



Journal Website:  
<https://theusajournals.com/index.php/ijlc>

Copyright: Original content from this work may be used under the terms of the creative commons attributes 4.0 licence.

## LEGAL BASIS REGULATING THE ACTIVITY OF HIGHER EDUCATION ORGANIZATIONS

**Submission Date:** December 20, 2024, **Accepted Date:** December 25, 2024,

**Published Date:** December 30, 2024

**Crossref doi:** <https://doi.org/10.37547/ijlc/Volume04Issue12-13>

**Raimov Elbek Bahadirovich**

Senior lecturer of the Department of "Legal Sciences" of the National University of Uzbekistan named after Mirzo Ulug'bek, Uzbekistan

### ABSTRACT

In this article, documents are presented mainly within the framework of legal frameworks and normative legal documents that regulate the activities of higher education organizations. The cited normative legal documents and other legal frameworks for regulating some activities of higher education organizations were analyzed.

### KEYWORDS

Universities, academies, institutes, higher schools, bachelor's and master's degrees, contract, distance education, non-state educational services, legal capacity, legal entity, contract for the provision of paid educational services, civil-legal status.

### INTRODUCTION

Within the scope of this article, one of the main regulatory legal documents is, of course, the Civil Code of the Republic of Uzbekistan. The Civil Code regulates issues such as the organization, reorganization, and liquidation of higher education institutions, the legal nature of contracts for the provision of services for a fee concluded between higher education institutions and their applicants, and the legal capacity of higher education institutions.

The next regulatory document to be considered based on the legislative hierarchy is the Law "On Education".

This document, which consists of 75 articles and adopted by the Legislative Chamber on May 19, 2020 and approved by the Senate on August 7, 2020, regulates relations in the field of education.

The first chapter, which contains general provisions, mainly covers the purpose of this law, basic concepts, basic principles in the field of education, and the right to education.

"The recognition of the primacy of education, freedom to choose the form of education, non-discrimination in

the field of education, ensuring equal opportunities for education, the inculcation of national and universal values in education and upbringing, the humanistic and democratic nature of education and upbringing, the continuity and consistency of education, the compulsory eleven-year education and one-year preparation of children from six to seven years of age for general secondary education, the openness of education to everyone within the framework of state educational standards and state educational requirements, the unity and differentiation of the approach to the choice of curricula, education throughout a person's life, the guarantee of social protection of teachers in society, the secular nature of the education system, the encouragement of knowledge, abilities and talents, the harmony of state and public administration in the education system, openness and transparency in the field of educational activities are the main principles in the field of education.” [1]

Article 11 of the Law “On Education” covers higher education and provides general information about it. According to it, the purpose of higher education is to train highly qualified personnel in bachelor's and master's specialties. Higher education activities are carried out in higher education institutions. These are universities, academies, institutes, and higher schools.

Although the right to higher education is considered universal, before achieving this right, the applicant must have completed one of the following forms of education:

- general secondary (eleven-year education);
- secondary specialized (nine-year basic secondary and two-year secondary specialized education);

- primary vocational education (nine-year basic secondary and two-year primary vocational education);

- secondary specialized, vocational education (nine-year general secondary and three-year secondary specialized, vocational education) until the entry into force of this Law.

“Higher education has two stages - bachelor's and master's stages. A bachelor's degree is a basic higher education that provides in-depth knowledge, qualifications and skills in one of the areas of higher education, with a duration of at least three years of study. A master's degree is a higher education that provides in-depth knowledge, qualifications and skills in one of the areas of higher education, with a duration of at least one year of study in a specific specialty based on the relevant bachelor's degree. The list of master's degrees and corresponding bachelor's degree areas of education is determined by the authorized state body in the field of education. Citizens have the right to receive a second and subsequent higher education on a contractual basis.” [2]

Article 11 of the Law “On Education” covers higher education and provides general information about it. According to it, the purpose of higher education is to train highly qualified personnel in bachelor's degree areas and master's degree areas. Higher education activities are carried out in higher education institutions. They are universities, academies, institutes, and higher schools.

Although the right to higher education is considered universal, before obtaining this right, the applicant must have completed one of the following forms of education:

- general secondary (eleven-year education);

- secondary specialized (nine-year basic secondary and two-year secondary specialized education);
- primary professional education (nine-year basic secondary and two-year primary professional education);
- secondary specialized, vocational education (nine-year general secondary and three-year secondary specialized, vocational education) until the entry into force of this Law.

“Higher education has two stages - bachelor's and master's degrees. A bachelor's degree is a basic higher education that provides in-depth knowledge, qualifications and skills in one of the areas of higher education, with a duration of study of at least three years. A master's degree is a higher education that has a duration of study of at least one year in a specific specialty based on the corresponding bachelor's degree. The list of master's degrees and the corresponding bachelor's education areas is determined by the authorized state body in the field of education. Citizens have the right to receive a second and subsequent higher education on a contractual basis.” [2]

Forms of higher education include education with separation from production (full-time) and education without separation from production (correspondence, evening, distance learning).

As a result of the coronavirus pandemic, restrictions were introduced on mass movements in public places and gatherings of large numbers of people in one place to prevent the spread of the virus, including the physical presence of students in higher education institutions. Based on world experience, distance learning processes were introduced to ensure the continuity of educational processes. “Distance education is aimed at obtaining the necessary

knowledge, qualifications and skills by students in accordance with curricula and training programs from a distance using information and communication technologies and the Internet.” [3]

The organization of distance education is carried out on the basis of the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 559 dated October 3, 2022 “On measures to introduce distance learning in higher education institutions”. As an appendix to this decision, the Regulation on the procedure for organizing distance education in higher education institutions is provided, “This regulation determines the procedure for organizing the training of personnel at the undergraduate and graduate levels in higher education institutions through the form of distance education.” [4]

In this Regulation, the concept of distance education is defined as follows. “Distance education is a form of education aimed at distance learning of knowledge and skills, aimed at the use of information and communication technologies by the student and teacher, to communicate over a certain period of time through interactive audio and video conferences, to establish direct and feedback communication by e-mail, including sending and receiving messages.” [5]

To provide higher education services on the basis of distance learning, a higher education institution must have:

- software for managing distance learning - the “Learning Management System” (hereinafter referred to as LMS) platform;
- information and communication infrastructure that provides access to and use of the Internet;
- educational content intended for the academic year;

- electronic educational and methodological complexes covering educational content, implemented using distance learning technologies in all subjects of the curriculum and programs, as well as an electronic database of scientific and educational literature;

- separate buildings or classrooms equipped with computer equipment in accordance with sanitary rules, norms and hygiene standards;

- engineering and technical personnel with appropriate education and qualifications to ensure the functioning and development of technical and software components of distance learning;

- a server device located in the country, the load of which is designed for the planned number of students, owned by the educational organization or under a lease agreement for a period of at least 5 years;

- an official website on which all information about the educational organization is posted, including the organization's charter or charter, curriculum and programs, information about teaching staff, and the academic calendar.

Distance education is carried out only in the form of a paid contract. Unlike state educational organizations, this right to organize distance learning processes in non-state higher education organizations must be recorded in a license issued in the established manner.

According to the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 967 dated 03.12.2019 “On the gradual transition of higher educational institutions to a self-financing system”, paragraph 8, paragraph 8, it is established that from January 1, 2021, 1 percent of the proceeds from the lease of real estate of higher educational institutions transferred to a self-financing system will be directed to the state property

rental centers under the territorial divisions of the State Assets Management Agency of the Republic of Uzbekistan, and the rest will be directed to the development fund of this higher educational institution after deducting the payment made to the operator of the electronic trading platform.

According to paragraph 9 of this resolution, it is determined that higher educational institutions transferred to a self-financing system are state organizations receiving budget funds with the status of legal entities, which also indicates the relevance of studying the civil legal status of higher educational institutions.

The resolutions “On additional measures to ensure the academic and organizational and administrative independence of state higher educational institutions” and “On measures to provide financial independence to state higher educational institutions” adopted on December 24, 2021 were a logical continuation of the reforms implemented in the higher education system in recent years.

Paragraph 41 of the New Uzbekistan Development Strategy for 2022-2026 set the goal of increasing the share of non-state educational service providers by 8% in 2026, including 3% in 2022. This is a clear example of the attention paid by the state to the development of the private sector of higher education institutions. The development of the private sector of higher education institutions, which leads to the introduction of innovations in this sector, along with the improvement of the quality of education, requires the implementation of a higher education system of state and social importance within the framework of established standards and guarantees its security. In this case, there is a need to correctly determine and properly regulate the civil legal status of higher education institutions.



The higher education organizations of our country are forced to engage in business relations, which are unusual for them, in the conditions of low funding. The right of an educational institution to carry out entrepreneurial activities is critically accepted by many authors. Civil legislation deals with this issue only indirectly, in this regard, educational legislation is contradictory, which usually causes significant difficulties in the application of the law.

As noted above, the main task of higher education institutions is to carry out educational activities, the legal form of which seems unclear in theory and practice (especially from the point of view of the source of its financing); determining its essence will allow us to determine the most appropriate regime for the legal regulation of this activity.

The Constitution of the Republic of Uzbekistan, the Civil Code, the Law "On Education", the Decree of the President of the Republic of Uzbekistan dated January 28, 2022 No. PF-60 "On the Development Strategy of New Uzbekistan for 2022–2026", the Decree of the President of the Republic of Uzbekistan dated October 8, 2019 No. PF-5847 "On approval of the Concept for the Development of the Higher Education System of the Republic of Uzbekistan until 2030", the Resolution No. PP-123 "On measures to accelerate the reform of state institutions" dated February 8, 2022, the Resolution No. PP-61 "On measures to provide financial independence to state higher educational institutions" dated December 24, 2021, the Resolution of the President of the Republic of Uzbekistan "On measures to introduce new principles of management in the system of higher and secondary specialized education" dated 2019 Resolutions No. PP-4391 dated July 11, No. PP-3855 dated July 14, 2018 "On additional measures to increase the efficiency of commercialization of the results of scientific and scientific-technical activities", [6] State Program of the President of the Republic of

Uzbekistan No. PF-5635 dated January 17, 2019 on the implementation of the Strategy of Actions in five priority areas of development of the Republic of Uzbekistan in 2017-2021 in the "Year of Active Investments and Social Development", [7] Decree of the President of the Republic of Uzbekistan No. PF-5847 dated October 8, 2019 "On approval of the Concept for the development of the higher education system of the Republic of Uzbekistan until 2030" [8] and Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 967 dated December 3, 2019 "On the gradual transition of higher education institutions to a system of self-financing" [9] and this research work serves to a certain extent the fulfillment of tasks in the priority areas defined by other legislative documents related to the field.

## REFERENCE

1. Ўзбекистон Республикасининг "Таълим тўғрисида"ги Қонуни, 23.09.2020 йилдаги ЎРҚ-637-сон, Қонун ҳужжатлари маълумотлари миллий базаси, 03/24/963/0735-сон
2. Ўзбекистон Республикасининг "Таълим тўғрисида"ги Қонуни, 23.09.2020 йилдаги ЎРҚ-637-сон, Қонун ҳужжатлари маълумотлари миллий базаси, 03/24/963/0735-сон
3. Ўзбекистон Республикасининг "Таълим тўғрисида"ги Қонуни, 23.09.2020 йилдаги ЎРҚ-637-сон, Қонун ҳужжатлари маълумотлари миллий базаси, 03/24/963/0735-сон
4. Ўзбекистон Республикаси Вазирлар Маҳкамасининг "Олий таълим ташкилотларида масофавий таълим шаклини жорий етиш чора-тадбирлари тўғрисидаги" қарори, 03.10.2022 йилдаги 559-сон, Қонунчилик маълумотлари миллий базаси, 04.10.2022-й., 09/22/559/0884-сон
5. Ўзбекистон Республикаси Вазирлар Маҳкамасининг "Олий таълим ташкилотларида масофавий таълим шаклини жорий етиш чора-

тадбирлари тўғрисидаги” қарори, 03.10.2022  
йилдаги 559-сон, Қонунчилик маълумотлари  
миллий базаси, 04.10.2022-й., 09/22/559/0884-сон

6. Қонун ҳужжатлари маълумотлари миллий  
базаси, 16.07.2018 й., 07/18/3855/1513-сон
7. Қонун ҳужжатлари маълумотлари миллий  
базаси, 16.07.2018 й., 07/18/3855/1513-сон
8. Қонун ҳужжатлари маълумотлари миллий  
базаси, 16.07.2018 й., 07/18/3855/1513-сон
9. Қонун ҳужжатлари маълумотлари миллий  
базаси, 16.07.2018 й., 07/18/3855/1513-сон



OSCAR  
PUBLISHING SERVICES