

LEGAL STATUS OF DISTANCE EDUCATION OBJECT AND SUBJECTS

T. Kh. Mamataliev

Tashkent State Law University

Independent Researcher

E-mail: tolqinmamataliyev@gmail.com

Abstract

This article discusses the legal status of the object and subjects of distance education, understanding the right to education as a standard of freedom, the essence of the object of organizational and legal foundations of distance education, understanding the issue of the subject of distance education, the main participants of distance education, the legal status of the educational institution.

Forming the legal basis of distance education in guaranteeing equal rights to education for everyone, regardless of gender, race, nationality, language, religion, social origin, belief, personal and social status, is one of the most urgent issues.

Keywords: distance education, right to education, object, subject, subjectivism, main actors of education

ПРАВОВОЙ СТАТУС ОБЪЕКТА И ПРЕДМЕТОВ ДИСТАНЦИОННОГО ОБРАЗОВАНИЯ

Т. Х. Маматалиев

Ташкентский государственный юридический университет

независимый исследователь

E-mail: tolqinmamataliyev@gmail.com

Аннотация

В данной статье рассматриваются правовой статус объекта и субъектов дистанционного образования, понимание права на образование как нормы свободы, сущность объекта, организационно-правовые основы дистанционного образования, понимание вопроса предмета дистанционного образования, основные участники дистанционного образования, правовой статус образовательного учреждения.

Формирование правовой основы дистанционного образования в обеспечении равных прав на получение образования для всех, независимо от пола, расы, национальности, языка, религии, социального происхождения, убеждений, личного и общественного положения, является одним из наиболее актуальных вопросов.

Ключевые слова: дистанционное образование, право на образование, объект, субъект, субъективизм, основные субъекты образования.

МАСОФАВИЙ ТАЪЛИМ ОБЪЕКТИ ВА СУБЪЕКТЛАРИНИНГ ҲУҚУҚИЙ МАҚОМИ

Т.Х.Маматалиев

Тошкент давлат юридик университети

мустақил изланувчиси

E-mail: tolqinmamataliyev@gmail.com

Аннотация

Ушбу мақолада масофавий таълим объекти ва субъектларининг ҳуқуқий мақоми, таълим олиш ҳуқуқини эркинлик меъёри сифатида тушуниш, масофавий таълимнинг ташкилий-ҳуқуқий асослари объектининг моҳияти, масофавий таълимнинг субъекти масаласини тушуниш, масофавий таълимнинг асосий иштирокчилари, таълим муассасасининг ҳуқуқий мақоми ҳақида фикр юритилади.

Жинси, ирқи, миллати, тили, дини, ижтимоий келиб чиқиши, эътиқоди, шахсий ва ижтимоий мавқеидан қатъи назар, ҳар кимга таълим олиш учун тенг ҳуқуқлар кафолатлашда масофавий таълимнинг ҳуқуқий асосларини шакллантириш ниҳоятда долзарб масалалардан биридир.

Калит сўзлар: Масофавий таълим, таълим олиш ҳуқуқи, объект, субъект, субъективизм, таълимнинг асосий иштирокчилари

The right to education is widely understood as a measure of freedom. However, the regulation of social relations related to the recognition of individual freedom as a natural state is a complex task. Because it implies strengthening not only the rights of a person, but also his duties towards other people and the state.

We should build such a society that teaching should be the most prestigious profession! In this way, we rely, first of all, on thousands of teachers and coaches who have devoted their lives to the education of the young generation! A society that honors teachers will never be short, it will definitely achieve its goals. Never forget one fact: our nation entrusted its future to you. Our future depends primarily on you. In this way, the President will always support you, - said President [1].

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Modern distance education is a new form of education along with information technology, its main feature is teaching activities in digital signal environment, it uses computer network and multimedia technologies, education and traditional "face-to-face education deposit".

In theory, civil society is independent from the state, and it is built on the principle of recognition of human freedom and initiative, the unity of people in the political, economic, and social spheres. Thus, the state regulates only a small part of social relations by means of law. The main part of them is the object of self-management and social organization based on ethics. Each study has its own subject. As the great German philosopher Hegel pointed out, there can be no research without an object. The subject determines the independence of research, its right to live and exist [2].

Research studies, first of all, the laws of nature and the development of society. Research that does not study the directions and laws that determine the main, necessary, important, recurring processes of the object of research cannot be research in the literal sense. In this case, the formation of organizational and legal bases of distance education is not an exception.

The development of the personal computer and the Internet has changed modern life in many ways. Year by year, modern educational conditions are improving. In the past, high-tech higher education institutions were equipped with movie projectors and slide projectors, but now higher education institutions are equipped with modern computers, portable devices connected to the Internet, and high-tech electronic tools for students, teachers and administration. Thanks to these technological advances, new modern models have appeared in Uzbekistan's higher education institutions. The provision of computers to higher education institutions has opened the door to new educational opportunities. Online classes now allow students in even the most remote locations to access classes they previously couldn't offer at their higher education institutions.

Multifaceted and complex relations in the field of education, the place and role of the organizational and legal foundations of distance education in the social system of society serve as the subject of research. It also explores individuals' perceptions of distance learning. Group and individual socio-legal consciousness is also part of its subject.

The work called "On Greatness" contains the following sentences: "Two requirements are placed before every scientific manual, namely: the first is to define the subject of research; the second - there is a demand to find and show the methods and tools that help mastering this subject" [3].

In the preface of Hegel's "Philosophy of Law", which came to the world much later, there are such words: "The concept of subject is not considered our natural property, wealth. Everyone has hands and fingers, he may have a brush and paint, but this does not make him an artist. Thinking is the same. The idea of law is not something that every person has directly, only

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right thinking is knowledge and knowing the subject, so our knowledge should be scientific" [4].

Each more or less important stage of the development of science inevitably leads to the need to revise their subject. This situation is legal. The development itself leads not only to quantitative expansion, but also to qualitative changes in many phenomena, which arouse the interest of all researchers and lead to deeper penetration into these phenomena, their interactions and relationships. These features are typical for the current modern era, where social spheres, including law and education system, are constantly searching for a more precise definition of the subject of distance education, which is a complex study.

Thus, the most important features related to the essence of the object of organizational and legal foundations of distance education are considered the subject of relevant research. In ordinary language, the object of research is what we know about it before it is scientifically studied, and the subject is the studied object, that is, what we know about it after scientific knowledge. The mentioned cases about the object and subject of the research also apply to the formation of organizational and legal bases of distance education.

At the same time, within the framework of the understanding of law and the legal type of jurisprudence (jurisprudence), there is a phenomenon of coming from the libertarian-legal concept of law (and accordingly from the state) and interpreting law as the formal equality of free individuals, that is, the general and necessary form of people's freedom [5] should be specially acknowledged. With this general concept of law, both of its objects - positive law as a normative form of freedom and the state as an institutional form of this freedom - are included in the overall subject of the legal-libertarian concept of jurisprudence. It should be emphasized that according to this concept, jurisprudence is a science of freedom.

Understanding the issue of the subject of distance education requires first to dwell on the concepts of "subject" and "object". Without considering these concepts, it is difficult to properly understand the issue of man as the subject of politics. "Subject" is derived from the Latin word "Subjectus" [6].

This word means carrier of practical activity. In modern times, the concept of "subject" means a person who is opposed to the "object", the outside world, who is able to aspire, act, direct and actively act [7].

The concept of "object" refers to things and events that exist outside of the subject's activity [8].

"Subject" and "object" are dual concepts of cognitive theory [9]. These concepts are used together, interrelated. The object is the subject, and the object without the subject is inconceivable. Along with the concepts of "subject" and "object" in the literature, the concepts of "subjectivity" and "objectivity" are also widely used[10].

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These concepts are close to each other in terms of content and are in the same order. They should not be confused with the concepts of "subjectivism" and "objectivism". They differ significantly from each other.

The concept of "subjectivism" refers to erroneous decisions and actions that are contrary to objective laws, dominated by one-sidedness and passions. Such activity is carried out by people who do not have professional training, necessary knowledge and experience. The concept of "subjectivity" means defining the subject. This concept means human activity that takes into account real reality and acts according to its laws. "Objectivity and "objectivism" are not concepts of the same content. They are also fundamentally different from each other.

"objectivism" is a rejection of a critical assessment of reality, a denial of a value approach. In this concept, everything related to the subjective factor is denied. The concept of objectivity refers to things and events that exist independently of the subject.

Thus, distance education, its essence, the main regularities of its emergence and development in relation to each other, events of social life representing the purpose and function of distance education, as well as social and legal consciousness and specific features of legal regulation are the organizational features of distance education. -appears as a subject for the formation of legal foundations.

The object of the study is the socio-legal relations related to the regulation of the formation of the organizational-legal basis of distance education of the Republic of Uzbekistan.

The subject of the research consists of legal documents regulating distance education, the practice of their application, international standards on distance education and the legislation of some foreign countries, as well as existing conceptual approaches in legal science, scientific and theoretical views.

When looking at foreign experiences, the main actors of distance education usually include students, professors, moderator, tutor, advisor, facilitator, invigilator, support staff and administrators, each of them has a special importance. Meeting the learning needs of students is the primary goal of every effective distance learning program. Regardless of the educational content, the main role of the student is to learn. But the success of any distance education depends primarily on its professors. A moderator is a pedagogue who heads (manages) seminars, trainings, roundtables and forums organized on the basis of distance education. [11]. Tutor (lat. "tutorem") - a teacher who chooses interactive methods for educational courses, establishes an educational relationship between a lecturer and a student, a coach [12] Adviser (fr. "avisen" - "think", "advisor" - "thinker") a consultant who provides methodical assistance during the individual, independent implementation of graduate work, course projects by students[13]. Facilitator (lat. "facilis", visual. "facilitator" - easy, convenient) - a pedagogue who directs the groups using the distance education service to find a scientific solution to the

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problem that arose as a result of the activity, develops the dialogue organized in groups, and also evaluates the activities of the groups objectively and effectively Invigilator — a specialist pedagogue who supervises the results of training organized on the basis of distance education[15].

The Law of the Republic of Uzbekistan "On Education" [16] was adopted on September 23, 2020. This law consists of 11 chapters and 75 articles. This Law defines the legal basis of education, upbringing, and vocational training of citizens and is aimed at ensuring the constitutional right of everyone to receive education.

Everyone is guaranteed equal rights to education regardless of gender, race, nationality, language, religion, social origin, creed, personal and social status.

Right to education:

development of educational organizations;

support of innovative activities in educational organizations and implementation of educational programs using innovative technologies;

organization of separate (daytime) and non-separate (external, evening, distance) education from production;

personnel training, retraining and improvement of their qualifications;

free general secondary, secondary special education and primary professional education;

citizens who have received education in the family or through independent study, as well as persons who have not received general secondary education, are ensured by giving the right to pass attestation at accredited state educational institutions in the external procedure.

Foreign citizens have the right to study in the Republic of Uzbekistan in accordance with the international agreements and legislation of the Republic of Uzbekistan.

According to the Law "On Education", the main principles of the state policy in the field of education are as follows:

recognition of the priority of education;

freedom to choose the form of education;

non-discrimination in education;

provision of equal opportunities for education;

inculcation of national and universal values in education and upbringing;

humanitarian, democratic nature of education and training;

continuity and consistency of education;

compulsory eleven-year education and one year of general secondary education for children between the ages of six and seven;

access to education for all within the framework of state educational standards and state educational requirements;

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the uniformity and differentiation of the approach to the selection of educational programs;
education throughout a person's life;
guaranteed social protection of pedagogues in society;
secular nature of the educational system;
promotion of knowledge, ability and talent;
the harmony of state and public administration in the educational system;
openness and transparency in the field of educational activities.

Article 29 of the Law "On Education" [18] provides for the legal status of an educational institution. Based on it, educational organizations of the Republic of Uzbekistan and their branches, as well as branches of educational organizations of foreign countries, are established with the status of legal entities. Educational services in the form of a family non-governmental preschool educational organization are provided by individuals registered as individual entrepreneurs. Educational organizations conduct their activities on the basis of the charter and (or) other founding documents. Educational organizations have the right to join educational-educational and educational-scientific-production complexes. Organizational structures of political parties are not allowed in educational organizations.

This law specifically states that persons with appropriate education, professional training and high moral qualities have the right to engage in pedagogical activity, and that persons prohibited from engaging in pedagogical activity based on a court ruling are not allowed to engage in this activity in educational institutions.

Higher education institutions use normative documents such as the Constitution of the Republic of Uzbekistan, the Law on Education, decrees, decisions and orders in the organization of education and training processes. But until now, the theoretical and practical aspects of the practical application of these documents by subjects of education and training processes have not been studied. These situations indicate the urgency of studying and analyzing the normative and legal bases of higher education used in higher education institutions from a comprehensive theoretical and practical point of view.

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