

# The Legal Aspect of the Organization of the Educational Process in Higher Educational Institutions of Russia

Yu. R. Popkova

The Far Eastern State Transport University,  
Khabarovsk, Russian Federation  
popkov.77@mail.ru

**Abstract**— Education is the most important socio-economic factor in the formation of society. The publication analyzes the issues of state regulation of the educational process in higher educational institutions of the Russian Federation, and also reveals the features of the activities of specialized bodies that exercise leadership in educational institutions. Based on the study of regulatory legal acts and the positions of leading scientists in this field, legislative solutions to problems in higher education are proposed.

It should be noted that the sphere of higher education is multifaceted: it not only affects the direction of state policy, educational standards, but also determines the status of the actors operating in this field.

The fundamental difference between the Russian legislative framework of education and the legislative sources of the educational law of Western countries is that the subject of legal regulation in Russian educational legislation is not so much the actual educational relations as the relations in the management of education and its economy. This led to an understanding of the branch of educational legislation as being of a complex nature.

Russia has embarked on integration into a single European space, reinforcing its intentions with concrete steps, namely, the reform of the "Soviet school" and the transition to the European educational system. Since 2003, our country has become a member of the Bologna process and has put before the higher education system in General and specific universities in particular a number of issues, identifying ways to solve them.

**Keywords**- public administration, educational process, Bologna process.

## INTRODUCTION

Higher education institutions are organizations that are represented in the form of state (municipal) educational institutions of higher education. In addition, higher education institutions in the Russian Federation are divided into state and non-state. Non-state education is represented by two organizational and legal forms—an Autonomous non – profit organization and a non-state educational institution. In non-state higher education institutions, the student pays for educational services himself. Although it is a mistake to state that education is carried out at the expense of the state budget in state higher educational institutions, students can also study at state higher educational institutions on a paid (commercial) basis.

Legal problems of educational process organization in higher educational institutions of Russia.

## MAIN PART

In the USSR, education has always been free. There were only state higher education institutions. With the collapse of the USSR and the country's entry into the market economy, Russia adopted laws "on enterprises and entrepreneurial activity" [1] and the law "on education" of 1992, which recognized the possibility of existence of non-state universities in Russia [2]. In 1996, the Federal law "on higher and postgraduate professional education", 2012, the Federal law of 29.12.2012 № 273-FZ, in the current version "on education in the Russian Federation", once again confirmed the right of higher education institutions to provide educational services on a commercial basis. Thus, the legislation of the Russian Federation established the right for higher education institutions in the implementation of commercial activities in the sphere of rendering of paid services.[3]

The principle of payment for education has become a key not only for non-state educational institutions, but also for the state, being the dominant to-day. It should be noted that this approach to the organization of education is not typical for the most developed countries. In foreign countries there is a clear distinction: there are educational institutions paid, and there are - free, where training is carried out at the expense of the state. The concepts of "on a budgetary basis" and "on a commercial basis" are not applicable here. All over the world, there is no practice of introducing paid and free education within the framework of one university, as it can be observed in higher educational institutions of Russia and a number of other countries that once were part of the USSR. Due to the fact that state higher education institutions as well as non-state ones began to use the practice of payment for education, they created significant competition for non-state higher education institutions, taking a more favorable position compared to commercial ones. Namely: firstly, the mentality of Russian students is arranged in such a way that when the word "state" is used in the name of the university, academy, institute, it is immediately associated with the quality, the demand for the diploma of this institution, and vice versa, the absence of the status of a state higher education institution - low-quality, non-competitive, unclaimed.

Secondly, the financing of the educational process in the state educational institutions of higher education goes both at the expense of public funds, and at the expense of the student. Due to the fact that the state, represented by higher education institutions, began to engage in essentially the same business in higher education, creating a significant barrier to the development of fair competition, where relations were to develop on the principle of: state University - is a free education, and non - state - is commercial. Russia has not formed a layer of the private sector of higher education institutions, we can not develop the sphere of higher education on the model and likeness, as in the advanced countries. This means that in many cases we cannot be competitive.

The third problem of higher education institutions, where there are places for training on a paid and free basis is the change of policy of the University administration. As soon as tuition fees were introduced, the operation of higher education institutions has become quite obvious character of entrepreneurship. The main tasks were such as getting the maximum profit from the student and the desire to constantly increase it. This led to the fact that the main criterion of studying was not how and how much the student attends classes, how he learns the material, how he passes the intermediate certification; it is only essential to what extent and in what terms he pays for training. In this regard, the quality of knowledge of graduates is reduced, and teachers become hostages of the system, as a decrease in the number of students leads to a reduction in rates.

The next problem is the excessive control of the educational process by the state. In modern Russia there is a single system of higher education. [4]. It should be noted that the procedure of accreditation of higher educational institutions has no transparent system, criticized by specialists of higher education. At the moment there is no single Federal law regulating the accreditation procedure. The legal regulation of accreditation is reduced to separate by-laws, the number of which has increased dramatically. The objectives of the state accreditation of educational institutions are to confirm the conformity of the quality of education in educational programs implemented by educational institutions, Federal state educational standards or Federal state requirements and the establishment of its state status [5]. In fact, accreditation often turns into a bureaucratic, corruption procedure, through which the state controls not so much the "quality" as the quantitative index of higher education institutions in the country.

All this also has a negative impact on the educational process as a whole. In addition, it should be borne in mind that since 2003 our country has become a member of the Bologna process, taking the course of integration into a single European space, reinforcing its intentions with concrete steps, namely the reform of the "Soviet school" and the transition to the European educational system. The Bologna process is a process of convergence and harmonization of education systems of European countries in order to create a single European higher education area.

In the Soviet system of education, great attention was paid to educational work in secondary and higher educational institutions. In pedagogical literature are constantly discussed

the issues of educational activities in continuing education, an integrated approach to education, educational aspects of teaching different disciplines and ways of education, etc. These problems are related to the works of student G. I., Repina, S. A., Chernysheva L. Y., Maryenko I. S., Petrova V. I., Clementina A. D. and others. [6, p. 136].

At present, based on the analysis of the legal framework in the field of higher education, The University also establishes the obligation to carry out educational work, entrusting these functions to teachers. At the same time, there are certain gaps in the legislation, which require a clearer and more specific regulation. Thus, in the Federal law" on education in the Russian Federation "there is no clear and universal definition of educational work, and according to what criteria it should be evaluated, there is only a General concept - "education" (art.2). [7]

Even more questions arise in the legal regulation of educational activities in extracurricular time in higher education institutions. Thus, all issues arising with the organization, criteria, functions and tasks, as well as with the forms of implementation and evaluation of the implementation of educational activities should be regulated by local acts of the University, taking into account its specifics, including the industry (professional), and regional aspects.

In addition, it should be noted that the development of educational work is taken into account and evaluated (including the objects of educational work – students) as an accreditation indicator. In accordance with the concept of modernization of Russian education, the most important direction is the development of educational work in universities. [8]

According to the decision of the coordinating Council for the modernization of Russian education, the criteria for assessing the state of educational work in educational institutions are currently being developed for a comprehensive analysis of the activities of educational institutions for their certification and accreditation. Also, it should be noted that in 2002 the Order of the Ministry of education of Russia of June 21, 2002 was issued. № 2329, which approved the "Recommendations for the development of student self-government in educational institutions of higher and secondary vocational education of the Russian Federation", giving the student self-government bodies the following functions: search and inclusion in the public work of socially active students, stimulating the activities of student associations; participation in the organization and management of the educational process. Explanations on the implementation of these rights of students are given in the letters of the Federal education Agency of 19.02.2007 № 231/12-16 "on student self-government" and the Ministry of education of 10.10.2006 № AF-234/06 "on the approximate position of the student Council in the educational institution (branch) of higher education". [9]

I would like to note that education at the university is a process that represents an inseparable unity of objective conditions and subjective factors of educational impact and interaction of participants in this process. This process is

carried out at different levels: domestic, behavioral, professional and personal - forming, social and civil. [6, C. 136]

Thus, in the US colleges, special attention is paid to the formation of trainees in such qualities as the ability to work with people, intelligence, competence, responsibility, dedication to their work. In order to train a future specialist with a "human face", namely: kind, responsive, honest and fair in Western Universities, the Institute of youth (student) volunteering was introduced within the Bologna system. This institution has proved itself very effectively abroad, as one of the organizational mechanisms for the implementation of educational work in extracurricular time.

In French the word volunteer sounds as "volontaire", in Latin - "volunteers" (from it also there was a Russian word volunteer). Volunteers are also called volunteers: a combination of the words "good" and "will". In the Soviet period of our country's history, the pioneer and Komsomol movements were partly a prototype of modern volunteerism. Then the volunteers built a country (student teams, members of the Komsomol – volunteers - with their help develop virgin land and built the BAM). Today's realities require a different innovative approach. The experience of volunteering can be borrowed from other countries.

After analyzing the experience of European countries and the United States, it is necessary to pay attention to the prerequisite for admission to a prestigious foreign University is a volunteer activity. Moreover, work in a shelter for homeless animals can make an even greater impression on the admission Committee than excellent grades in the certificate. The same is true of professional activity. At the interview in a foreign company, the recruiter will certainly ask how you feel about voluntary work. In addition, in many foreign higher education institutions, the curriculum provides special hours for student volunteering, which the student is obliged to perform. If he does not perform this load, it is regarded as a failure and can serve as a basis for the deduction. In the mentality of a "foreign" student, enthusiasm is the norm.

Until 2010, it was expected that Russia would fully enter the Common European higher education area. Our students will receive "understandable" in 46 countries of the continent bachelor's, master's and doctor's degrees, for example, philosophy; fully participate in academic mobility programs. Graduates of Russian universities will become the owners of European applications for the diploma of a single sample, approved by the Council of Europe, the European Commission and UNESCO. But today it has not been implemented yet. [10].

## CONCLUSIONS

In the educational community in different countries there are still different opinions concerning the payment of the issue of training. But it cannot be denied that tuition fees prevent access to higher education, especially for students from low-income families, and lead to social discrimination. The realities of the socio-economic situation in the Russian Federation and the volume of funding for higher education do not give reason to believe that all state higher education institutions will soon be able to carry out educational activities only at the expense of budgetary funds. Therefore, it is necessary to consolidate new forms of financial support for students on a legislative basis, such as: educational credits/loans (on preferential terms), grants, voucher funding model; scholarship form by analogy with foreign countries.

## References

- [1] "On enterprises and entrepreneurial activity": the law of the RSFSR of 25.12.1990 № 445-1 (lost its force) Homepage, <http://www.pas.va/content/dam/accademia/pdf/sv106/sv106-heyman.pdf>, last accessed 2018/05/25.
- [2] "On education": law of the Russian Federation of 10.07.1992 № 3266-1 (lost force) Homepage, <http://www.pas.va/content/dam/accademia/pdf/sv106/sv106-heyman.pdf>, last accessed 2018/05/25.
- [3] Paramonova, V. A., Aganina, A. A., Grishaeva, M. G.: the history of the formation of free education in modern Russia. Homepage, <http://www.sgu.ru>
- [4] Paid education, private universities-history. Homepage, <http://www.miepl.ru/platnoe-obuchenie-vysshee-obrazovanie.html>
- [5] Kupreev, S. S.: Accreditation as a modern method of administrative and legal influence // Administrative law and process. 2013. No. 5. P. 28 - 30.
- [6] Konstantinova, N. Ah. On the organization of educational work with students in the light of the Bologna process / N. Ah. Konstantinova // international journal of applied and fundamental research. - 2009. - № 5- P. 136
- [7] On education in the Russian Federation [electronic mode]: Federal law No. 273-FZ of 29.12.2012 as amended on 07.03.2018 // ATP consultant Plus-Last update: 01.04.2018
- [8] The concept of modernization of Russian education for the period up to 2010 : Letter of the Ministry of education of Russia dated 02.10.2002 No. 15-52-468/15-01-21; Modernization of Russian education for the period up to 2010 [electronic mode] : Letter from the Ministry of education of Russia dated 02.10.2002 No. // ATP "ConsultantPlus" - Last update : 01.04.2018
- [9] Kozyrina, A. N. Education: law and citizen/ A. N. Kozyrina // Russian newspaper, 2015 (issue 17)
- [10] Tupitsyn, I. N.: Bologna process and the specifics of the Russian reality of the Homepage. [http://www.russcomm.ru/rca\\_biblio/t/tupitsina.shtml](http://www.russcomm.ru/rca_biblio/t/tupitsina.shtml).