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**RUSSIAN EDUCATION ACTS PROVISIONS AS A EDUCATION
INFORMATION SYSTEM FORMATION FACTOR**

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Abstract

The article analyzes the main ideas embodied in the federal laws on education that were adopted in Russia in the post-soviet period. The Law of the Russian Federation of July 10, 1992 No. 3266-I "On Education", Federal Law of December 29, 2012 273-FL "On Education in the Russian Federation" had a significant impact on the formation and development of the modern educational system of Russia. The historical period of twenty years separating these two standard regulations was the turning point for Russia, the time of change for many ideological convictions, meanings and values. However, the main thing is the fact that the ideas that were laid in these standard regulations laid the foundations of the program and strategy for the development of domestic education and the educational system of the Russian Federation in the new postnonclassical, information period. The effective development of the legal system of education in the information period is impossible without taking into account previously accumulated traditions. The dynamics and logic of changes in the basic concepts of the education system used in these documents, their role in the information content of the modern domestic educational system, the formation of its development trends in the direction of entering the world educational system, the formation of a new person able to independently solve the most important tasks of modernity and find the optimal answers to its challenges.

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1. Introduction

One of the fundamental facts of the recent Russia's history was the adoption of two main federal legislative acts, according to which the modern Russian education is developed: Law of the Russian Federation of July 10, 1992 No. 3266-I "On Education" and the Federal Law 2012 273-FL "On Education in the Russian Federation" of December 29, 2012 (Zakon RF "Ob obrazovanii" ot 10.07.1992 N 3266-1, 1992; Federal'nyj zakon "Ob obraovanii v Rossijskoj Federacii" ot 29.12.2012 N 273-FZ, 2012). These laws and regulations secured the main provisions of creating an education system, open to the challenges of our time, capable of fully fulfilling the function of upbringing and educating new generations of Russian citizens in the global information society.

2. Problem Statement

Any new legislation poses important challenges to the education system on the way to progress. However, the education, like any social sphere, unlike the technical sphere, is conservative. Under these circumstances the problem arises: to what extent does the legislative regulation affect the information system of education, is the process of their development simultaneous or not?

3. Research Questions

Does the pedagogical tradition that exists in Russia influence the development and practice of implementing the ideas and provisions of the modern educational legislation of the Russian Federation?

4. Purpose of the Study

To explore how the information-legal educational space changes, which constantly combines traditions and innovations peculiar to the national educational system, based on the analysis of the main provisions of the laws on education in post-soviet Russia?

5. Research Methods

In the course of research, the textological comparisons of the regulations of educational legislation adopted in the Russian Federation were carried out.

6. Findings

Based on the classical idea that the operation of any law occurs in a certain space and time, it can be argued that in the educational system of modern Russia such action will have its own particularities, since this system is "simultaneously both the objective world and the matter of subject activity" (Ivanova, 2015, p.25). Educational system is, first of all, a complex world, generating a number of human relations, the regulating process of which, even on the basis of the most ideally created statutory and regulatory background, will generate different meanings, positions, attitudes, form a various practice of law enforcement, which will be the ground to fill the information field of education.

Twenty years that divide the creation of two laws and regulations, was a difficult period of the formation and development of the national education system. Just like the country itself, it went through a difficult period of economic crisis, the search for new ideas and concepts aimed at ensuring decent social development of new generations in accordance with modern world standards.

The important lesson of the recent history of educational legislation is that the law being adopted, although it must look forward, but at the same time only reasonably ahead of time in which it was created. The process of implementation of the law on education in 1992 was faced with the manifestations of the national pedagogical tradition, that did not allow fully realize the huge potential of democratic development, laid down in the early 1990s.

The pedagogical community, focused mainly on tradition, was not ready to implement that law independently. It was difficult for it to perceive the flow of accelerating information and quickly adapt to the new operating practices, for example, to be creative, without waiting for instructions from the governing bodies. Only a small part of the pedagogical community was able to use this chance.

The absence of a long tradition of democratic and partnership relations between the authorities and many-faced society in terms of value grounds and modernization strategies often hampered the achievement of the tasks set, and this led to that the more attention being paid to administrative and economic issues than to the educational one. (Ovchinnikov, 2018, p.27)

The developers of the new educational law of 2012 had much more legislative experience than the authors of the first post-communist standard regulation in the education sector. They had more objective information about the development trends of the world educational system, which contributed to the consolidation of innovative development mechanisms at the development of the regulatory document stage.

In this regard, an interesting methodological perspective on the case study should be noted, which is set by scientists of the Scientific Research institute of Educational Philosophy at the Novosibirsk State Pedagogical University. As a result of the cross-cultural analysis in the interaction of the West and Russia in the context of education and law, it was concluded that it is necessary to “preserve the national and cultural identity of Russia, since its identity is the main condition for equitable dialog” (Pugachev & Nalyvayko, 2015, p.27).

Such a conclusion can be fully attributed to the development of national educational legislation. Especially since the appeal to the problem of the identity of domestic law and, in particular, law in the field of education in the information period is becoming more and more noticeable among the representatives of legal science. For example, more and more often, the ideas to return to the domestic law its lost spiritual principle are being put forward, including, together with the centuries-old Orthodox tradition, and fixing provisions on this in educational legislation. However, the Russian Federation is still in search of a constructive model of the state legal system, including the interpretation of national law. Modern national legal culture “is a complex system of regulatory standards, institutions, social relations” in which there is a tendency to isolation, closed nature from European law (Romashov, 2016).

In this regard, the position of Chestnov (2012) is of interest, he notes that “in the period of post-modernity, the formal certainty of law is a flexible, mobile, contextually conditioned structure, reproduced by discursive practices of people who have the status of subjects of law” (p. 12). The idea of the scientist gives the key to understanding that the text of the law and its life period in the educational system are completely different categories, the understanding of which largely depends on the ability of the subject to find, process and apply legal information.

First of all, let us focus on the definition of the term "education". In the law of 1992 it was understood as a “purposeful process of upbringing and education in the interests of a person, society, state, accompanied by a statement of the achievement of educational levels (educational qualifications) established by the state by a citizen (students)” (Zakon RF “Ob obrazovanii” ot 10.07.1992 N 3266-1, 1992, section 1). In the law of 2012, the education was defined as a single purposeful process of upbringing and education, which is a socially significant benefit and is carried out in the interests of the individual, family, society and the state, as well as the totality of acquired knowledge, skills, values, experience and competence a certain amount and complexity for the purposes of intellectual, spiritual and moral, creative, physical and (or) professional development of a person, the satisfaction of his educational needs and interests (Federal’nyj zakon “Ob obrazovanii v Rossijskoj Federacii” ot 29.12.2012 N 273-FZ, 2012). In addition, the definition of the upbringing and education was given separately in the new law.

The Law on Education of 2012 gave such a formulation, which significantly expanded the information and semantic content of the concept of the education, emphasized its most important social function. This made it possible to adequately understand the ideas of public policy by various subjects of educational activities, which harmonizes educational relations in the information society.

Article 2 of the law of 2012 contains over three dozen basic definitions. The introduction of a special regulation containing their clarification into a standard regulation became a progressive phenomenon, showing the progressive development of educational legislation. This increases the information potential of the regulatory act, the understanding of its ideas by the wider population of the country.

The first Russian educational law of 1992 only proclaimed the right to education as the main and inalienable constitutional right of the citizens of the Russian Federation. It introduced the definition of “education sector”, which is actively used in the law of 2012. This allowed us to show the unity of the individual, public and state view of education as a value and benefit. This definition allowed to incorporate into the legal system the elements of the spiritual level, enhancing the effectiveness and informational richness of the document.

Compared to the law of 1992, the law of 2012 increased the attention of the legislator to the issue of the interpretation of the principles of education. Principles were formulated, the hierarchy of which was defined by the “basic principles” definition. This gave reason to believe that there are other principles of the education that are not introduced into the standard regulation, but do not contradict its spirit. Such principles can be formulated in regional and local standard regulations. It is only important that the strict continuity and consistency in rule-making be observed, which will serve as a guarantor of the stability and unity of the educational system of the Russian state, the construction of a truly democratic educational system.

Attention should be paid to the significant expansion in the law of 2012 of the legal framework for the implementation of the educational activities. If the law of 1992 obliged to bring up the citizenship, diligence, respect for human rights and freedoms, love for the environment, Motherland, family, then the later law added to this list the concepts of mutual respect, patriotism, responsibility, legal culture, thus strengthening the social and civil orientation of the education process, expanding its information saturation.

It is necessary to note some differences in the definitions of educational system. In such a way, in paragraph 2 of Article 2 of the law of 1992 proclaimed: the unity of the federal cultural and educational system, the protection and development by the system of education of national cultures, regional cultural traditions and particularities in a multinational state. The law of 2012 (clause 4, part 1, article 3) clarified the unity of the educational space within the Russian Federation, and also removed the words “education system” while stating the principle of protection of national cultures. The new wording “protection and development of ethno-cultural features and traditions of the peoples of the Russian Federation in a multinational state” seems to be more comprehensive. It provides the possibility of applying the provisions of law in solving problems of education development in all regions, especially with the prevailing residence of various nationalities, and contributes to strengthening the role of education in the socio-cultural interaction of government and population, developing cultural and educational relations with neighboring countries, which is provided in the next paragraph of this article.

A new provision was introduced into the law on education in 2012 (paragraph 5 of part 1 of article 3) proclaiming "the creation of favorable conditions for the integration of the education system of the Russian Federation with the education systems of other states on an equal and mutually beneficial basis".

Thus, the law on education of 2012, having become more informative, expanded the legal understanding of the essence of the educational system. This was achieved by introducing provisions that increased the number of subjects of education, their rights, the ability to influence the development of educational relations, guarantees of lifelong education, as well as consolidated academic rights of teachers and students and the principle of autonomy of educational organizations, information openness and public reporting of the institutions.

An important achievement was the proclamation of the principle of the inadmissibility of restricting or elimination of competition in the education sector, the implementation of which promotes growth of educational organizations in the country, expanding the scope and variety of educational relations.

The educational and legal practices of the last twenty years have made abundantly clear the importance of an accurate and detailed presentation of legal regulatory standards in educational legislation. This, in particular, is evidenced by the regulatory standard on freedom in education. The principle of freedom and pluralism was only proclaimed in the law of 1992. And in the document of 2012, it received a capacious expression. Thus, in paragraph 7 of part 1 of article 3, this principle is formulated as the freedom to choose of the education according to the inclinations and needs of the person, the creation of conditions for self-realization of each person, the free development of his abilities, including the representation of the right to choose the forms of the education, forms of training, organizations engaged in educational activities, the orientation of education within the limits provided by

the education system, as well as the provision of freedom to teachers in the choice of forms of the education, methods of training and education.

This expansion of the legislative regulation is due to the social experience gained during the implementation of the first standard regulation. The brevity of the standard regulation of the law of 1992 gave rise to a lot of interpretations that, in the process of their application, created both a positive experience of expanding democratic forms of education and negative one. For example, the principle of providing maximum freedom to educational institutions, which existed in the 1990s, gave rise to the illusion of permissiveness in some of them, unreasonableness in the choice of methods of pedagogical influence, excessive liberalization of relations between the participants of the educational process.

In the process of implementing the law on education of 1992, the Russian school repeated, to some extent, the experience of a multi-vector experiment, including ill-considered experimentation, characteristic of the complex and ambiguous period of the 1920s. At the same time, it should be noted that the externally similar process that took place in the 1990s had more elaborate forms of introducing innovative ideas into the existing stereotypes of educational practice.

The democratic, state-public nature of education management and the autonomy of educational institutions were proclaimed as the basic principles of Russian education in the law of 1992. The principle of state-public administration in the law of 2012 has undergone changes. Now it was only about the democratic nature of education management, ensuring the rights of teachers, students and parents to participate in the management of an educational organization. In paragraph 12 of part 1 of article 3, the principle of a combination of state and contractual regulation was formulated.

From that time on, any means of public-private partnership had to acquire a contractual basis and fill the Educational system of Russia with new types of relations between the participants of the educational process. This circumstance, in particular, caused serious changes in the complex of human relations in the educational sphere.

The term “educational services” has caused the most discussion. The information system has become filled with various meanings of this definition, which still causes difficulties in the practical activities of many educational organizations and education authorities.

It seems that the further development of education in the Russian Federation will take place in the context of strengthening the formal legal principles, but in the sphere of paid educational services they are dominant. At the same time, there is no other form of contract, rather than a services contract, which is close to the specifics of the educational activities, among the regulatory standards governing civil circulation.

In the basic concepts of the law of 2012, the term “educational service” is not available in article 2, devoted to the basic terms used in the law, which indicates that the legislator does not attach significant, defining meaning to it. This term is used in Article 101 of the Law, which guarantees the right of an educational organization to carry out the educational activities at the expense of individuals and legal entities, which is regulated by departmental and local regulations.

Thus, the term “educational services” has more social and political meaning than the legal in the information system of modern Russian education.

7. Conclusion

Today, in the legal discourse of the education sector, visibly manifests the complex and controversial process of historical and cultural development of legal consciousness in the field of education, characteristic of our country and extending to the in the early modern and modern periods. And this proves that it is the historical and cultural information of the subjects of the educational system that is of particular importance today for the formation of positive trends in the development of the educational system.

The fundamental regulation of the federal legislation in the field of education set the most important elements of the legal culture, which then develop into either social values, thereby acquiring a socially significant meaning, or remain socially neutral information. The situation is much more complicated when, as a result of ill-considered and hasty actions, they can become elements of anti-culture, thus damaging both legal and pedagogical ideals, hindering their harmonization in a single educational system. Only actively developing information support of participants of educational process can resist to it.

Only with the close integration of the achievements of psycho-pedagogical and legal science, cultural and historical experience accumulated by the Russian pedagogical community, comprehending the deep spiritual, metaphysical and existential dimensions of law (Sorokin, 2007), you can create truly working laws that embody modern terms of the classical principle of law, which says that the law looks forward, not back, sometimes looking back at past experience, to assess the loyalty of the chosen way.

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