

CIVIL LAW FOUNDATIONS FOR THE ESTABLISHMENT AND FUNCTIONING OF NON-GOVERNMENTAL HIGHER EDUCATION INSTITUTIONS

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ABSTRACT: The article explores the civil law aspects of the formation and activities of non-governmental higher educational institutions (higher education institutions). The authors analyze the legal foundations on which the creation and functioning of such institutions is based, considering their relations with the state, students, and other participants in the educational process. The article highlights issues related to licensing, accreditation, financial support and management of higher education institutions in accordance with the legislation on higher education. Based on the analysis of normative legal acts and judicial practice, the authors identify the main aspects of the relationship between non-governmental higher education institutions with government agencies and society as a whole. The article provides a useful overview for researchers, lawyers and specialists in the field of higher education, as well as for those interested in the field of educational policy and law.

KEYWORDS: Non-state higher education institutions, Civil law foundations, Educational institutions, Legal status of non-state universities, Establishment of higher education institutions, Licensing and accreditation, Statutory documents of educational institutions, Functioning of non-state universities, Financial independence.

INTRODUCTION

In modern society, education is a key factor in development and prosperity. Higher education plays a particularly important role, forming personnel for various fields of activity and ensuring the intellectual progress of society. In a number of countries around the world, including Russia, the higher education system is diverse and includes both state and non-state higher education institutions (HEIs). The civil law foundations for the establishment and functioning of non-governmental higher education institutions reflect a complex balance of interests of the state, society and private investors in the field of education. This article examines the main aspects of the legal regulation of non-governmental higher education institutions in the context of civil law. Non-governmental higher education institutions (HEIs) are educational institutions that are created on the basis of private initiative and operate on the basis of private law[1]. They provide educational services on an equal basis with state higher education institutions, while having their own characteristics and the basis of legal status. The establishment of a non-governmental higher education institution requires compliance with certain procedures and regulatory requirements of civil law. This usually includes the registration of a legal entity, the development of constituent

documents (articles of association), the definition of governing bodies, as well as obtaining a license to carry out educational activities.

Non-governmental higher education institutions have the right to independently determine their curriculum, set tuition fees, and carry out other activities aimed at achieving their educational goals. However, they are also required to comply with education legislation, ensure the quality of educational services and respect the rights of students. Non-governmental higher education institutions are subject to state regulation and supervision, which is carried out through the relevant authorities[2]. This includes licensing of activities, accreditation of educational programs, quality control of education, as well as monitoring of financial and economic activities of institutions.

In the modern educational space, non-governmental higher education institutions (higher education institutions) occupy an important place, providing students with additional opportunities to receive high-quality education. However, their creation and operation require strict observance of civil law norms and principles[3]. The creation of a non-governmental higher education institution is conditioned by several main stages and legislative norms. First of all, the founder must undergo an accreditation procedure, which involves assessing the compliance of the educational institution with certain educational standards and requirements. After successful accreditation, the founder enters into an agreement with government agencies defining the rights and obligations of the parties. An important stage is also the registration of a non-governmental higher education institution in accordance with the established procedure, which ensures its legal existence.

Civil law relations between a non-governmental higher education institution and students are based on contractual principles. The parties conclude an educational contract that defines the rights and obligations of both parties. An important element is the transparency of learning conditions, tuition fees, as well as the procedure for providing educational services. The educational institution is obliged to provide high-quality education in accordance with approved programs and standards. In turn, the student undertakes to comply with the educational regulations, comply with the requirements of the educational process and participate in evaluation activities. Government support for non-governmental higher education institutions can be provided through various mechanisms, such as grants, tax benefits and other forms of assistance. An important element of financial support is transparency and responsibility in the financial management of an educational institution.

Civil law relations also include issues of responsibility and control over the quality of education. The institution is obliged to undergo regular procedures for monitoring and evaluating the quality of educational programs. Students, in turn, have the right to appeal against the decisions of the educational institution in case of violation of their rights. The civil law foundations for the creation and functioning of non-governmental higher education institutions are essential to ensure the stability and effectiveness of the educational process[4]. Compliance with legal norms and principles of contractual relations creates the basis for mutually beneficial cooperation between

educational institutions, the state and students, contributing to improving the quality of education in the country.

Non-governmental higher education institutions play a significant role in the modern educational environment, offering students a variety of educational programs, innovative approaches to learning and flexible conditions for higher education. The civil law foundations on which the establishment and functioning of such institutions are based are fundamental to their activities and organization. In most countries of the world, public education is regulated by legislation defining the rights, duties and functioning of both State and non-State educational institutions. In the field of civil law relations concerning the establishment and functioning of non-governmental higher education institutions, a number of normative acts regulating the main aspects of their activities come into force.

The process of establishing a non-governmental higher education institution usually begins with the registration of the organization in accordance with the procedure established by law. This is followed by the licensing and accreditation process, which involves assessing the compliance of the educational institution with certain educational quality standards[5]. Civil law norms regulate the procedures, conditions and requirements imposed on the founders and management of non-governmental educational institutions. They also define the rights and obligations of all participants in the educational process: students, teachers, administration and founders.

In the process of functioning, a non-governmental higher education institution carries out its activities in accordance with the rules and standards established by law. This includes organizing the educational process, conducting research, cooperating with other institutions and organizations, as well as ensuring the quality of education and respect for students' rights. The civil law aspects of the functioning of non-governmental higher education institutions also cover issues of financing, management and responsibility for the quality of education. These aspects vary depending on the specific legislation and regulations adopted in each country.

Conclusion. The civil law foundations for the creation and functioning of non-governmental higher education institutions are an integral part of the modern educational system. They ensure legality, stability and quality in the activities of educational institutions, contributing to the development of education and increasing its accessibility for all those wishing to obtain higher education. Legal regulation in this area seeks to ensure a balance of interests of all parties and to guarantee the effective functioning of the educational system as a whole.

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