

# Trends in the development of education modernization legal policies in the post-Soviet states

## Tendencias en el desarrollo de políticas de modernización educativa en los países postsoviéticos

Anatoly Vladimirovich OVCHINNIKOV [1](#); Marina Insarovna FROLOVA [2](#)

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### Contents

- [1. Introduction](#)
  - [2. Methods](#)
  - [3. Findings](#)
  - [4. Conclusion](#)
- [References](#)

#### ABSTRACT:

The article reveals the essence of the term "Legal Policy", which is actively used in modern studies. Its role in the educational sphere is demonstrated, in particular, in the study of problems related to the modernization of the education system in the states formed after the disintegration of the Soviet state. It is noted that the scientific analysis of problems related to legal policy has become a new and promising field in modern world humanitarian science. Recently, there has been a steady tendency to strengthen research attention to the problems of legal policy in the field of education - a promising area for interdisciplinary research in the field of education. The authors of the article state that the study and scientific analysis of this problem will be effective when, during the research process, the cultural and historical regulation traditions of the education system that have developed in different regions of the world will be harmoniously combined. At the same time, it is necessary to take into account the global trends in the development of education that are inherent in the modernization of education, which has both national and supranational components, as well as the processes of globalization and the formation of a single world educational opportunity.

**Keywords:** legal policy, education system, education modernization, cultural and historical traditions,

#### RESUMEN:

El artículo revela la esencia del término "Política legal", que se utiliza activamente en los estudios modernos. Su papel en el ámbito educativo se demuestra, en particular, en el estudio de problemas relacionados con la modernización del sistema educativo en los estados formados después de la desintegración del estado soviético. Se observa que el análisis científico de los problemas relacionados con la política legal se ha convertido en un campo nuevo y prometedor en la ciencia humanitaria mundial moderna. Recientemente, ha habido una tendencia constante a fortalecer la atención de la investigación sobre los problemas de la política legal en el campo de la educación, un área prometedora para la investigación interdisciplinaria en el campo de la educación. Los autores del artículo afirman que el estudio y el análisis científico de este problema serán efectivos cuando, durante el proceso de investigación, se combinen armónicamente las tradiciones de regulación cultural e histórica del sistema educativo que se han desarrollado en diferentes regiones del mundo. Al mismo tiempo, es necesario tener en cuenta las tendencias mundiales en el desarrollo de la educación que son inherentes a la modernización de la educación, que tiene componentes nacionales y supranacionales, así como los procesos de globalización y la formación de un único oportunidad

## 1. Introduction

The world science of education has recently been paying much attention to the development of educational legislation in the context of modernization development. Interest in this problem arose almost at every critical stage in the development of world education.

This global trend is confirmed by historical data, which show that during the New and Modern times, in almost all countries of Europe and America, much attention was paid to the problems of education policy and legislation. The process of practical implementation of this trend is manifested in the fact that the state power and the ruling elites of various states during certain periods of socio-cultural modernization sought to quickly fix the legislative norms in the field of general education. Thus, the cultural and educational code of a particular nation began to be more actively formed and its conformity to the tasks that were put forward for a specific historical community was strengthened. It was a kind of political macro-management with the task to optimally perform the organizational and administrative functions of state power ensuring the realization of the rights and interests of all citizens, including their right to education.

The flow of these processes in Russia over the course of historical development took various forms. Most vividly and multifaceted, they manifested themselves in the last twenty years - during which global political events occurred - the collapse of the Soviet Union, which led to the formation of a new political and cultural state. Simultaneously with this process, the historical significance of which has yet to be fully appreciated, new ideas about the sciences of education were formed. That was when new fields emerged - educational political science, invented by the Russian scientist B.S. Gershunsky. Today, his methodological position on the fact that not mobile and conformist "flexible" elements of individual and public consciousness at all, sensitive to all kinds of manipulation and deformation and therefore transient in time, but the "deep", "root", relatively stable mental qualities and features are objects of social inheritance and persist in long-term social memory, predetermining the content and structure of the social-genetic code, the person and society" (Gershunsky 1998). These thoughts, written twenty years ago, seem relevant today, since they direct the scientific community to actively study modern processes in world education, especially in post-Soviet time.

The collapse of the Soviet Union is already a historical fact. Due to this circumstance, during the scientific and theoretical analysis of the consequences of this global civilizational shift, it seems extremely important not to stray from the principle of historicism, which assumes immersion in the historical context, without tearing out events (Chubaryan 2014). Around the same period, the term "legal policy" began to be actively used in social sciences. Being relatively new, it has become the subject of intensive discourse among specialists of various fields of knowledge, including scientists in the sphere of education.

Legal policy in the field of education and the modernization of education today serves as an interconnected, historically and regionally unique phenomenon combining numerous modern and historical elements that have a significant impact on the trends in the development of modern world education.

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## 2. Methods

The main research methods of the stated problem are historical-dynamic and historical-systemic. Using the first method, one can qualitatively describe and evaluate the phenomenon and reveal the regularities and periodicity of the processes that have taken place. The second method allows studying phenomena and objects of the past as integral systems, to understand their elements, structures and changes that occurred. As an additional method, the historical-legal method was used.

### 3. Findings

The modernization of education today is the main condition for its further development as the most important social institution of humankind. During the course of modernization, the fundamental principles of the development of the education system are being revised, a new legislative framework is being formed and a modern branch management system is being built, resulting in the formation of completely new technologies, including social ones, based on which future education is outlined, the education of the postmodern era.

The radical change in the world educational policy makes profound transformations in the educational activity itself, resulting in its new forms and technologies. At the same time, profound changes are taking place in the worldview and outlook of all participants in educational relations, as states, communities, corporations and individual subjects of educational opportunities.

In this connection, it becomes obvious that for an optimal and effective education modernization process, to obtain and comprehend its results, it is necessary to have a sufficiently long historical period, which differs significantly in individual states of the modern, multifaceted world. During this process, there is a need to change the human personality, mentality and ultimately, the system of interpersonal relationships.

And these circumstances raise the issues of educational legislation with particular urgency, not only at the level of its implementation, but also at the level of determining strategic ways of its development under conditions of global changes taking place in the modern world. To create such legislation and to implement it, a certain state policy is necessary in practice, in which the public interests are optimally combined. Thus, we are talking about a specific area of modern scientific and practical knowledge - legal policy in the field of education.

Due to its relative novelty, various definitions of legal policy are found in scientific literature. Interesting and promising is the point of view of Russian scholars proposing to define the legal policy as "the management of positive law". Such a definition "opens up prospects for developing a new, holistic and universal approach to the phenomenon of legal policy..." (Rybakov and Tikhonova 2015).

Based on the analysis of the views of modern researchers in the field of social sciences, it is possible to broadly define the legal policy in the field of education as an active endeavor of state and municipal authorities aimed at developing and implementing a scientifically based strategy and system of measures to ensure the right to education for the population of a certain territory. Another important element of the legal policy is the formation of a nation-wide mechanism that ensures optimal conditions for the activities of all participants of educational relations within the framework of the current legislation.

One of the main tasks of legal policy in the field of education is the formation of a positive image of legal methods to modernize education. Legal policy in the sphere of education is implemented as a sound and well-developed system for making decisions that meet the challenges of modern times, decisions on the development of education strategy and taking into account the needs of the individual and various communities. It is also necessary to take into account the important theoretical position that modern law is "a flexible, mobile, contextually conditioned structure reproduced by discursive practices of people who bear the status of subjects of law" (Chestnov 2012).

The theoretical interpretation of the problems of legal policy in the field of education and its place in educational opportunities of the modern world is strongly promoted by the logic of the development of political and legal processes at the global and regional levels. The organization of education in the new era of postmodernism urgently requires, on the one hand, the unification of the legal foundations of education, making them one of the vectors of its world development. On the other hand, granting the personality a wide range of opportunities in the implementation of its educational rights under conditions of free choice of educational paths.

In such conditions, the legal policy is the most important mechanism ensuring the

progressive development of the world educational opportunities, setting the framework for strategic planning and management in education as the most important social resource for the sustainable development of humankind on the path of globalization.

Proceeding from the classical thesis that the action of any law occurs in a certain space and time, it can be argued that in the educational space such an action will have its own peculiarities, since the educational space is an object world and an object of subject activity simultaneously (Ivanova 2015). Consequently, not only the factors determining the current trends in world development, but also the factors formed as a result of the centuries-old development of the traditional and transitional to a post-modern society, influence the solution of global education problems. They continue to have a significant impact on the development of the law in the field of education of various states in the modern world. Therefore, one of the risks in management in the field of education under conditions of modernization development is the adequate perception of the value orientations of the legal policy in the education sphere by the subject of the educational process. These guidelines are formed as a result of the subjective perception of the system of legal norms, ranging from global and state to corporate. One of the main objectives of modern educational management is to instill in the subject of the educational process such skills, and in the future having them actualized, to bring them to the level of competences.

When organizing this process, it is necessary to take into account the fact that the issues of legal policy in the context of education modernization have a global, universal character. At the same time, in each country and every region of the world, they have their own specific manifestations, which determine the specifics of the development of education.

A vivid trend of legal policy in recent years has been the active development of educational legislation. The fact that it is becoming more unified and based on common principles for civilized countries has already become a stable global trend. Due to this circumstance, modern educational legislation has become an important factor in the world humanitarian development.

The development of educational legislation in different countries has common features, which, above all, should be attributed to the focus on solving global problems of the present, providing residents of the earth with a level of education that would allow them to take an active part in solving the problems of sustainable development.

A striking example of the development of legal policy and its role in the modernization of national education systems under modern conditions can be the trends in the legal regulation that have appeared in the education system of states that emerged in the post-Soviet territory.

The change in the geopolitical situation at the turn of the 20th and 21st centuries had a major impact on the development of culture and education throughout the world. Many countries had been created within the territory of one country. Each of them in one form or another inherited the legal traditions of modernization of education, accumulated over the years of the development of the Soviet educational project, which today can be represented as one of the stage of globalization of the world educational space. These traditions have undergone the process of necessary adaptation to the new educational paradigm of a particular state among the post-Soviet ones and have continued their existence under new conditions already.

Legal policy in the post-Soviet states began to actively use progressive world educational development practices. In this regard, it seems relevant to identify several trends in the legal policy in the field of education, conducted at that time. In the newly formed states, the process of creating special legislative acts was actively carried out, in which legal norms were established that maximally ensured the legal regulation of certain areas of national education systems. Some states went on a different path; they began to create a single regulatory and legal act, including the regulation of all levels of national education. In the long term, such a legal policy should lead to the adoption of an organic national law in the field of education.

## 4. Conclusion

Despite the difference in the implementation of legal policy in various states, it is possible to single out features common to most post-Soviet states:

1. Creation of legal mechanisms for optimal progressive development of the organization and content of school education, meeting modern world standards and the interests of cultural development of the particular state population. At the same time, the preservation of national traditions of educational legislation acts as a guarantor for equal partnership of a certain state in the world educational process.
  2. The optimal combination of international, foreign and national elements of educational policy to be rationally enshrined in national educational legislation. International integration of the experience of legal regulation in the field of education is the key to the progressive development of integration processes in the education sphere.
  3. Constant monitoring of the main trends in the development of national education in the context of world educational trends;
  4. Ensuring real guarantees from the state for general education; involvement of a broad public initiative into this activity, establishment of a real functioning of the state-public cooperation regime in the educational sphere.
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1. Institute for Strategy of Education Development of the Russian Academy of Education, 105062, Moscow, Makarenko st., 5/16. E-mail: [anatoly\\_ovchinnik@mail.ru](mailto:anatoly_ovchinnik@mail.ru)

2. Management of educational institutions of the Administration of the City of Vladivostok 690091, Vladivostok, Fokina st., 11

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[Index]

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