

Identifying the Jurisprudential and Legal Problems of Non-Muslim Tourists in Iran and Prioritizing them Using Multiple Criteria Decision Making (AHP)

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Abstract

Today, tourism does not belong to a particular group, and everyone can explore places and enjoy leisure, knowledge and experience depending on their financial strength and interests. As a result, tourism has become one of the largest economic sectors in the world. However, the problem most Muslim countries face to the development of the tourism industry is the Islamic law that governs these countries. In this research, four main factors: 1- Trade with Muslims and presence in the business market. 2. Enjoy freedom in holding national and religious ceremonies. 3. Freedom to perform sentences and actions based on religion and religion. 4. Immunity and safety in terms of mortality, financial and occupation. As legal and legal challenges, the presence of non-Muslim tourists in Iran has been identified. After analyzing and prioritizing these factors using the AHP method, we obtained the following results. The most important challenge we face is the freedom to carry out the acts and actions on the basis of religion and religion, and the least important issue is the trade with the Muslims and the presence in the business market. 1- Freedom to perform ordinances and acts on the basis of religion. 2. Freedom to hold national and religious ceremonies. 3. Immunity and security in terms of mortality, financial and occupation. 4. Trade with Muslims and presence in the business market.

Keywords: Multi-criteria Decision Making, Tourism, Legal and Legal Challenges, Non-Muslim Tourists

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Introduction

Tourism is one of the most important economic activities in the world. The international tourism market has seen rapid growth in recent years. The World Council on Travelers and Tourism has raised \$ 8 billion in revenue this year. In addition, the tourism sector, with 112 million jobs, has created one job in all three sectors of the economy and alone has generated more than 11% of GDP globally (Agha Gholami Karzani, Ali, 2004).

In comparing the legal issues and laws of different parts of the world there is always a scientific method, this is the law of comparative law. Lawyers in comparative law reviews, after describing two or more different legal systems, compare and describe their analysis so that they can finally provide a solution to the legal problem or make a suggestion to improve the subject matter. (Badiroish, Fatemeh, 2003). of course, given the importance of this issue for Muslim countries, especially Iran, due to its high tourism potential, we should seek to identify challenging and challenging factors to attract non-Muslim tourists so that we can resolve or prioritize these factors. We can even take effective measures to limit these problems and gain a greater share of the high-tech industry.

Research Background

The most important principle governing non-Muslim relations with Muslims is the secondary jurisprudential rules, which governs the basic principles such as the principle of freedom of international relations and adherence to contracts and invalidates them in the event of conflict. Some jurists have even considered the fear of domination as a rule (Tajzadeh Namin, Abolfazl, 2004).

Non-Muslims are not required to abide by 100% of the laws and practices of the Muslims, so their conduct in Islamic society should not lead to misconduct.

In the case of the hijab of non-Muslim women who have come to the Islamic country for tourism, there is no prohibition as a matter of principle. Women tourists may be allowed to wear the veil.

Political Jurisprudence, Fourth Edition, Tehran, Amir Kabir Publications

According to international treaties and agreements between governments, the majority of non-Muslims outside the Islamic Republic are treated as treaties and rulers and the treaty provisions are safeguarded.

Our domestic laws, including the constitution and international conventions and treaties to which our country has acceded, support this view. Therefore, there is no initial prohibition on their entry into and residence in Islamic countries. Non-Muslims living in the Islamic State are also supported by the Islamic State as Zahim (Amid Zanjani, Abbas Ali, 2002).

Basically, there is no prohibition on non-Muslims entering and staying in Islamic countries except for non-Muslims who engage in a war against the Islamic State and threaten its security under the heading of an infidel. they are banned from entering the Islamic State.

Also, non-Muslims are not prohibited from entering religious sites such as mosques, Imam shrines, Imam shrines, Ulema shrines and martyrs (Motameni Tabatabaei, Manouchehr, 1991).

Theoretical Framework

Discussions on economic growth and development and their relationship to tourism and human societies have been the prelude to the creation of a new development discourse called sustainable development. Sustainable development is a development that helps current needs without diminishing the ability of future generations to meet their consumption needs. Sustainable development is a multidimensional concept with economic, social and environmental dimensions (Khaki, Gholam Reza, 2005).

The concept of the above three issues is as follows:

1.Economical: Every sustainable economic system must maintain and expand employment opportunities and sufficient income locally and meet the challenges of globalization and prevent the imbalance between different economic sectors.(Rezvani, Ali Asghar, 1995)

2.Environment: Any sustainable environmental system must support vital resources and prevent the unnecessary exploitation of renewable resources and the depletion of irreversible resources, as well as functions that lead to the destruction of the environment (Bargahi, Mohammad Reza, 1997).

3.Social: Every sustainable social system must achieve equitable distribution of resources and equality of social facilities and services including health, education, gender equality, political accountability and participation (Rafieian, shali, winter2013).

The planning mechanism and policy making of the tourism industry in each country must have specialized legislative processes. The more comprehensive, smoother, more practical, and development-oriented the rules are, the more the tourism industry will develop. Therefore, the need to properly and comprehensively formulate laws in the field of tourism is absolutely essential as long as these laws and regulations are an operating system for the hardware of the tourism industry. For this reason, a comparative study of the Islamic Republic of Iran's tourism laws and regulations with developed countries identifies the strengths and weaknesses and identifies important areas of tourism that have been the concern of other countries' legislators (Shirov, Abdolhossein 2012).

Non-Muslim groups who enter the Islamic State on the basis of the terms and conditions of the treaty that they have concluded with the Islamic State and adhere to all the provisions of the Agreement that have been agreed, as long as they are citizens or guests, Whether a businessman or a tourist, they live in an Islamic country, and as long as they have not broken their treaty and their contract has not expired, they have rights in the Islamic community that are binding on the government and its citizens (Will Roger, Das, 2000).

Questionnaire Participants and instrument

About 300 people participated in the project, of these, 15 hold bachelor's degrees, 8 hold master's degrees, and 7 hold doctoral degrees.

The present study has a standard questionnaire with validity and reliability. The questionnaire consisted of 100 questions on the subject that was sent to the participants via email and the answer was also received in this way.

The questionnaire of this research has both validity and reliability. The questionnaire of this research has both validity and reliability, so Cronbach's alpha method was used in SPSS to determine the reliability of the questionnaire and concurrent validity method was used for its validity.

Study Area

Iran is a country in southwestern Asia and in the Middle East region with an area of 2.8.1 square kilometers, eighteen degrees, and according to the Census of the Year 8, it has a population of 18.4 degrees. The capital, Iran's largest city and cultural, economic, political and administrative center, is Tehran.

Tourism industry in Iran has great potential for growth and development. According to the World Tourism Organization, Iran ranks 10th in the world of ancient and historical attractions and fifth in the world in natural attractions (Zarei Matin, Hassan; Seyyed Javadin, Sayed Reza; Rahimpour, Ali and Bagheri, Moslem, 2012).

In year 2016, a total of 4, 911, 920 foreign tourists visited Iran. According to experts, the industry has not had the development it deserves.

Its reasons include the lack of suitable economic platforms in Iran to attract investment in hotel construction and other industries. Investors' ignorance of the context in Iran and poor publicity, as well as negative news from Iran, social and religious restrictions on foreign tourists, as well as political tensions with some Western countries, are other obstacles to the growth of the tourism industry in Iran.

Compared to Iran, some countries have achieved a successful record in this regard.

For example, in the year 9, about 5 million foreign tourists visited Dubai in the United Arab Emirates in the south of the Persian Gulf, while Iran accounted for less than one-fifteenth the number of tourists in Dubai in the same year, only less. It accounts for one percent of global revenue from the tourism industry (Afzali, Rasoul, Faraji, Amin and Shabani Fard, Mohammad, 2010).

Method

The purpose of the hierarchical analysis technique is to select the best option based on different criteria by pair wise comparison. This technique is also used to weight criteria. In this method,

questionnaires were first distributed among the surveyed individuals, most of whom are experts in the subject area, in the next step, the paired comparisons were performed, and finally, weighting was performed and the results were verified (Khakpour, Barat Ali; Ghanbari, Mohammad; Arjmand, Ahmad and Ein Salehi, Mohammad Reza, 2013).

Results

With the information we got from 300 experts on the topic we came up with the results that you can see in the table below:

	Trade with Muslims and presence in the business market	Enjoy freedom in holding national and religious ceremonies	Freedom to perform sentences and actions based on religion and religion	Immunity and safety in terms of mortality, financial and occupation
Trade with Muslims and presence in the business market	1	$\frac{90}{210}$	$\frac{130}{170}$	$\frac{150}{150}$
Enjoy freedom in holding national and religious ceremonies	$\frac{210}{90}$	1	$\frac{140}{160}$	$\frac{100}{200}$
Freedom to perform sentences and actions based on religion and religion	$\frac{170}{130}$	$\frac{160}{140}$	1	$\frac{190}{110}$
Immunity and safety in terms of mortality, financial and occupation	$\frac{150}{150}$	$\frac{200}{100}$	$\frac{110}{190}$	1

Geometric mean

$$W_I = \sqrt[n]{\frac{\sum C_i}{\sum C_j}}$$

$$WB = 1.0051681 \quad WC = 1.185683 \quad WD = 1.0373307$$

Normalize :

$$I = \frac{w_i}{\sum w_i}$$

$$B = 0.25225 \quad C = 0.29755 \quad D = 0.260321$$

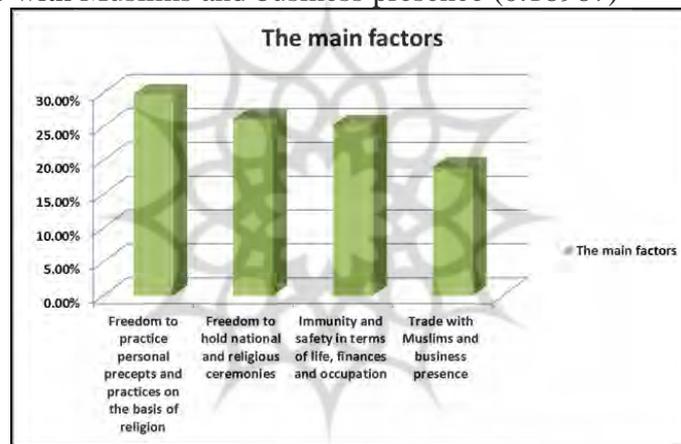
Discussion and conclusion

The positive role of the tourism industry in the economic, social and cultural spheres has led countries that have not paid much attention to this industry to gain less share of tourism markets.

Today, the biggest problem for Islamic countries, and especially Iran, in attracting non-Muslim tourists is the laws and regulations that affect the choice of these countries by tourists.

We attempted to identify the legal and legal challenges of the presence of non-Muslim tourists in Iran and then analyzed and evaluated these factors using the Multiple Criteria Decision Making (AHP) method.

- 1- Freedom to practice personal precepts and practices on the basis of religion (0.29755)
- 2- Freedom to hold national and religious ceremonies (0.260321)
3. Immunity and safety in terms of life, finances and occupation (0.25225)
- 4- Trade with Muslims and business presence (0.18987)



The most important legal and legal challenge facing non-Muslim tourists in Iran (freedom to practice their personal religion and religion) and the least important issue (business with Muslims and presence in the business market) will be was.

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