

## Developments in education legislation of post-Soviet countries: Republic of Moldova's Education Code and other CIS experiences

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*Continued changed to legislation in countries that were previously parts of the Soviet Union cause them to become increasingly differentiated. Many of the changes are to social and economic processes. In the field of education, various parameters have changed and are continuing to change, from details concerning the way to conduct assessments to the broader issues affecting the whole architecture of the educational system. The most recent legislative act in the CIS – the Education Code of Moldova – illustrates the nature of changes taking place.*

*This article discusses the most important trends in the legal regulation of the educational system in the post-Soviet area, including: how perceptions of education as a subject of legal regulation is changing; the impact of international cooperation in the field of education; the changing system of higher education and the introduction of a two-tiered system; and the increased attention to the quality of education.*

*Keywords: legal regulation of education in CIS, Education Code of Moldova, international cooperation in education*

### INTRODUCTION

Since the collapse of the Soviet Union, territories that were previously part of the Union have enacted reforms aimed at adopting approaches established in developed democratic countries of the European region. Reforms in the delivery of education have followed suit, as reflected in changes in education regulation.

This process of updating the educational system is not unique to post-Soviet Union territories but has been a significant endeavour in many regions of the world over the last two to three decades, triggered by transformations in social, economic and political relationships (for example, see article 7 of the *Higher Education Law of the People's Republic of China*). Non-European countries of the former Soviet region, known as the

Commonwealth of Independent States (CIS),<sup>1</sup> follow approaches adopted in developed Western countries but adapt their educational legislation to suit the specifics of their own countries, making repeated changes to their education systems as they do so.

This article begins with an overview of the legislation on education in the CIS<sup>2</sup> before discussing a few of the issues that the education laws deal with. The issues of interest are those most representative of the new trends in the regulation of education in CIS countries:

- International trends which call for international cooperation on a range of issues, including educational norms.
- State interests in international cooperation, which encourages the state to adopt norms of compulsory education for all and a restructuring of higher education.
- Changes in concepts of education in society, both globally and domestically, that are concerned with the quality of education and the need to provide education for all individuals.

The *Code of Moldova*, being the most progressive and recent legal education act of the CIS, will be used as the main case study to show the influence of the above trends on CIS education law.

The article concludes with observations concerning the impact and future of education laws in the CIS.

## LEGISLATIVE SYSTEM

Current legislation in CIS can be divided into two groups:

- 1) Laws enacted before 2000, which are those of Uzbekistan (*Law of the Republic of Uzbekistan on Education #464-I, 1997*) and Armenia (*Law of the Republic of Armenia on Education #ZR-297, 1999*);
- 2) Laws enacted after 2000. New laws were passed in Azerbaijan (*Law of the Republic of Azerbaijan on Education #833-IIIQ, 2009*); Belarus (*Code of the Republic of Belarus on Education #243-Z, 2011*); Kazakhstan (*Law of the Republic of Kazakhstan on Education #319-III, 2007*); Kyrgyzstan (*Law of the Kyrgyz Republic on Education #92, 2003*); Russia (*Federal Law of the Russian Federation on Education, #273-FZ, 2012*); Tajikistan (*Law of the Republic of Tajikistan on Education, 2013*); Turkmenistan (*Law of the Republic of Turkmenistan on Education, 2013*).

The *Law of Ukraine #1060-XII on Education (1991) (Law of Ukraine)* is the only rule which has not been re-enacted since dissolution of the Soviet Union, though it has undergone numerous amendments and additions.

An interesting feature of legal regulation of the education system in the CIS is the adoption of codes (codified laws), which provide a systematic and comprehensive written

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<sup>1</sup> The CIS was created by a majority of the republics of the former Soviet Union, and includes: Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan (associate state), Ukraine (associate state), Uzbekistan

<sup>2</sup> CIS laws as based in a Civil Law system.

statement of laws on education. Such codes have special (higher) legal force. At the time of writing, only Belarus and Moldova have adopted such codes. Moldova's *Educational Code of the Republic of Moldova* (hereinafter – the *Code*) came into force on 23 November 2014.

The structure of CIS non-codified laws on education are similar in many ways: the first part contains “General Provisions”, which are the basic terms used in the law, and provisions about the structure and system of education, education subjects, etc.; and the second part deals with descriptions of the education system, levels of education, and general and professional education. The exception to this structure is the *Law of the Republic of Kazakhstan on Education #319-III, 2007 (Law of Kazakhstan)*, which describes the education system in the third chapter and dedicates the second chapter to issues concerning the management of the education system.

In addition to having a similar structure, all the education laws of the CIS contain the following parts:

- Subjects of the law (that is, educational relations, such as pupils, their parents, students, teachers, educators, and educational institutions, including schools, gymnasiums, universities, and state bodies which manage the education system), and processes (that is, educational procedures, attestation, certification, exams, transition to the next educational level, etc.);
- Regulations concerning funding of the education system and regulations concerning international cooperation (the exception being the *Law of the Republic of Uzbekistan on Education #464-I, 1997 (Law of Uzbekistan)*).

These parts make up the content of the laws of Azerbaijan (47 articles), Armenia (55 articles), Kyrgyzstan (54 articles), and Uzbekistan (34 articles – though not including regulations concerning international cooperation). The laws of the other CIS countries contain additional provisions on: liability for violations of the law on education (Kazakhstan and Ukraine); state regulation in the sphere of education (Kazakhstan and Tajikistan); and subjects to be included in education (Kazakhstan, Russia, Turkmenistan). The law of Kazakhstan contains 68 articles; Russia, 111 articles; Tajikistan, 69 articles; Turkmenistan, 50 articles; and Ukraine, 66 articles.

Education Codes have a more sophisticated structure and more articles than do the laws. The *Code of the Republic of Belarus on Education #243-Z, 2011 (Code of Belarus)* has both general and specific parts: 17 parts, 63 chapters, and 295 articles. The *Code* has 157 articles grouped into 12 parts, some of which are divided into chapters – from two to 12 chapters. Nevertheless the general part of the *Code* is relatively small for such a fundamental law; it only makes up about 14 percent of the general volume of the *Code*. By comparison, similar chapters in the *Federal Law of the Russian Federation on Education, #273-FZ, 2012 (Russian Law)* and the general part of the *Code of Belarus* account for about half of the general volume.

All education laws have been subjected to the general trend of legislation in CIS countries of frequent amendments. For example, in November 2016: the education laws of Russia, Ukraine, and Kazakhstan introduced around 40 amendments each; Armenia introduced 34 amendments; Azerbaijan, more than 10 changes; Tajikistan, four changes; Turkmenistan and Uzbekistan, one change each; *Code of Belarus* was amended by three laws; and the *Code* by just one (in June 2016). The two codes appear to be more resistant

to change, probably because of the higher quality of their wording and because they have received more attention from lawmakers.

## INTERNATIONAL COOPERATION IN EDUCATION

As noted in the introduction, the CIS has been amending its laws to modernize and bring them more in line with the approaches taken in more developed democratic countries. Article 149 of the *Code*, directs the Ministry of Education to prioritize cooperation in the field of education with the European Union (EU) within the framework of partnership in projects and programs. Overall, the basis for determining the structure and system of education in the *Code* (articles 12, 59, 61, 63, 76, 121, 132) is UNESCO's *International Standard Classification of Education (ISCED-2011)*.

Moldovan lawmakers provided for the specific forms of international cooperation in Chapter XII of the *Code*. Article 148 states that such cooperation is based upon international agreements entered into by the Republic of Moldova, contracts agreed to by the Ministry of Education, and direct agreements with educational institutions supported by the Ministry of Education. Further, article 136 of the *Code*, concerned with the rights of students, specifies the right of students to participate in national and/or international projects and/or programs of academic mobility.

Of interest is the *Code's* provision for the establishment of a framework of national qualifications (article 97), which ensures the transparency of higher education, academic mobility and recognition of diplomas at the international level. The content of the framework of qualifications is: the description of areas of professional training; description of qualifications and of training courses; educational goals and competencies; labour costs for every cycle expressed in transferable units (credits); methods of education, teaching and assessment; and procedures ensuring the quality of higher education. The national qualifications framework of higher education is developed for each cycle of training and direction of education in accordance with the *European Qualifications Framework* and the requirements of the national and European labour markets.

Under articles 150 and 151 of the *Code*, foreigners can obtain an education in Moldova on equal terms to citizens of the Republic of Moldova. Citizens of Moldova are entitled, under the framework of academic mobility, to study abroad on the basis of international agreements as well as by individual agreements with foreign educational institutions.

Article 150 specifies that education for foreigners is to be provided in Romanian, which is the official language of Moldova, or – at the request of the candidates – in a different language of international communication in accordance with the capabilities of the educational institution and within the budget allocated to the institution for such purposes. This provision is also covered by other norms of the *Code*. Article 9 of the *Code* requires that the state provides for the development of effective communication skills in Romanian or, when circumstances demand, in the languages of national minorities, and in at least two languages of international communication. Thus, the state provides conditions for the formation and development of communication skills in English, French and Russian in all public educational institutions (effective from the academic year of 2018-2019).

Article 10 of the *Code* also specifies that the language of instruction in the national education system be in Romanian and, within the capacity of the education system, in one of the languages of international communication. The goal of encouraging the provision

of education in a language of international communication is to increase the attractiveness of Moldovan education to foreign students. However, to do so is quite challenging, as, indeed, it is for many Western European nations. Van der Wende (2000) notes that to meet the requirements of internationalizing education in their institutions, a number of European countries have adopted French as a base language in certain courses offered to foreign students.

In contrast to the provisions of the *Code*, article 105 of the *Russian Law* sets forth the following areas of international cooperation in the field of education:

- 1) Development and implementation of educational and research programs in the field of education together with international or foreign organizations;
- 2) Dispatching of students, teachers and researchers of Russian educational institutions to foreign educational institutions with provision of special scholarships to study abroad, as well as receiving similar categories of persons at Russian educational institutions for training, professional development and improvement of scientific and educational activities, including international academic exchange;
- 3) Conduct of joint scientific studies, implementation of fundamental and applied research in the field of education, exercise of joint innovative activities;
- 4) Participation in the network-based provisioning of educational programs;
- 5) Participation in the work of international organizations, in international educational, research, scientific and technical projects, congresses, symposia, conferences, seminars or independent conduct of these activities, as well as the exchange of educational and scientific literature on bilateral and multilateral bases.

The *Code of Belarus* specifies the following directions for international cooperation:

- Foreign trade in the sphere of education on the basis of agreements between educational institutions of Belarus and foreign entities (article 119);
- Academic mobility – the exchange of students, pedagogical staff of Belarus and a foreign state for the purposes of training, professional development, improvement of pedagogical activities under international agreements or agreements between the educational institutions of Belarus and foreign entities (article 121);
- Recognition and establishment of a concordance in the periods of training, courses of higher education in organizations of foreign states (article 122).

The only special article (65) of the *Law of Kazakhstan* to refer to international cooperation directs:

- Establishment of direct communications of educational organizations with foreign organizations, participation in international non-governmental organizations;
- Training of foreign citizens in Kazakhstan;
- Foreign economic activities of educational organizations;
- Establishment of international and foreign educational institutions and their branches in Kazakhstan.

In line with the *Law of Kazakhstan*, article 64 of the *Law of Ukraine* stipulates the obligation of the Ministry of Education to establish the equivalence of certificates and diplomas, qualifications, academic degrees and ranks. Similar provisions are included in articles 43 and 44 of the *Law of the Republic of Azerbaijan on Education #833-IIIQ, 2009 (Law of Azerbaijan)*.

An innovation in the *Law of the Kyrgyz Republic on Education #92, 2003 (Law of Kyrgyzstan)* is the provision of educational services to ethnic Kyrgyz residing abroad, which cover educational expenses from the state budget within the limits of quotas (article 51). The *Law of the Republic of Turkmenistan on Education, 2013 (Law of Turkmenistan)*, at articles 47 and 48, enable similar provisions. The laws of Uzbekistan (article 33) and Armenia (article 51), provide a more laconic wording on international cooperation, foreseeing the implementation of international cooperation in the field of education through the cooperation of educational institutions with foreign educational, scientific and other organizations.

The legislation of a number of the CIS countries in the Asian region are at odds with the *Code* concerning the provision of language of tuition. Particularly, the *Law of Kazakhstan*, at article 9, stipulates that all institutions of education should provide all students with learning of the Kazakh language as the official language, and the Russian language and a foreign language in accordance with the state educational standard of the corresponding educational level. The *Law of Kyrgyzstan*, at article 6, establishes that the state will create the conditions for training of the official (i.e. Russian) language and of one international language for every citizen of the state, starting from pre-school education up to basic general education. According to article 7 of the *Law of Tajikistan*, the official language is the main language of instruction in the educational institutions of the Republic of Tajikistan and all educational institutions must provide for the study of foreign languages, including of Russian and English.

Thus, while all the education laws of CIS countries place special emphasis on participating in the international educational processes, national legislators have followed different approaches. The Moldovan variant is believed to be the most concretized, but it is aimed at cooperation with the EU rather than with other CIS countries.

## COMPULSORY EDUCATION

Education legislation of the CIS have, as their basis, the need to increase the level of compulsory education, because scientific and technological progress requires the development of more sophisticated and diverse skills for even low-skilled labour.

Pursuant to article 13 of the *Code*, compulsory education begins with the preparatory group of pre-school education and concludes with a lyceum or secondary and post-secondary non-tertiary vocational training. Under article 152, the obligation to attend institutions of compulsory education ceases at age 18. However article 152 only comes into force in 2018 and, before then, compulsory school attendance ceases at the age of 16 – at the level of high school education.

Articles 12 and 13 of the *Law of Uzbekistan* also establishes compulsory general secondary education (9 grades) and 3-year secondary specialized vocational education. The *Russian Law* makes a similar provision in article 6: “the federal governmental authorities are entitled to organise the provision of publicly accessible and free general and secondary professional education at the federal state educational institutions”.

However, the *Russian Constitution of 1993*, at article 43, specifies that only basic general education is mandatory (that is, nine years of general secondary school). A similar stipulation of nine years of compulsory education is contained in article 5 of the *Law of Azerbaijan*; in article 18 of the *Law of Armenia*; article 155 of the *Code of Belarus*; article 16 of the *Law of Kyrgyzstan*; and in article 16 of the *Law of Tajikistan*.

The duration of compulsory general secondary education in Turkmenistan (at article 22) is 10 years, but in Kazakhstan (article 16) and Ukraine (article 35), it is 11 years.

Clearly, the increasing demand for improving educational levels as a condition for national economic growth is generating a tendency to raise the compulsory education minimum, but such a minimum is still limited to general secondary education in the majority of the CIS. The legislations of Moldova and Uzbekistan require compulsory secondary vocational education, while the *Russian Law* considers it only as a potential possibility and at the discretion of the state bodies.

### **TRANSFORMATION OF CONCEPTS ON EDUCATION AS REFLECTED IN LEGAL REGULATION**

In constitutional and legal doctrine, the right to education and corresponding freedom of education are related to social and economic rights. The right to education, affirmed by constitutions, is usually supplemented by an indication of the need of the state to provide, to a certain extent, compulsory and free education, which is guaranteed by the establishment of state and municipal schools. Freedom of education implies the possibility of obtaining education in free public schools and universities (as, e.g., occurs in France) or in expensive private schools and universities. Freedom of education also implies the existence of the principle of academic freedom in higher education (freedom of training in accordance with the views of a teacher but within the approved curriculum) (Chirkin, 2013, p. 87).

Kozlova and Kutafin (2004, p. 279) believe that an important attribute of the right to education is the formation of educational standards by the state. That is, to be educated means that an individual has attended an educational institution and fulfilled educational standards as confirmed by relevant documents on education (Baglay, 2007, pp. 289, 290). However, the educational laws of the CIS adopt a broader understanding of education than provided for in legal science. For example, in article 3 of the *Code* (“Basic Concepts”) the following types of education are defined:

- Formal education – a set of didactic and pedagogical actions, institutionally performed through systematic structures organized by level and cycles of training within the educational process strictly structured in time and space;
- Non-formal education – a set of learning activities planned and carried out in the framework of extra-curricular institutions representing a “bridge” between the knowledge learned in the classroom and knowledge acquired informally;
- Informal education – a set of teaching-pedagogical influences, spontaneously and continually perceived by a person in the family, settlement, block, outdoors, in social (micro) groups, in social environments (cultural, professional, economic, religious, etc.), in the community (national, regional, territorial, local), as well as in media (print, radio, television, etc.).

There are corresponding provisions in other articles of the *Code*. For example, part VII is made up of five articles devoted to lifelong learning. Article 123 of the *Code* specifies that lifelong training is carried out in the context of formal, non-formal and informal education. Non-formal education is comprehensive training within the framework of planned activities with educational goals. Informal education results from daily activities related to work, family environment and free time, and are not organized or structured in terms of objectives, duration, or training support.

The same article of the *Code* further provides for a link between formal and informal learning, and formal education. That is, non-formal education (which can vary in duration) and training in the context of informal education depends on the intentions of a learner and does not automatically lead to certification of the acquired knowledge and skills, which can be provided by authorized structures on the basis of regulations approved by the Ministry of Education.

Article 124 of the *Code* specifies that learning over a lifetime in non-formal educational contexts may be carried out at non-school institutions, in centres of care and child protection, enterprises and cultural institutions, professional, cultural and trade unions, and non-government organizations; and informal education may occur in the contexts of family, workplace, community, social networks, volunteering, and engagement in sports, cultural and other activities, which all may lead to the formation of competencies and qualifications.

The *Law of Azerbaijan* (at article 1) also defines formal, informal and non-formal education. The *Law of Armenia* (in the process of specifying different levels of educational programs) notes that non-school education (article 20) is aimed at creating conditions for the development of interests of students by organizing their leisure activities, their spiritual, aesthetic and physical development, military-patriotic education as well as the acquisition of ecological and applied knowledge. Non-formal education is carried out through children and youth creativity and aesthetic centres, music and arts schools, clubs, centres for young patriots, technicians, naturalists and tourists, sports schools, health camps, and other organizations engaged in non-formal education. The *Law of Ukraine* and the *Law of Uzbekistan* make similar provisions at article 39 and article 17 respectively.

The question is: if such “education” has not been certified, can it be regarded as education in the proper sense? How does it correlate with the concept of education? And if there is to be certification, who should determine the corresponding level of education and based on what criteria? For example, should the knowledge and skills obtained in life become the basis for issuance of diploma of higher education? Article 17 of the *Code* specifies that certificates of educational qualification provide their owners with the right to continue education at the next level or be employed in accordance with the qualification. But what documents would confirm formal and informal “education”?

In other CIS countries, concepts of what comprises education and, correspondingly, what should be contained in education legislation have also changed to become more aligned with an understanding of education in EU countries. For example, chapter 18 of the *Code of Belarus* deals with the “System of pre-school education”, and contains a definition of “early age”, the initial stage of physical, mental and social development of a child from two months to three years (article 141).

Provisions reflecting the social value of education would require changes in doctrinal concepts before being adopted into national legislation; that is, some CIS countries are more conservative in their approach to education as a subject of legal regulation, recognizing only 'formal education'. For example, in Kazakhstan (at article 39 of the *Law of Kazakhstan*) and Tajikistan (at article 23 of the *Law of Tajikistan*), educational qualifications must be confirmed by official documents in line with standard established by the state. In Kyrgyzstan (at article 1 of the *Law of Kirgizstan*) and Turkmenistan (at article 6 of the *Law of Turkmenistan*), educational programs are compulsory elements of the education system. In the *Russian Law*, even though the law contains the terms "inclusive education", "individual educational program", "lifelong learning" (article 1), article 10 refers to the documentary confirmation of education and the requirement to adhere to training programs.

Though the expansion of the concept of education is not supported by all legislators of the CIS, new approaches are gradually paving the way.

### **ORGANIZATION OF HIGHER EDUCATION SYSTEM**

A problem for the CIS countries is the challenge posed by the introduction of a dual-level education system, which requires an initial, generalised qualification at the bachelor level followed by a post-graduate (specialist) qualification at a master's level. This dual-system results from the participation of a majority of the CIS countries in the *Joint Declaration of the European Ministers of Education* (Bologna, 19.VI.1999), the so-called *Bologna Declaration*.

The implementation of this system, which is not yet well-established, is currently defective but employers are increasingly demanding that professionals be educated to the master's level. In effect, employers believe that the dual-level of education means that those with a master's degree are "completely educated" and those with only a bachelor degree are "under-educated". In Russia, for example, legally educated specialists who hold only a bachelor's degree cannot expect to obtain the position of judge, prosecutor or notary. Such a conception of the need for a master's differs from the traditional understanding of the function of the two education levels: the master's program was originally intended to prepare a person for research work, whereas the bachelor degree course had an applied focus. More fundamentally, the extra demand for master's courses, cannot, in reality, be met because of a lack of capacity within educational institutions. Nevertheless, universities are opening up programs for graduate students by the hundreds, but they are delivering material in master's courses that have already been provided in bachelor courses.

Some CIS countries, along with the transition to a dual-level system of higher education, have retained a "specialist" qualification in higher education. One could say that, as an exception to the general rule, this approach is enshrined in the *Code* under the pretence of an integrated higher education system that combines licentiates and master's programs. According to article 91, admission to the integrated higher education system is exercised simultaneously and under conditions similar to enrolment to the licentiate's program; that is, the cumulative duration of training should correspond to at least 300 transferable units (credits); integrated higher education is completed by exams and/or defence of the graduate project and issuance of a diploma equivalent to a master's degree.

Another problem with the current dual-level higher education system is there is no need to have a “profession-oriented” bachelorship to gain admission to training in the corresponding master’s program (although in Russia many law schools informally accept only bachelors trained in jurisprudence for master’s courses). The question arises: Is it possible to consider a person who received a two-year master’s degree in law after completing a bachelor’s degree in, say pedagogics or economics, as more qualified for judicial work compared to a person with a four-year bachelor’s degree in law?

Article 78 of the *Code* states that licentiates and master’s courses (stages of higher education equivalent to the system “bachelor – master”) may be provided by full-time, part-time and distance forms of education. However, the use of distance education in the master’s training courses is not possible; to my mind, profound scientific education cannot be delivered without the direct participation of academic supervisors and the institution in the research projects (even if there is close “contact” between supervisor and student over the Internet, etc.). In Russia, distance training is unreservedly criticized as pseudo-education (Domnina, 2011, p. 9; Grishin & Zinchenko, 2012, p. 11). Nevertheless, in spite of criticisms, distance education is being increasingly used in master’s training courses. In Moldova, courses aimed at enhancing academic studies with elements of research may be performed remotely in accordance with article 90 of the *Code*.

The relaxation of official requirements for the level of competence of university graduates, widely discussed in former Soviet republics, is reflected in the *Code*, particularly in article 89. In accordance with part 6 of the *Code*, the conclusion of licentiate training is by examinations and defence of the thesis and/or defence of the graduate diploma/project for the licentiate degree, as determined by the educational institution. In Russia, a similar approach is stipulated, not in the *Russian Law* itself but in the normative Acts of the Federal Ministry on standards for bachelorship education programs; for example, on jurisprudence it is found in the *Order of Ministry of Education and Science of the Russian Federation # 464 (2010)*.

An important positive development, which is reflected in the *Code* is article 90, states that, in the case of admission to the second stage of higher education and into a program that is different from the one completed during the first stage of higher education, a candidate must accumulate 30 transferable credit units that are relevant to the basic and special training courses in the selected field. Despite this being a roundabout way of ensuring competency to progress from the first to the second stage, the Moldovan legislature makes it clear that priority for obtaining education at the master’s level is to be provided to those who have received bachelor’s training in the relevant field.

Nevertheless, the *Code* leaves a loophole that can be used by those wishing to continue their education at the master’s level but in a different specialty to that obtained at the bachelor level. The *Code* allows the accumulation of 30 transferable credit units on basic and special subjects in a corresponding field to be a consideration for admittance. Article 90 allows that the minimum transferable credits can also be obtained while studying licentiate courses; this is the usual path and assumes accumulation of not exactly 30 credit units but of such credits that are possible in licentiate courses (according to article 89 of the *Code*, it is 180-240 transferable credit units – 30 credits per semester). The *Code* does not define other ways of obtaining the required credit minimum. Legitimate and unanswered questions are: Would it be possible to attend only a few academic disciplines in high school to get the required number of credit units without having to take courses

under the licentiate's program? Is it necessary to enrol in an educational institution for the licentiate's program and attend only some disciplines? What if the subjects belong to different years of study and corresponding semesters – can a student then be expelled for poor academic performance since she or he has missed some of the academic disciplines?

In effect, CIS countries can be divided into two groups according to the character of their regulation of their system of higher education. The first group recognizes two levels of higher education: bachelor's program and master's program (*Azerbaijan, Kazakhstan, Belarus and Uzbekistan*). Article 14 of the *Law of Uzbekistan* states that higher education comprises two levels: the bachelors and the master's programs. A bachelor degree (undergraduate) – means basic higher education providing fundamental knowledge in one of the areas of higher education over a period of study of at least four years. The master's program provides higher education in a particular specialty with duration of training not less than two years on the basis of the completion of a bachelor degree.

Article 20 of the *Law of Azerbaijan* specifies that specialists with higher education in specific professional areas or specific specialties may be awarded the academic qualification of a bachelor degree at the discretion of the branch (faculty) academic council. The most gifted and promising specialists who have received the degree of bachelor may be enrolled in the master's program on a competitive basis. In the master's course, the specialization deepens, with particular emphasis on developing research skills and competency in foreign languages. Those who complete a master's course and, after defending a scientific work, are awarded the qualification and academic degree “master”, by a specialized academic board.

Although the legislators of Kazakhstan also recognise the stages in higher education – the bachelors and master's programs – the treatment of the levels is different from the norm. Article 1 of the *Law of Kazakhstan* states that the bachelor is an academic degree awarded to individuals who have mastered the appropriate educational programs of higher education, and the master is the academic degree awarded to individuals who have completed professional training programs of postgraduate education. That is, the master's program is the level of postgraduate education.

The *Code of Belarus*, although it does not use the term “bachelors program”, also provides for the two levels of higher education (article 202): higher education of level I and higher education of level II – the master's program.

In the second group of countries, higher education depends upon the educational programs that provide the qualifications of bachelor, specialist and master (*Armenia, Kyrgyzstan, Russia, Tajikistan, Turkmenistan, and Ukraine*). Particularly, in line with article 3 of the *Law of Armenia*, the bachelor is the higher degree qualification awarded to those who have completed at least four-years of a higher professional educational program; certified specialist is the higher education qualification awarded to those who have completed at least five years of a higher professional education program; and master is the higher education qualification awarded to those who already have a bachelors or specialists degree followed by a further two years of higher professional education.

The ratio of above-listed levels of higher education is similar in the laws of Turkmenistan (article 27), Russia (article 10) and Tajikistan (article 19).

There is a special regulation at article 1 of the *Law of Kyrgyzstan*, which states that the bachelor, master's and specialist awards qualify as an academic degree of basic higher

education, an academic degree of full higher education, and a professional qualification degree of full professional higher education, respectively.

The *Law of Ukraine*, at article 43, provides that institutions of higher education provide training of specialists with the following educational and qualification levels: a junior specialist – prepared by technical schools, colleges and other higher education institutions is the first level of accreditation; a bachelor – trained in colleges and other higher educational institutions is the second level of accreditation; and master – at higher educational institutions – is the third and fourth levels of accreditation (institute, conservatory, academy, university).

Overall, the two-tier system of higher education introduced in the CIS countries raises many questions. Considering there is already an emerging social problem in relation to the inability of those with bachelor level degrees to find employment, it is evident that the integration of the dual system of education has yet to be fully incorporated into the legal system. In addition, it is necessary to change public perceptions of the model of higher education and change the master's programs; that is, those undertaking master's programs must be more self-sufficient and more engaged in self-development (with the possibility of obtaining assistance from supervisors) than those undertaking bachelor's degrees. As already noted, currently, fulltime master's courses in Russia are not fundamentally different from education at the bachelor's level.

## QUALITY OF EDUCATION

Much attention has been paid to the quality of education in the education legislation of the CIS. The legislators of Moldova appear to have provided the most robust regard. Article 3 of the *Code* specifies that the quality of education is a complex of characteristics of the educational program and should aim to meet the quality expectations of consumers. Article 7 defines quality as a fundamental principle of education by which educational activity is correlated to basic and advanced national standards and international practices. In article 18, those responsible for the quality of general education are the Ministry of Education and the National School Inspection (at the national level); local sectoral bodies in the field of education (at the local level); and the managers of educational institutions (at the institutional level). The agencies responsible for vocational and technical training and higher education are: at the national level, the Ministry of Education, the competent ministries and the National Agency for Quality Assurance in Vocational Education; and, at the institutional level, appropriate structures for provision of quality in education.

Article 99 of the *Code* provides that external assessment of the educational process in higher education is to be performed by the National Agency for Quality Assurance in Vocational Education; internal evaluation of the educational process in higher education is to be carried out by institutional structures of quality assurance on the basis of institutional regulations.

Article 110 foresees that the direction of partnerships of higher education with business must involve highly qualified personnel from businesses to monitor and assess the quality of higher education. Further, article 140 states that it is the responsibility of the Ministry of Education to manage, monitor and evaluate the national education system, including research in the field of higher education and approval of procedures for assessment of teaching and administrative educational staff in order to assign or to confirm their teaching and administrative degrees and ensure control of compliance with these

procedures. Article 120 provides for the evaluation of pedagogical, academic research and scientific staff on the condition that assessment of academic research staff by students is mandatory.

Specific provisions for the quality of assessment in higher education are fixed in article 113 of the *Code*. Quality assessment is a complex of actions on self-assessment and internal evaluation (conducted by institutional structures responsible for ensuring quality according to basic national standards) and external assessment of quality (carried out by the National Agency for Quality Assurance in Vocational Education or another agency for quality assessment included in the European register of quality assurance in higher education) in compliance with accreditation standards and approved criteria and parameters. The assessment of the quality of higher education refers to the potential capacity of the institution, educational effectiveness (including academic results), quality of programs of initial and continuous professional training, institutional quality management, the results of research and/or artistic creativity, and compliance of internal assessment to the actual state of things.

A separate article of the *Code* (115) is dedicated to the National Agency for Quality Assurance in Vocational Professional Education. The article is made up of 12 parts and exceeds two pages by volume. It reflects the approach of the legislator to the issues of quality assurance of education and the objectives of the *Bologna Declaration of 1999*; that is, the establishment of a system of education quality assessment, existing in parallel with the traditional government agencies exercising administrative management and control of the education system. The above-mentioned agency is defined as an administrative body of national significance with the status of a legal entity, autonomous in relation to the Government, independent in decision-making and organizationally, and funded from the state budget and from its own revenues. That article also determines the structure, terms of office and powers of the governing bodies of the agency. In particular, it stipulates that members of the agency's governing council are elected for a term of four years on the basis of a public competition held with participation of the international jury, with a right for a one-time re-election.

A more succinct version of education quality standards is stated in the *Law of Azerbaijan*. At article 9, the level of quality of education is defined in accordance with the system of quality indicators on levels of education (educational programs, level of competence of students, material and technical base, infrastructure and information resources, professional, scientific and educational level of teachers, innovative educational technologies, etc.), adjusted in line with the principles of international and European education systems on the basis of state education standards adopted in the country. The level of the quality of the staff of an education institution facilitates the competitiveness of graduates on the national and international labour markets, and their role in social and economic development of the country; the quality of education stems from requirements related to the socio-political, socio-economic, scientific and cultural development in every historical period, and is to be evaluated in an appropriate manner by the accreditation service. Article 16 states that the accreditation of educational institutions shall be carried out by the state accreditation service created in compliance with the procedure set forth by the corresponding executive authority. The accreditation is completed by the issuance of the relevant document – the certificate of quality.

Article 12 of the *Law of Ukraine* states that the central executive authority that implements the state policy in the field of education, among other powers, controls and

participates in the monitoring of the quality of training of pupils and students; the central executive authorities in charge of all educational institutions, together with the Ministry of Education of Ukraine, perform supervisory functions to ensure compliance with the requirements of quality of education. Under article 15, based on accreditation results of higher educational institutions and facilities of postgraduate education, the central executive authority conducting the state policy in the sphere of education, together with other central authorities in charge of educational institutions, inform the public about the quality of educational and scientific activities of such institutions. Article 18 of the same law states that educational institutions, regardless of status and affiliation, must ensure the quality of education to the extent required by the state educational standards. One can say the *Law of Ukraine* formulates just guidelines.

Interestingly, the updated legislation of the *Russian Law*, in terms of implementation of control over the quality of education, seems to have taken a step backwards. Thus, in article 15 of the *Law of the Russian Federation of 1992 on Education* (annulled) it had been stated that the objective control of the quality of graduates upon completion of each level of education is provided in compliance with the state educational standards of the State Certification Service, independent of the governing educational authorities. But now, the function of licensing and accreditation, including quality control of education, is performed by the Federal Service for Supervision in the sphere of education and science, which, according to p. 2 of the *Regulation of the Russian Government #594 on Approval of Provision on the Federal Service for Supervision in the Sphere of Education and Science (2013)*, is under the jurisdiction of the Ministry of Education and Science of the Russian Federation.

Some CIS countries have included an abbreviated (compared to the *Law of Azerbaijan*) variant of the legal regulation in the laws on education and without indication of specific government agencies. Thus, in Belarus, Armenia, Uzbekistan, Turkmenistan and Kyrgyzstan, the state control over the quality of education is understood as compliance with educational standards during certification, accreditation, licensing, and similar procedures.

For instance, article 20 of the *Code of Belarus* stipulates that educational institutions must provide assistance to the empowered state agencies in carrying out monitoring of the quality of education and the quality of education itself, which is understood as compliance with the requirements of the educational standard. Article 43 specifies that state control over the quality of education is implemented during the process of licensing and accreditation. Similarly, article 35 of the *Law of Kyrgyzstan* points to the state's obligation to guarantee the quality of education through institutions of licensing, testing and accreditation. As per article 15 of the *Law of Turkmenistan*, state control over the quality of education is carried out by state authorities managing the education system through the state's final attestation of graduates, certification of an educational institution, scheduled and unscheduled inspections of the content and quality of training of students, and their compliance with educational programs. Article 26 of the *Law of Uzbekistan* notes that the enforcement of state educational standards, requirements to the quality of education and professional training fall within the competence of the state education authorities.

The provisions in the laws of Tajikistan and Kazakhstan containing the concept of "education quality management" are unique. It appears that, here, the emphasis is laid not at the denotation of external forms of state control but on the requirements of the content of the quality of education. As indicated in article 27 of the *Law of Tajikistan*, the control

over the quality of education implies a unified state policy in the sphere of education and is based on the sole national order of assessment of the quality of education and its efficiency. It is carried out by methods of internal and external evaluation based on the results of monitoring as well as regulatory decisions in educational institutions.

Article 55 of the *Law of Kazakhstan* specifies that the control over the quality of education is directed at the implementation of a unified state policy in the sphere of education, and includes public and institutional structures that make up a unified national system for assessing the quality of education, the rational use of funds allocated for financing of education, and overall efficiency of the education system. The control over the quality of education is performed through the adoption of regulatory decisions at all levels upon results of educational monitoring.

The innovative approaches to quality assurance requirements stipulated in the *Code* represent the most perfect variant of education regulation among CIS countries. One of the most important provisions appears to be the establishment of a special agency on verification of the quality of education which is independent from other executive structures. In other countries, though some attention is paid to the quality of education, actual implementation corresponds poorly to European trends as expressed, particularly, in the *Bologna Declaration*.

## CONCLUSION

On the whole, the above analysis enables a conclusion that, in spite of a goal proclaimed in 1997 for the formation of a unified (general) educational space in the CIS (the *Decision of the CIS Council of the Heads of Governments*, dd. 17.01.1997), member-states of CIS have consistently reinforced their commitment to the creation of a system aligned with the European educational space. Ongoing reforms are aimed at borrowing Western models of education (especially higher education). However, such reforms are superimposed on national and regional historical and cultural peculiarities. Progressive provisions coexist with rules which are a legacy of the Soviet era. The analysis of legislation reveals numerous overlaps and gaps, and there is a lack of clarity in the implementation of progressive approaches, especially in the sphere of higher education. Concepts with vague content are secured in legislation requiring the involvement of law-enforcers to enact the concepts with more specific content or legislative reforms. Given the nature of law making in CIS countries, where reasons for law changes are often not forthcoming, it is difficult to be certain how the laws will continue to change. National legislators of all CIS display an “inferiority complex”, borrowing from national European laws (primarily, Germany) and international (EU) laws. For example, during the reform of the Civil Code of the Russian Federation in 2013, even official law project proposals contained a reference to the European procedural regulations as a basis for the introduction of changes. The effectiveness of the use of foreign models will depend on the quality of implementation of the standards in the legislation, the precision in implementation of administrative activities of government bodies, and the recognition of these standards in civil society.

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