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ON THE NORMATIVE

LEGAL FRAMEWORK IN THE FIELD OF HIGHER EDUCATION IN AZERBAIJAN SINCE THE PERIOD OF INDEPENDENCE

SOBRE EL MARCO JURÍDICO NORMATIVO EN EL ÁMBITO DE LA EDUCACIÓN SUPERIOR EN AZERBAIYÁN DESDE EL PERÍODO DE INDEPENDENCIA

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ABSTRACT

Azerbaijani higher education system is rapidly reforming into one of the most modern and advanced higher education systems in the world. For the country's integration into the international arena the regulation of the legal framework is of great importance. After the historic decision of independence was adopted, progressive steps have been taken towards the formation of the national education system. The article contains detailed information about the stages of creation and development of a new regulatory legal framework in the field of higher education in Azerbaijan during the period of independence. It was found that in general, the legal framework relating to higher education in Azerbaijan is multifaceted, seeking to ensure the quality and effectiveness of higher education institutions, providing lucid directives for their operation and promoting the adoption of international standards and best practices in the field of higher education.

Keywords: Azerbaijan, educational system, legal model, educational legislation, pedagogical reforms.

RESUMEN

El sistema de educación superior de Azerbaiyán se está reformando rápidamente para convertirlo en uno de los sistemas de educación superior más modernos y avanzados del mundo. Para la integración del país en el ámbito internacional, la regulación del marco legal es de gran importancia. Después de que se adoptó la histórica decisión de independencia, se han dado pasos progresivos hacia la formación del sistema educativo nacional. El artículo contiene información detallada sobre las etapas de creación y desarrollo de un nuevo marco legal normativo en el campo de la educación superior en Azerbaiyán durante el período de independencia. Se encontró que de forma general el marco jurídico relativo a la educación superior en Azerbaiyán es multifacético, busca garantizar la calidad y eficacia de las instituciones de educación superior, proporcionar directivas lúcidas para su funcionamiento y promover la adopción de estándares internacionales y mejores prácticas en el ámbito de la educación superior.

Palabras clave: Azerbaiyán, sistema educativo, modelo legal, legislación educativa, reformas pedagógicas.

INTRODUCTION

Education constitutes a foundational process in the lives of individuals and holds immense significance for society as a whole. It pertains to the acquisition of knowledge, skills, values, and attitudes through structured instruction, pedagogy, and the learning process (Chazan, 2022). As a discipline, education is concerned with methods of teaching and learning in schools or school-like environments as opposed to various nonformal and informal means of socialization (e.g., rural development projects and education through parent-child relationships) (Meyer et al., 2023). However, according to Smith (2020), the author Bojesen (2019) suggests that it is necessary to expand and pluralize what we consider to be forms of education. This expansive conceptualization of education offers an alternative perspective to prevalent educational paradigms, which often emphasize the cultivation of specific skills and knowledge tailored for predefined purposes or the instillation of particular predispositions, behaviors, values, or virtues. The principal aim of education would lie then in fostering holistic development encompassing intellectual, social, emotional, and moral facets among individuals, thereby equipping them to confront the multifaceted challenges of life and at the same time making constructive contributions to society.

In the hierarchy of educational institutions, “higher education” refers to post-secondary education and it typically includes undergraduate and graduate programs offered by colleges, universities, and other higher learning institutions. Higher education differs from previous education in several ways. For example, higher education typically places a greater emphasis on the acquisition of specialized knowledge and skills pertinent to a specific area of study, diverging from earlier phases of education which tend to have a more comprehensive orientation toward general knowledge and skills (Wiers-Jenssen & Støren, 2021). With the advent of the COVID-19 pandemic has prompted higher education institutions to progressively depend on technological means for the remote delivery of educational programs. Consequently, this shift has facilitated the adoption of distance learning methodologies and the integration of digital tools into the educational process (Samira, 2023). Certain higher education programs provide avenues for students to initiate their own ventures, including businesses or enterprises. These programs place a strong emphasis on situated and social learning, fostering an environment where students engage in mutual learning experiences and cultivate interpersonal relationships as part of the educational process (Haneberg & Aadland, 2020; Valehov & Streitwieser, 2022). In addition, in higher education, a heightened emphasis is placed on

self-regulated learning, a pedagogical approach wherein students assume accountability for their own educational pursuits and oversee the management of essential resources, including time and study environments (Isaeva et al., 2023).

In Azerbaijan, up to the early 1990s, when the country was under the control of the Soviet Union, the education system was determined by Soviet ideology and was based on massive state control over all educational institutions. However, immediately after gaining its independence, improving the education sector in the country and enhancing its quality has become one of the top priorities in Azerbaijan. In fact, the Constitution of Azerbaijan states that ‘everybody has the right to receive education and the right to choose the form of education’ (Spasi, 2007). Subsequently, the higher education system in Azerbaijan has undergone substantial transformations, navigating through a period of transition characterized by numerous challenges. Many of these challenges bear resemblance to those encountered by other former Soviet republics (Lala Mammadova & Anar Valiyev, 2020) and can be ascribed to factors such as the establishment of a market-oriented economy, the consolidation of a newly-formed nation-state, economic conditions, political variables, and a reduction in public funding (Huisman et al., 2018; Suleymanov, 2021).

Regarding higher education in Azerbaijan, the work has been more oriented towards the area of modernization and quality (Ergun & Kondakci, 2021; Ilyasov et al., 2023; Lala Mammadova & Anar Valiyev, 2020; Samira, 2023; Valehov & Streitwieser, 2022), the role of women in universities and the need to eliminate gender gaps (Mollaeva, 2018), the analysis of challenges and perspectives, etc., but to a lesser extent the legal framework that supports it has been addressed. Therefore, the objective of this work is to analyze the regulatory legal framework in the field of higher education in Azerbaijan since the period of independence, which allows us to understand the direction of the transformations and the objectives they have pursued.

DEVELOPMENT

The first legal reform in the field of education in Azerbaijan began in 1992 with the adoption of the Law of the Republic of Azerbaijan on Education. With the “Education Law”, many innovations were adopted in Azerbaijan education system - multi-level higher education, creation of non-state education system, new type of educational complexes, entrepreneurial relations in education, the right of high independence of educational institutions and other innovations. The Education Law adopted in 1992 reflected the

situation in the transitional period. Since it was adopted in the first years of independence the country's development prospects, educational reforms, international experience, and trends of integration into the world community were not advanced enough. The current economic and political situation of country, in a time when it is more integrated into the world community, there was a need to revise and improve the Education Law for the progress in the field of education and for more study of international experience.

Article 42 of the Constitution of the Republic of Azerbaijan, adopted on November 12, 1995, reflects the educational rights of the citizens of the Republic of Azerbaijan. These provisions in the constitution became the basis of the laws issued for the development of the education system to adapt it to world standards. According to the Law on Education, the Cabinet of Ministers and the Ministry of Education started working to create the normative-legal base of education, taking into account the national and regional characteristics, as well as the experience of the educational systems of the leading countries of the world. Then, a number of legislative acts and normative documents were adopted. A new version of the Education Law was prepared in 1999 by the members of the Science and Education Commission of the Milli Majlis and the working group of education experts. Many provisions were included in the new version so that a number of problems that emerged in recent years could find their own legal solutions. Thus, in the project, the application of regulations such as modern principles of management, municipal education, state registration of educational institutions, accreditation, attestation, licensing, independence of educational institutions, their entrepreneurial activity, etc., were reflected in the project.

Since 1993, multi-level higher education - four-year bachelor's and two-year master's system - was organized in the higher schools of the republic. In 1995, the "Regulation on bachelor's training in the multi-level higher education system" approved by the Cabinet of Ministers of the Republic of Azerbaijan stated: "A bachelor carries out certain basic education directions or a training program for specific specialties at the first level of the multi-level structure of higher education." After the approval of the regulation, the managements of higher education institutions prepared a package of programs necessary for the preparation of students at the "bachelor" level. The Ministry of Education issued a decree dated January 31, 1997 "On the regulation of the implementation of higher basic education programs". In March 1997, the Cabinet of Ministers approved the Decision on "List of directions and specialties of higher and secondary education". In the Ministry of Education, "The structure of the minimum

state requirements for the content and level of bachelor training" was prepared and approved in April 1997. After the approval of that structure, with the participation of specialists, standards for all directions (specializations) of undergraduate training in higher schools, as well as higher basic education programs and subject programs in accordance with the standards, were prepared and approved by the order of the ministry.

In the conditions of the emerging market economy in Azerbaijan, the importance of training highly educated specialists in various specialties is increasing. One of the innovations brought about by the international experience and the new economic-political system in the education system of independent Azerbaijan was the creation of a private education system. In the "Education Law" adopted in 1992, a special place was given to this issue, and the first step was taken in the direction of creating a legal framework regulating the activities of the private education system in the country. Private educational institutions were established in Azerbaijan in the early 90s. The necessity of this system is related to competing in the direction of highly qualified personnel training, flexible decision-making in educational organizational structures, and personnel training with universal professional skills in new areas of economic activity.

The main goal of creating private educational institutions was to prepare a new spirited and healthy educational system that would give competition and competition to state higher education institutions that were in crisis in the early 1990s and thus lead to the improvement of the quality of education. Private educational institutions in each country have their own place and functions in the education system as a whole. In those areas where there is an interest in staff training in the society and the population is ready to pay the education fee, staff training in those areas is entrusted to private educational institutions. For example, the state does not spend money to train lawyers and economists. In those areas where personnel training requires a lot of money and the population is not interested in paying the education fee, the state takes over those areas (Khalilov, 1999).

Higher education institutions in different countries have common features in education, research, culture and service to society, but they differ in terms of the place occupied by the public and private sector due to a number of historical, economic reasons and traditions. If public schools are the leaders of the education system in countries like Germany and England, the private higher education system is more widespread in the USA, South America, West Asia and Southwest Asia. In European countries, the balance of private education and public

education is overwhelmingly on the side of public education. In Germany, except for 9 religious higher education institutions, all higher education institutions belong to the state. 6% of higher education in France, 23% in Turkey, 1.5% in Norway, 6% in Spain is private. These statistics change from year to year due to the increase in the number of higher education institutions. In Austria, Denmark, Greece, almost all higher education institutions belong to the state. In Eastern European countries, the majority of higher education institutions belong to the state. Thus, the clear superiority of the public sector in European higher education is obvious (Isakhanli, 2017). The share of private educational institutions in international practice is increasing more and more. Here, although the state has a certain share in the financing process of the institute, most of the financing is carried out at the expense of the enterprise's own income. There are even educational institutions in the world that pay a large amount of tax from their personal income to the state budget (Ahmadov, 2022).

After joining the Bologna process in 2005 (Lala Mammadova & Anar Valiyev, 2020), Azerbaijan's approach to the emerging European higher education space began to take a more targeted and concrete direction. By joining the Bologna system, Azerbaijani education has the opportunity to accelerate the modernization of higher professional education. The universities in the country have had the opportunity to participate in joint European projects financed by the European Commission and international donor funds; students and teachers have the opportunity to conduct academic exchange with European universities (Ergun & Kondakci, 2021). One important fact for Azerbaijan should be noted that within the framework of the "2007-2015 State Program for the Education of Azerbaijani Youth in Foreign Countries", young people studied in the world's leading higher education institutions in the specialties considered a priority for country.

The "State Strategy for the Development of Education in the Republic of Azerbaijan" was approved by the Decree dated October 24, 2013. For the implementation of this strategy, the "Action Plan for the implementation of the State Strategy for the development of education in the Republic of Azerbaijan" was approved by the Decree of the President dated January 19, 2015. In that document, the formation of human capital and the creation of a new educational system, environment and mechanism based on the knowledge economy, the necessary directions of action to be implemented at all stages and levels of education were reflected.

With the Law on Education adopted on June 19th, 2009, the Law on Education dated October 7th, 1992, was repealed and a number of new provisions in the Education

legislation came into effect. The flexibility of the newly adopted law and its openness to rapid updating in accordance with the requirements of the times can be proved only by the fact that this law has undergone thirty-three additions and changes (the last one on June 9th, 2023) since its adoption.

One of the most progressive changes implemented in this legislative act is that in order to evaluate and recognize the knowledge, skills, competence and experience acquired by citizens through non-formal and informal forms of vocational education, the examination and the issuance of a document confirming their professional qualification shall be carried out in the manner determined by the body (institution) determined by the relevant executive authority. The appropriate execution for the services provided in connection with the evaluation and recognition of knowledge, skills, competence and experience acquired through non-formal and informal forms of vocational education and for other services determined by the body (institution) whose list is determined by the relevant executive authority, the service fee is paid in the amount determined by the body (institution) determined by the authority (Law of Azerbaijan Republic "About Education," 2009).

As noted by many education experts and state officials, despite the amendments and additions to the Law "On Education", the legal basis of higher education is not sufficiently provided. According to the Law "On Education", the issues of higher education are reflected in one article and in a very short form. Issues in this area are regulated on the basis of other normative and legal documents. However, these issues should be regulated by law. This is also a requirement of international conventions to which Azerbaijan has joined. Therefore, the Law "On Higher Education" is being prepared in Azerbaijan starting from 2021. One of the modern approaches that conditions the adoption of the law in this context is the concept of internationalization of higher education. A number of experts divide the internationalization of higher education into internal and external criteria. Internationalization abroad is based on increasing the number and quality of students studying abroad. Internal internationalization (internalization at home) includes the adaptation of the country's quality standards in education to the global level (Wit & Altbach, 2021). Although there are several state programs in Azerbaijan in both areas, there are still gaps in the legislative system in this direction.

One of the main directions of improving the education legislation in modern times is to carry out updates in the field of digitization of education. Digital skills and competencies are to some extent reflected in policies and strategies related to all levels of education (primary, secondary

and higher education) in Azerbaijan, including vocational education and training (VET). The Law “On Education” regulates the role of the state and educational institutions in providing it. In the current legislation (national qualifications framework) and general education legislation, digital skills are indicated as one of the core competencies of VET and lifelong learning. The National Qualifications Framework for Lifelong Learning approved by the Cabinet in 2018 includes digital skills at all levels of education (European Training Foundation, 2022). The need to improve digital skills is reflected in the Telecommunications and Information Technology Strategic Roadmap to help develop digital skills. This Roadmap includes a transition to e-schools, i.e., greater use of e-books and seminars, free learning materials, distance learning, web-based exams, and creating ICT courses for teachers and graduates, to adapt to the rapidly growing demand for digital skills and updating the assessment of teachers’ ICT skills (OECD, 2022).

The design and implementation of state programs based on the latest legislative acts in the field of education has been one of the important development parameters. The President of the country approved the “State Program for the years 2022-2026 for young people to study in prestigious higher education institutions of foreign countries” by the Decree dated February 28th, 2022. During the implementation of the State Program, it is planned to ensure that up to 2,000 citizens, including 400 people in every year, will receive education at undergraduate and graduate levels in prestigious higher education institutions abroad.

Finally, one of the areas that require the improvement of important legislative provisions in Azerbaijan is the formation of the legislative framework for the knowledge economy. Although this concept is included in the Decree of the President of the Republic of Azerbaijan on the approval of the Development Concept “Azerbaijan 2020: a Vision of the Future”, it seems that it is not reflected in legislative acts in a broad sense. One of the requirements arising from the decree is that “... from now on, the foundation of the transition from the traditional economy to the “knowledge economy” should be laid, and the adequate development of human capital, which is decisive for this, should be prioritized” (Aliyev, 2012).

CONCLUSIONS

A defined legal framework in the field of higher education is of undeniable importance, and its relevance is manifested in various dimensions that affect not only educational institutions but also students and society as a whole. It provides stability and security to educational institutions

and by specifying the rules and regulations they must follow, from accreditation requirements to financial management guidelines and evaluation procedures, institutions are provided with a clear understanding of their responsibilities, so arbitrariness is prevented and the uncertainty in its operation. Additionally, a robust legal framework promotes quality and excellence in higher education.

As was addressed in the work, the legal framework governing higher education in Azerbaijan has undergone substantial revisions since the country gained its independence. As a participant in the Bologna Process subsequent transformations within the higher education sector have occurred in Azerbaijan highlighting the role of the 2009 Law on Education. According to this legislation, higher education institutions in Azerbaijan have to comply with specific regulations and standards. In this work was seen that the improvement of the normative-legal framework related to the field of education in the Azerbaijan legislature is one of the important areas that play a major role in the formation of strategic human capital. In general, among the main factors determining all these processes good advances have been made in mobility, the use of global ICT opportunities, and in some extent the gender gap reduction.

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