

1. Административное право. Административный процесс.

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**HISTORICAL ASPECTS OF FORMATION OF THE REGULATORY
AND LEGAL FRAMEWORK IN THE EDUCATIONAL SPHERE OF
UKRAINE**

Keywords: regulatory and legal framework; educational sphere; Law of Ukraine; social-cultural right; right for education; structure of education; system of legal acts.

Legal base in the educational sphere represents certain system of legal acts, which have an interior structure and functions. The main source of formation of educational legislation in Ukraine is Constitution of Ukraine dated by 28th of June, 1996, where in the article 53 is fixed one of the most important and valuable social-cultural right of a person – right for education. In turn, in the article 54 the guarantees of freedom of scientific and technical creation and development of science, assistance to scientific connections of Ukraine with the international community are fixed. In turn, legislation of Ukraine about education consists of Laws of Ukraine “On Education”, “On Preschool Education”, “On Higher Education”, “On Basic Secondary Education”, “On professional-technical Education” and other legal acts.

Lately the process of eurointegration more and more affects on different spheres of state activity, and does not miss an educational field. With the next level of the development of educational sphere in the given aspect, it is important question of necessity of acceptance of new adopted to the European legal acts for regulation of different sectors and kinds of educational activity (organizational structure of education; targeted admonitions and content; methods and technologies of studying and mechanism off financing and others). Successful

implementation of these reformations is impossible without timely and effective reform of legislative base in the sphere of education. In 1997, under the aegis of the Council of Europe and UNESCO was designed and accepted The Lisbon Convention on the recognition of qualifications, which exist in the system of the higher education. It was assigned by 43 countries (including Ukraine). Per year of its existing, 4 countries – France, Italy, Great Britain and Germany – assigned The Sorbonne Declaration. The goal of this declaration became a creation of opened European space of the higher education, which must be more competitive on the world market of educational services [1, p. 114].

Demand of society in the development of science grows up in the period of carrying out the reform. Therefore during the disintegration of USSR and formation of sovereign state were laid the foundation of new understanding legislation about the education as certain independent branch of legislation.

The first period of educational legislation evolution, as Yevhen Krasniakov noted, became a foundation of new approaches of this process, adoption of the Law “On Education”. The 1st Congress of teaching staff of the state was the 2nd period. The 3rd one is the theoretical foundation of preparation for changes and additions to the Law of Ukraine “On Education”. The 4th period is related with the theoretical foundation of laws (of direct action) adoption, which would regulate relations in different subsystem of the educational branch. The 5th one is the implementation of some positions of educational laws (of direct action) by legal and regulatory base operation. The 6th period is the foundation of further educational legislation development, and also adoption of the sole strategic paper – National Doctrine of Education Development on the common nation level [2, p. 4].

It is important to emphasize that in the conditions of current development of the educational legislation, we can select and the 7th period. It would be marked by the adoption of the Law of Ukraine “On Higher Education” dated by the 1st of July, 2014, which established main legal, organizational, financial principles of functioning of the higher educational system [3]. The previous legal act didn't

adequate to the modern conditions of world educational services market, which was forming and also the absence of correlation of its norms with norms of the civil legislation due the adoption of the new law.

Main changes in the educational system are: providing financial autonomy of universities; change of the rector's re-election procedure; nuances of teaching on foreign languages; creation of conditions for student's mobility expansion; student's and staff's motivation sessions; introduction of antyplagiaristic norms in the educational sphere; creation of accredited Academic Council; reducing of the students and teachers academic burden [3].

As H.Vojna notes, modern educational legislation has to be approved as market-directed. It has to orient the development of the field in paradigmatic aspect of market relations, covering, herewith, as learning content, as organization forms and governance of the educational processes. Market focus of educational laws arises as common requirement, norm and standard of the stable state and society development. Though it opens for us an opportunity for return to civilization whence the state and nation were replaced by totally maintained, ideologically engaged planning [4].

Though the development of educational legislation is closely connected with the development and historical actions, which took place in Ukraine. In general, seven periods of incipience of educational legislation are released. Modernization of the educational sphere is due because of problems and contradictions in the sphere of education and its needed speedy solution and the necessity of coordination of domestic norms with international took place.

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