

Legal supervision of rural homestay based on big data technology—A case study of Tan Zhushi Homestay in Mentougou District

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Abstract: This study takes Tanzhushi Town, Mentougou District, Beijing as a case study to discuss the legal supervision of rural homestays based on customer satisfaction. Through literature study and collection, we can understand the relevant laws, regulations and policies of rural B&B industry, and learn from relevant cases in developed countries and typical cases of litigation disputes in other rural B&B operations in China. The study found that some homestays have problems such as substandard facilities and poor sanitary conditions, which fail to meet customers' expectations. It is suggested that the government should further improve the laws and regulations of rural homestays, strengthen joint supervision, ensure that the operation of homestays meets the standards, improve the overall service quality, so as to improve customer satisfaction and promote the sustainable development of rural homestays industry.

Keywords: Rural homestay, Legal supervision, Homestay development, Mentougou

1. Introduction

Rural homestay plays a key role in the strategy of rural revitalization and attracts much policy attention. The State Council and the central No. 1 document repeatedly stressed its importance, Mentougou District has also introduced policies to promote the development of the home industry. Tan Zhushi Town was awarded the demonstration base, with convenient transportation, stable tourist source and great potential for rural B&B development. Rural homestays have developed rapidly and received strong support from local governments. However, the lack of relevant supporting laws and regulations and the reliance of supervision on red-headed documents have led to many problems, and it is difficult to maintain the rights and interests of business owners and law enforcement, and it is urgent to strengthen legislative supervision.

China's rural residential industry is in the exploratory stage, there are some problems such as difficult license application, fuzzy standards and so on. Tan Zhushi Rural B&B has a certain scale, but its infrastructure and attractiveness need to be improved. Most of the existing researches focus on resource development and so on, and there are few researches on legal supervision and consumer.

Therefore, the research contents and objectives of this paper are as follows

(1) Theoretical research:

1) Define the relevant concepts of rural homestays through literature review and study, master the theoretical basis of consumer perception, sort out the relevant research status, and conduct research design.

2) Plan the development mode and direction of homestay by understanding local laws and regulations and relevant policies, strengthen the supervision of homestay, and promote the development of rural homestay.

3) By understanding local laws and regulations, as well as relevant policies, urge B&B operators to improve business quality and improve customer experience.

(2) Practical research: Tan Zhushi Town B&B development status: Through practical visits to investigate the development status of Tan Zhushi Town B&B and the positive and negative impacts of local policies, laws and regulations on B&B development.

(3) Study on B&B development and promotion strategy: Explore the strategic reference brought by local policies, laws and regulations for the development of Tan Zhushi B&B to enhance customer experience.

2. Theoretical basis and literature review

2.1 Foreign research status

The research on the field of homestay abroad has been based on nearly 40 years, mainly from the basic characteristics of homestay, the perspective of homestay consumers and the perspective of homestay operators. Bed and Breakfast (B&B) originated in the early European and American rich country vacation, common terms include B&B, Home Stay, Family Hotel and so on. In The book *Sharing Economy: Reconstructing a New Business Model for the Future*, Robin Chase defines the function of the government as the defender of individual rights, finds a way to solve the contradiction between the lack of government supervision capacity and the rapid growth of regulatory objectives, and puts forward effective suggestions on the supervision of homesays from the perspective of government supervision. Britain is the birthplace of homestays, and rural tourism was popular in the late Industrial Revolution. In order to improve the management quality of rural homestays and promote the industrialization and standardization of the homestays industry, the British government strengthened the legal supervision of homestays and introduced a series of perfect and rigorous regulatory measures. In order to control the operation scale of homestay, ensure the quality of service, and prevent the overdevelopment of rural areas, it is stipulated that the operation scale of homestay should be proportional to the number of people served, and the health conditions and fire safety facilities should also be strictly required. The legal supervision of homestays in Japan focuses on the establishment of legislation and regulatory institutions. In the early days of homestay development, Japan gradually relaxed the management of rural land through the "Mountain Village Revitalization and Development Plan". In the 1990s, the Japanese government promulgated the "Law on the Lease and Payment of Specific Agricultural Land" and the "Law on the Promotion of Agricultural Garden Affairs for Citizens", which allowed the lease of farm land and solved the problem of land restriction for the development of rural tourism industry. Subsequently, the promulgation of the "Rural mountain fishing Village hostel leisure activities promotion Law", "Food Agriculture Rural Basic Law" and "Rural Mountain Fishing Village leisure Law", these laws promote the standardization of rural hostel leisure activities. The Japanese government has also promoted a home-stay registration and licensing system, in which government-authorized public welfare organizations guide and review the applicants for home-stay operations, and obtain a business license after certification and registration, and prohibit illegal operations.

Foreign hotel industry after a long period of development has been quite mature, the remarkable characteristics are the formation of industry association organization, the operation of high attention to humanization and personalization, the service content is diversified, folklore, localization, family. Matching with its mature development, the study of homestay is relatively systematic. The study subjects include homestay owners, homestay industry management and tourists. The study of the homestay market and the relationship between owners and tourists is the focus. The research involves management, economics, sociology, psychology, consumer behavior and other disciplines.

2.2 Domestic research status

China's homestay originated in Taiwan, China Province, and the rural homestay industry in the mainland developed rapidly from 2008 to 2019, but the novel coronavirus epidemic has carried out a reshuffle of the entire rural homestay industry. As an important part of rural tourism, rural homestays have developed rapidly in China in recent years. However, with the increase of the number of homestays, its development status, regulatory issues and consumer rights and interests protection have also caused widespread concern. The concept of rural homestay was first proposed in Taiwan, China in the 1980s, mainly drawing on the Japanese homestay model. Domestic scholar Lin Liande mentioned the concept of "homestay" for the first time, describing it as a small family inn operated by local residents in Japan, providing meals and accommodation for tourists, charging low fees and serving the people. The Taiwan, China Tourism Administration issued the "Measures for the Management of Civilian dormitories", which defines homestays as the use of spare rooms in self-used residences, combined with local culture, natural scenery and other resources, as a family sideline business. In 2017, the Ministry of Housing and Urban-Rural Development and other departments issued the "Guidelines for Fire Prevention of Nongjiale (Homestay) Buildings (Trial)", which defined the definition of Nongjiale (homestay) and stipulated the

restrictions on the number of operating rooms and the construction area. "Basic Requirements and Evaluation of Tourist Homestays" (LB/T065-2019) further clarifies the definition of homestays, emphasizing the host's participation in the reception and experience of local nature and culture.

The development of rural homestay industry is still in the exploratory stage, and the research focuses on the development status, existing problems and management countermeasures. Pan Yingying (2013) analyzed the difficulties faced by B&B tourism development in Xitang Ancient Town of Jiashan, Zhejiang Province, such as the difficulty for villagers to apply for licenses, vague industry standards, etc., and suggested innovating the management model, defining the legal concept of B&B, and strengthening daily supervision and inspection and administrative punishment [1]. Dai Lixia (2016) pointed out that the development of rural homestays in Hainan was out of order and the regulatory system was incomplete. She suggested improving local legislation, streamlining access procedures, and strengthening the construction of industry associations [2]. Yao Yao (2018) proposed to innovate the B&B access system, give full play to the advantages of the villager autonomy system, and establish access standards reflecting local characteristics [3]. Jiao Hui (2020) proposed to strengthen legal supervision under the concept of green development and supervise the development of rural homestays from the perspective of ecological environmental protection [4].

Qi Yaoqi (2019) found that some short-term rental houses operate without licenses, are expensive, and the rights and interests of customers are damaged [5]. Dou Yibo (2021) proposed that the relevant system of rural tourism market should be improved, the construction of tourism circuit courts should be strengthened, and complaints channels should be created for rural tourism associations to protect the rights and interests of consumers [6].

These studies and suggestions provide valuable reference and guidance for the healthy development of rural homestays. China's experience research on developed countries and regions of rural homestays at home and abroad is very comprehensive, including focusing on homestays service and product innovation, government and association management mechanisms, standardized construction of homestays, and diversified marketing. In terms of development model and industry research, mainly based on case studies, Huang Guanhua systematically summarized the typical development model of rural homestays at home and abroad, and proposed its industrial operation mechanism by taking Beijing as an example.

2.3 Literature review

The domestic rural homestay industry is still in the exploratory stage, and the research focuses on the development status, existing problems and management countermeasures. Scholars have made a variety of suggestions, Such as reflecting local folk characteristics, scientific and reasonable planning, local governments to strengthen policy support, innovative management models, define the legal concept of B&B, strengthen daily supervision and inspection and administrative penalties, improve local legislation, streamline access procedures, strengthen the construction of industry associations, innovate B&B access system, give play to the advantages of the villagers' self-governance system, and establish access standards that reflect local characteristics. The development of foreign hotel industry is mature, and the characteristics include the formation of industry associations, humanized and personalized services, diversified and localized service content. The research covers a wide range of subjects, including homestay owners, industry management and tourists, with a focus on the market and owner-visitor relations, involving multiple disciplines. The research and practice of homestay at home and abroad show the trend of maturity and standardization of the industry, but also face challenges such as regulation, service standardization and consumer protection. Research and practice are constantly explored and improved to promote the healthy development of the homestay industry.

3. Case study of Mentougou District

3.1 Consumer perspective

There are some problems in the experience and protection of rights and interests of consumers in the process of staying in homestays. First of all, the relative lack of legal norms in the B&B industry has led to a wide variety of B&B chaos, and the legitimate rights and interests of consumers are difficult to be effectively protected. For example, consumers may experience problems such as poor hygiene quality, serious discrepancies with pictures displayed on online platforms, and luggage theft. In addition, due to

the lack of unified legal regulations, homestay operators often lack legal business licenses, which increases the safety risks of consumers in the process of staying.

3.2 Civil host perspective

The host also faces many challenges in the course of operation. First of all, due to the lack of unified legal regulations, B&B operators are often unable to obtain legal business licenses, resulting in legal risks in their business activities. Secondly, the regulatory body of the homing industry is unclear, and the multi-department supervision has drawbacks, which leads to the difficulty for the host to obtain effective legal support in the operation process.

4. Problems and relevant countermeasures and suggestions

4.1 The traditional regulatory model is not adapted

Rural Chinatranches are a new business format, usually located on the outskirts of cities, such as Beijing's Tan Zhushi district. They offer not only accommodation and meals, but also diverse services such as life experiences, and are strongly supported by local governments. In contrast, traditional hotels mainly provide accommodation services, the mode of operation is relatively simple, and the government supervision is relatively simple, mainly through administrative orders and regular inspections. However, because of the scattered nature and diversity of rural homestays, the single government order regulation is no longer effective. Especially after the implementation of the rural revitalization strategy in 2017, the number of rural homestay surged, but the operating status did not meet expectations, and the administrative mandatory supervision gradually failed. Countermeasures and Suggestions:

Strengthen the top-level design, and clarify the overall positioning, spatial layout, development path, development focus, brand characteristics and other contents of the development of the residential industry. According to the resources and industrial scale of rural homestay, local standards have been introduced to promote the development of rural homestay standards to be followed and standards to be checked. Give full play to the leading role of the township and street, organize the strength of the functional departments under the jurisdiction, regularly carry out joint inspections, and strengthen the standardization and guidance of rural homestays. The "double random, one open" mechanism is used to carry out cross-departmental double random supervision and implement "enter the door once and do many things".

4.2 Incomplete supporting laws and regulations

At present, China has not formulated specific regulations for rural homestays at the national level, but relies on Article 47 of the Tourism Law of the People's Republic of China, which authorizes provinces, autonomous regions and municipalities to formulate their own management measures. In addition, there are policy documents such as the Guidelines for Fire Prevention of Nongjiale (Homestay) Buildings, which focus on fire safety and hygiene standards. Although there are policies to encourage the development of B&Bs, the lack of systematic legal constraints leads to large differences in regulations between regions and is difficult to be universally applied. The legal supervision of the home-stay industry involves many aspects, such as operator requirements, market access standards and government management mechanism, and so on, currently there is no clear legal basis. Especially with the intervention of network platforms, the operation and supervision of homestays have become more complex, increasing the difficulty of law enforcement. Countermeasures and Suggestions:

(1) Improve laws and regulations and internal approval and circulation mechanism, establish industry standards and evaluation system

(2) Improve the support policy, optimize the license processing process

We will coordinate the distribution of projects such as the rural water supply guarantee project, the digital rural construction project, and the improvement of the rural living environment, and support the construction of public facilities supporting rural homestays.

(3) Carry out special inspections to build a strong security line

Strengthen the publicity and education of the rule of law for rural hostel operators and consumers, improve their legal awareness, and promote compliance with business and consumption. Through the

use of online trading platforms to screen the registration of residential accommodation, organize on-site inspections, and carry out written reviews, we will conduct full coverage inspections on the operation qualification, registration information, and publicity of certificates and licenses of residential accommodation business entities, and guide residential accommodation business entities to consciously show their certificates and bright operations. Rural hostel business entities shall, in accordance with the requirements of laws and regulations, handle the registration of market entities with obvious industry characteristics, obtain relevant administrative licenses, publicize true and accurate identity information, provide true and accurate accommodation, catering and other information, do a good job of clearly marking the price, take the initiative to sign the letter of commitment for good faith management, and shall not make false publicity.

4.3 Poor experience of tourism consumers

With the development of tourism network intermediary platform, whether it is cross-provincial or cross-regional play, online booking housing in advance has become a habit. However, the network to spend a high price to book the homestays, usually the publicity is not in line with the real thing, the actual residence may be the theme of the landlord decoration short-term rental, the network publicity deliberately exaggerates the advantages of the atmosphere of homestays, resulting in poor experience when the guests arrive, but the business is in the scope of laws and regulations to promote, or the local government court is not active intervention, the guests can not maintain their due rights and interests. A court found in hearing cases involving tourism consumers that complaints about rural homestays were basically focused on false publicity, temporary price increases, cheap accommodation and expensive meals, and difficult refunds. Summarizing the cases of judicial rights protection, it is found that the difficulties of tourism consumers' rights protection are mainly reflected in two aspects. First, it is difficult to confirm the subject of responsibility. The process of tourism consumers booking rural homestay involves several subjects, including platform, business owners and consumers, and the pricing of homestay varies greatly in different periods. Compared with traditional hotels, rural Cudrania belongs to a new field, most of which are located far away from the city. For example, Tan Cudrani Cudrania belongs to the suburb of Beijing, where you can enjoy the beautiful scenery and experience the local life. However, rural homestays have the characteristics of dispersed location and diversified operation, so it is obviously insufficient to rely on local government orders to supervise them. Especially after the rural revitalization strategy was put forward in 2017, the number of rural homestay openings in various local areas increased rapidly, and the operating situation did not meet expectations, and the administrative mandatory supervision gradually lost its role. Countermeasures and Suggestions:

(1) Improve infrastructure and improve service quality

Strengthen the infrastructure construction around rural homestays, such as roads, parking lots, etc., to improve the transportation convenience and parking convenience of tourists. Based on the needs of guests, the space is integrated, multi-functional space and flexible functional areas are set up, storage space is increased, and the layout of rooms is optimized to create a comfortable, natural and caring environment for guests. Rural homestay should enhance the professional skills and comprehensive quality of service personnel, provide more humane services, such as providing personalized tourism promotion and information services, solve the actual problems of tourists, and enhance the satisfaction and reputation of tourists.

(2) Standardize operation and management, and strengthen protection of consumer rights and interests

Operation and management need to be standardized, unified planning, unified management, unified charging standards, unified publicity and promotion, the establishment of rural homestay association, by the government or full-time departments unified management of homestay and grant business licenses. We will strengthen the protection of consumers' rights and interests, establish a sound complaint handling mechanism, crack down on false propaganda, price fraud and other bad behaviors, and increase consumers' trust and satisfaction. In the face of the tort of homestays, consumers should actively safeguard their own rights and interests, report to the regulatory authorities, ask for termination of the contract and refund.

(3) Strengthen the supervision of homestays, and actively participate in the network platform

The network platform should strengthen the qualification examination of the B&B business, attach importance to its credit management, incorporate the credit score into the rating system, and use it as a hard indicator of B&B business. Businesses with unqualified credit scores can be vetoed with one vote

at the time of rating, and businesses with credit scores deducted can be taken off the shelves and closed stores for rectification. And the platform should inform consumers not to leave the platform and business transactions, so as to avoid business private change of housing.

5. Conclusion and prospect

By collecting data on the current situation of Tan Zhushi homestay development and researching its legal supervision, this paper aims to understand local regulations and policies, analyze the problems exposed in the current development of Tan Zhushi homestay, draw lessons from advanced governance experience at home and abroad, and base on consumer feelings, strive to promote the strengthening of supervision of rural homestay, plan the development mode and direction of homestay. Furthermore, it urges the homestay operators to improve the management quality, improve the customer experience, protect the rights and interests of tourism consumers, promote the health of Tan Zhushi homestay industry, and promote the development of rural homestay.

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