

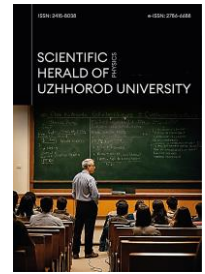
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## The development of state-legal regulation and certain civil law aspects of the higher education system in the Republic of Kazakhstan

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### Abstract

**Relevance.** Modernisation in the higher education system is designed to ensure the stable position of the Republic of Kazakhstan in the world arena, as well as guarantee the future of its citizens and, importantly, develop the country's human capital.

**Purpose.** This paper aims to provide an overview of the legal reforms of the higher education system in the Republic of Kazakhstan, as well as a brief description of the advantages of the higher education system.

**Methodology.** The study reviews and analyses relevant laws, government programs, and strategic documents related to higher education reform in Kazakhstan. It also provides comparisons to higher education systems in other countries.

**Results.** The analysis reveals that Kazakhstan has made significant strides in modernizing its higher education system through a series of reforms. These reforms include the introduction of new educational standards, decentralization of educational management, and the implementation of international accreditation standards. The study also identifies challenges such as the Soviet legacy and issues arising from the adaptation of foreign educational models.

**Conclusions.** Kazakhstan has made significant efforts to modernize its higher education system and increase international competitiveness. While much progress has been made in a short time, challenges remain in fully implementing reforms

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and ensuring high-quality education. The government continues to prioritize higher education development through strategic programs and policies.

**Keywords:** higher education system; consumers of educational services; quality of education; quality of educational services; accreditation; regulatory legal acts.

## Introduction

The Law of the Republic of Kazakhstan “On Education” [1] provides for the tasks of further development of the education system: “the main task of the education system is to create the necessary conditions for obtaining education, aimed at the formation and professional development of the individual on the basis of national and civil values, achievements of science and practice: the introduction of new teaching technologies, informatisation of education, access to international global communication networks”. Therefore, the current stage of development poses a problem for the process of learning in the education system. In accordance with the requirements of the time, improving the content of education and training in educational institutions, its structural system is the main condition for the implementation of educational reform.

The strategic goal of modern education is to provide training and education of a competent person who is able to feel their responsibility, act independently and find a solution to their actions. Achievement of the above goals is expected through a new pedagogical technology used to implement the project of the basic structure of the content of education, formed and successfully implementing its activities in the domestic and world higher educational institutions. Currently, modular learning technology is used by many educators. Modular education arose in the late 1960s as one of the options, areas of traditional study abroad (USA). In Latin “Modulus” means “value”, “measure” [2].

In addition, the module is a large block, divided, that is, allocated training material, divided into parts, blocks. It should be noted, that another effective side is consistency, the convenience of working with gifted students. Based on the full knowledge deepening in the training variant according to modular teaching technology, in the line with the requirements of modern didactics, it is possible not only to train students, but also to organise cognitive activities of a person, to build the learning process based on dialogue interaction. The role of education in the world is growing, a system of self-education has been established in every country. But it should be balanced with experience, guidelines in the education of the world population [3]. An important action is the coverage of the huge transformations in the Republic of Kazakhstan in the field of education. In this regard, the Concept of Education Development is an important document regarding the development of the education system of the Republic of Kazakhstan [4].

Before considering the issues of reforming higher education, in the author’s opinion, the essence of the concept of “higher education system” should be examined. It would also be worthwhile to review the higher education system of some foreign countries. Higher education is the level of professional education following the secondary general or vocational education. It includes a set of systematised knowledge and practical skills that allow solving theoretical and practical problems in a professional

profile, using and creatively developing modern achievements of science, technology and culture. The term “higher education” also means the training of highly qualified specialists for the different sectors of the economy, science, technology, and culture in various types of higher schools. Some legal issues of higher education were considered in the scientific papers of such foreign and domestic scientists as: Daniel Obst and Matthias Kuder [3]; B. Zhumagulov [4] et al.

## Features of education systems in different countries

Currently, the interest of the world academic community regarding the problems and prospects of the development of education is growing rapidly. Education systems in different countries have their own characteristics. According to the World Higher Education Database (WHED), created by the International Association of Universities (IAU), the USA holds the leading position in most indicators [5]. In many ways, this became possible thanks to their well-organised higher education system. Graduates of senior high schools with high school diplomas go to American universities, where they study at three main levels with different contents and purposes. The first four years of higher education in the United States are called the first stage and end with a bachelor’s degree. Training is conducted in three groups of courses: basic courses that give general education in various fields, basic courses and elective courses. During the first two years of studying, students attend basic courses, introductory courses in their main areas of knowledge, and some selective courses. During the last two years, students are engaged in basic and elective courses that complement or deepen their knowledge in the professional area [6].

Typically, a student is learning four or five disciplines during one semester. It should be noted that the presence of a large number of electives makes it possible to master areas that students are unlikely to ever have to study in the framework of a formal program. Education at the second stage (master’s degree) is conducted with an orientation to specialised practical activities in various fields. Education for a master’s degree in a particular specialty usually lasts 2 years, although in some places there are also one-year courses. To obtain a master’s degree, a student must write a dissertation. It should be noted that along with degrees in a particular specialty, non-professional or research master’s degrees can be awarded. The highest stage of education in the United States is doctoral studies. It involves specialised training and independent scientific research in a chosen field of knowledge, which is a special area of activity of universities rather than colleges, especially when it comes to expensive research (in particular, in the field of physical and biomedical sciences). Typically, such work is funded in part by subsidies from various foundations or government agencies. An important feature of American universities is that not all universities have a degree with honours. Studying with honors is not enough to study well.

Student needs to study some courses that are specifically declared as honors courses. For example, at the University of Berkeley, in order to obtain a diploma with honors in physics, it is necessary to study a course in theoretical physics at a postgraduate level. Another distinguishing feature of the American system of higher education is the development of students' skills of independent creative thinking and a broad outlook based on modern ideas [7].

Also, of particular interest is the British higher education system. It is one of the most stable European models, based on a long university tradition. Great Britain before many European countries realised the need for modernisation of education and joined the development of its strategy. Effectively stimulating research and the internationalisation strategy of British higher education deserve special attention. [8]. There are about 170 universities in the UK. Universities are divided into universities, higher education colleges and further education colleges providing higher education services. Higher education colleges are former special colleges that have received, after 1992, the right to award a bachelor's degree. High school graduate in the UK studies for the first academic degree (bachelor) in natural sciences and humanities during 3 years.

The system of further education colleges has about 500 educational institutions offering education approximately corresponding to secondary specialised education. The share of college students involved in higher education programs in them is slightly more than 30% of the total contingent. The remaining students, upon graduation, pass qualification exams (National Vocational Qualifications) based on standards of professional activity. With a diploma of an English professional college, a student can be enrolled in the second year of a university without exams. The first English universities – Oxford (1169) and Cambridge (1209) – in their organisational structure belong to federal or collegiate universities, i.e. universities based on colleges with a high degree of autonomy. Until the beginning of the 19th century there were no other universities in England, while Cambridge and Oxford were constantly expanding as new colleges entered their structure. Today, the University of Cambridge has 29 colleges; Oxford University – 39 colleges and 5 academic departments. Annually, about 16 thousand undergraduate and postgraduate students study in Cambridge in 25 specialties, and about 17 thousand in Oxford.

Another noteworthy model is the Japanese higher education system. It is worth attention that in Japan, higher education is considered mandatory and may include [9]:

- full cycle universities;
- accelerated cycle universities;
- professional colleges;
- technical institutes.

In full-cycle universities, basic education lasts 4 years (except for the medical and veterinary faculties, where the term is 6 years), after which a graduate can enter a master courses or doctoral program. The term of study at the graduate school in Japanese universities is 2 years. Doctoral studies involve 5 years of study. Japanese universities have a unique institution of “student-researcher” – *kenkyu-sei*. Where a student who wants to obtain a scientific degree has the opportunity to engage in

research work in his chosen specific field of knowledge. It takes from 6 months to the 1 academic year.

At accelerated cycle universities, the duration of study is 2 years (for those wishing to receive the specialty of a nurse, the term of study is 3 years). Professional colleges in Japan are aimed at those who wish to receive a highly technical education. The term of study in this case is no more than 3 years. Technical institutes provide their students with extensive technical training, as well as training merchant fleet specialists. The training lasts 5 years. Graduates with technical training, as a rule, get a job in firms and research centers associated with the development of new advanced technologies. In recent years, the Ministry of Higher Education of Japan has begun to pay special attention to short-term forms of obtaining special education for foreign students. The stipulated duration of stay in the country can be from the 1 semester to the 1 year. Currently, about 20 private universities in Japan provide this opportunity. The Bologna process gave a big motivation to the development, convergence and harmonisation of higher education in Europe on June 19, 1999, when the declaration “Zone of European Higher Education” (“Bologna Declaration”) was adopted at a special conference [10].

At present, Kazakhstan is undergoing reforms – a transition is being made to a three-level system of higher education (bachelors, masters and people with an academic degree). In the meantime, the Russian Federation is way below the highly organised higher education systems of the USA, Japan, and Great Britain [11]. The process of reforming higher education in Kazakhstan has been most intensively carried out since 1995, but at the same time, its pace and depth remain insufficient, and economic conditions continue to create most of the obstacles in the implementation of the necessary transformations. The stages of reforming the higher education system over the years of independence of Kazakhstan can be divided into the following stages:

*First stage* (1991-1994). Formation of the legislative and regulatory framework of higher education. The main tasks of this stage were update of the network of higher education institutions and higher education specialties. The measures taken at that time found their legislative fixation in the Law of the Republic of Kazakhstan “On Higher Education” (1993) [12]. In 1994, the State Standard of Higher Education of the Republic of Kazakhstan (basic provisions) was approved, which for the first time determined the introduction of a multi-level structure of higher education in the country, academic degrees of bachelors and masters. In accordance with the ongoing reform in the field of education, a number of changes were achieved in the 1990s: the competencies of educational institutions were expanded; guaranty by the state of free tuition in secondary general education and in the state educational institutions; introduced a training system in three languages; non-governmental educational institutions were allowed and citizens of other states obtained the right for education on a par with citizens of the Republic of Kazakhstan; a credit system and a tuition reward were allocated; The university received independence as the main place, allowing to improve higher education.

*Second stage* (1995-1998). The beginning of the modernisation of the higher education system. From 1995 to 1997, the first Kazakhstani educational standards were adopted for 310 higher education specialties. In 1996, a new edition of the classification (list) of specialties of higher education of the Republic of Kazakhstan was approved, providing for 342 specialties. Actively developing non-state education sector.

*Third stage* (1999-2000). Decentralisation of management and financing of education, expansion of academic freedom in higher education. At this stage, the decentralisation of the educational institution management system was carried out. Until 1999, the legal basis for the development of the education system was regulated by two laws: “On Education” and “On Higher Education”, adopted in 1992 and 1993, respectively.

*Fourth stage* (2001 – present time). Strategic development of higher education system. The main directions of higher professional education are determined. From 1991 to 2002, more than 70 important regulatory documents were adopted regarding the activities of higher education institutions. In 1997, national projects were developed that served as the basis for creating a new social strategy in Kazakhstan. These programs are important in addressing the development of human capital, its knowledge, health, and well-being. The State Program for the Development of Education for 2005-2010, adopted in 2004, laid the foundation for the introduction of a three-level system of higher and postgraduate education since 2005 (“Bachelor-Master-Candidate of Science”) [13]. The State Program for the Development of Education of the Republic of Kazakhstan for 2011-2020 was developed [14].

### **Modernisation of the education system of Kazakhstan**

A long-term document for the development of state educational policy was the “Concept on the Development of Education of the Republic of Kazakhstan until 2015”, adopted in 2004. The concept is a scientific-theoretical, methodological document that defines the goals and objectives, structure and content and the main strategic directions of the development of the education system. The concept was developed in accordance with the Constitution of the Republic of Kazakhstan, the Law of the Republic of Kazakhstan “On Education” [1], the Law “On Science” [15], the Strategy “Kazakhstan-2030” [16], and the “Strategy of Industrial and Innovative Development of Kazakhstan until 2015” [17], The State program “Education” [13], the “Convention On the Rights of a Child” [18], etc. The adopted documents related to education meet all the needs of economic and social modernisation and take into account international requirements for the education system. The structure of the education system of Kazakhstan is brought in accordance with the classification criteria of the International Standard Educational Program recommended by UNESCO (1997). According to article 8 of the new law “On Education” [13], the education system consists of seven stages: preschool, primary, basic secondary and general secondary education, followed by higher and postgraduate education. Promoting the field of higher education to the international level will help Kazakhstan become a competitive state in the global

arena. For its implementation, a multilingual education system has been introduced in Kazakhstan in 2012 [17].

To increase the international significance and competitiveness of its higher education system, Kazakhstan decided to carry out a major structural reform, known as the Bologna Process. The Government of Kazakhstan adopted a number of documents, such as the new law “On Education” (2007) [1], the law “On Science” (2011) [15], the state program for the development of education in the Republic of Kazakhstan for 2005-2010 [13], the strategy industrial and innovative development of the Republic of Kazakhstan for 2003-2015 [17], as well as a number of regulatory documents that take into account international standards in the field of education. As stated in the law “On Education” [1], the main national educational policy is aimed at promoting the humanistic character and universal values in education; free and comprehensive development of personality; development of citizenship and patriotism; ensuring the accessibility of education and its secular nature; providing diverse educational forms and managing the Democratic educational system; compatibility of education in Kazakhstan with education in European and other foreign countries.

The entry of Kazakhstan into the Bologna process gives real advantages to the higher educational institutions and students. These include: bringing educational programs and curricula in line with European standards; recognition of qualifications and degrees of the country; ensuring academic mobility of teachers and students; recognition of maintenance loans of Kazakh students in foreign universities; implementation of a two-degree educational program; recognition of Kazakhstani diplomas in the European Union; entitlement of graduates working in any country participating in the Bologna process. Kazakhstan made a significant step forward by adopting a three-level model of higher education, which would make it easier for students to study at the international level, and add the possibility of a curriculum with electives and courses selected by students. A bachelor's degree is usually a four-year term. Master's degree is a two-year term corresponding to Western practice. A doctorate is usually a three to five year program. So, this is a three-stage model: Bachelor – Master – Ph.D. By joining the Bologna process in 2011, Kazakhstan has shown interest in further cooperation with international partners. Founded in 2010, Nazarbayev University implements and adapts the best available international experience to the curriculum. Nazarbayev University is positioning itself as a National Educational Centre where teachers from all over the country and from the whole region can learn about pedagogical approaches, introducing new media and IT into the educational process, developing critical thinking among students and getting educational know-how for transferring to their own universities [19].

At the same time, experts continue to discuss the merits and outcomes of the reforms. These changes have helped to create merit-based participation in higher education. And as a result of the implementation of the state program for the development of education for 2005-2010 [13], the structure of education was brought into line with the International Standard Classification of Education. Technical and vocational education has been restructured.

The classification of higher and postgraduate education of the Republic of Kazakhstan was also approved, containing aggregated groups of professions [6]. As a result of Kazakhstan's accelerated entry into the Bologna process, the country implemented a three-level model: undergraduate, graduate and doctoral PhD. Currently, 42 universities have passed the certification audit of the quality management system of European agencies. A list of advanced specialties based on cluster initiatives for doctoral and master's programs has been determined. These documents identified the main objectives of state policy in the field of education [20].

As a result of the socio-economic reforms carried out in Kazakhstan, including higher educational institutions, the following tasks set in recent years can be noted:

1. decentralised management and democratisation of the higher education system;
2. diversification of the structure and system of higher education institutions;
3. creation of a new legislative and regulatory framework;
4. formation of new national standards for higher education.

In general, through the modernisation of the educational system of Kazakhstan, great results can be achieved if the following conditions are fulfilled: all programs established by the government in educational policy should be developed based on the capabilities of world experience accumulated within the educational system. The national education system is undergoing a process of globalisation around the world. Therefore, for many states, especially for Central Asia, there is a question of choosing the right direction in changing the education system. The main trends of the modernity also began to influence educational policy. The education system is becoming one of the main directions of social policy, since the economic achievements of the state are determined by the education system, the education of citizens, and the competitive ability of specialists.

In the context of socio-economic transformations in society, educational reform can be implemented through a long-term strategy. For this purpose, the education system of the Republic of Kazakhstan goes through certain stages of development. The annual Addresses of the President of the Republic of Kazakhstan serve as its basis. In particular, in the strategic program "Kazakhstan-2030" [16] education issues are reflected in the fourth long-term priority. Despite the fact that the priority name indicates "health, education and well-being of citizens of Kazakhstan", in this part of the document special attention is paid to preserving the health of citizens and a healthy lifestyle. Education issues were discussed in subsequent programs. Paying attention to the documents of recent years, in the paragraph "New Social Policy" of the message dated November 30, 2015 "Kazakhstan in a New Global Reality: Growth, Reforms, Development" [21], it was said that from January 1, 2016, the wages of teachers will increase to 29%. In addition, in 2017, the program "Free vocational education for all" starts, in which the main emphasis is on anti-crisis struggle, stabilisation of the financial sector, budget policy, and new investment policy.

The Address "Third Modernisation of Kazakhstan: Global Competitiveness" dated January 31, 2017 [22] refers to trilingual education, the level of teachers, and

vocational education. The section "Fourth Priority — Improving the Quality of Human Capital" looks like the premise of next year's message. That is, the relevance in the message of each year is at a different level. Socio-economic problems and changes in that period. In the Message of January 10, 2018, "New Development Opportunities in the Context of the Fourth Industrial Revolution" [23], the problem of education was not left without attention [22]. In this document, the development of the sphere of education is provided within the framework of the tasks set in the development strategy "Kazakhstan-2050" [24], "100 concrete steps – Plan of the nation" [25].

In particular, the need to adapt the education system, communications and standardisation to the requirements of new industrialisation was noted. As a rule, the task is set to reconsider the role of agricultural universities in order to develop the agro-industrial complex, without the general name of educational institutions. That is, agricultural universities should become a scientific and educational center that will cooperate with agriculture. It is known that this task is not carried out in full by educational institutions. In this Address, 10 principles of the country's development in the conditions of the industrial revolution are set. Including in the seventh rule "Human capital is the basis of modernization" issues of improving the quality of education and the formation of an intellectual nation are considered. In general, the main idea in this message is the aspiration for changes in time, to keep up with innovative development.

The status of specialist educators is constantly increasing. Although it is a question of revising the ways of teaching and advanced training of teachers, developing pedagogical departments and faculties of a university, the problem is repeated in the next decree [23]. In the Address on October 5, 2018, the word "education" occurs 13 times [26]. This message focuses on comparative education. Education is seen as an important part of improving the quality of life of the population. In the Strategy "Kazakhstan-2050" [24], education and professional skills — the main guidelines of the modern system of education, training and re-education of personnel, emphasise its importance through a special pause on this problem. The President in a number of Addresses often speaks of the development of technical education. Indeed, for the industrial and innovative development of the country, economic growth, the role of the owners of such specialties is increasing in the first place. To this end, it is believed that the issue of engineering education in strategy is also raised. Vocational and higher education should focus primarily on the maximum satisfaction of the current and future needs of the national economy in specialists. This will help address employment issues.

However, the university is often referred to as not only a place of study, but also as a research and innovation center. As an implementation of this issue, voiced in the message, the authors cite the opening of autonomous educational organisation Nazarbayev University. This modern university is a new stage in the education field in Kazakhstan. Nazarbayev University, as a university with guaranteed academic autonomy, not only improves its curriculum, but also develops research activities. Also, the following tasks are included in the Strategy for increasing

social responsibility: creating a network of public-private partnerships for the development of higher and secondary education; legislative consolidation of compulsory production practices at enterprises. The next task – is the direction of modernisation of teaching methods, suggestions were made to free unclaimed scientific and educational disciplines, to teach subjects as necessary, to adapt to the conditions of the country's development. In general, these issues, highlighted in the Address, are the tasks that have developed as a result of an in-depth analysis of the achievements and gaps in the field of education since the declaration of independence by Kazakhstan. After all, there are no issues requiring a new approach to education.

The classification of higher institutions has also been introduced in Kazakhstan: academies, institutes, universities, research universities, national research universities, national universities. New principles of university management are being formed, based on the principles of strategic planning, quality management and autonomy of higher education institutions. An international model of university accreditation is being implemented, including institutional and specialized (professional) accreditation. Distance learning is carried out using Internet technologies: online lecture complexes, assignments for independent work, which will be checked by the teacher, online consultations, lectures and verification of educational material, which are also carried out in the form of online testing. New methods are being introduced and international standards are being applied both in training and in education. A new institutional structure of the entire education system is being created, based on a single centralised quality control system for all levels of education. Kazakhstan's entry into the international educational community as a full partner has made great changes to the higher education system. The introduction of corporate governance and multilingual education along with the promotion of academic mobility has set new benchmarks for Kazakhstani universities. Dramatically changing technical and vocational education. Employers are involved in the development of 147 new professional standards. The joint responsibility of potential employers and educational institutions for providing quality training is encouraged and developed.

### **Objectives and key provisions of the state program for the development of education and science of the Republic of Kazakhstan**

Improving the competitive ability and quality of education and science in Kazakhstan are the key areas of the new state program for the development of education and science of the Republic of Kazakhstan. The Government of the Republic of Kazakhstan adopted a “State Program for the Development of Education and Science of the Republic of Kazakhstan for 2020-2025”, developed by the Ministry of Education and Science of the Republic of Kazakhstan. This strategic document, which outlined the main priorities in the field of national education for the next 5 years, is in high demand in the context of the changes taking place in country. All states of the world are unanimously agree that high-quality education is the main tool and guarantee of growth, development of the national economy and culture of the country. The new state program is aimed at achieving global competitiveness of

Kazakhstani education, increasing its credibility in the global educational space. Its main emphasis is accessibility and high quality of education; continuity and continuity of education and training throughout life in accordance with the needs of the economy and regional characteristics; intellectual, spiritual, moral, and physical development of students on the basis of universal values. The modernisation of the national education system made it possible to move forward at the present stage, to solve more complex and global problems, allowing to bring the domestic education system closer to world standards.

The new state program for the development of education and science of the Republic of Kazakhstan is a logical result of the tremendous work carried out at the previous stages by the Ministry of Education and Science of the Republic of Kazakhstan. The analysis of the current situation, the SWOT-analysis of the state program show that over the past three years global changes have occurred in the system of domestic education, affecting all its levels: from preschool education to higher and postgraduate education. The idea of reforming education is reflected in the annual Addresses of the Head of State, the main program documents of the Government of the Republic of Kazakhstan, the Ministry of Education and Science of the Republic of Kazakhstan. The basis of the reforms was the task of creating a favourable educational environment in which the individual can realise his individual characteristics and needs, show intellectual and creative potential, and develop demanded competencies.

Significant changes have also occurred in the system of higher and postgraduate education. Over the past few years, the volume of state orders for training personnel, including masters and doctors of PhD, has grown significantly. The number of educational grants allocated from local executive authority funds has increased. Access to higher education has been expanded, resulting in a reduction in the outflow of students to foreign countries. One of the most important areas of reform was the provision of autonomy and the expansion of independence for universities, which, on the one hand, made it possible to strengthen their competitive ability; the provision of educational services on the basis of their own managerial, personnel, academic policies, etc., on the other hand, providing increased social responsibility of universities for the results of their activities, the quality of training of specialists. Since 2019, each university has the opportunity to obtain a license to conduct educational activities in a specific area of training, within which it can independently implement unique educational programs that are in demand in its region. Today, major changes are envisaged in the field of science, since the main goal of the new state program is to develop the intellectual potential of science; modernisation of scientific infrastructure and digitalisation of science; increasing demand for scientific developments and integration into the global scientific space.

1. In-depth analysis of the state program and correctly set tasks, supported by targets, will help achieve the goals and objectives [27];
2. ensure the high status of the profession of a teacher, modernisation of teacher education;
3. provide a safe and comfortable learning environment;

4. ensure the steadiness and continuity of education and training in accordance with the needs of the economy and regional characteristics;
5. ensure the intellectual, spiritual, moral and physical development of students;
6. provide educational organisations with digital infrastructure and modern material and technical base;
7. increase the contribution of science to the socio-economic development of the country;
8. strengthen the intellectual potential of science, etc.

The last document in the system of higher education is precisely aimed at providing quality education to consumers of educational services. In the authors' opinion, it would be advisable to disclose the concepts of "quality of education" and "consumers of educational services". Undoubtedly, students act as consumers of educational services. And of course, this means that they enter into civil law relations with entities that provide education. The future of any state depends on the quality of education. It should be noted that the provision of educational services is subject to civil law regulation, namely, it is provided on the basis of a contract for the provision of services for a fee. However, chapter 33 of the current Civil Code of the Republic of Kazakhstan does not provide for the quality of services. Although this does not exclude the right to provide it in the agreement on the provision of educational services, it must be understood that all consumers of educational services are not lawyers. That is, in most cases, they simply do not understand the essence of the contract that is concluded with educational organizations. This means that it is necessary to define and consolidate the concept of "quality of education" at the legislative level, which consumers receive in the higher education system, which is the subject of civil law science in general [28].

The State Compulsory Educational Standard is the main document that regulates the quality of educational services. It defines the requirements for the content of education. In accordance with the content of SCES, Kazakhstani higher education should be focused on learning outcomes, students should have the maximum amount of academic workload, determine the level and duration of training.

SCES defines the following content of higher education: 3 cycles of disciplines:

- general education disciplines;
- basic disciplines;
- majors.

The educational process is aimed at the formation of professional competencies among students, i.e. implemented competency approach [12].

In accordance with SCES educational programs of higher education are being implemented. They are aimed at training specialists with a "bachelor" degree and a consistent increase in the level of their professional training. Students with a bachelor's degree have the right to occupy the position to which their qualifications correspond. According to Art. 21 of the Law of the Republic of Kazakhstan "On Education", educational programs regulate the cycles of the studied disciplines, the passage of professional practice in relevant specialties, the duration of training [1]. SCES and educational programs regulate not only the content of education, but also its direction, the organisation of the educational process, the

quality of education. Another important step in improving the quality of educational services is the transition from state certification to independent accreditation. In accordance with the new provision on accreditation, each university has the right to independently choose an international agency with which it will be accredited.

It is necessary to distinguish between 2 forms of state control over the quality of education: certification and accreditation. Certification is a verification procedure based on a comparison of quantitative indicators. Accreditation is a quality assurance process that operates in all countries. Independent accreditation should contribute to improving the quality of educational services, as the monitoring will be carried out by external independent experts. A university that has passed international accreditation has a better reputation. Thus, conducting independent accreditation will improve the quality of educational services in Kazakhstan. The introduction of accreditation is not just a borrowing of foreign experience, but a deliberate process, since certification carried out by accreditation bodies in accordance with international standards indicates a sign of the quality of education, the trust of society, government agencies, parents, students in the educational activities of universities and colleges.

Since 2017, the system for ensuring the quality of education in the Republic of Kazakhstan is entering a new stage of development, when the main role belongs to the international accreditation procedure. It is legally determined that educational organisations have the right to undergo international accreditation in foreign or national accreditation bodies that are full members of international European networks for quality assurance and are entered in the register of the authorised body in the field of education. Accreditation in Kazakhstan is currently carried out by the Independent Accreditation and Rating Agency (IAAR) and a number of other accreditation agencies, domestic and foreign, which are recognised by the Ministry of Education and Science of the Republic of Kazakhstan and are included in the National Register of Accreditation Bodies. The accreditation standards of universities and educational programs are developed on the basis of the European Standards and Guidelines (ESG), taking into account the national characteristics of Kazakhstani education. The following institutional standards of higher and postgraduate education can be distinguished [29]:

1. Strategic development and quality assurance.
2. Leadership and management.
3. Development and approval of educational programs.
4. Student-centred education, teaching and performance assessment.
5. The students.
6. The faculty members.
7. Research activity.
8. Finances.
9. Educational resources and student support systems.
10. Information management.
11. Public awareness.

## **Conclusions**

Since independence, the government of Kazakhstan has made significant efforts to modernise the higher education

system and increase its competitive ability at the international level by improving the quality of higher education and creating a national system for assessing the quality of education. The creation and development of this system has evolved from a fully centralised stage of quality control and regulation to a more decentralised stage of quality assurance. Starting from the period when the quality of education was considered as an insignificant item on the agenda of education reform in the early stages of the country's independence, and development to its current status of imperative with high priority, the government considers the high-quality education system as the most important condition for national competitiveness at the international level.

Much has been done to ensure the quality of higher education; numerous changes and significant developments have occurred in the country. As highlighted in the OECD report, these changes and achievements have been accomplished in a very short period of time compared to other countries. However, Kazakhstan faced a number

of problems along this path, some of which appeared as a consequence of the Soviet inheritance, while others were the result of international borrowing, which were not always properly translated and, therefore, sometimes leading to unexpected side effects. The government is aware of the negative trends affecting the quality of higher education services, and is constantly developing plans to overcome them. The government intends to meet all challenges and direct additional efforts to improve the quality of higher education services and create opportunities for further integration with the global educational community.

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None.

#### Conflict of Interest

None.

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## **Розвиток державно-правового регулювання та окремих цивільно-правових аспектів системи вищої освіти в Республіці Казахстан**

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### **Анотація**

**Актуальність.** Модернізація в системі вищої освіти покликана забезпечити стабільне положення Республіки Казахстан на світовій арені, а також гарантувати майбутнє її громадян і, що важливо, розвивати людський капітал країни.

**Мета.** Ця стаття має на меті надати огляд правових реформ системи вищої освіти в Республіці Казахстан, а також короткий опис переваг системи вищої освіти.

**Методологія.** Дослідження розглядає та аналізує відповідні закони, урядові програми та стратегічні документи, пов'язані з реформою вищої освіти в Казахстані. Воно також надає порівняння з системами вищої освіти в інших країнах.

**Результати.** Аналіз показує, що Казахстан досяг значних успіхів у модернізації своєї системи вищої освіти завдяки низці реформ. Ці реформи передбачають запровадження нових освітніх стандартів, децентралізацію управління освітою та впровадження міжнародних стандартів акредитації. Дослідження також визначає такі виклики, як радянська спадщина та проблеми, що виникають через адаптацію іноземних освітніх моделей.

**Висновки.** Казахстан доклав значних зусиль для модернізації своєї системи вищої освіти та підвищення міжнародної конкурентоспроможності. Незважаючи на те, що за короткий час було досягнуто значного прогресу, залишаються проблеми у повній реалізації реформ і забезпеченні високоякісної освіти. Уряд продовжує віддавати пріоритет розвитку вищої освіти через стратегічні програми та політику.

**Ключові слова:** система вищої освіти; споживачі освітніх послуг; якість освіти; якість освітніх послуг; акредитація; нормативно-правові акти.