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History of Legal Regulation of Relations in the Field of Education in Ukraine

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Abstract--The urgency of the problem stated in the article is due to the fact that the status of the subjects of the educational process has changed significantly throughout the history of Ukrainian statehood, reflecting the type of socio-economic organisation of society, a certain level of civilisation, its degree of humanisation and liberalisation. The purpose of the article is to analyse the various historical stages of formation and development of legal regulation of relations in the field of education in Ukraine. According to the purpose, the leading method of this study was historical, which was based on the study of the origin, formation and development of objects in chronological order and which allowed achieving an in-depth understanding of the legal regulation of relations in education. The article proposes the periodisation of legal regulation of relations in the field of education, concludes that the predominance of public or private law influence on education at different times depends on socio-economic and political conditions. Research materials and formulated conclusions can be used in research activities as a basis for further historical and legal research of relations in the field of education.

Keywords--higher education, legislation, reform, regulation, university.

Introduction

Legal regulation of the educational process has a cultural and historical character and depends on many factors, including the current needs of public life, economic opportunities, political conditions, national traditions. Methodologically, positivist attempts to find common standards, norms and ideals for “all times and peoples” are futile (Kremen, 2008). Determining the legal status of participants in the educational process and educational institution is impossible without a retrospective analysis of the evolution of relevant legislation. It is necessary to identify the main stages of legal regulation of relations in the field of education from the emergence of the first educational institutions in Ukraine to the present period. The peculiarity of the analysis of these issues is that modern Ukrainian lands at different times were part of different states, where the formation of higher education took place in different ways. On the territory of modern Ukraine, the first educational institutions appeared in ancient times in the Greek cities of the Northern Black Sea coast. In Olbia, Chersonesos, Panticapaea and other polis cities, there were private and possibly public educational institutions, where it was possible to get a typical amount of knowledge typical of the ancient world. The school program included the study of grammar, mathematical disciplines, elements of philosophy and rhetoric, reading literary works, music and drawing (Verba et al., 2014).

The first written mention of children's education is given in the chronicle “The Tale of Bygone Years” (12th century) by the chronicler Nestor. Vladimir baptised Kyivan Russia and was the first in Russia to “order the construction of churches”, and “bring people to be baptised in all cities and villages”, “and began to send children from his deliberate men and give them for teaching”. Teaching took place with the help of religious sources in Christian churches (Likhachev, 1996). Despite the resistance of traditional culture and pagan consciousness, school education quickly spread through the lands of the Kyiv state, as evidenced by numerous reports on the acquisition of writing by the general population. During his reign in Novgorod, Yaroslav the Wise also ordered the establishment of schools and the teaching of literacy to children. A large library and a scriptorium were founded within the walls of Sophia of Kyiv (1037), where books were translated and rewritten. A significant development in Europe was the opening of universities called Universitas Magistorum and Studium Generale, while the term “universitas” was widely used and usually referred to a group of people with common interests and independent legal status, such as a guild of artisans or a municipal corporation. The status of “Studium Generale” gave the organisation certain rights and privileges, among which the most important were: the right to award master's and doctoral degrees; the university was not subordinated to the local secular and religious authorities, it was under the imperial or papal protection; taking advantage of the contradictions between spiritual and secular authorities, the university had de facto autonomy (Kurbatov, 2014).

The history of most of the oldest universities dates back to the specialised schools that appeared in the 12th century in Italy. A significant step towards establishing the European tradition of university education was the founding in 1088 of the University of Bologna, in 1150 – the University of Paris and in 1253 – the Sorbonne University. The beginning of the University of Bologna is associated

with the activities of the School of Law, primarily with the activities of lawyer Irnerius. It was he who successfully studied and accurately interpreted the sources of Roman (Justinian) law, the urgent need for which arose at that time in society. Irnerius and his students developed a large-scale study of Roman law in order to establish its true and complete meaning (Polyakov & Savchuk, 2004). The University of Bologna was founded on student self-government, and the management of the University of Paris was based on professorial self-government. In further historical development, the Paris model of the university proved to be more viable. Education in the lands of Russia at that time did not develop rapidly because of objective reasons, which include the decline of the state after the death of Yaroslav the Wise due to the constant struggle between the princely family for the right to own Kyiv and the Tatar invasion, which caused the destruction of churches and libraries with them. Another constraint on the development of education was the establishment of Orthodoxy in Russia, which made it impossible for those wishing to receive education in European universities, where the Catholic faith dominated. The purpose of the article is to analyse the stages of emergence and development of regulation of public relations in the field of educational services in the lands of Ukraine (Jarvis, 2014; Shaw, 2019; Dill, 1997).

Method

The current stage of development of society is characterised by a comprehensive approach to understanding the legal essence of educational relations, and, in particular, the legal status of participants in relations in the field of education. The object of research was the formation and development of legal relations in the field of education in Ukraine, as well as theoretical problems of the balance between imperative and dispositive, between centralised government and university autonomy. The subject of research is scientific views, ideas, concepts and theories on trends and patterns of historical development of legal regulation of relations in the field of education in all manifestations, aspects, chronological continuity from ancient times to the present (Pilonato & Monfardini, 2020; Geuna & Rossi, 2011).

According to the goal, taking into account the object and subject of research, general scientific (dialectical, formal-logical, system-structural, etc.) and special methods of scientific cognition (comparative, historical, etc.) were used. Thus, with the help of the dialectical method, an attempt was made to overcome disagreement through rational discussion, and, finally, to find the truth. Using the formal-logical method, the historical stages of development of legal regulation of education were formulated. The system-structural method was used to determine the place of educational law in the legal system. The comparative legal method of research was used to analyse the norms of civil and educational legislation in this area of human activity in Ukraine and Europe. The historical method of research provided an opportunity to determine the genesis of the legal regulation of relations in the field of education in the lands of Ukraine.

The stages of the study were a justification for the relevance of the topic; study of the state of the object and subject of research; study of goals and specific objectives of the study; choice of research methodology; study of the history and

current state of the problem; description of the research process; collection, selection and study of information; discussion of results; literary presentation of research materials and work design; formation of conclusions about the results of research, their evaluation and implementation in scientific and methodological and educational activities (Musselin, 2013; Joskow & Rose, 1989).

Results and Discussion

Formation and development of higher education in Ukraine. The main features of the Ukrainian education system in the post-princely (Cossack) era were as follows: 1) in contrast to Western Europe, there were no higher education institutions in Ukraine, but secondary schools, in particular fraternal schools, which were financed by the Zaporizhian Army and personal donations of individual Cossacks, gentry and burghers; 2) in contrast to the then Moscow Kingdom, education in the Ukrainian lands was secular, not purely theological in nature, students studied the humanities and exact sciences, foreign languages (Derevyanko, 2014; Liu & Alley, 2019; Griffen et al., 2021). For a long time, the territory of Ukraine was part of the Russian Empire, and therefore it was subject to general rules. The history of higher education before 1917 is a complex multifaceted process, in which several stages can be distinguished, differing in the level of higher education and general culture, as well as the degree of autonomy of the university charter and command and administrative pressure from the state.

Historian Olesieuk (2005), names five such stages. The first stage lasted from the founding of Moscow University (1755) to the founding of the Ministry of Education (1802). The second – from the time of the first university statute (1804) until 1835, when the second statute was adopted, is called the childhood of Russian universities. The third stage lasted from 1835 to 1863, i.e. from the University Statute of Nicholas I to the University Statute of Alexander II. The fourth stage (from 1863 to 1884) can be called the period of youth of universities, the flowering of university autonomy and the significant influence of Western European philosophy of higher education. The fifth stage (the period of maturity), which lasted until 1917, was characterised by the suppression of democratic principles, the active progress of which began in the previous stage. The consequence of the adoption of the University Statute of 1884 was to slow down this process and create obstacles to the development of higher education. Analysing the above division of stages of development of higher education by Olesieuk (2005), it should be noted about the development of higher education in the Ukrainian lands before the establishment of Moscow University, and therefore this periodisation requires adjustments to take into account the history of higher education in Ukraine.

The Ostroh Academy (Slavic-Greek-Latin Collegium) appeared in Ostroh (now Rivne Region) in 1576 as the first higher education institution. Unlike the best cathedral schools, where education was limited to grammar, rhetoric and dialectics (“trivium”, from Latin trivium – the intersection of three roads), “seven liberal arts” were taught (as well as arithmetic, geometry, astronomy and music – “quadrivium”, from Latin quadrivium – the intersection of four roads) and elements of philosophy, created by prominent theologians, philologists and

philosophers – Gerasim and Meletius Smotrytsky, Vasyl Surazky, Danylo Nalyvayko, Vasyl Ostrozskiy, Christopher Philaletus (Martin Bronsky). Ivan Fedorov founded a printing house in Ostroh, where more than 20 books were published, including “Alphabet” (1578) (Shapoval, 2011). The driving force of education since the middle of the 16th century become fraternal schools. The fraternities were public religious and cultural organisations that established hospitals and schools. In 1585, the Assumption Brotherhood of Lviv organised its school. The “School Order” (1586) created by the Lviv Brothers became a model for most fraternal educational institutions, and today it is the oldest preserved monument of Ukrainian pedagogical thought (Verba et al., 2014).

The start of the Kyiv Academy was made in 1615, when it was called a fraternal school. In 1632, the Lavra School, founded by Peter Mohyla, joined it, and thus the Kyiv-Mohyla Collegium was formed. One of the most interesting phenomena of Ukrainian culture of the 17th-18th centuries became a school, which contemporaries called the collegium or – in honour of its founder – the Kyiv-Mohyla Collegium, later the Kyiv-Mohyla Academy. For the first time the status of the Academy was established by the Treaty of Hadiach in 1658 (Medvedev, 2010), and on September 26, 1701, thanks to Mazepa's insistence, Peter I confirmed the level of the Kyiv-Mohyla Academy as a higher education institution. Characterising the history of the Kyiv Collegium-Academy, Siropolko (2001) writes that one of the features of higher schools from the second half of the 17th century to the end of the 18th century was the right to grant scientific titles – bachelor, master, doctor; the right to have one's own judgment over professors and students, and not to be subject to the jurisdiction of an outside spiritual or secular court; the right of students to have their own corporations.

The Kyiv-Mohyla Academy resembled Western European universities in its structure. A rector had unlimited rights and managed all the income and property of the academy, supervised teachers, “judged and executed” (Derevyanko, 2014). In addition to the Kyiv Collegium-Academy, several other schools that appeared at the end of the 17th and during the 18th centuries are worth mentioning, in particular the Novgorod-Siversky Episcopal School (later moved to Chernihiv), the Chernihiv Collegium, the Kharkiv Collegium, and the Slavic-Latin School in Pereyaslav, Glukhiv Singing School (Siropolko, 2001). One of the first institutions of higher education in the lands of Ukraine was the Lviv Academy with the rights of a university, which was established in 1661 by the decree of King Jan the Second Casimir. At the beginning of the formation of the idea of the university, the emergence of university education in modern Ukraine, preference was given to self-government and autonomy of the educational institution.

At the end of the 17th century Ukraine had a developed educational system, which included primary, secondary and higher education. However, at the end of the 18th century there was a different picture: due to the enslavement and ruin of the peasants, most rural schools in the Left Bank and Sloboda Ukraine ceased to exist. The time limits that determined the completion of one and the beginning of another stage of higher education development are university statutes. In the pre-revolutionary period, relations in the field of higher education were regulated primarily by imperial decrees, including, in particular: The first general university charter of 5(17).11.1804 (University Charter of Alexander I); University Charter of

July 26.07(07.08)1835 (University Charter of Nicholas I); University Charter of 18(30)06.1863 (University Charter of Alexander II); University Charter of 23.08 (04.09) 1884 (University Charter of Alexander III).

Regulation of educational activities in Ukrainian universities. The first general university charter, signed by Emperor Nicholas I 5(17).11.1804, extended its effect to the universities of Moscow, Kharkov and Kazan. These imperial universities were created on the prototype of the Sorbonne University in Paris, i.e. were financially and organisationally dependent on a founder. The granting or deprivation, strengthening or weakening of autonomy at different stages of the existence of such universities depended on the will of the state, as the main source of income was government subsidies, and universities were financially dependent on the treasury. The internal organisation according to the statute of 1804 was based on the principles of full institutional autonomy in all internal affairs. The executive body of the university was the Board, which consisted of the rector, deans and a special juror, who was appointed by the trustee from among the professors. This document assigned a leading role in the management of the Council of Professors, which elected a rector and fully determined the educational process. In fact, universities at that time acted as independent subjects of property relations. Universities were not only scientific and educational centres, but also administrative institutions, as they were in charge of gymnasiums and schools (Liu & Jiang, 2001; Vermetten et al., 2002).

Emperor Nicholas I issued a new Statute of 26.07(07.08) 1835, which freed universities from their uncharacteristic function of administering secondary education, but at the same time limited the independence of the university board by subordinating them to the trustees of educational districts, which in turn were subordinated to the Ministry of Education (created in 1802). The candidacies of rectors were now approved by the emperor, and the professors by the trustee. The Council of Professors lost its independence in resolving educational and scientific issues. In the literature, this stage of development of higher education is mostly given a negative assessment, as during this period the rights of universities were significantly limited, the control by the Ministry of Education was strengthened. However, among Russian historians are traditionally supporters (Olesieuk, 2005) of a comprehensive state regulation and intervention, even in those areas that are left to the discretion of the subject of law in a civilised society.

The general movement towards democratic freedoms in political life and the building of market relations in the economy have forced appropriate changes in the higher education system. The General Statute of the Imperial Russian Universities of 18(30) 06.1863 (hereinafter – the University Statute of 1863) is one of the main results of the University reform in the field of education, which was carried out in the context of the “Great Reforms” of Emperor Alexander II. The introduction of innovations in administrative, judicial and other spheres of public administration, the needs of industrial development, agriculture required the expansion and reform of the education system. The development of this reform was significantly influenced by the general democratic upsurge in the late 1850s and early 1860s, which prompted the authorities to ease censorship and democratise higher education. The University Statute of 1863, the main characteristic of which was the liberalisation and autonomy of the legal status of

the university, extended its effect to five existing universities at the time: Moscow, St. Petersburg, Kazan, Kharkiv, Kyiv. The university charter, which weakened the management vertical by strengthening the position of the professorial corporation, provoked both positive reviews and criticism (Tomsinov, 2012).

The controversy between liberals and conservatives boiled down to a confrontation between Western and Russian models of higher education, which unfortunately ended in victory for the latter. The University Statute of 1863 consists of 12 chapters: general provisions, on faculties, on the trustee, on the rector, on the council, board, court and chancellery of the university, on the vice-rector or inspector, on teachers and persons at educational institutions of the university, on students, on academic degrees and honorary members, educational and auxiliary institutions, rights and privileges of universities. Comparing the content of the University Statute of 1863 with the content of its predecessor, it should be noted that, first, universities were given more autonomy in internal management and greater opportunities for development in the light of local conditions; secondly, more favourable conditions have been created for scientific and educational activities in universities; third, teaching has become more attractive to gifted young people, which has provoked the emergence of a sufficient number of qualified teachers in university departments in the future; fourth, it was envisaged to take a number of special measures to motivate students to science (Tosminov, 2012).

This statute guaranteed independence in resolving internal issues. In particular, the establishment of a university court was enshrined, which meant giving the power to consider a number of conflicts with the participation of participants in the educational process not to the general court, but to the internal university body – the university court. In accordance with § 58 of the University Statute of 1863, the competence of this body included cases concerning students: 1) violation by them in the buildings and institutions of the university of the order established by special rules; 2) on conflicts between students, on the one hand, and teachers and officials of the university, on the other, even if they took place outside the buildings and institutions of the university (Hewitt-Dundas & Roper, 2018; Maba, 2017).

The university charter of 1863 significantly limited the possibilities of the trustee of the educational district to interfere in the internal life of the university. In the Statute of 1835, fourteen articles were devoted to the status and powers of the trustee, and in the new Statute of 1863 – only one § 26, according to which: 1) the trustee of the educational district applies all necessary measures to the university places and persons performed his duties and, in emergencies, is authorised to act by all means, even if they exceed his authority, and is obliged to bring such cases to the attention of the Minister; 2) the trustee submits to the Council, when he deems it necessary, proposals, both in the affairs of the university and in the affairs of the educational district; 3) the trustee allows, within the limits set by the statute, representation in cases exceeding the authority of the university, or appeal to the Minister of Education in such cases.

As can be seen from the above list of powers of the trustee, he could not interfere in the internal life of the university and had very limited rights, which once again

confirms the autonomy of the legal status of the educational institution. The University Charter of 1863 received mixed reviews from contemporaries and historians. Representatives of the liberal intelligentsia considered it perhaps the most democratic, while their conservative opponents argued that the autonomy granted to Russian universities had led to disruption of the university, and thus the socio-political life of the empire. However, both the former and the latter acknowledged that it was the University Charter of 1863 that guaranteed the gradual development of the university corporation and its autonomy (Verba et al., 2014).

In addition to the reform in the field of higher education, the education reform was also carried out during this period (1864), according to which primary schools of all types were declared general education and were called primary public schools. Among the secondary educational institutions were gymnasiums of two types: classical and real. At the end of the 19th century, in the Ukrainian provinces of the Russian Empire, there were 129 gymnasiums, 19 real and 17 commercial schools, 17 thousand primary schools of all kinds, 19 higher educational institutions, including 3 universities and 3 higher technical educational institutions (Shapoval, 2011). The autonomy of the legal status of universities did not last long, as in 1872 the Ministry of Education asked the universities about the desired changes in the Statute of 1863, with a view to strengthening control over university education and introducing stricter discipline for students who took an active part in political riots.

Due to the intensification of the government reaction of the 1880s, on August 23, 1884, Emperor Alexander III signed the University Statute, which again abolished the autonomy of universities. In connection with the controversy over the understanding of university autonomy, the Senate published an explanation in 1908, which emphasised that “autonomy itself should be understood only in the sense of applying an elective principle, but not in the sense of university independence and independence from the Ministry of Education” (Kinelev, 1995). University autonomy, student self-government, and other democratic principles inherent in European universities did not actually exist in the higher education institutions of the Russian Empire in the period from 1884. Instead, the power vertical within the ministries and other state bodies of the time was developed and functioned effectively. The ministry not only selected rectors, appointed, promoted, and fired professors but also approved individual course programs and even schedules. The charter of 1884 for the first time in Russian universities provided for the collection of lecture fees from students in favour of professors, in addition to tuition fees at the university; introduced state examination commissions (Siropolko, 2001).

Such a negative feature of modern Ukrainian legislation as its instability was inherent in the legislation of the 19th century. Many articles of the main legal documents in the field of higher education have been repeatedly amended, changed and supplemented. Thus, by 1913, 42 articles of the University Statute of 1884 out of 149 current ones had been amended (Ivanov, 1991). However, the amendments did not violate the basic principle, which was reduced to the petty regulation of higher education institutions, without leaving the minimum right to independence. The Fourth University Statute of 1884 had been in force until the

revolution of 1917. During the pre-revolutionary period (until 1917) due to the development of Ukrainian industry, a number of higher education institutions were opened: Kharkiv University (1804); Kyiv Imperial University of St. Vladimir (1834); Novorossiysk University in Odessa (1862); Kharkiv Technological Institute (1884); Kyiv Polytechnic Institute (1898); Ekaterinoslav Higher Mining School (1899); Kyiv (1906) and Kharkiv (1912) commercial institutes. In 1915, the Agricultural Institute evacuated from New Alexandria began to function in Kharkiv (Shapoval, 2011).

Privatisation of educational institutions. At the end of the 19th century the state was unable to meet the needs of graduates, which led to the emergence of non-governmental higher education and the manifestation of private initiative. Private higher education institutions became the first subjects of law to be fully funded by the founders' contributions, donations, and tuition fees (although tuition fees had previously been levied at public universities since 1817). There were groups of non-governmental higher education institutions. The first were created on an "ideological basis" – they were non-entrepreneurial institutions aimed solely at educational purposes. All their funds, which came from public organisations and individual philanthropists, as well as students' tuition fees, were used to pay teachers' salaries, develop the teaching and support base, and improve the educational process. It was at this time that the creation of non-profit entities raised some doubts about the "completeness" of such a design. Non-governmental higher education institutions of the second group – private – were created as commercial organisations, as they had not only to financially support their own activities, but also to give a profit to the "owner" in the form of interest on capital spent. Non-governmental higher education institutions were created as economic entities and financed by different owners.

According to the Law "On private higher educational institutions, classes and courses of the ministry of public education that do not use the rights of government educational institutions" of July 1, 1914, "private educational institutions, classes and courses on the basis specified in their statutes may acquire property rights, including the right of ownership and the right to immovable property, to assume obligations, to sue and be held accountable in court". After 1917, private educational institutions ceased to exist. During the Soviet period, legislative regulation took place mainly in the administrative and legal sphere, leaving no hope for the autonomy of the legal status of the university (Kinelev, 1995). Thus, on November 9, 1917, the Decree of the Central Executive Committee and the People's Commissariat of the RSFSR "On the Establishment of the State Commission on Education" was adopted, which included the Scientific Department. According to this act, the task of general management of public education was entrusted to the Constituent Assembly, the State Commission for Public Education, which was represented by the People's Commissar. The State Commission was supposed to organise 15 departments, including and the Department of Autonomous Higher Education Institutions. The first principles of legal policy in the field of regulation of science and public education recognised the possibility of the existence of autonomous institutions of higher education. Over time, self-government was increasingly replaced by imperative instructions on the power vertical.

In 1920, by the decision of the People's Commissariat of Education of Ukraine, all institutions of higher education, especially universities, were transformed into institutes of public education (Shapoval, 2011). The university uniform was classified as a capitalist legacy unnecessary for the working class. Preference was given to special technical education, which contributed to an increase in the number of institutes and technical schools. In January-April of 1919, the basic principles of the Soviet system of education and upbringing were proclaimed: universal access, free education and compulsory schooling. The Bolshevik government immediately engaged in the “proletarianisation” of higher education and, to this end, proclaimed the principle of “open doors” for higher education, that is, anyone without exception had free access to higher education. This policy has led to the complete destruction of higher education as a research institution (Siropolko, 2001).

Legal regulation of public relations in the field of education. The discussion about the expediency of codification of educational legislation is not only modern problem but has a long history. The Politburo of the Central Committee of the CP (B) U initiated such a codification, which led to the adoption on November 22, 1922 of the Code of Laws on Public Education. The considerable volume (767 articles) of the document covered all levels of education, regulated all areas of cultural construction under the jurisdiction of the People's Commissariat of Education of the USSR, including the management and logistics of the education system (Ryaboshapko, 2010). The Regulations on Higher Education (1922) consisted of two parts. The first was about the purpose of higher education, types and status of researchers, the structure and schedule of work, the second (larger in volume) was devoted to the management of higher education. The first acts of the Soviet government in the field of education concerned the establishment of a central body for the management of education.

The restoration of university education in Ukraine took place in 1933. Universities began to function in Kyiv, Kharkiv, Odesa, and Dnipropetrovsk. At the end of the Second Five-Year Plan (1937), a stable network of higher education institutions was formed in the republic, which included 123 universities, including 35 industrial and technical, 20 agricultural, 36 pedagogical, 14 medical, and others (Shapoval, 2011). The principles of institutional autonomy and academic freedom remained unrealised, and relations in the field of higher education were regulated on the basis of management and subordination. Lawyer by profession and well-known historian of education of Ukraine Siropolko (2001), notes that the Bolshevik government endowed the institutions of higher education with freedom, as it seeks to deepen the “creative process of socialist construction.” During the Soviet era, science in Ukraine was deprived of the freedom of scientific research, was a servant of politics, just as in the Middle Ages – a servant of religion.

History has known a high-profile lawsuit in Italy in 1633 against the astronomer and mathematician Galileo Galilei, who supported and developed Nicolaus Copernicus' idea of a heliocentric model of the world, i.e. the rotation of the Earth around the Sun. This theory contradicted the church's ideas of the universe at the time, which had existed for centuries, and therefore led to the arrest of the scientist and forcing him to renounce scientific views. The next document – the Regulations on Higher Educational Institutions of the USSR of January 22, 1969

(Resolution of the Council..., 1969) also had an obvious administrative and legal colour. It regulated the goals and objectives of higher education institutions, the legal status of students and faculty, issues of educational and scientific-methodical, research work, law and structure of higher education institutions, the management of higher education institutions. Individual civil law rules were given only in the last 10 sections of the Regulation.

The vast majority of norms from the Law of the USSR “Fundamentals of the Legislation of the USSR and the Union Republics on Public Education” were focused on the regulation of administrative relations. Of the fourteen sections on general provisions, specific types of education, rights and responsibilities of pupils and students, teachers, rights and responsibilities of parents, liability for violations of public education legislation, the rights of foreign citizens and stateless persons, only the twelfth concerned private law regulation of relations on the use of educational facilities of higher education institutions. According to the prototype of the Fundamentals of Legislation of the USSR on Public Education, the Republican Law of the USSR “On Public Education” of June 28, 1974 was adopted. Radical changes in the nature of legal regulation of relations in higher education were associated with the adoption of the Declaration of State Sovereignty of Ukraine of July 16, 1990 and the Law of the Ukrainian SSR “On Education” (1991). This Law contains seven sections regulating constitutional, administrative, labour, family, civil law relations, and is important in the historical and legal formation of higher education, as it first proclaimed the principle of autonomy of higher education institutions, which was later reproduced in the Law of Ukraine “On higher education” (2002).

Education in Ukraine since independence. The declaration of independence led to positive changes in all spheres of public life, and education is no exception. The renunciation of Moscow's command and administrative influence and the recognition of the Ukrainian SSR as a sovereign nation-state provided an opportunity to independently determine the path of development of education and to form its own legal system. During the years of independence in the field of education, a new legal framework has been developed, domestic textbooks on both pedagogy and educational law have been prepared, and the own pedagogical press has been published; the content of education was updated; significant steps have been taken on the way to the European and world educational space; the scale of Ukrainian-language education at all levels has been expanded. The last milestone in the history of higher education legislation was the Law of Ukraine “On Higher Education” (2014), which, in particular, provides for the implementation of the principle of institutional autonomy and academic freedom, introduction of a higher education system, new lists of fields of knowledge and specialities, qualifications (Resolution of the Cabinet of Ministers of Ukraine..., 2011), as well as the implementation of citizens' rights to academic mobility. The emergence of these regulations with the vector of dispositiveness, autonomy and freedom has provoked the emergence of a number of scientific developments on the autonomy of educational institutions and academic freedom of participants in the educational process (Davydova et al., 2019).

Concluding the review of the historical stages of development of legal regulation in the field of education in Ukraine, it should be noted that since the establishment

of the first educational institutions there was a balance between 1) centralised government on the basis of imperative and subordination and 2) university autonomy and self-government initiative. Institutional autonomy of educational institutions was strengthened and weakened at different stages of human development depending on socio-political and economic conditions. Unfortunately, imperative methods of influencing educational relations often outweighed dispositive ones. An example of the prevalence of private law is the period of validity of the University Statute of Alexander II (1863-1884), as well as the modern period since the adoption of the new Law of Ukraine “On Higher Education” (2014).

The study of the history of the development of any phenomenon involves periodisation. Some scholars have devoted their work to the issue of periodisation of legislation in different areas of education and in relation to different actors. For example, [Tymoshenko \(2010\)](#), proposed the periodisation of economic and legal regulation of higher education in Ukraine from the end of the 20th century to the present; [Goloviy \(2009\)](#), proposed a periodisation of the historical and legal development of administrative and legal regulation of activities in the field of higher education; [Derevyanko \(2014\)](#), identified the stages of formation of the legal status of an educational institution; [Kurko \(2010\)](#), identified four periods of higher school development; [Bonyak \(2005\)](#), studied the historical development of the right to education in Ukraine.

Conclusion

The authors consider it necessary to name four stages of legal regulation of relations in the field of higher education in the lands of Ukraine: from the time of the foundation of the first institutions of higher education to the beginning of the 19th century; from the 19th century to 1917; from 1917 to 1991 (Soviet period); from 1991 to the present (the modern period of independent Ukraine). Institutional autonomy was strengthened and weakened at different stages of educational development; imperative methods of influencing educational relations often prevailed over dispositive ones. An example of the prevalence of private law is the period of validity of the University Statute of Alexander II (1863-1884), as well as the modern period since the adoption of the new Law of Ukraine “On Higher Education” (2014).

The materials of this article can be useful for teachers in the educational process – to improve educational and methodological provision and teaching certain topics in terms of courses in the history of law, civil, educational law, special civil disciplines, as well as in preparing textbooks and manuals in relevant disciplines. It is necessary to continue the study of the legal regulation of relations in the field of education at the present stage, which is characterised by a change in the public-law approach to a more democratic private-law paradigm.

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