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POSITIVE CHANGES IN LEGISLATIVE REGULATION OF HIGHER EDUCATION AND SCIENCE IN UKRAINE

The article set forth a definition of the reform of higher education in Ukraine, the basic differences in legal regulation of higher education and science in the Law of Ukraine "On Higher Education" in 2002 and "On Higher Education" in 2014. Relevance of the topic is that the activities in the field of education and science is a priority for the development of Ukraine, an important strategic course aimed at deepening European integration, summing up of national legislation to international legal requirements. Condition of Modern Education and Science of Ukraine needs to be improved by a revision of established legal tradition in the exercise of their regulatory, reform of the social relations arising in the field of education, revision of the standards of higher education in Ukraine. Addressing these and other issues is quite difficult and lengthy process aimed at full or partial change of legal acts, their reform. It outlines main problematic issues that arise in immediate practical implementation of new legal norms.

The conclusions are that among the positive innovations of the Law of Ukraine "On Higher Education" in 2014 are next: 1) provision of greater powers and autonomy for universities; 2) publication of theses binding, i.e. official promulgation; 3) strengthening of responsibility for plagiarism; 4) recognition of diplomas and academic degrees obtained at foreign universities; 5) empowering students to choose the subject for study.

Key words: modernization, higher education, science and national legislation.

Activities in the field of education and science is a priority for development of Ukraine, an important strategic course aimed at deepening European integration, summing up of national legislation to international legal requirements. Condition of modern education and science of Ukraine needs to be improved, which is a revision of established legal tradition in the exercise of its regulatory, reformation of social relations arising in the field of education, revision of standards of higher education in Ukraine. Addressing these and other issues is quite difficult and lengthy process aimed at full or partial change of legal acts.

Problems of reforming of the higher education system are described in scientific researches of V. Andruschenko, N. Anufriieva, V. Baydenko, O. Hare, V. Flint, I. Kaleniuk, E. Pinchuk, S. Omelchenko, M. Romanenko, A. Staritskaia, I. Tymoshenko and other domestic scientists. However, to date, further exploration is needed in the implementation of the process of reforming of higher education system, to determine the main directions of legal regulation of higher education and science in Ukraine.

The aim of the article is to study the process of reforming the system of higher education and science in Ukraine, which is carried out through the improvement of the legislation, namely through the adoption of the new edition of the Law of Ukraine "On Higher Education" dated 01.07.2014 of the year¹ and its correlation with the Law "On Higher Education" from 17.01.2002 year².

Turning to the immediate consideration of the subject of the article, we note that under the reform of the education system should be understood set of measures, both practical and theoretical components, by authorized bodies of the state, which is based in a phased and gradual change in the existing social relations in the education system with the aim of improving and enhancing its individual elements that, in turn, leads to an increase in performance in compulsory education.

An important step in the reform of higher education in Ukraine has been the adoption by the Verkhovna Rada of the new Law of Ukraine "On Higher Education" from 01.07.2014 № 1556-VII. The new law is essential given to the development and functioning of higher education institutions, which have received substantial powers and autonomy. In accordance with the new law for the autonomy of the higher education institution to understand autonomy, independence and responsibility of higher education in

¹ Закон про вищу освіту 2014 (Верховна Рада України). *Відомості Верховної Ради України*, 37-38, 2716.

² Про Закон про вищу освіту 2002 (Верховна Рада України). *Відомості Верховної Ради України*, 20, 134.

making decisions related to the development of academic freedom, organization of educational process, research, internal management, economic and other activities, self-selection and placement within established by the Act¹. At the same time, as noted in an interview with the Minister of Education and Science of Ukraine S. Kvit: "The law" On Higher Education "is based on the idea of university autonomy in the broadest sense. University autonomy should be understood as the autonomy of academic, financial and organizational, i.e. the university itself should resolve most issues without applying for permits to the Ministry of Education and Science of Ukraine. By this law universities are in the hands of certain tools that they themselves could understand. Together with the broad autonomy and rights of the University take responsibility for their quality"². We fully agree with the words of the minister, after all provide the appropriate authority or autonomy is not to solve the basic problem of autonomy. It is necessary to actively work for the universities to use its powers and autonomy in the right direction, the right to define the basic objectives and prospects for their further development. Universities need to learn how to set priorities for its activities, proper use of both human and financial capacity.

Another positive aspect of the autonomy of higher education institutions is that they can own and at any time use their own financial resources, and not to wait the assistance from the state for months. The educational institution itself will determine where, when and how much to spend financial resources. On the other hand, it can be assumed that such financial independence cause some problems in that part of the state loses the right to dispose and control of material resources and values, that is, will not be carried out prior control over rational and purposeful use of money. However, we believe that the state of pre-existing conditions could not in general so close approach to the problem of the activities of the higher education institution and its material support, and therefore it is advisable to retain the higher education institution the right to manage their own funds.

Significant development compared with the Law of Ukraine "On Higher Education" in 2002 received the active involvement of employers to participate in the preparation of training programs of universities in the development and approval of standards of higher education each specialty, in the formation of the criteria of competence of graduates of higher education and the like. For example, Art. 19 of the Law provides that the National Agency for Quality Assurance in Higher Education is composed of twenty members. It consists of three members who are elected by the General representative body of all-Ukrainian association of employers' organizations³. Thus, in accordance with the norm of this article legislator will take steps on the approximation of the institution, graduates and employers together. We support this position of the legislator, as participation in the higher education employers is very important for further assistance in the employment of graduates of educational institutions. In addition, we note that such cooperation is a good indicator of movement in education policies to European and international legal standards, where such cooperation is a common practice and effective.

Another difference between the laws is to establish a new qualification levels and degrees in higher education. Thus, the Act of 2002 in Art. 6 provided that the structure of higher education are the following educational levels: junior specialist, bachelor, specialist, master⁴. In Art. 5 of the Law of Ukraine "On Higher Education" from 01.07.2014 year determined that higher education at every level of education provides for the successful implementation of appropriate educational entity (educational or vocational education and research), or a scientific program, is the basis for the award of the corresponding degree of higher education 1) Bachelor Jr.; 2) Bachelor; 3) Master; 4) PhD; 5) ScD⁵. Thus, the new law established such educational-qualifying levels: Doctor of Philosophy and Doctor of Science. The same law defines the main requirements that apply to each of the above higher education degrees. For example, a doctor of philosophy is the first academic degree, which is awarded at the third level of higher education on the basis of a master's degree. Degree of Doctor of Philosophy is awarded to a specialized academic council of the higher educational institution or scientific institution as a result of successful implementation of the applicant higher education relevant educational and research programs and public defense of the thesis in a specialized academic council⁶. Innovation adopted the Law of Ukraine "On Higher Education" is to

¹ Закон про вищу освіту 2014 (Верховна Рада України). *Відомості Верховної Ради України*, 37-38, 2716.

² Які зміни несе новий Закон України «Про вищу освіту». <[ipress.ua/mainmedia/yaki_zminy_nese_novyy_zakon_ukrainy_pro_vyshchu_osvitu_79856.html](http://press.ua/mainmedia/yaki_zminy_nese_novyy_zakon_ukrainy_pro_vyshchu_osvitu_79856.html)>.

³ Закон про вищу освіту 2014 (Верховна Рада України). *Відомості Верховної Ради України*, 37-38, 2716.

⁴ Закон про вищу освіту 2002 (Верховна Рада України). *Відомості Верховної Ради України*, 20, 134.

⁵ Закон про вищу освіту 2014 (Верховна Рада України). *Відомості Верховної Ради України*, 37-38, 2716.

⁶ Закон про вищу освіту 2014 (Верховна Рада України). *Відомості Верховної Ради України*, 37-38, 2716.

strengthen the responsibility for plagiarism when writing a dissertation. It is envisaged that the protection allowed dissertation (research reports) made the applicant the degree on their own. Detection in the submitted dissertations (scientific report) Academic Plagiarism is grounds for refusal to award the relevant scientific degree. If the thesis (scientific report), in with an academic plagiarism, was defended in a permanent specialized scientific council, scientific adviser (consultant), the official opponents, who provided positive conclusions about the scientific work, and the chairman of the specialized academic council denied the right to participate in the specialized academic councils for two years, and higher education (research institution) is deprived of accreditation of a permanent dissertation council and the right to form ad hoc specialized academic councils for one year.

No less important provision of the new law is the mandatory disclosure of the text of the thesis. Thus, in accordance with Part. 5, Art. 6 of the Law "On Higher Education" stipulates that the thesis of those receiving a Ph.D., and a thesis (or research reports in the case of the protection of scientific achievements, published in a monograph or a collection of articles published in domestic and / or international peer-reviewed professional journals) persons receiving a doctorate, as well as opponents of reviews published on the official websites of the relevant institutions of higher education (academic institutions), in accordance with the law.¹ We believe that the mandatory publication of the text of the thesis and the strengthening of the responsibility for writing the thesis is a significant step, because today the cases of improper performance of theses, it is expressed in formal work, lack of novelty, the prevalence of plagiarism, etc .. Equally common are violations of procedures for the protection of the dissertation, when the members of the Board are "blind eye" to the violations in writing dissertations and its defense. The introduction of specific sanctions, we believe, on the one hand while greatly reduce the number of written research papers and dissertations, but on the other hand will increase their quality as a person whose work does not meet the statutory requirements, and furthermore containing plagiarism will not be allowed to defend it.

In the new law Ukrainian legislator quite well and clearly established the responsibility for plagiarism: the subject of punishment is not only directly dissertator whose work challenged, but also others - specialized scientific council, scientific supervisor (consultant), official opponents, who have provided positive feedback on the research work, the chairman of the specialized academic council, as well as an educational institution. That is, under the blow of justice includes all subjects of writing and defending a thesis, which, in turn, will significantly reduce the number of corruption schemes in this area, and contribute to fair and transparent defense of dissertations of future scientists.

Enough positive feature of the law, in our opinion, is the recognition of diplomas and academic degrees obtained at foreign universities. Earlier, diplomas and academic degrees obtained in other countries, it was necessary to confirm on the territory of Ukraine. It was quite a problematic issue, as much of the undergraduate and graduate students who received education abroad simply do not want to return to Ukraine and work in it due to the complicated procedure of recognition of diplomas and academic degrees. The new law took into account this problem. Thus, according to para. 14, Art. 36 of the Law of Ukraine "On Higher Education", Academic Council, which is a collegial body of a higher education institution has the right to make final decisions on the recognition of foreign documents on higher education, scientific degrees and academic ranks in hiring teachers, scientific, pedagogical and other employees, as well as admission. Another norm, which also speaks of cooperation between educational institutions and employers, is art. 64, according to which a state, in cooperation with employers ensures creation of conditions for realization of the graduates of higher education institutions the right to work, guarantees equal opportunity to choose their place of work, type of work with the higher education and social needs.² This position of the legislator is the first step for the return of our compatriots who have studied abroad received a foreign diploma, title for employment in Ukraine, introduction of new technologies on the territory of our state, thereby increasing its innovative development, and hence the material well-being.

One more new provision is the right to learn in an educational institution: 1) training simultaneously in several educational programs, as well as several universities, subject to only one higher education in each grade for the state (local) budget; 2) academic mobility, including international (v. 62).³ In this regard, an interesting opinion was expressed by B. Mokin, pointing out that all the above points are revolutionary, because never before not legally allowed students to study in several institutions of higher learning and learning in one institution of higher education, some of the educational and professional program to develop

¹ Закон про вищу освіту 2014 (Верховна Рада України). *Відомості Верховної Ради України*, 37-38, 2716.

² Закон про вищу освіту 2014 (Верховна Рада України). *Відомості Верховної Ради України*, 37-38, 2716.

³ Закон про вищу освіту 2014 (Верховна Рада України). *Відомості Верховної Ради України*, 37-38, 2716.

higher education in another institutions - both domestic and foreign, studying it for a certain agreed with the administrations as the basic institution of higher education, and higher education, training time or only for some short period of time, for example, one semester or one year.¹ We support the position of the legislator about the possibility of teaching in several schools, including international only on condition that the learning process in one institution does not interfere with the educational process in the other.

Thus, among the positive innovations of the Law of Ukraine "On Higher Education" in 2014 include: 1) provision of greater powers and autonomy of universities; 2) publication of theses binding, i.e. official promulgation; 3) strengthening of responsibility for plagiarism; 4) recognition of diplomas and academic degrees obtained at foreign universities; 5) empowering students to choose the subject for study.

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