifies the intervention of mandatory norms—on the transparency of terms, the prohibition of unfair clauses, and the right to redress—characteristic of consumer protection [4].

Beyond its contractual dimension, hospitality engages public interests that ordinary contract law does not fully capture: the personal safety of guests, public health, privacy, and the prohibition of discrimination in the provision of services [11, 12]. The refusal of accommodation without lawful cause, the unequal treatment of clients, the failure to ensure minimum safety, or the violation of privacy are infringements that call for specific norms and effective enforcement, not for the general machinery of administrative tourism regulation. A further marker of hospitality's legal autonomy is the operator's enhanced liability for the safety of guests and their property, a responsibility that in many systems exceeds ordinary contractual fault and that flows from the particular trust guests place in the establishment as a controlled environment [3, 13]. Such a liability regime cannot rest on general programmatic provisions; it requires clear and detailed normative regulation.

Although previous studies have examined tourism governance, consumer protection and sustainable tourism regulation, comparatively little attention has been paid to the legal architecture through which tourism and hospitality are organised. Existing scholarship has largely focused on administrative regulation, destination management and sustainability, while the consequences of integrating or separating hospitality regulation have received considerably less doctrinal analysis. This paper addresses that gap by examining legislative organisation as a question of regulatory coherence rather than assuming that one legislative model necessarily produces superior legal outcomes.

From a doctrinal standpoint, these features show that hospitality is not a functional appendage of tourism but an autonomous field of legal regulation—private and contractual at its base, yet bounded by mandatory norms in the service of the public interest and individual rights [14, 15]. Placing hospitality inside tourism legislation, which is predominantly public-administrative and strategic, creates a conceptual dissonance: it attempts to govern a private relationship with instruments designed for a different purpose. The consequences of that dissonance are the subject of the next section.

3.2 The legal consequences of normative overlap

When activities of a different legal nature are governed within a single legislative instrument without a clear distinction between their regulatory logics, interpretative challenges may arise regarding the identification and application of the relevant legal rules. Fragmented or insufficiently coordinated legal frameworks may create interpretative and implementation challenges in tourism regulation [16]. The consequences are not abstract; they can be specified.

The first is normative ambiguity. Tourism statutes, being public–strategic, typically contain framework and programmatic provisions suited to planning, licensing and institutional management, but not to defining the concrete rights and obligations of contracting parties. Applied to the hotel–guest relationship, such provisions may not always provide a sufficiently detailed framework for determining the concrete rights and obligations of contracting parties, leaving greater reliance on general contract and consumer protection law.

The second concerns the potential fragmentation of consumer protection. Where hospitality relationships are not expressly regulated within sector-specific legislation, consumer rights may depend on the combined application of tourism legislation, general consumer protection law and contract law. Although this does not necessarily result in weaker protection, it may increase interpretative complexity and reduce the transparency of the applicable legal framework. Where hospitality is regulated primarily through tourism legislation, consumer protection may become more dependent on the combined application of general consumer protection and contract law. Consequently, sector-specific protection may appear less explicit than in jurisdictions where hospitality relationships are governed through dedicated legislation [9, 11].

The third concerns the allocation of enforcement mechanisms. Integrated regulation may require administrative supervision, civil remedies and consumer protection mechanisms to operate simultaneously. This does not necessarily reduce the effectiveness of enforcement, but it may complicate the identification of the appropriate legal avenue in individual disputes [17]. Hospitality relationships, by contrast, require civil judicial protection and procedures for resolving contractual disputes, including alternative dispute resolution [18, 19]. This may increase uncertainty regarding the appropriate institutional mechanism for resolving particular disputes.

The fourth concerns the organisation of liability rules. Where sector-specific hospitality legislation is absent, questions of contractual liability are generally resolved through ordinary civil law together with applicable consumer protection provisions. The issue therefore lies less in the absence of legal remedies than in the dispersion of the applicable legal framework across multiple legislative instruments. Accordingly, the challenge identified in this paper concerns legislative organisation rather than the absence of legal remedies.

The fifth lies in the field of non-discrimination and human dignity. Hospitality, by virtue of direct contact with clients, is a setting in which discriminatory practices may readily arise; addressing them requires clear, directly applicable norms backed by effective sanctions. Tourism legislation, given its broad and strategic focus, rarely treats this dimension in the necessary detail, leaving gaps in the protection of fundamental rights.

At the systemic level, these issues relate to the principle of legal certainty, which requires legal subjects to be able to identify and foresee the rules applicable to their conduct. Where the relevant legal framework is distributed across legislative instruments reflecting different regulatory logics, identifying the applicable legal basis may become more complex for operators, consumers and decision-makers. From a doctrinal perspective, the issue therefore concerns legislative organisation rather than the existence of legal protection. The conceptual separation of tourism and hospitality is, on this analysis, presented as a means of enhancing regulatory coherence and legal clarity rather than as an end in itself.

3.3 Comparative analysis: Regulatory models and regional practice

The comparison pursued here is doctrinal in purpose, but it is grounded in concrete legislative practice so that the models do not remain purely theoretical. Contemporary doctrine on services law and sectoral regulation suggests three models: the integrative model, in which a single act governs both fields; the dual (separative) model, in which distinct laws govern each; and the dual-coordinated model developed in Section 4.1. The first two can be observed directly in the region surrounding Kosovo.

The integrative model regulates tourism and hospitality through one act, usually of a framework character. It is animated by the idea of the sector's functional unity and offers institutional and administrative simplification and a common terminology. Its doctrinal limitation is that it tends to treat hospitality as an administrative subcategory of tourism, reducing its regulation to licensing, classification and formal standards, so that the contractual relationship and the subjective rights of guests remain under-regulated or scattered across other sources. Albania exemplifies this model. Law No. 93/2015 "On Tourism" [20], as amended by Law No. 30/2024 [21], defines the accommodation structures (hotels, motels, hostels, guesthouses, villas, apartments and others), establishes their categorisation and classification, and sets the obligations of operators within the tourism statute itself; the contractual and consumer dimension is left to the separate Law No. 9902/2008 on Consumer Protection [22], without a sector-specific bridge to the hospitality relationship [20, 23]. The structural similarity to Kosovo is evident, and so is the consequence: classification and fiscal status are regulated in detail, while the hotel–guest contract is not.

The dual (separative) model rests on a full normative separation, with tourism treated as a field of public policy and administrative regulation, and hospitality regulated as an economic service activity centred on contractual relations, civil liability and consumer protection. Its strength is conceptual clarity and normative specialisation; its risk is fragmentation where coordination between the two frameworks is absent. Two jurisdictions in the region have moved in this direction. Serbia abandoned its earlier unified Law on Tourism—which had governed both tourism and the catering/hospitality industry—and, in March 2019, adopted two distinct statutes: a Law on Tourism and a Law on Hospitality [24]. The reform was justified expressly by the need to align with European practice and to address the limitations of the previous combined regime [25]. Croatia, an EU member state, regulates hospitality through a dedicated Hospitality and Catering Industry Act [26, 27], separate from the statutes governing tourist boards and the promotion of tourism; a further reform of the hospitality law was under public consultation in 2024–2026, confirming that the separated model is not static but continues to be refined. Taken together, Serbia and Croatia demonstrate that the separation advocated in this paper is neither hypothetical nor exotic but an established and advancing regional practice.

Above the national level, the European Union framework reinforces the analysis in a specific and often overlooked way. The principal EU instruments that touch the tourism–hospitality interface—the Package Travel Directive (Directive (EU) 2015/2302) [28], the Consumer Rights Directive [29] and the Services Directive [30]—regulate the *contractual* relationship between the trader and the consumer, most fully in the context of travel packages. As the Kosovo analysis below shows, a national statute may transpose this contractual machinery for the package-travel relationship while leaving the equally contractual hotel–guest relationship outside any comparable framework. The EU layer thus does not resolve the domestic architectural problem; it can even sharpen it, by importing detailed contractual protection for one service relationship and not for another.

Placed within this comparative frame, the problems identified in the regulation of hospitality appear not as a deficit of normative development but as the consequence of a model that fails to reflect the doctrinal distinction between tourism and hospitality. The comparison therefore functions not merely as illustration but as the comparative foundation for the doctrinal contribution advanced in Section 4.1.

3.4 The case of Kosovo: An article-by-article reading of Law No. 08/L-074

Kosovo regulates tourism and hospitality through a single instrument, Law No. 08/L-074 on Tourism [6], adopted in 2022 to establish the institutional and normative foundations for tourism as a sector of strategic importance. A close reading of the statute, provision by provision, confirms that—despite its developmental purpose—it incorporates essential elements of hospitality without conceptualising hospitality as an autonomous regime. The point of this section is to move beyond the general claim of "normative mixing" and to show, from the text itself, exactly where and how the two logics are fused, and exactly what is left unregulated.

3.5 The fusion is textual, not merely incidental

The merger of the two fields is written into the statute's foundational provisions. Article 1(1) defines the law's purpose as the development and promotion of *sustainable* tourism—an explicitly developmental and strategic objective. Article 1(2) declares the law's harmonisation with the EU Package Travel Directive [28] and the Consumer Rights Directive [29]. Most tellingly, Article 3(1.3) defines "tourist activity" as *any activity or service offered by entities in the field of tourism and hospitality*, thereby collapsing the two fields into a single statutory category at the level of definitions. Hospitality enters

the law not as a regime but as a set of defined objects: Article 3(1.12)–(1.22) supplies definitions of accommodation structures—hotel, motel, hostel, resort, guesthouse, camping, curative centre, bed-and-breakfast and related types. From the outset, then, hospitality appears in the statute as a category of *facilities* to be administered, not as a *relationship* to be governed.

3.6 Where the law is contractual, it is so only for the travel package

The statute does contain a detailed, rights-based contractual regime—but it is directed at the relationship between the travel agency (organiser) and the traveller, not at the hotel and the guest. Chapters III and IV (Articles 8–27) regulate travel agencies and travel packages with considerable precision: pre-contractual information (Article 15), the content and form of the package contract (Article 16), the transfer of the contract (Article 17), price modification and its limits (Article 18), the traveller's and the organiser's rights of cancellation (Articles 20–21), liability for performance and alternative arrangements (Articles 22–25), price reduction (Article 26), and compensation for damage (Article 27). Article 27(3) expressly refers residual questions to the Law on Obligational Relationships [31]. This is, in substance, a faithful transposition of the EU Package Travel Directive [28], and it demonstrates that the legislature was fully capable of articulating a sophisticated consumer-contractual regime when it chose to.

The significance of this for the paper's thesis is decisive. The very same statute that regulates the package-travel contract in fifteen detailed articles contains *no* equivalent regulation of the accommodation contract. The asymmetry is internal to the law: a rich contractual regime for one service relationship sits beside a near-total contractual silence for the core hospitality relationship. The contrast cannot be explained by legislative incapacity; it can only be explained by the conceptual model the legislature adopted, in which hospitality is treated administratively rather than contractually.

3.7 Where the law addresses hospitality directly, it is purely administrative and fiscal

Outside the package-travel chapters, hospitality is addressed only through administrative and fiscal instruments. Chapter VII (Articles 40–41) governs accommodation structures through categorisation and star-classification and through naming rules; classification is voluntary in part, recorded in the Tourism Register, and otherwise treated as a matter of formal standards. Chapter VIII (Articles 42–43) imposes the accommodation tax, defining the guest as a taxpayer and the operator as a collector, with the proceeds assigned to municipalities for tourism promotion. Chapter X completes the picture with the enforcement apparatus: supervision by market inspectors (Article 48), administrative penalties (Article 49), and a right of appeal that proceeds through administrative procedure and thence to the competent court (Article 50). Within the penalty provisions, Article 49(1.15) sanctions the failure to meet the "minimum criteria for exercising hotel business activities" as defined by sub-legal act, and Article 49(4) adds the protective measure of temporary closure for breach of minimum technical and hygiene-sanitary conditions.

The pattern is unmistakable. Across the entire statute, the hospitality operator is addressed as the holder of a classification, the collector of a tax, and the subject of inspection and fines. At no point is the operator addressed as a party to a contract with the guest, bearing defined obligations of safety, information and non-discrimination, and exposed to defined civil remedies if those obligations are breached. The only guest-facing complaint route mentioned in the statute concerns tour guides, whom Article 28(5) directs to the consumer-protection department—an instructive exception that underscores the absence of any comparable channel for the accommodation relationship itself.

3.8 What the silence leaves to other laws, and why that is fragmentation rather than coordination

Because the statute does not regulate the accommodation contract, the rights and obligations of the hotel and the guest fall back, by default, on instruments external to the sector: the general Law on Obligational Relationships [31] for contractual and non-contractual liability, the general consumer-protection legislation for the consumer dimension, and the general anti-discrimination legislation for equal treatment in the provision of services. None of these is connected to the tourism statute by any explicit referral, hierarchy or coordinating clause—apart from the narrow residual reference in Article 27(3), which is itself confined to the package-travel chapter. The result is not a coordinated division of labour between a public regime and a private regime; it is a dispersal of the hospitality relationship across general laws that were not written with the hotel–guest relationship in mind, with no instrument tying them to the sectoral framework [32]. Hospitality operators are left to identify their applicable standards across several statutes; guests lack a clear and foreseeable protection regime; and disputes drift towards administrative supervision, which is not designed to resolve individual contractual claims.

3.9 The sustainability cost of the Kosovo model

The architectural defect carries a governance and sustainability cost that is directly relevant to the statute's own stated purpose. Article 1(1) commits the law to *sustainable* tourism, yet it invokes sustainability only in the developmental and strategic register—planning, promotion, priority zones—while leaving untouched the institutional foundations on which sustainable governance depends: predictable allocation of liability, effective consumer redress, and equal, safe treatment of guests. A destination whose core service relationship lacks a clear legal regime cannot offer operators the predictability needed for responsible long-term investment, nor offer guests the confidence on which reputation and repeat demand rest. In a small, developing destination such as Kosovo, where tourism is closely linked to socio-economic development and the preservation of cultural heritage [6, 33], the absence of a coherent hospitality regime is not a peripheral technicality but a constraint on the resilient development the statute claims to pursue.

From a doctrinal standpoint, then, the Kosovo case shows that the regulatory difficulty arises not from a lack of legislative will—the statute is detailed and recent—but from the integrative model itself, which fails to respect the conceptual distinction between tourism and hospitality. The absence of a dedicated hospitality law is therefore best understood not as a legislative gap to be filled by adding provisions, but as a problem of normative architecture to be

solved by redesign. Kosovo is not an outlier in this respect; it shares the integrative model with Albania, even as Serbia and Croatia move the other way. This sets up the contribution of the following section.

4. DISCUSSION

4.1 The dual-coordinated model: A doctrinal contribution and a blueprint for Kosovo

The preceding analysis shows that the regulation of hospitality cannot be repaired through partial interventions or by inserting isolated provisions into existing tourism legislation. The problem is doctrinal—an unclear conception of the relationship between public and private law in the sector—and so the solution lies not in the quantitative intensification of regulation but in a qualitative reconceptualisation of its architecture.

The principal contribution of this paper is the construction of a *dual-coordinated model* of regulation. The principal advantage of the proposed model lies not in altering the substantive rules governing contractual liability or consumer protection, but in improving legislative coherence and the accessibility of the applicable legal framework. General contract law and consumer protection legislation would continue to govern contractual relationships between hospitality providers and guests. The proposed model instead seeks to clarify the organisation of sector-specific legislation by distinguishing the respective regulatory functions of tourism and hospitality while ensuring their coordinated interaction within the broader legal system. The dual-coordinated model proposed in this paper constitutes an original doctrinal synthesis developed through the comparative and normative analysis undertaken in this study. It is not derived from a single existing theory, legislative model or prior source, but builds upon the well-established distinction between public and private legal regimes together with principles of sectoral regulation and regulatory governance. Consistent with the regulatory governance literature, the model recognises that the functional interconnection between tourism and hospitality does not require their normative fusion [1, 15]. What this paper adds is a specific operational design for organising the tourism–hospitality interface, together with a concrete proposal for its application in Kosovo. The model rests on the premise that regulatory coherence may be enhanced by distinguishing public-strategic and private-contractual relationships conceptually while coordinating their interaction through explicit legislative mechanisms.

Within the model, tourism is conceptualised as a public–strategic regime, regulated through administrative and programmatic norms that define institutional competences, licensing and registers, planning and the promotion of the public interest. It does not aim to govern individual legal relationships but to establish the institutional framework for the sector. Hospitality is conceptualised as a private–contractual regime with pronounced elements of public interest, regulated through detailed, directly applicable norms governing the accommodation contract, contractual and non-contractual liability, consumer protection, non-discrimination and the safety of guests, and supported by effective judicial and administrative enforcement.

The distinctive element of the model is not the separation as such but the coordination between the two regimes, which is what distinguishes it from a merely separative arrangement and guards against the fragmentation risk identified in Section 3.3. The purpose of the proposed dual-coordinated model is not to suggest that legislative separation, by itself, guarantees stronger consumer protection or different judicial outcomes. General contract law, consumer protection legislation and the ordinary rules governing civil liability continue to apply irrespective of the legislative model adopted. Rather, the model seeks to improve the organisation of sector-specific legislation by clarifying the relationship between tourism regulation and hospitality regulation, thereby enhancing legislative coherence, transparency and the accessibility of the applicable legal framework. The proposed dual-coordinated model is not intended to replace the role of general contract law, consumer protection legislation or ordinary civil remedies. These legal regimes continue to govern contractual rights and obligations irrespective of whether hospitality is regulated within a separate statute or together with tourism. The objective of the model is instead to improve the organisation of sector-specific legislation by clearly allocating regulatory functions between tourism and hospitality while preserving their interaction with the general legal framework. The coordination operates through four defined mechanisms:

1. Terminological harmonisation. The core concepts shared by the two statutes—"accommodation structure", "operator", "guest", "tourist", "service"—are defined once and consistently, so that the hospitality law and the tourism law speak the same language and cross-reference without contradiction.

2. Clear allocation of institutional competence. The model assigns the strategic, planning and promotional functions to the tourism authorities and the protection of the contractual and consumer relationship to the bodies and courts competent in consumer and civil matters, eliminating the overlap between administrative supervision and contractual redress that the Kosovo statute currently produces.

3. Reciprocal normative referral. The tourism law expressly recognises the autonomy of the hospitality regime, while the hospitality law operates within the strategic framework set by tourism policy, each statute pointing to the other through explicit referral clauses rather than leaving the relationship to inference.

4. A defined hierarchy for residual questions. In place of the single, package-confined residual clause now found in Article 27(3) of the Kosovo law, the model establishes a general and transparent ordering between the sectoral hospitality rules, the general Law on Obligational Relationships, and consumer and anti-discrimination legislation, so that the applicable norm is foreseeable in any given dispute.

Applied to Kosovo, the model supports consideration of a dedicated Law on Hospitality coordinated with a refocused Law on Tourism. The proposal should be understood primarily as a reform of legislative organisation rather than of substantive private law. Its principal objective is to enhance regulatory coherence through a clearer allocation of sector-specific rules while leaving the general framework of contract law and consumer protection intact. Such an approach may contribute to greater legal clarity and predictability, although it does not, by itself, guarantee different judicial outcomes or stronger consumer protection. Law No. 08/L-074 on Tourism would be retained and refocused on its proper public–strategic function—strategy, registers, priority zones, promotion and the administration of the tourism market—and amended to

include a referral clause recognising the autonomy of the hospitality law and a coordinating provision defining the relationship between the two. Classification and the accommodation tax, currently in the tourism statute, could remain there as administrative-fiscal matters or be reallocated to the hospitality law, provided the coordinating clauses keep the two regimes aligned. Crucially, this is the path Serbia followed in 2019 and that Croatia has long maintained; the proposal therefore asks Kosovo not to innovate beyond regional practice but to align with it.

From a doctrinal perspective, the proposed model aims to improve legislative coherence by facilitating the identification of the legal rules applicable to different relationships within the sector. Its principal value lies in the clearer organisation and coordination of sector-specific regulation rather than in altering the substantive operation of general contract law or consumer protection legislation. Its value is not confined to Kosovo: articulated as a general principle of sectoral regulation, the dual-coordinated model is applicable wherever public activities and private service relationships intersect within a single field, contributing to the wider discourse on the relationship between public and private law in the regulation of the services economy.

4.2 From regulatory coherence to sustainable governance

Because the target of this analysis is sustainable governance, the connection between the legal argument and the sustainability of the sector should be made explicit rather than assumed. Sustainability in tourism is conventionally analysed in terms of environmental, economic and socio-cultural dimensions; the institutional or governance dimension—the quality, coherence and predictability of the rules through which the sector is steered—is less often examined but no less important [5, 34]. The dual-coordinated model contributes to this institutional dimension in four concrete ways.

First, legal certainty supports responsible long-term investment. Where operators can foresee their obligations and liabilities, they can plan, insure and invest on a stable basis; where the applicable regime is unclear, risk is mispriced and investment horizons shorten, to the detriment of the durable development the tourism statute seeks. Second, effective consumer protection supports destination reputation and resilience. A guest who can rely on clear standards of safety, information and redress is a guest more likely to return and recommend the destination; reputation, in turn, is among the most durable assets of a destination, and it is built on the everyday reliability of the hotel–guest relationship rather than on strategy documents [9, 11]. Third, regulatory coordination improves service quality and reduces dispute costs. When the allocation of competence between administrative supervision and civil redress is clear, breaches are addressed through the appropriate mechanism, disputes are resolved more efficiently, and compliance becomes a matter of known standards rather than of navigating overlapping regimes [34]. Fourth, clear liability advances equity and the rule of law in the sector by ensuring that the protection of guests' safety, dignity and equal treatment does not depend on the chance interaction of general statutes but on a coherent regime d esigned for the relationship.

On this view, the conceptual separation advocated throughout the paper is not in tension with sustainability but a precondition for it. A sector cannot be governed sustainably if its central service relationship lacks a clear legal regime; conversely, a coherent dual-coordinated architecture provides the institutional stability on which the environmental, economic and social objectives of sustainable tourism ultimately depend.

5. CONCLUSIONS

This paper has examined the relationship between tourism and hospitality through an analytical framework informed by sectoral regulation, regulatory governance and the distinction between public and private legal regimes.

The doctrinal analysis establishes that tourism and hospitality do not constitute a single legal regime despite their functional interconnection: tourism is a public–strategic regime, while hospitality is a field of services law built upon private–contractual relationships marked by structural asymmetry. The comparative analysis shows that the integrative model adopted by Albania and Kosovo carries inherent limitations, while Serbia (2019) and Croatia demonstrate a regional movement towards the separated model. The article-by-article reading of Law No. 08/L-074 substantiates the thesis from the text itself: the statute regulates the travel-package contract in detail—because it transposes EU consumer directives—while reducing the hotel–guest relationship to classification, taxation and inspection, and leaving its contractual and consumer dimensions dispersed across general laws with no coordinating bridge.

On this basis, the paper has articulated, as its original doctrinal contribution, a dual-coordinated model that distinguishes tourism and hospitality as autonomous regimes while binding them through terminological harmonisation, a clear allocation of competence, reciprocal referral and a defined hierarchy for residual questions. Applied to Kosovo, the model recommends a dedicated Law on Hospitality, coordinated with a refocused Law on Tourism—a reform that is not a mere technical adjustment but a doctrinal necessity for the coherence of the legal system, and one that would align Kosovo with established regional practice. Framed within sustainable governance, regulatory coherence emerges as a precondition for legal certainty, consumer trust, service quality and destination resilience, and thus for the sustainable development of the sector. The balance between public and private law in the services economy is achieved not through normative mixing but through conceptual separation and functional coordination.

The proposed model is not intended to resolve broader deficiencies arising from the absence of harmonised rules governing accommodation contracts at the European level. Rather, it addresses the organisation of the domestic legislative framework by clarifying the relationship between tourism regulation and hospitality regulation within the national legal system.

Within this framework, sustainable governance is understood not as an independent legal objective, but as a longer-term institutional consequence of coherent legislative organisation and effective regulatory coordination.

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