

Legal regulations agritourism real estate in the context of globalization and practical implementation in Thanh Hoa province, Vietnam

Regulamentação jurídica do sector imobiliário do agroturismo no contexto da globalização e aplicação prática na província de Thanh Hoa, Vietnã

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Abstract

Agritourism real estate development has been bringing many benefits to the national economy and also contributes to increasing the value of real estate and improving the lives of local people. The agritourism real estate is a model that many countries are aiming for in the future in the direction of sustainable agritourism development. The development of this model helps increase the value of regional agricultural products, creating additional sources of income for local people, contributing to making Vietnam one of the new and most attractive tourist destinations in Southeast Asia and the world. However, in the process of implementing activities related to agritourism real estate, there are still certain disadvantages and limitations. In particular, Vietnam's legal system governing tourism real estate planning and management is not complete, and many legal "loopholes" have not been overcome, which leads to the fact that the development of agritourism real estate becomes difficult. Therefore, this article will research the legal regulations related to agritourism real estate in Vietnam from practice in Thanh Hoa province to point out the limitations, shortcomings, and causes of these problems and propose some solutions to perfect the law.

Keywords: Agritourism real estate; agritourism; tourism real estate law; globalization.

Resumo

O desenvolvimento do sector imobiliário do agroturismo tem trazido muitos benefícios para a economia nacional e também contribui para aumentar o valor do património imobiliário e melhorar a vida das populações locais. O imobiliário de agroturismo é um modelo que muitos países estão a apontar para o futuro na direcção do desenvolvimento sustentável do agroturismo. O desenvolvimento deste modelo ajuda a aumentar o valor dos produtos agrícolas regionais, criando fontes de rendimento adicionais para a população local, contribuindo para fazer do Vietname um dos novos e mais atraentes destinos turísticos do Sudeste Asiático e do mundo. No entanto, no processo de implementação de actividades relacionadas com o sector imobiliário do agroturismo, existem ainda algumas desvantagens e limitações. Em particular, o sistema jurídico vietnamita que rege o planeamento e a gestão do imobiliário turístico não está completo, e muitas "lacunas" jurídicas não foram ultrapassadas, o que dificulta o desenvolvimento do imobiliário de agroturismo. Por conseguinte, o presente artigo analisa a regulamentação jurídica relativa aos bens imobiliários do agroturismo no Vietname a partir da prática na província de Thanh Hoa, a fim de identificar as limitações, as lacunas e as causas destes problemas e propor algumas soluções para aperfeiçoar a lei.

Palavras-chave: Imobiliário do agroturismo; agroturismo; direito imobiliário do turismo; globalização.

1 Introduction

“Vietnam has a relatively fast economic development” (Nhung, D. H. et al., 2023, p. 549). In Thanh Hoa province, Viet Nam, the development potential of agritourism real estate is extremely large, but there is no exploitation or orientation to develop agritourism. Furthermore, due to many different subjective and objective reasons, the agritourism real estate segment has not received adequate attention, leading to the fact that in recent times it has not attracted many investment resources. From there, tourists are not really interested in this type of agritourism experience. Not only that, the legal framework for this type of agritourism real estate model has not been completed and is becoming a barrier that makes it difficult for this segment to develop. Therefore, it is necessary to make changes and come up with solutions to improve the legal framework to develop this agritourism real estate model again. Completing the legal framework for agritourism real estate is one of the important tasks set to promote the development of this market. At the same time, it also helps attract financial resources, investment, improve human resources, etc. creating new development for the real estate market in general.

2 Theoretical Framework

2.1 Notions of agritourism real estate in Vietnam

Nowadays, agritourism has become a travel popularity for many people not only in Vietnam but also in the world. This form of tourism is exploited based on agricultural production activities in rural areas, since then, brings significant benefits to both the agricultural industries and tourism.

Because the rapid development of this form leads the types of real estate serving agritourism to be increasingly diversified to suit the actual situation, which makes the legal framework regulating this form unable to adapt, resulting in many legal issues that have not been regulated or adjusted.

According to The National Agricultural Law Center, “*Simply stated, agritourism could be thought of as the crossroads of tourism and agriculture. Stated more technically, agritourism can be defined as a form of commercial enterprise that links agricultural production and/or processing with tourism to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating the visitors while generating income for the farm, ranch, or business owner*” (National Agricultural Law Center, 2023). This form developed rapidly and became popular in many countries around the world in the 80s of the 20th century in many different countries, especially in countries with long-standing agricultural development, large rural areas and suitable climate.

It can be seen that, “*tourism means activities in connection with trips taken by people outside their usual environment for not more than 12 consecutive months for sightseeing, leisure, recreation, study, and exploration and other legal purposes*”¹. Therefore, agritourism can be means activities in connection with trips taken by people outside their usual environment for not more than 12 consecutive months for sightseeing, leisure, recreation, study, and exploration and other legal purposes in areas area where agriculture is mainly concentrated; not urban areas. In Vietnam, due to the impact of the Covid - 19 epidemic, the needs of relaxation and getting back to nature increases, making agritourism more popular and become people’s top choice. The rapid development of the agritourism has led to significant changes in the products of this model; especially agritourism real estate.

Thus, it can be seen that agritourism real estate is a form of real estate that directly serves tourism purposes such as food and accommodation supplies, relaxation and entertainment space, and visitors’ experience in rural areas. Today, the types of agritourism real estate have changed to be more adaptabe to the changes of agritourism such as agritourism, community tourism, ecotourism, etc. Each types offers unique features of agritourism real estate.

2.2 Characteristics of agritourism real estate in Vietnam

Agricultural development in Vietnam is currently becoming an endogenous force to help agritourism grow. Agritourism real estate has been considered as a “skeleton key” to promote the agricultural industry’s transformation into another type of potential business. This is also a type of national strategic business that promotes green growth and sustainable development simultaneously. Although there has been a change to suit the purpose of agritourism, this type of real estate still has basic characteristics that distinguish it from the others, as follows:

Firstly, the purpose of using agritourism real estate: The purpose of using agritourism real estate directly serve agricultural and rural tourism activities. Unlike other types, whose intent is only agricultural exploitation and production, agritourism real estate is also combined with the purposes of sightseeing, experience, and relaxation.

Secondly, agritourism real estate is closely tied to local cultural identity: Unlike other types of real estate that are only for relaxation to give tourists a pleasant feeling, rural tourism real estate is imbued with the cultural identity of that local area but produces activities of eating and working with local people while still bringing in the most comfortable ambiance when visiting here.

Thirdly, diversity is a basic characteristic of agritourism real estate. Accordingly, agritourism real estate has a diversity of many forms such as biodiversity, natural landscape diversity, and cultural diversity which determines the appeal of agritourism

1 National Assembly (2017), Law on Tourism.

real estate to tourists. At the same time, this is also the advantage of both agriculture and tourism in Vietnam which are available without needing to be created, just exploiting, preserving, developing, and turning them into strategic strengths to attract the world to Vietnam.

Thus, it can be seen that Vietnamese agritourism real estate has unique characteristics of a type of real estate. During the globalization process, agricultural real estate has evolved to become more suitable and diverse when combined with tourism. Therefore, it is necessary to take measures to promote the development of tourism and organic agriculture, creating unique agricultural products that are delicious, clean, and meet international standards, thereby creating a foundation for tourism to develop and make breakthroughs to compete with countries around the world.

3 Literature Review

In fact, research on tourism real estate in Vietnam is still quite new. Therefore, the number of studies related to the topic is still quite modest. Within the scope of research, the authors found that the following research projects are quite relevant to the topic: Thu Trang (2022) with “*Real estate market: Current opportunities and challenges*”; An Vu (2022) with “*Multi-use agricultural real estate: Emerging market for investors*”; Electronic information portal of Thanh Hoa Provincial Party Committee (2022) with “*Thanh Hoa aims to develop sustainable agritourism*”; Information page of Thanh Hoa Department of Culture, Sports and Tourism (2023) with “*Balcony to exploit advantages and develop experiential tourism*”; News Electronic Newspaper (2023) with “*Paving the way for agritourism real estate*”.

Basically, the above research projects have briefly presented a number of issues related to agritourism real estate and the context in Thanh Hoa province.

4 Methodology

To research this topic, the authors used qualitative research methods based on secondary data from; analytical methods, synthetic methods; sociological statistical methods; Inductive method to evaluate some legal issues on policies for agritourism real estate.

5 Results and Discussion

5.1 Potential for developing agritourism real estate in Vietnam

Agritourism real estate has been implemented in many different localities and has positive effects on economic efficiency for local people as well as brings new colors to real estate in general.

According to statistics from the Vietnam Economics Institute of Agritourism, there are currently about 500 models of agricultural, rural, garden, or farm tourism spread across many different areas and localities from the Central region, Northern mountains, Central Highlands, Mekong Delta, etc. Especially, localities with attractive tourist attractions or craft villages draw many tourists to participate in the experience, in which the number of tourists choosing agritourism increased significantly by about 20%/year (Newspaper, 2023). Therefore, this is considered a good signal from the agritourism real estate market.

Table 1. Growth rate and scale of tourism and resort real estate compared to tourism industry (%)

Year	Growth rate (%)				Scale compared to the tourism industry (%)		
	Tourism industry	Resort tourism real estate	Amusement and entertainment real estate	Hotel and restaurant real estate	Resort tourism real estate	Amusement and entertainment real estate	Hotel and restaurant real estate
2017	111.2	120.20	116	124.9	127.75	104.8	150.7
2018	110.7	135.05	123	147.6	139.19	108.8	169.4
2019	108.9	117.35	118	116.7	173.10	120.5	225.7
Average 2017-2019	110.26	124.2	119	129.73	146.68	111.36	181.93

Font: DOAN VAN BINH, 2022.

Based on the data in Table 1, it can be seen that the tourism industry has a much lower average growth rate than resort tourism real estate. But by 2019, the value of resort real estate had increased and was around 146.68% compared to the tourism industry. Realizing the potential of tourism real estate, especially agritourism, many investors have strongly developed business strategies in the period after the COVID-19 pandemic.

Agritourism real estate models are often deployed and built based on areas with good natural conditions or regional characteristics. For example, agritourism in mountainous areas often has harsher climates than other locations, but many people still choose famous locations such as Ha Giang, Cao Bang, Lao Cai, etc. Tourists do not only choose these locations because of the special climate but they can also experience and learn about the life, culture and national identity of the local people. Besides, agritourism real estate is also very suitable for educational and experiential activities in children by creating a feeling of closeness to nature, cultivating independence, self-discipline, experiencing the feeling of becoming farmers and enjoying the quiet space. Furthermore, *“through land area statistics in 2020, the agricultural land in Vietnam accounts for more than 27.9 million hectares, equivalent to more than 80% of the total land of the country. The agricultural industry is contributing about 24% of GDP, using more than 47% of the country’s labor force and in fact, 70% of the population living in rural areas are abundant and potential workers”* (An Vu, 2022). Moreover, with the abundant resources, rich terrain and ecosystem stretching from North to South, from East to West, Vietnam is very suitable for experiential and exploratory tourism.

Because of the agritourism real estate’s advantages, the potential for developing it is truly possible. Especially, it will create new economic efficiency for local people where agritourism real estate is developed. Local people can carry out many new activities to help develop agritourism become new and attract more tourists. Many activities are implemented such as agricultural tours combining local cultural experiences; coffee tour; construction and homestay design services; night squid fishing; ... In addition, currently the transportation infrastructure as well as the accommodation infrastructure have also changed significantly to meet the travel and accommodation needs of tourists. Models such as homestays, farmstays, community-based agritourism, tourism combined with resorts and experiences are being built and developed rapidly. Not only that, realizing the potential and advantages that this model brings, the Party and State also have specific policies affecting the operation of agricultural real estate. It can be seen from Resolution 19-NQ/TW dated October 31, 2012, Resolution 18-NQ/TW dated June 16, 2022, Resolution 20-NQ/TW dated June 16, 2022 of the Party and State which have also been significant changes, promoting the most effective use of land resources. At the same time, Resolution 18-NQ/TW dated June 16, 2022 also emphasizes *“Agricultural land must be used for multiple purposes”*².

Thus, based on actual assessments of the development of agricultural real estate as well as the potential of Vietnam’s natural resources, it shows that agritourism real estate development has several abilities to compete. At the same time, the Party and

2 Resolution No. 18-NQ/TW, dated June 16, 2022, Fifth Conference of the XIII Party Central Committee. *“On continuing to innovate, improve institutions and policies, improve the effectiveness and efficiency of land management and use, creating motivation for our country to become a high-income developed country”*.

State also made some positive changes in management and stipulate a number of practical policies to promote the development of this model of real estate.

5.2 The influence of the globalization on agritourism real estate in Vietnam

It can be seen that globalization is one of the steps in the process of international integration taking place in many fields, an objective process that any country must go through and has a significant impact on the state and the socio-economic situation. State innovations in the context of globalization from structure, function to the role of the state to ensure the state's compatibility with the general trend of globalization demonstrated through the increasingly improved legal regulations to protect human rights and civil rights.

Globalization has had a great impact on many fields of social life, especially on the real estate market in general and agritourism real estate in particular. It can be seen that, according to CBRE statistics, *“in the first 6 months of 2022, the real estate market has had a certain recovery after 2 years of slow development due to the Covid-19 epidemic. In particular, the market witnessed the rapid emergence of high-end and mid-end apartments, while affordable apartments almost disappeared. Along with that change, real estate prices continuously set new peaks”* (Thu Trang, 2022). Globalization has a quite positive impact on agritourism real estate and creates strong connections between domestic and foreign relationships. Thus, rapidly increasing the number of tourists participating in ecotourism and cultural tourism in Vietnam. According to the General Statistics Office, in the first 8 months of 2023, the total number of international tourists coming to Vietnam reached 7.83 million, equivalent to 98% of the target set for 2023 (Portal Of The Ministry Of Culture, Sport And Tourism, 2023). Globalization helps the connection between regions and countries become faster without too many obstacles in the process of moving from country to country. In particular, international tourists tend to look for experiential tours to new lands in Vietnam. The trend of experiencing Vietnamese human culture is chosen by many tourists which leads to the fact that tourism real estate is also influenced quite a lot.

Globalization causes agricultural real estate to change to better suit domestic and international situations. Current agricultural real estate not only serves agricultural purposes but also transforms to be more suitable for many other approaches such as tourism, farm stay, eco-tourism, experiential tourism, etc. This not only helps agricultural real estate have a new prosperity, increasing income for local people but also spreads Vietnamese culture and national identity to be popularized in the international market. Not only that, globalization is the very active application of scientific and technological achievements to improve productivity as well as save costs and time in production and business activities, which was applied to agritourism real

estate. Many agritourism real estate can use technology applications to register for tours to experience Vietnamese culture and national identity.

However, globalization also has some negative impacts on the agritourism real estate market, especially in areas with high growth in agritourism real estate. Because of the increase in tourists, plastic waste is also a matter of concern. Many rural areas, due to the impact of tourism and the construction of accommodation, have undergone quite large environmental changes in nature. The natural flora and fauna in these areas and localities experienced quite changes, leading to climate change. In addition, some traditional cultural values are significantly affected by the influence of international integration.

Thus, it can be seen that globalization and international integration are having changes and a profound impact on the agritourism real estate model. This shift has positive changes that make economic life as well as traditional business thinking change significantly. The approach of developing the agricultural real estate model is not only aimed at the traditional goals of farming and animal husbandry but gradually shifting to multi-goals such as tourism and experience. In addition, globalization also poses many challenges, requiring local governments and management agencies to take practical measures, especially regarding environmental issues and preserving cultural identity.

5.3 Thanh Hoa - a province with potential for developing agritourism real estate

Agritourism real estate is a model that has been focused on development in Thanh Hoa province. Because Thanh Hoa is considered a land blessed with many favorable conditions for the development of agritourism. Located in the North Central region, about 150km south of Hanoi, Thanh Hoa is a tourist destination chosen by many people with a lot of famous tourist areas. Not only renowned for sea tourism, Thanh Hoa also develops agritourism, and forest tourism such as Ben En National Park or visiting villages of Muong and Thai people; or other tourist destinations such as the magic fish stream in Cam Thuy district (Ministry Of Culture, Sport And Tourism - Vietnam National Administration Of Tourism, 2015) etc. Nature has truly bestowed many favorable natural conditions for this land of Thanh Hoa to develop tourism, especially agritourism associated with ecological and cultural sightseeing and experiential activities which is focused on development by Thanh Hoa province.

Queen Farm - Quang Xuong is a model of agritourism combined with education, attracting many tourists to participate. Or many new agritourism models such as Pu Luong tourist area; Pha May Cave, Nuoc Cave, and But Cave (Thanh Hoa Department Of Culture, Sport And Tourism, 2023). In general, with many agritourism locations in Thanh Hoa province, this land has quite a lot of potential in developing agritourism real estate. Realizing the great potential for development, many local people have

invested in building a number of accommodation projects with local identities such as homestays and farmstays to attract more tourists. In the period 2018 - 2021, agricultural and rural tourism in the province has attracted nearly 2.7 million visitors (in 2021 alone, due to the impact of the COVID-19 epidemic, the number of tourists to Thanh Hoa is insignificant); Total agricultural and rural tourism revenue is estimated at nearly 3,770 billion VND, the average growth rate over the period is 5.3%/year; Of which total revenue from international tourists is 6.9 million USD (Thanh Hoa Provincial Party Committee Portal, 2022). Many localities in Thanh Hoa province, such as Ba Thuoc district, with a vision to 2030, have increased the implementation of investment and development projects for agritourism real estate and promoted project promotion. Agricultural development associated with new rural construction. Besides, strengthen guidance on compliance with legal regulations in tourism activities; build and develop rural areas and areas associated with typical and traditional local products, creating landscapes to attract many domestic and international tourists.

To fully exploit the potential and advantages of agritourism in Thanh Hoa province, Thanh Hoa Provincial People's Committee issued Plan No. 90/KH-UBND dated April 14, 2023 to implement the Tourism Development Program rural areas in building new rural areas for the period 2023 - 2025, which clearly defines the perspective of developing rural tourism in a sustainable, inclusive and multi-valued manner, following market needs based on effectively using, preserving and promoting local traditional values. Also, Plan No. 90/KH-UBND is implemented based on Decision No. 922/QD-TTg dated August 2, 2022, approving the Agritourism development program in new rural construction in the period 2021-2025. Therefore, Thanh Hoa province issued Decision No. 623-QD/TU dated July 23, 2021, promulgating the policy for Thanh Hoa tourism development in the period 2021-2025. This has facilitated Thanh Hoa province to have a more legal basis and clear direction for promoting rural tourism development associated with promoting regional advantages. Besides, Thanh Hoa province also actively applies technology, promoting digital transformation in developing types of agritourism real estate such as creating electronic maps to introduce rural tourism; building a remotely managed tourism database, and promoting rural tourism. In addition, increasing the use of big data; artificial intelligence (AI), and virtual reality (VR)... thereby, creating conditions for tourists to easily experience local tourism activities.

Thus, based on the available conditions that nature bestows on Thanh Hoa province and the policies, guidelines, and legal corridors for agritourism real estate development, Thanh Hoa province has had certain successes in the construction and development of agritourism. Many agritourism real estate models are strongly developed such as community tourism, agritourism, ecotourism, etc, from there, making Thanh Hoa province one of the chosen locations for agricultural real estate

development activities. Simultaneously, policies also aim to overcome and limit the negative effects of globalization on local agritourism real estate.

5.4 Complete agritourism real estate laws in the context of globalization

Completing agritourism real estate laws in the context of globalization is one of the important tasks to promote this type of development, which requires synchronous and unified changes to increase development efficiency. Today's agriculture not only helps stabilize life but is also one of the important foundations in developing the general economy. However, during a period of operating the agritourism real estate model, many legal "loopholes" have appeared and there is no synchronization between reality and legal regulations. Therefore, it is necessary to have complete solutions to ensure the rights and interests of the subjects in this relationship.

Firstly, the process of completing and amending the Land Law 2013, Law on Real Estate Trading 2014; Law on Housing 2014; and Law on Tourism 2017... needs to add additional regulations on agritourism real estate such as regulations on the definition of agritourism real estate; regulations on the rights and obligations of subjects in investing in agritourism real estate development; issue land use rights certificates for land used for agritourism purposes (An Vu, 2022).

Secondly, it is necessary to regulate the basis for determining whether agritourism real estate belongs to the agricultural land group or non-agricultural land group. As accurately determining whether agritourism land is agricultural or non-agricultural land will make the application of legal regulations to change the land use purpose easier and under regulations. Today, many types of agritourism real estate are used by local people to build accommodation facilities for tourists and models to serve the purpose of sightseeing and relaxation but encountered problems in procedures for converting land use purposes. Therefore, it is necessary to identify which land group agritourism real estate belongs to.

Third, the Law on Tourism 2017 needs to be amended to recognize more types of agritourism real estate. In the Law on Tourism 2017, there are no regulations on overall agritourism development and policies to encourage agritourism development. At the same time, it needs to be more regulations on state management and coordination mechanisms between competent agencies in the management of agritourism for creating a basis for this form to develop with a full legal corridor.

Fourth, it is necessary to quickly improve infrastructure and facilities at tourist destinations to connect rural tourist destinations together in the same tourist area. This will create convenience for tourists as well as improve the efficiency of tourism development throughout the area. At the same time, innovate and develop quality, creative rural tourism products associated with local cultural identity to attract tourists to use and experience tourism products.

Fifth, improve the quality of the local workforce, improve service skills, management, and autonomy to suit digital transformation and globalization to meet the tourism needs of domestic and international tourists. Besides, promotes the application of science and technology to save time, effort as well as operating costs, and create convenience for tourists.

Thus, for agritourism real estate to become a new type of real estate attracting domestic and international investment, it is necessary to have thoroughly completed solutions. With the potential that Vietnam has in tourism resources as well as quickly completing the legal corridor for agritourism real estate, it will create strong development incentives for the general economy.

6 Conclusion

Agritourism real estate has become a unique and popular form of tourism, combining the experience of rural natural life with resort and experiential tourism. Agritourism real estate is not only an opportunity for tourists to relax and experience the life of local people and regions, but also a way to understand the culture and life of local people. However, in the process of operating, managing and exploiting this model, there are also certain shortcomings, especially the inadequacies in applying legal regulations on agritourism real estate.

Therefore, in order for agritourism real estate to develop strongly as well as its advice on the general economy of the country, it is necessary to complete the legal corridor to create a solid basis for operations. At the same time, a complete legal corridor is also the basis to ensure the rights and interests of the subjects in this relationship. Agritourism real estate development benefits both tourists and local people, creating connection opportunities and many practical experiences. From there, creating a boost for economic and tourism development in rural areas helps ensure sustainable development and conservation of the natural environment. Therefore, agritourism real estate is a diverse and potential form of tourism for the future, bringing joy and new experiences to both tourists and local communities.

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