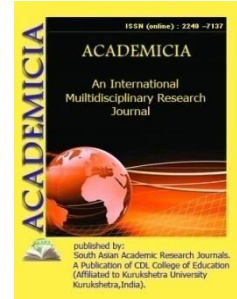




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## CIVIL-LEGAL REGULATION OF EDUCATIONAL SERVICES

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### ABSTRACT

*The article examines the views of a number of scientists who have conducted research in the development of the sphere of educational services. Including, this article examines the civil law regulation of educational services. The purpose of a typical educational service is also, of course, to ensure that the learner has knowledge and skills. However, the current legislation does not specify these requirements and conditions in the legal regulation of educational services. The role of the educational service in raising the level of knowledge of the population, increasing literacy of people in various fields of education and knowledge is invaluable. In addition, the education service plays a special role in the training of qualified personnel. Liberal changes in the education system in recent years, the expansion of the participation of private educational institutions in preschool education, school education, secondary specialized and higher education are associated with radical reforms in the educational service. Based on this requirement, laws are adopted that regulate relations in the field of education. In particular, on September 23, 2020, the Law of the Republic of Uzbekistan "On Education" was adopted, the purpose of which is to regulate relations in the field of education.*

**KEYWORDS:** *Education, Education Efficiency, Innovation, Educational Services, Educational Level Of The Population, Civil Society, Educational Institutions.*

### INTRODUCTION

The development of science and modern technologies is one of the priorities for the implementation of the socio-economic development of the Republic of Uzbekistan, in order for the Republic of Uzbekistan to enter world markets and take a worthy place there, it is necessary to form an economic system that can produce competitive products that will be widely used in

scientific achievements. For the impeccable fulfillment of this responsible task, much attention is paid to the rapid development of domestic science and the personnel training system.

In modern market conditions, the education system of the republic has shown its stability, flexibility, resistance to social changes. Uzbekistan is one of the few developing countries where the population is practically absolutely literate. According to the UN, the literacy level of the adult population of Uzbekistan and the overall enrollment rate in higher education are higher than the level of developed countries not only with average, but also with high values of human development.

The role of the educational service in raising the level of knowledge of the population, increasing literacy of people in various fields of education and knowledge is invaluable. In addition, the education service plays a special role in the training of qualified personnel. As the President of Uzbekistan Sh. Mirziyoyev noted, "building a democratic state based on the rule of law, we must improve the training of lawyers who have a good education, high qualifications, meet international standards and are sincerely devoted to their profession"[1].

Therefore, in order to improve the quality of education, it is important to pay attention to non-state education, along with state education, while strengthening the legal framework for educational services, and implementing educational services on the basis of civil law contracts. In this case, it is advisable to use the contracts of paid services available in civil law.

### **Main Part**

Indeed, the provision of educational services occupies a special place among the types of paid services. This is due to the fact that three parties are simultaneously involved in this type of service: the customer - the performer - the student (student, listener, etc.). Along with the conclusion of an agreement for the provision of educational services, the customer and the contractor determine the conditions for training, that is, the acquisition of certain knowledge, skills and abilities of the consumer of educational services. The purpose of a typical educational service is also, of course, to ensure that the learner has knowledge and skills. However, the current legislation does not specify these requirements and conditions in the legal regulation of educational services. In most cases, the main goal of an educational service provider is not to educate the student and improve his or her skills and abilities, but mainly to involve the student at a specific time and fulfill his or her contractual obligations. As a result, both the student and the recipient of the educational service can work with the performer only at the appointed time, which negatively affects the acquisition of relevant knowledge. The solution to this problem is the task of direct jurisprudence. This should include the individualization of contracts between the customer and the performer, the continuation or non-renewal of the contract based on monitoring the knowledge of students at certain stages, the phased implementation of educational services and ensuring the quality of the performer at certain stages. Such an approach to civil law regulation of educational services will improve the quality, increase responsibility and accountability of the educational service provider and, most importantly, increase the knowledge and skills of users of this type of service.

Usually the term "educational service" refers to the activities of non-state educational institutions. However, at present there are state and non-state types of educational services. Public education services are provided by public institutions in this area, including the Ministry

of Higher and Secondary Specialized Education, the Ministry of Public Education, the Ministry of Preschool Education, the Academy of Sciences and various schools, institutes, academies and universities under various ministries and institutions of Republic Uzbekistan.

Nowadays, the legal regulation of educational services is carried out by the Civil Code of the Republic of Uzbekistan and the Law "On Education". In addition, the Resolution of the President of the Republic of Uzbekistan dated September 15, 2017 No. RP-3276 "On measures for the further development of the activities of non-state educational services", approved by the Cabinet of Ministers of the Republic of Uzbekistan dated March 27, 2018 No. 241, the Regulation on licensing establishes the rules for the provision of educational services by non-state educational institutions.

Approved by the Decree of the President of the Republic of Uzbekistan dated February 7, 2017 No. DP-4947 "Strategy of actions in five priority areas of development of the Republic of Uzbekistan for 2017-2021" in the direction "4.4. Development of education and science" the task was set to further improve the system of continuous education, increase the potential of high-quality educational services, continue the policy of training highly qualified personnel in accordance with the modern needs of the labor market. In the Decree of the President of the Republic of Uzbekistan dated January 17, 2019 No. DP-5635 "On the State Program for the Implementation of the Strategy of Action in Five Priority Areas of Development of the Republic of Uzbekistan for 2017-2021 in the Year of Active Investments and Social Development" and the state program considered "Creation of non-state educational institutions on the basis of public-private partnership".

These circumstances require the development of educational services, which requires the improvement of the legal framework for this type of service and the expansion of non-state educational services. In addition, the tasks of allowing schools, colleges and higher educational institutions of non-state education, recognizing the certificates and diplomas issued by them and equating them with the documents of state institutions show the relevance of this topic.

Liberal changes in the education system in recent years, the expansion of the participation of private educational institutions in preschool education, school education, secondary specialized and higher education are associated with radical reforms in the educational service. In particular, the introduction of an admission system into the higher education system for increased amounts of contracts ("super contract"), the opening of foreign higher educational institutions requires the creation of a new legal framework for these new structures and legal realities.

### **Researches and Results**

The need for scientific and technological progress and the introduction of new technologies makes new demands on the content of education and the forms of its receipt. It is the system of non-state education that affects the changes in the interests of education and the needs of society in it, which, unlike industry and trade, are the result of privatization, and not the creation of new educational institutions and the introduction of new advanced learning technologies. The types of these institutions, the breadth of the range of services they provide, creates a need to develop and create ways to regulate the relationship between the service provider and the student through contracts.

In addition, the provision of paid educational services requires that these relations be regulated by an agreement on the provision of educational services for a fee.

A number of scientific studies have been analyzed in this article.

In the article by M.G. Zarubina "Civil law regulation of the situation with paid educational services" [2] reveals the features of the contract for paid educational services. The author writes that the combination of private and public law creates a situation in which there is always a place for elements of private legal regulation within the framework of public law. This also applies to paid educational services, which are of a contractual and civil nature. The following features of paid educational services can be distinguished:

- 1) paid educational services are provided by professional participants in the educational services market;
- 2) provided at the expense of a fee;
- 3) is provided on the basis of the norms of civil legislation;
- 4) focus on obtaining an appropriate level of quality knowledge and skills in the imagination of the consumer;
- 5) provided on the basis of an agreement on the provision of paid educational services.

At the end of her analysis, M.G. Zarubina suggests that the consumer is a weak point in civil law relations arising from contracts for the provision of paid educational services, and needs legal protection, therefore, in this case, it is necessary to apply the law on consumer protection.

In the article by L.I. Filyushchenko "Legal regulation of the quality of educational services" [3] is an attempt to determine the criteria for the quality of education. According to the article, the problems of educational services do not correspond to the requirements of the labor market, there is a big difference between the requirements of educational services and the requirements of the employer, disproportions in the training of specialists.

In the article by I.V. Isupova "Problems of civil regulation of contractual relations in the field of higher education" [4] analyzes the elements of relations in the field of education. It states that the nature of the subject of a contract for the provision of educational services on a paid basis is determined by the variety of content. The subject of the agreement consists of two elements: educational activity and the intangible results of this activity, the knowledge, skills and abilities acquired. If the relationship arising from the educational activities of the educational service organization (lectures, seminars and workshops, consultations, exams, tests, etc.), the relationship of acquired knowledge, skills and abilities are of a property nature, the relationship related to property is not personal ... In this case, educational activities are valued by money, and the result is human capital, which is as invaluable as human health.

At the end of the article, the author comes to the conclusion that the provision of educational services on a paid basis is an unconventional civil law contract that includes elements of civil and administrative law. Therefore, the contract for the provision of educational services on a paid basis as an independent civil law contract should be applied not to education legislation, but to civil law.

According to the article by I.S. Kokorin and O.V. Ocheredko "Civil law characteristics of the agreement on the formation of a higher educational service" [5], training by educational institutions under various civil law contracts for the provision of educational services, including for additional education programs, an agreement, an agreement on teaching special courses and a cycle of disciplines, an agreement on in-depth training in specific subjects, training or retraining of personnel in a specific area, etc. In the opinion of the authors of this article, the contract for the provision of educational services is one of the unnamed contracts and is significantly different from related civil law contracts and is paid, agreed and free.

As you know, today the radical improvement of education has become a requirement of the time. Based on this requirement, laws are adopted that regulate relations in the field of education. In particular, on September 23, 2020, the Law of the Republic of Uzbekistan "On Education" was adopted, the purpose of which is to regulate relations in the field of education. In conclusion, it should be noted that this Law "On Education" makes a worthy contribution to the further improvement of relations in the field of education.

### CONCLUSION AND RECOMMENDATIONS

Based on the study of scientific articles on the subject of civil law regulation of educational services and analysis of legislation, the following preliminary conclusions can be made:

1. The legal nature of the contract for the provision of educational services is characterized by the simultaneous use of private and public elements in it. It is necessary to develop and recommend a standard contract for the provision of educational services, taking into account the variety of organizations that provide educational services and the types of services they provide.
2. It is necessary to take into account the application of legislation on consumer protection in terms of protecting the rights of students in the civil regulation of the provision of paid educational services. At the same time, it is necessary to study the basic rights of consumers, the mechanisms for protecting these rights, the prospects for the application of civil liability for violation of consumer rights.
3. Although the legal framework for educational services has been formed, the contractual procedure for the provision of educational services, paid educational services, benefits for the poor, requirements and conditions for educational institutions, criteria for organizing educational services do not exist in the current legislation. Therefore, today it is necessary to include the above rules in the laws.

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