

# LEGAL AND REGULATORY FIXING THE BASIC PRINCIPLES OF STATE EDUCATIONAL POLICY

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## SUMMARY

The paper analyzes the current legislation of Ukraine, which stipulates the principles of the state policy in the field of youth education. The author distinguishes the rule of law, which reflect the educational values and the course of public authorities aimed at the implementation of educational policies. Analysis of the regulatory framework conducted on the basis of the functioning of the institutions that are involved in the implementation of the state policy in the field of young people education also considered laws that impact on educational policies and regulations indirectly bear the indirect educational load. The author highlighted the prospects of development of legislation in the field of youth education.

**Key words:** state policy in the field of youth education, educational policy, youth policy, educational rule of law, educational values.

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В статье проанализировано действующее законодательство Украины, в котором закреплены основы государственной политики в сфере воспитания молодежи. Автором выделены правовые нормы, в которых отражены воспитательные ценности, а также курс деятельности органов государственной власти, направленный на реализацию воспитательной политики. Анализ нормативной базы проведен на основе функционирования институтов, которые принимают участие в реализации государственной политики в сфере воспитания молодежи, также рассмотрены законы, в которых влияние на воспитательную политику опосредовано и правовые нормы несут косвенную воспитательную нагрузку. Автором выделены перспективы развития законодательства в сфере воспитания молодежи.

**Ключевые слова:** государственная политика в сфере воспитания молодежи, образовательная политика, молодежная политика, воспитательные правовые нормы, воспитательные ценности.

*Statement of the problem. State policy in the field of youth education is a component of the course of social development, which is implemented by the state in a variety of concepts and programs for youth. Educational principles, which are implemented in education and family education, determine the activities of cultural institutions, the media, youth organizations should be based on legal provisions enshrined in the basic law of the state, but in this case the state educational policy to be legitimate.*

**Background.** Educating young people is an important factor in social development as a process of purposeful socialization determines its future position in life, civic consciousness and social activism. The democratic development of society suggests that the basic human rights and freedoms in absolutely all spheres of public life, including the educational sector. Thus the analysis of the legal fixing of state educational policy is necessary to determine the legitimacy of the activities of the state to influence the education of the younger generation. The article aims at isolating the current legislation of Ukraine legal norms, which are fixed guidelines for the development and implementation of state policy in the education of youth.

**The main material of the study.** Most important form of state management activities in a legal civil society is

right. As the Tsvetkov V.V., the right to establish a measure of human actions, provides a socio-political, psychological and organizational oriented management act establishes the regulatory directive executed based management, the rights and duties (competence) of state bodies, their departments and officials, establish the right balance between the level of authority and responsibility of management, establishes the most efficient process management, supports proper organization and discipline of members of the management process [11, p. 229].

The legal rules are necessary for public management, since the law defines acceptable behavior and possible regulator sets the contours and makes content management solutions, in the application of law in the management of objectified right enshrined in law or regulation etc.

Scientists determined that the high quality of the legal regulation of state administrative process gives it stability, legitimacy and effectiveness [10, p.164]. Legal consolidation of social values and interests directly affects the efficiency of public administration in the education of youth in the laws that regulate the relations of education, displaying a degree of democracy in a society, the principles of social justice, moral qualities desirable youth and others.

The influence of law on public policy in general and in particular in the education of youth, appears to provide an adequate level of adjustability social relations, so it is regulatory consolidation educational goals, objectives and principles designed to determine the balance between the existing traditions in Ukraine, systems and innovations in the education of young people, reflect the ideological basis of educational policy in accordance with the defining principles of the rule of law and civil society.

Basic legal principles of state policy in the education of young people in some way reflected in many of the regulatory documents that are in force in Ukraine since becoming an independent state.



Legislature, which is the legislation is divided according to the application in different areas of functioning society. Yes, there is legislation in education, in culture, in the economic sphere and so on. However, a number of regulations highest legal force in force in Ukraine generally regulate all legal in the state, including the base form of legal regulation of relations in the education of youth.

Thus, the first document in which tracked the basis of state educational policy is the Declaration of State Sovereignty of Ukraine from July 16, 1990. In this regulation, states that the Parliament of Ukraine takes care of complete political economic, social and spiritual development of the nation. Provisions that are closely associated with the state educational policy is a legal norm, "Development of Ukraine as a state based on a realization of the Ukrainian nation's inalienable right to self-determination" [9]. There is no doubt that effective education of the younger generation is essential for such development, so consider this thesis a basis for legal regulation of the first areas of education and youth.

The basis of the legal regulation of state policy on education of young people is a constitutional recognition of its principles. This background activity of state and local government is enshrined in Article 3 of the Constitution of Ukraine proposition that a person's life and health, honor and dignity, inviolability and security are recognized in Ukraine as the highest social value, and therefore, their protection is primarily deity of State [8]. Significant educational potential of containing a number of constitutional norms that reinforce democratic system in Ukraine. This ideological diversity of social life (Article 15), the human right to free development of his personality (Article 23), right to freedom of expression and belief (Article 34), freedom of belief and religion (Article 35), freedom of establishment non-governmental organizations to promote and protect group interests (Article 36), the development and functioning of the Ukrainian language, development, use and protection of minority languages in Ukraine (Article 10). These

constitutional provisions governing the operation of all spheres of social life, including the educational sector in particular.

The regulations, which in some way regulated the relations of education of young people are given different bodies of state power: the Parliament, the President of Ukraine, Cabinet of Ministers, the various ministries and departments. Such regulations, which directly or indirectly reflect the basic situation of public policy, there are many. Foundling content regulations contain provisions that regulate social relations in education, culture, family relations, the activities of the media and others.

The main educational institution that provides educational influence on the personality of the young man has a family. Secured by the Constitution of Ukraine rule banning interference with family life, but in some cases, the law fixed state activities aimed at protecting the rights and interests of the child or young man in case of violation. Relationships between family members are governed by the applicable law provisions of the Civil and Family Code of Ukraine, other laws and subordinate regulations. Most of the principles and priorities of the state policy in the field of educational functioning family as a social institution is reflected in the rules of the Family Code of Ukraine. Thus, the defining principles of state educational policy is reflected in the articles 5 rule on priority of family education. This norm is the basis for all activities to all branches of power to address issues such as the definition of residence and education of the child, creating family-type homes, education of children in foster care and more. In addition, Article 150, 151, and 152 of the Code defines the rights and duties of parents to educate the child that they can perform against the interests of children. Responsibility of parents for the upbringing of the child enshrined in Article 59 of the Law of Ukraine "About Education" [4].

However, the researchers stress that the legislation of Ukraine in the field of family policy is more declarative than practical. Golovchenko V, considers that Ukraine has not worked out a clear mechanism for implementation

and enforcement of rules of family law relating to education and child protection, as at the present stage of development of Ukraine's top priority is to create a legal framework for the education of youth in families, which would fully meet international requirements and ensure the implementation of the right of every young person and provide the mechanism for protection of these rights in case of violation [1, p.89].

Important social institution that provides educational influence on the younger generation is the education system. therefore educational content have majority of regulations governing the educational relationship in Ukraine.

Educating teachers recognized an integral part of the educational process, so isolating educational activities in norms regulations is quite rare, but the analysis of regulations allowing them to distinguish educational activity. So in the preamble to the Law of Ukraine "On Education" states that the aim of education is the full development of human personality, education of high moral character, forming nationals capable of deliberate social choice, enrichment of the basis of intellectual, artistic and cultural potential of the people [4]. Article 6 of this law by the principles of educational activities that also have important educational content. Educating young people is the main objective of non-formal education, which is fixed in Art. 8 of the law of Ukraine "On Extracurricular Education" as government policy in this area is aimed at creating conditions for this task, which requires coordination of efforts of the executive authorities, local governments, enterprises, institutions, organizations, associations and families [7].

Serious social problems in the education of youth necessitate active intervention of public authorities in the functioning of the educational system, because there are legislative attempts to consolidate the legal framework for democratic education methods. Example, in September 2009, the Ministry of Education and Science of Ukraine developed the concept of national education, where the basic provisions of state educational policy content of the national idea, which acts as a basis of national education of youth,



these principles, purpose and objectives of the national policy on education, outlining its basic directions [3].

Development of this concept proves that in Ukraine to the regulatory level the basic provisions of the state educational policy, the content of the national idea, which is the basis of national education of youth. For example, educational activities in schools is based on the concept of national education, where these principles, purpose and objectives of the national policy on education, outlining its main lines. However, requires the development of an effective mechanism for the implementation of the regulations relating to the education of young people, who will ensure the effective assimilation of the younger generation cultural heritage of different nations provided that the Ukrainian national identity.

National Strategy for Education in Ukraine until 2021 for Education identifies key trends and ideas and ways to implement the provisions of the National Doctrine of Education Development, implementation of education reform over the next 10 years in the new socio-economic conditions.

The aim of the national education sector is determined to ensure the conditions for the modern development of society as a whole and each individual citizen [6]. As one of the strategic directions to achieve this goal is defined by developers to ensure the development and socialization of children and youth, in which the leading role played by education.

National education is a major priority, an integral part of education. Its main purpose - the education conscious citizen, patriot, gaining youth social experience, high international cultural relations, the formation of youth needs and the ability to live in a civil society, spiritual and physical perfection, moral, artistic, aesthetic, labor, environmental culture.

Of particular concern in the development of the draft strategy is the state of morals growing personality, and the fact that the younger generation growing up in value not established society. The old social system with its values destroyed, the new is in the making. Has not formulated a national idea, the

principles and content of morality, which would facilitate the consolidation of the Ukrainian people in the development of civil society and the rule of law.

Confirming decisive importance in the development of national self-identification Ukrainian Youth linguistic component developers highlighted in the document component of the strategy language education. The experts noted that the national law and practice regulating national processes in education formed in accordance with international standards and recommendations set forth in the Universal Declaration of Human Rights, the Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages, the Hague Recommendations of the High Commissioner on the rights of national minorities to education and other documents.

A strategy based on the current regulations governing the legal relations in the sphere of education. Developers determine among such laws of Ukraine "On Education", "On social work with children and young people", "On the health and recreation of children", "On Vocational Education", "On the Rehabilitation of the Disabled in Ukraine", "On Preschool Education", "On General Secondary Education", "On Extracurricular Education", "On Higher Education", "Child Protection", "On Scientific and Technological Activities", "On Physical Culture and Sports", "On Social Services", "On innovation" and others. According to these laws, regulations adopted various regulations that determine areas of law relevant pos used.

The need for scientific separation of state educational policies into a single policy type supported by the development of regulations in the educational field, carried out jointly by several ministries. Instance, an example of this by-law is a joint decree of the Ministry of Family, Youth and Sports, Ministry of Education Ukraine, the Ministry of Defence of Ukraine, Ministry of Culture and Tourism of Ukraine from 27.10.2009 № 3754/981/538/49 «On approval of the concept of national-patriotic education of youth".

Note that the traditional classification of education in the education sector is wrong, because in addition to educational institutions significant educational impact on young people engaged as cultural institutions and the media, because the regulation of the activity of these areas has a significant educational potential, which requires scientific analysis legislation in the sphere of culture, in particular.

The current document governing one of the main species cultured at her work - publishing - is the Law of Ukraine "On Publishing". This law defines the general principles of publishing, regulates the organization and proceedings of publishing, distributing publications, relationships and functioning conditions of publishing [5, p. 20]. In our opinion, this legal act must be the foundation for the development and implementation of state educational policy, because under the Constitution of Ukraine, this Law is intended to promote national cultural development of the Ukrainian people, the citizens of Ukraine of all nationalities, strengthening their spirituality and morality, access members of society to universal values that unquestionably proves its educational value.

Article 3 defined purpose and objectives of publishing. These include educational value, in our opinion, are:

- Focus on meeting the cultural needs of the individual, society and state in the publishing brand products for all citizens of Ukraine, regardless of race, color, political, religious or other beliefs, sex, ethnic or social origin, property, residence, language or other signs;
- Creating opportunities for self-expression of the individual author;
- The right to freedom of opinion and expression, the freedom of expression and belief;
- Promotion of national and cultural development of the Ukrainian people;
- Access of Ukrainian society to universal values;

However, Article 5, which defines the basic principles of state policy in the field of publishing, the educational aspect of publishing activities reflected indirectly and rarely monitored. Thus, the law stipulates that the policy in publishing belongs to the Parliament of Ukraine, and it is intended to



implement the Cabinet of Ministers, which should direct and coordinate the work of ministries and other authorities in this field. Also declared that state policy is aimed at supporting the development of national publishing, content publishing in Ukrainian market, the library, the needs of academic and research institutions, the Armed Forces of Ukraine and other military units, law enforcement agencies, enterprises, institutions and organizations necessary publications official language. This in our view is displayed verbal component of state educational policies that find embodiment in programs and activities to implement the declared law. Also, the executive charged with supporting minority cultures and priorities for issuance of necessary social issues, are those publications that provide national needs [5, p.20]. Consequently, this legal provision is the need to address the issue of determining priorities and social and national needs. Also the law by way of public policy in the publishing business: public procurement, tax, customs and currency regulations.

Analyzing public policy in Eastern Europe and Ukraine, in particular, foreign scholars point out that the documents published in the policy-making process can only contain general information and knowledge that can be used at any stage of the policy process, but can also focus on one or more stages of the process [12, p. 16]. Indeed, analyzed above Concept of national patriotic education covers only specific areas of government educational policy. Agree well with the observations of foreign scholars focus of these documents may vary from offering policy alternatives and recommending policy options (example , regional educational programs) to promote a particular model of policy implementation, and evaluation Preferred Alternative. Unfortunately, policymakers in the education of young people are not given document that provides specific model implementation of such policies and existing regulations are declarative and general.

Recognized is the claim that the regulations are abstract forms of conventional reality, requiring conversion to real life [2, p. 26]. In other words, the legal provisions (provisions

of laws, concepts, and other regulations) are embodied in actions, behavior and activities of individuals and legal entities, as is the implementation of state educational policy.

**Conclusion.** Educational content with regulations that govern social relations in various fields: education, culture, media, family and other duties. Practical implementation of the constitutional provisions and other regulations, which reflect the basic principles of education of young people facing significant barriers caused by the reform of the social system and, in particular, negative trends in the economy, education, health, culture and more. So clear regulation provides state educational policy legitimacy, legality mode creates, establishes objectively reasonable technical requirements for the education of the younger generation, and thereby create conditions for achieving public educational purposes.

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