

Olena Rayevnyeva

D.Sc. (Economics), Professor, Simon Kuznets Kharkiv National University of Economics
 Kharkiv, Nauky avenue, 9-A, 61166 Ukraine
 olena.raev@gmail.com

Olga Brovko

PhD (Economics), Senior Lecturer, Simon Kuznets Kharkiv National University of Economics
 Kharkiv, Nauky avenue, 9-A, 61166 Ukraine
 ol.iv.brovko@gmail.com

Stanislav Philip,

Dr. Sc. (Engineering), Ph.D., First Vice-rector of the School of Economics and Management of
 Public Administration in Bratislava
 Furdekova 16, 851 04 Bratislava 5

STUDY ON THE GENESIS OF LEGISLATION IN THE FIELD OF EDUCATION: GLOBAL AND NATIONAL EXPERIENCE

Abstract. The article examines the genesis of the legislative system in the field of education in Ukraine during the period of independence. On the basis of the study it was determined that in order to ensure the transformational changes in the sphere of education, a complex of legal acts of direct action was adopted as well as three main strategic documents, which are of primary importance for the legislative base development. Also the article reviewed the system of strategic documents of international organizations which are the reference point for Ukraine in the development of its national educational system, and carried out the analysis of innovations and their correspondence to European norms and educational development strategies.

Keywords: education, autonomy, law, education, higher education

Аннотация. В статье проведено исследование генезиса законодательной системы в области образования в Украине за время независимости. На основе исследования было определено, что для обеспечения трансформационных изменений в сфере образования принят комплекс нормативно-правовых актов прямого действия и три основные стратегические документы, которые являются приоритетом развития законодательной базы. Также рассмотрена система стратегических документов международных организаций на которые ориентируется Украина в развитии национальной образовательной системы и проведен анализ нововведений и их соответствие европейским нормам и стратегий развития образования.

Ключевые слова: образование, автономия, закон, сфера образования, высшая школа

At the present stage, the country undergoes a process of radical reform in connection with the change in management paradigms, and such changes have affected the higher education system. Thus, the adoption of the new law "On Higher Education" formed the legislative basis for the possibility of making significant changes in the educational field.

The system of higher education plays an important role both in the training of higher qualifications specialists and in of the labor market regulation. Under the influence of globalization processes taking place in all spheres of society, the educational process in higher educational establishments (HEIs) has undergone significant changes and is oriented towards the achievement of world educational standards. This was supported by the state policy in the field of education, embodied in the Constitution of Ukraine, the Law "On Higher Education", the National Doctrine of Education Development, the relevant decrees of the President of Ukraine, the Cabinet of Ministers of Ukraine, the normative and legal basis of higher education, developed by the Ministry of Education and Science of Ukraine.

In the context of higher education modernization in the country and its adaptation to the European and international requirements the improvement of the legislative basis is a priority task. Therefore, the purpose of the work is to study the changes in the legislative basis for the functioning of the educational sector in general and higher education in particular.

It is world common practice to divide all legislative documents in the field of education into normative legal acts of direct action and strategic documents (Fig. 1).

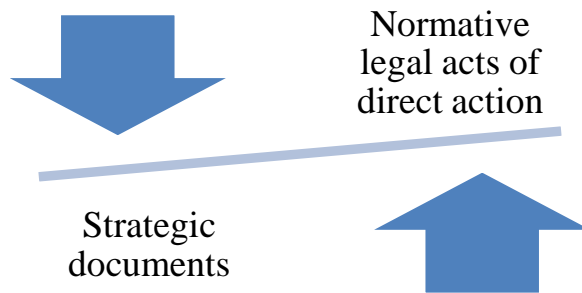


Fig. 1 Legislative documents in the field of education

The first group of documents should include the Constitution of the country, the Law "On Education" and "Higher Education" in the country, legal and subordinate acts that directly regulate the functioning of educational institutions. The second group - strategic documents determine the direction of the country educational field development. So, if the regulations of direct action are the basis of the legislative principles and the necessary condition for the functioning of the country educational field, then the strategic documents are the key to its development and improvement.

In the developed countries of the world, the educational system was being formed for centuries, as a result their legal principles are already formed and only slightly transformed in accordance with the needs of the present. But in recent years the strategic documents in the field of education have been given special attention, to primarily due to the tendencies of educational space integration into a single international market for goods and services.

Independent Ukraine has gone through the formation of legislative principles in the field of education in a shorter period of time. With the independence of the country, there emerged the need to reform the educational sector and form the legislative basis for its functioning. Adoption of direct action laws took place in parallel with deciding the new strategic directions of education development in accordance with the needs of the new economy and in the conditions of becoming a part of the world educational space.

The analysis of literary sources made possible to distinguish two main approaches to the definition of stages of the legislative base formation in the field of education in Ukraine. The first approach is based on the National Report on the Status and Prospects for the Development of Education in Ukraine (To the 20th Anniversary of Ukraine's Independence) [2], where it proposes to allocate six main stages. The second approach suggested by Krasnyakov E. [9, 10] involves the selection of five stages. The difference between these approaches is to define the roles of strategic documents and regulatory acts of direct action. So, Krasnyakov E. combines two adopted strategic documents for the development of the educational sphere of the country into one stage and the former approach, on the contrary, considers the adoption of strategic documents for the development of education as the basis for defining the stages of the legislation formation in this area.

Proceeding from the fact that differences between the approaches are not significant, we shall dwell on the analysis of the first approach essence in more detail. Table 1 presents the main stages of the legislative framework genesis in the field of education in Ukraine.

Table 1 analysis made it possible to conclude that the reform of the educational sphere, which began in 1991 and has not been completed even at the present time, is accompanied by the formation and constant modification of the legislative framework. The country's joining the Bologna Charter had the greatest impact on the development of higher education in the country; therefore, since 2001, measures have been taken to modify the legislative framework in this direction. However, at this stage, there are still unsolved issues that require further improvement of the country's legislative framework. The new phase of system modification and transformation of the education sphere began with the adoption of the Law "On Higher Education" in 2014. In the given chronology, the last stage that started in 2014 is not available. At the moment, the new law "On Higher Education" has already been adopted, and the Ministry of Education and Science, along with profile committees, are reporting on

the preparation of a new version of the Law "On Education". With the adoption of these laws a new round of educational space adaptation to the requirements of the present must begin.

Table 1 - The main stages of the legislative framework genesis in the field of education in Ukraine

Stage	Period	The main events
The first stage	May 1991 - March 1996	1. Adoption of the Law of the USSR "On Education" dated May 23, 1991 No. 1060-XII, which was the main law in the educational field during the first years of independence. 2. On November 3, 1993, the State Program "Education" (Ukraine XXI Century) approved by the Cabinet of Ministers of Ukraine, adopted by the I Congress of Ukrainian Teachers.
The second stage	1996 - 1998	On June 28, 1996 the Constitution of Ukraine was adopted and became on the basis of the legislation in the education field.
Third stage	December 1998 - January 2002	January 17, 2002 adoption of the law "On Higher Education" The decrees of the President of Ukraine approved the "Basic directions of the reform of higher education" and "On measures to reform the system of training specialists and employment of graduates of higher educational institutions"
Fourth stage	April 2002 - July 2010	On April 17, 2002, the Decree of the President of Ukraine approved the National Doctrine of Education Development, which defines a system of conceptual ideas and views on the strategy and the main directions of education development in the first quarter of the XXI century.
The fifth stage	July 2010 - October 2011	Adoption of direct action documents that improve the functioning and innovative development of education, improve its quality and accessibility, and make adjustments to tasks and measures in accordance with current needs (the introduction of a 11-year term of study in general education institutions and compulsory pre-school education for 5-year-old children) Adoption of legislative documents aimed at the integration of the domestic educational system into the European educational space.
The sixth stage	October 2011 - 2014	Adoption of the National Strategy for the Development of Education of Ukraine for 2012-2021, defining the main directions for the further development of the education system
Seventh stage	2014 - present time	Adoption of the Law "On Higher Education", which establishes the basic legal, organizational, financial principles of higher education system functioning, creates conditions for strengthening cooperation between state bodies and business with higher educational institutions on the principles of higher educational institutions, autonomy an integration of education science and production with a view to ptraining competitive human capital for high-tech and innovative development of the country, self-realization of the individual, ensuring the needs of society, the labor market and the state qualified specialists.

As noted above, the priority of the legislative framework development in the field of education in recent years has been creation of the strategic documents that define the fundamental directions of education development. According to the selected directions, the direct action legislation is being developed and improved. All strategic documents can be divided into three groups according to the organizations that develop them and the level for which they are intended (Figure 2).

Strategic documents that are formed on three levels are interdependent and in accordance with the level of the hierarchy influence each other. International organizations study the availability of education in different countries of the world, the level of education on different continents, etc. Such studies can identify global education problems.



Fig. 2. Hierarchy of strategic documents in the field of education

To solve these problems, direct strategic directions of action are being formed for improving the situation. Based on the world-wide directions of the educational system development and in accordance with local problems, the associations of countries form their strategic documents. For example, the European Union, as one of the areas for the development of education, aims to form a common European educational space. Strategic documents of individual countries are based on global education development benchmarks, such as, for example, life-long education, but are oriented towards the stage answering the development of their own national economy.

Let's consider in more detail the system of strategic documents of international organizations for of higher education development in fig. 3.

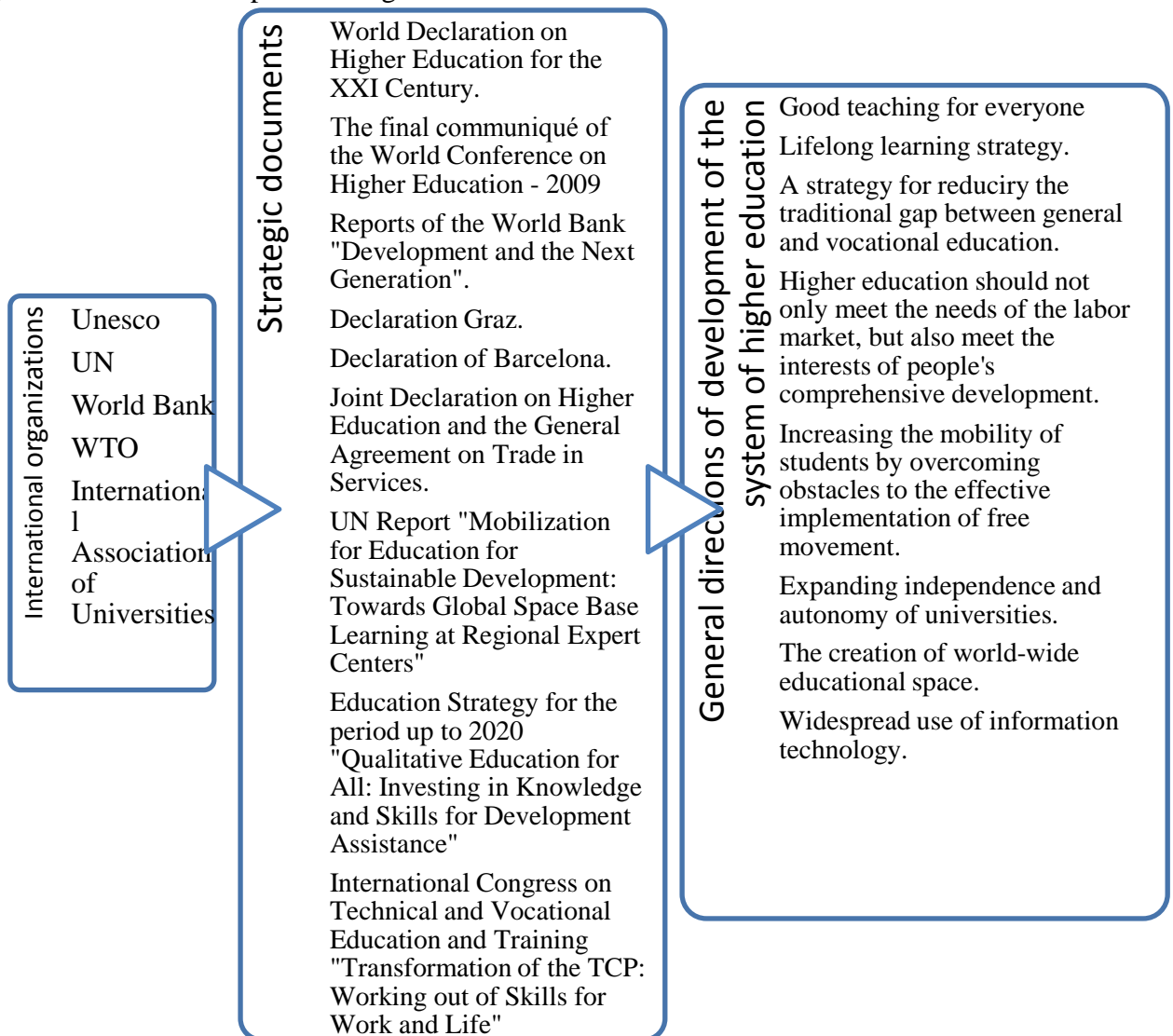


Fig. 3. Strategic directions of higher education development in the world

The main international organizations that study the issue of higher education development in the world, some of the strategic documents adopted and the general directions of strategic development of higher education that they envisage are identified.

The strategic documents analysis (Figure 3) made possible the identification of eight major priority directions of higher education system development in the world. These directions answer the needs of society and the world economy in a new level of educational services. That is why they are based on the formation of national educational development strategies of the most developed countries of the world.

The next link in the hierarchy of strategic education documents is the documents adopted countries associations. The European Union is the most active in the development of education among other geopolitical and economic alliances of the countries of the world. It is the European Union which has been focusing its efforts on forming a single European educational space over the last decades.

In fig. 4. the main strategic documents in accordance with the stages of formation and development of the Bologna system are presented. As can be seen from the list of documents, the question of a single educational space formation emerged after the Second World War and for almost fifty years the preconditions for the creation of a unified system of higher education were formed. The beginning of the deepest and most comprehensive transformation of higher education in Europe was laid by the signing of the Bologna Declaration in 1999 in Bologna. Within of the first stage, the main documents were adopted, which declared the peculiarities of creating a single educational space within the framework of the Bologna Process.

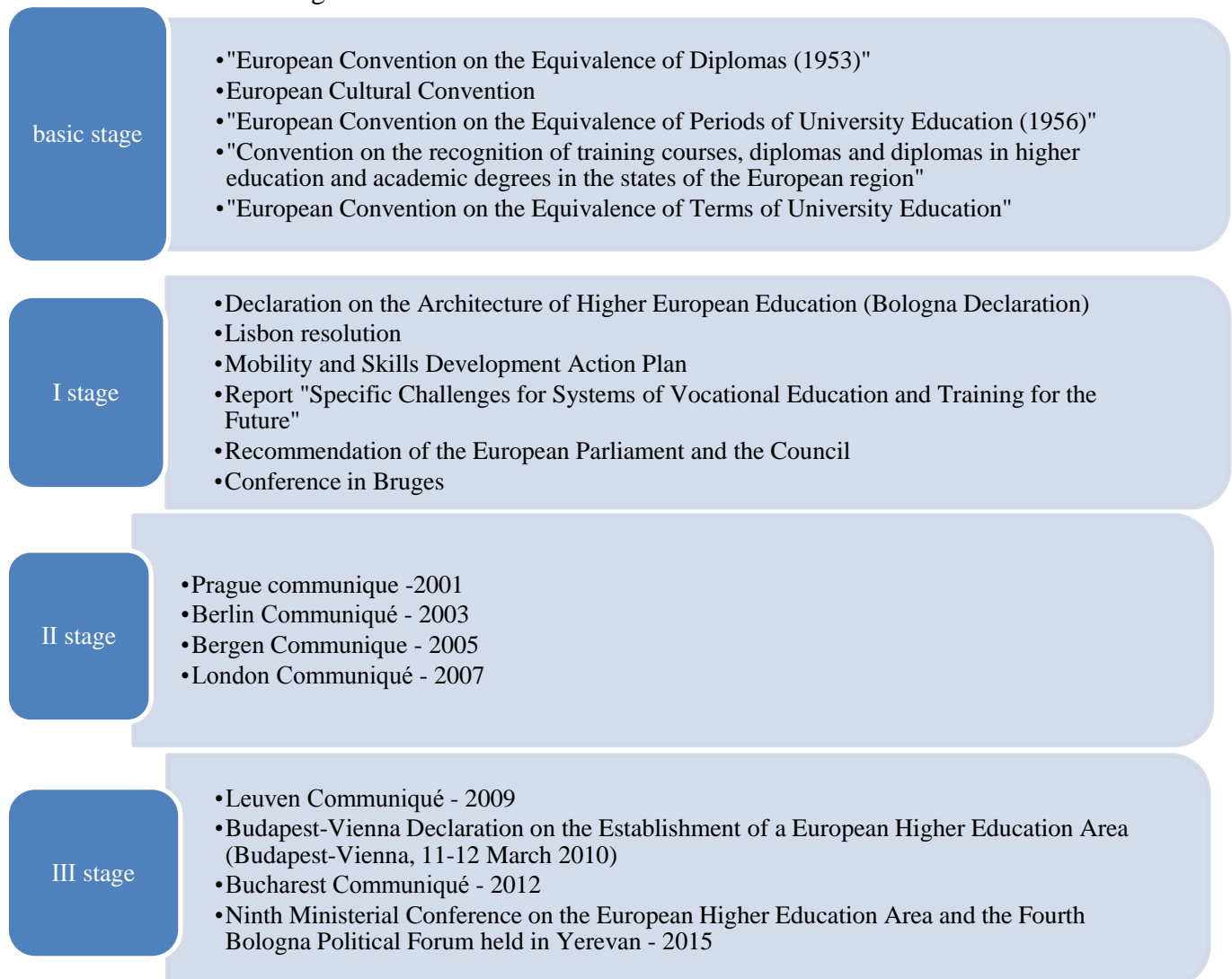


Fig. 4. Basic strategic documents of the Bologna process

The second stage was characterized by the adoption of documents on the improvement of the basic provisions of the Bologna system and its more effective implementation. The third phase was marked by the adoption of documents aimed at forming a single European higher education area. It is believed that the Bologna Process was completed in 2010, which made possible the transition to the formation of a single European education system. Thus, we can conclude that the considered set of strategic documents provided a coherent process of forming a single educational space in Europe.

Unfortunately, in today's Ukrainian history, there was not such a long period for the formation of strategic documents set that could determine the guidelines for the gradual improvement of the education system. On the contrary, after independence, the national education system required urgent changes, the identification of new landmarks and the transformation to new standards in the world of educational space. To achieve this goal, three strategic documents for of the educational sector development in Ukraine were developed (Figure 5).

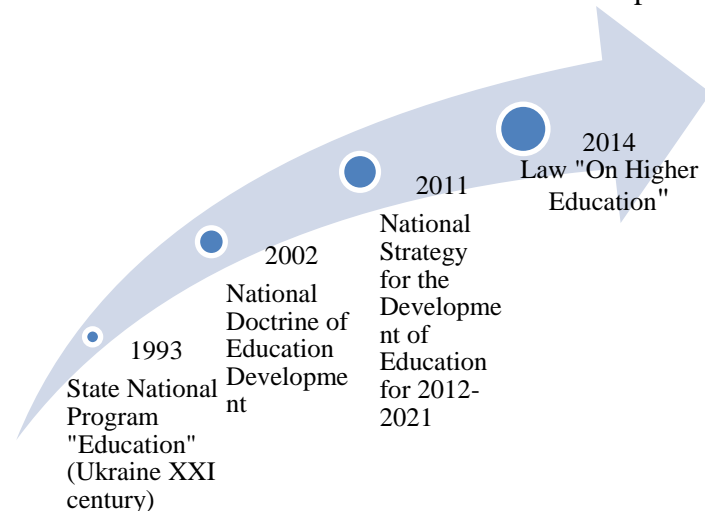


Fig. 5. Chronology of the adoption of national strategic documents in the field of education

The three mentioned documents are logically combined with each other, and are formed in accordance with the requirements of the country development stage and its educational sphere. We will compare the selected areas of the educational sphere development of the country in each document (Table 2).

Table 2 - Priority directions of education development state policy

State National Program "Education" (Ukraine XXI century)	National Doctrine of Education Development	National Strategy for the Development of Education for 2012-2021
<ul style="list-style-type: none"> • democratization of education and the expansion of the autonomy of educational institutions, with consideration for the development of partnerships between students, students and teachers; • humanization of education, which means the declaration of a person as the highest social value; • humanization of 	<ul style="list-style-type: none"> • personal orientation of education; • formation of national and universal values; • creation of equal opportunities for citizens for obtaining education; • continuous improvement of the education quality, updating its content and forms of the educational process organization; • development of the system of continuous education and life-long learning; • promotion of a healthy lifestyle; • expansion of Ukrainian-language educational space; • Ensuring the educational needs of 	<ul style="list-style-type: none"> updating the legislative framework of the educational system; • Modernization of the structure, content and organization of education on the basis of a competent approach, reorientation towards steady development; • creation and provision of opportunities for the implementation of various educational models, educational institutions of various types and forms of ownership, various forms and means of education; • creation of an effective system

<p>education, designed to form in the minds of students a coherent picture of the world, to develop their spirituality, culture of personality and planetary thinking;</p> <ul style="list-style-type: none"> • national orientation of education, its harmonious correspondance to national history and folk traditions; • continuity of education, transforming it into a process that lasts throughout human life; • indivisibility of education and upbringing, their organic unity. 	<p>national minorities;</p> <ul style="list-style-type: none"> • provision of economic and social guarantees for the professional self-realization of pedagogical, scientific and pedagogical staff, and enhancement of their social status; • development of preschool, extracurricular, general secondary education in rural areas and vocational education; • a natural combination of education and science, the development of pedagogical and psychological science, distance education; • introduction of educational innovations, information technologies; • creation of education and upbringing facilities available in all educational institutions; • creation of educational services market and its scientific and methodological support; • integration of domestic education into European and world educational spaces. 	<p>of national education, development and socialization of children and youth;</p> <ul style="list-style-type: none"> • Ensuring accessibility and continuity of education throughout life; • development of scientific and innovative activities in education, improvement of the education quality on an innovative basis; • Informatization of education, improvement of library and information provision of education and science; • development of scientific and innovative activities in education; • ensuring national monitoring of the education system; • raising the social status of teachers; • creation of the modern material and technical base of the education system; • integration of the national education system into the European and world educational space.
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Analysis of the directions given in Table. 2 showed that they have different levels of concretization. In case of the national program "Education" (Ukraine XXI century) the directions of reforming the educational sphere of the country are of a general nature, it is the guideline for building a new educational system, but the National Doctrine identifies more specific tasks that are set before the educational sphere. The directions that are mentioned in the National Strategy are the most concrete, in here the priorities list is quite traditional and changed in accordance with the specifics character of the national education system. There is a special emphasis on the reorientation of the education priorities from the state to the person. In this way, public policy should ensure civic, patriotic, moral upbringing and create a healthy lifestyle, responsibility and tolerance for the future generation.

As noted above, the new legislative step in the field of education was the adoption of the law "On Higher Education" in July 2014. Some rules of the new law are rather controversial, and it continues to be discussed by experts, educators and the media. However, the majority of them all agree that education system needed the reforms laid down in the Law, for its further integration into the European educational space. We list the main directions of reform proposed in the new law [11-13]:

1. Improving the quality of education through the creation of a special collegial body - the National Agency for the Quality Assurance of Higher Education and the placement of information as for the results of internal quality monitoring on the sites;

2. Increasing the autonomy of universities due to providing them with additional financial resources (State universities will be able to place their own proceeds from their educational, scientific and educational activities on the accounts of state banks), expansion of autonomy in the organization of the educational process, and the right to award and approve scientific degrees;

3. Mobility of management structure of educational institutions due to changes in the new mechanism of election leadership of universities. Creation of conditions for increasing students and teacher activity;

4. The final of the transition to European standards, due to the transformation of the postgraduate course into a full-fledged PhD-Western-type structure, the renunciation of a junior specialist degree from the higher education system and the introduction of a junior bachelor degree as a shortened cycle of bachelor's training;

5. The expansion of student's independence by giving him an opportunity to choose up to 25% of subjects or subject matter by himself reduction of student's active load;

6. Activization of teacher's scientific activity, by giving them additional time for scientific work, after reducing the academic load to 600 hours per year. At the same time the law provides measures for scientific activity control and establishes responsibility for plagiarism.

The aforementioned directions fully correspond to the development of education in the country and are aimed at the further integration of higher education into the European system. In the future, much depends on the development of effective mechanisms for implementing the law in the functioning of the higher education system in the country.

The paper analyzes the main stages of the legislative support formation in the field of education in Ukraine, which became the basis for the transformation of the educational sector during the period of independence. Over 26 years, a complex of acts of direct action for ensuring the solution of organizational, legal and economic issues of the sector's functioning has been developed, as well as a set of strategic documents defining the main directions of education in the country during tactical and strategic periods. However, the genesis of legislation is not complete, because Ukraine's integration into the world educational space requires continuous improvement of the national education system, its modernization in accordance with European standards and employers requirements.

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