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CHALLENGES OF GLOBALIZATION AND QUALITY OF EDUCATION: LEGAL ASPECT

The article explores the issues of higher education quality in the context of global changes, taking into account the legal framework, which emphasizes the relevance of research. The approach to study the impact of international trends on the quality of higher education institutions, the level of educational services and the demand for graduates in the labor market is of scientific interest.

The purpose of the study is to validate the interaction of global trends on the quality of academic services, to identify the problems of quality of higher education, the specific features of the transformation of education and to determine the main guidelines to improve their competitiveness.

Ongoing monitoring and comparative analysis have indicated that in order to improve the quality of education in higher education institutions it is essential to continue further targeted work in accord with international quality standards, which will facilitate the entry into the world educational space. The study is descriptive and sequential, from simple to complex, which examines the essence of the quality education concept, presents development stages of this category, examines legislative support, formation of independent evaluation of HEIs and study programmes, which allows to determine the critical role and particular importance of promoting quality culture in higher education institutions.

The study proposes to develop an annual Action Plan for the implementation of the University Development Strategy, taking into account risk management, which will allow universities to improve the quality of educational programmes and increase the competitiveness of graduates. The study advances knowledge in the area of international accreditation and provides insight to management, faculty, students and stakeholders on the challenges of implementing international standards and external quality assurance in education.

Key words: globalisation, quality of education, legal assurance, accreditation.

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Жаһандану және білім сапасының сын-тегеуріндері: құқықтық аспекті

Мақалада заңдық қамтамасыз етуді ескере отырып, жаһандық өзгерістер жағдайында жоғары білім сапасының мәселелері қарастырылады, бұл зерттеудің өзектілігін көрсетеді. Жоғары оқу орындарындағы білім сапасына, білім беру қызметтерінің деңгейіне және еңбек нарығындағы түлектерге деген сұранысқа халықаралық тенденциялардың әсерін зерттеу тәсілі ғылыми қызығушылық тудырады.

Зерттеудің мақсаты – білім беру қызметтерінің сапасы бойынша әлемдік тенденциялардың өзара әрекеттесуін негіздеу, жоғары білім сапасы проблемаларын, білім беруді трансформациялау ерекшеліктерін анықтау және олардың бәсекеге қабілеттілігін арттырудың негізгі бағыттарын анықтау.

Жүргізіліп жатқан мониторинг пен салыстырмалы талдау жоғары оқу орындарында білім сапасын арттыру үшін әлемдік білім беру кеңістігіне енуге ықпал ететін халықаралық сапа стандарттарына сәйкес әрі қарай мақсатты жұмыстар жүргізу қажет екенін көрсетті.

Зерттеу қарапайымнан күрделіге қарай әдістеме бойынша сипаттамалы және дәйекті түрде жүзеге асады, оның барысында сапалы білім беру тұжырымдамасының маңызды мазмұны қарастырылады, осы санаттың даму кезеңдері көрсетіледі, заңнамалық қамтамасыз ету, тәуелсіз бағалауды қалыптастыру, жоғары оқу орындарында сапа мәдениетін көтерудің маңызды рөлі мен ерекше мәнін анықтауға мүмкіндік беретін университеттердің қызметі мен білім беру бағдарламалары зерттеледі.

Зерттеу университеттерге білім беру бағдарламаларының сапасын және түлектердің бәсекеге қабілеттілігін арттыруға мүмкіндік беретін тәуекелдерді басқаруды ескере отырып, университеттің даму стратегиясын іске асыру бойынша жыл сайынғы іс-шаралар жоспарын әзірлеуді ұсынады. Сондай-ақ халықаралық аккредиттеу саласындағы білімді қамтамасыз етеді

және басшылыққа, оқытушыларға, студенттерге және мүдделі тараптарға халықаралық стандарттарды енгізу және білім беруде сыртқы сапаны қамтамасыз ету мәселелері туралы түсінік береді.

Түйін сөздер: жаһандану, білім сапасы, құқықтық қамтамасыз ету, аккредиттеу.

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Вызовы глобализации и качество образования: правовой аспект

В статье рассмотрены вопросы качества высшего образования в условиях глобальных перемен с учетом правового обеспечения, что подчеркивает актуальность исследования. Научный интерес представляет подход исследования влияния международных трендов на качество образования высших учебных заведений, уровень образовательных услуг и востребованность выпускников на рынке труда.

Цель исследования – обосновать взаимодействие мировых трендов на качество образовательных услуг, выявить проблемы качества высшего образования, особенности трансформации образования и определить основные направления повышения их конкурентоспособности.

Проводимый постоянно мониторинг и сравнительный анализ показали, что для повышения качества образования в высших учебных заведениях необходимо проводить дальнейшую целенаправленную работу в соответствии с международными стандартами качества, что будет способствовать вхождению в мировое образовательное пространство.

Исследование носит описательный и последовательный характер, методом от простого к сложному, в ходе которого рассмотрено сущностное содержание понятия «качество образование», представлены этапы развития данной категории, изучено законодательное обеспечение, формирование независимой оценки деятельности вузов и образовательных программ, что позволяет определить важную роль и особое значение продвижения культуры качества в высших учебных заведениях.

В исследовании предлагается разрабатывать ежегодный План мероприятий по реализации Стратегии развития вуза с учетом риск-менеджмента, что позволит вузам улучшить качество образовательных программ и повысить конкурентоспособность выпускников. Исследование дает знания в области международной аккредитации и обеспечивает понимание руководства, профессорско-преподавательского состава, студентов и стейкхолдеров о проблемах внедрения международных стандартов и внешнего обеспечения качества образования.

Ключевые слова: глобализация, качество образования, правовое обеспечение, аккредитация.

Introduction

Education in the context of global changes plays an important role in the world economic development, the importance of this role from the legal standpoint is, along with human rights, another objectively determined systemic mechanism of legal enforcement of education. Today, the relevance of the quality of education is brought to the forefront, becoming an important priority in the development of the knowledge economy and a key task of modern society. Education quality assurance throughout the developed world is now regarded as an important factor in the stability and social development, as an important vector of progress and sustainable growth of the country. Therefore, higher education institutions should be profoundly interested in fostering academic programmes and improving the competitiveness of educational services.

Currently, the transformation of education in the Central Asian region is taking into account global trends:

- integration of HEIs into the global educational space;
- increased internationalization and academic mobility;
- overall digitalization.

The aim of the modern educational system in the context of digitalization is to create effective learning models that take into account global trends in the quality of education. These include transparency, new IT-technologies and modern forms of knowledge assessment, practice-oriented, as well as the importance and significance of continuity of education.

The main emphasis is on lifelong learning, student-centred learning and the development of practical skills and competences. Of particular relevance is resolution of the mismatch problem between the

training of HEIs' graduates and the requirements of the modern labour market since training competitive and in-demand staff is an investment in the future. Therefore, the quality of education should be in the focus of attention, especially in its legal and institutional support.

The National Education Development Strategy of the Republic of Kazakhstan aims at transforming the education system: it comprises renovation of the content of educational programmes and modernisation of human resources to develop skills and competencies to train competitive staff.

At the same time, international accreditation plays an essential role in education quality assurance, which enables to meet high quality standards and assists HEIs in integration into the world educational area.

Therefore, the development of an effective education system in Kazakhstan, which corresponds to the demands of the economy, is an important objective.

Materials and Methods

The study of quality assurance in the context of transformation of the education framework associated with global transformations has allowed to build up some experience in the development of higher education based on the analysis and synthesis of information. The monitoring performed made it possible to compare the functioning of higher education institutions, to determine the features and trends of development of the higher education system in the region. The author made business trips to the countries of Central Asia and Europe throughout 2017-2022, held meetings with the first heads and representatives of the Ministries of Education and Science, rectors, vice-rectors, professors of HEIs, as well as participated in conferences and forums to discuss the development of higher education institutions in the Eurasian region, where she made presentations on the development of higher education in a global change, legal differences, country characteristics and general trends that affect the education quality.

The research was conducted using the main methods of observation, interviews and surveys of managers, stakeholders, teachers and students on the basis of assessment and in-depth comparative analysis by summarising the information on self-evaluation of HEIs, conclusions of external expert commissions, constantly conducted annual monitoring of higher education institutions. The material con-

tained in the publication on this issue has allowed for a realistic assessment, comparative analysis and an objective picture of quality assurance in higher education institutions in Central Asia and Europe.

Literature review

According to the study of the literature, the concept of quality assurance originated in the last century in the writings of Professor W.E. Deming and in the scientific articles of Dr. J.M. Juran (Juran 1999). More broadly, the concept of quality and classification were considered in the articles of Lee Harvey, Diana Green and Philip B. Crosby (Harvey 1993). Professor Sheldon Rothblatt, in his book "The future does not wait" (Barnett 2012), highlights the impact of global trends on the development of universities.

The methodological basis is the concepts of Bauman, Castells, Boltanski and other scientists, the ideas of creative economy, network economy, knowledge economy (Barnett 2012).

Veblen in his writings draws attention to the need for training in deep economic processes (Veblen 1899). The main trend remains mass higher education, which relies on new educational formats – online learning – to reach as many learners as possible.

In order to better understand the interconnectedness and impact of global changes in the global educational environment on the quality of education, it is necessary to explore the stages of inception of the category education quality. The quality of education was not introduced into international law at the outset. The global community has not always been interested in the issue. It was not even mentioned in international documents, including the most fundamental ones, until the 1960s.

However, that does not mean that the very concept of quality in education and its use did not exist on our planet until then. It emerged historically and has changed simultaneously and in close correlation with the development of formal education, which has changed qualitatively with the evolution of humanity.

Modern scientific literature reflects this process by highlighting and describing the most important periods in the development of views on the quality of education.

One such periodization was originally proposed by V.I. Zvonnikov (Zvonnikov 2009) the isolation of key stages of such development, subsequently used and developed by a number of other authors (Kruglinskij 2012). Among the stages these authors distinguish the following:

Some scientists believe that the development of the education system is a fundamental factor in the growth of state competitiveness, and human potential is the basis of society development and its economic growth (Pugach 2013). E.V. Ignatova emphasizes the role of higher education in the formation of intellectual productive forces. They included the very right to education among the inalienable human rights. After the inclusion of education as an inalienable right in the Universal Declaration of Human Rights in 1948, with an emphasis on equality and accessibility, another 12 years passed (UN 2017).

The concept of quality of education appeared for the first time in the 1960 Convention against Discrimination in Education (Unesco 2002). An important impetus in the legal status of education and quality in international law occurred in 1976 with the adoption of the International Covenant on Economic, Social and Cultural Rights by the UN General Assembly in 1966 (UN 1966).

This Covenant, together with the Convention against Discrimination in Education, transformed the pre-existing declaratory principle of the right to education (stipulated by decision of the UN General Assembly) into a binding one for UN Member States, which ratified these documents. It expanded the requirements of education as a human right.

Specifically, it defined that education should aim at human development, enable all to be necessary participants in the free world, and justified the provision that education meets the minimum requirements that are set by the country.

Although the words “quality of education” have not yet appeared explicitly in the text of the International Covenant, they already opened up initial possibilities for international and national human rights law to influence the quality of education.

For instance, the quality characteristics of education can be anchored in the Covenant as minimum requirements that a country can regulate.

The introduction of the concept of educational requirements into the legal landscape has contributed to the establishment and development of an international education system, especially a quality culture in higher education.

Academic legal studies have not paid much attention to this issue, despite the fact that it is a human rights issue. Educational issues have been raised continuously and from the highest international, regional and national platforms in various documents and agreements of the highest international level.

The Communiqué of the UNESCO World Conference on Higher Education in 2009 showed the appearance of paragraph no. 19, which stated that the quality of education requires the development of a quality control framework, evaluation methodology and regulatory mechanisms to ensure it within HEIs (<https://www.un.org/en/about-us/un-charter/full-text>).

Mark Malloch Brown at the World Education Forum in Dakar in April 2000 noted that education is no longer the basis on which the country builds its success, but becomes the head of success. For economic success, the development of human resources is important (<http://portal.tpu.ru/SHARED/c/CHAI/study/disl/Nab/lection1.ppt>). Education is becoming a global factor.

The European Commission’s speech to the European Council noted that quality of education should be the focus of attention and countries should develop policies and strategies to ensure quality in education and take national and international measures to establish a quality assurance framework in higher education (<https://doi.org/10.1787/9789264268531-en>). Independent accreditation bodies, which conduct institutional and specialized programme accreditation under the international standards of education quality, serve as such framework in the international educational area.

With the accession of Kazakhstan to the Bologna Process in 2010, the higher education system develops taking into account the main educational development trends of the European Higher Education Area (EHEA).

Outcomes and discussion

In 2017, Kazakhstan fully completed the transition from state attestation of HEIs to independent accreditation. Independence is a fundamental factor in the establishment of accreditation bodies and an undeniable value of their activities.

The role of international accreditation of HEIs as a factor of quality assurance is increasing today (Zezeza 2016). It is quite obvious that the objectivity of assessments in the processes of accreditation and decision-making by independent accreditation bodies is being enhanced.

Currently, Kazakhstan has implemented all the parameters of the Bologna Process of education, which includes various monitoring and evaluation procedures in line with the European quality standards (ESG).

The aim of the National Quality Assurance System (NQAS) is to achieve quality education that ensures the competitiveness of educational services in the national and international market, based on the implemented quality assurance procedures.

The NQAS consists of three parts: state quality assurance, independent external quality assessment and internal quality assurance system.

State control:

- Regulatory legal support;
- State educational grants;
- Licensing of educational activity;
- State Compulsory Educational Standard

(SCES).

Independent external quality assessment:

- Accreditation;
- Ratings;
- National Qualifications Framework;
- International quality standards.

Internal quality assurance system for universities:

- Quality Assurance Committees;
- Quality Management System.

The key priority of the State Programme of Education and Science Development for 2020-2025 is to improve the quality of higher education in the Republic of Kazakhstan based on modernisation, digitalisation and transformation of the national education system.

The Republic of Kazakhstan Law “Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan” as of July 4, 2018 granted academic freedom, financial flexibility and governance autonomy to HEIs, which expands the scope of HEIs’ activities in the field of quality improvement.

Independent accreditation is recognized in Kazakhstan as an effective tool for evaluation of HEIs’ performance and implemented study programmes as well as of educational services market regulation. Accreditation is the main mechanism for improving the quality of higher education, contributing to the implementation of international best practices in HEIs.

Accreditation bodies, implementing accreditation principles such as independence, transparency, competence, objectivity, awareness, credibility, publicity, trust, voluntariness:

- Assist HEIs in improving the quality of education by analysing and evaluating HEIs and educational programmes;
- Assist HEIs to integrate into the international educational area;
- Promote global quality standards.

Independent accreditation of HEIs enables compliance with high international standards of education quality to produce competitive and sought-after graduates in the labour market.

In Kazakhstan, the legal framework is stipulated by law:

- Status and powers of accreditation bodies.
- Voluntary nature of accreditation.
- Independence of HEIs’ in selection of accreditation body.

In the country only accreditation bodies included in the Register of the Ministry of Education and Science of the Republic of Kazakhstan have the right to conduct accreditation.

At present the IAAR implements accreditation in 14 countries, including in Kazakhstan, where more than 80 HEIs and 3,550 educational programmes have been accredited, while in Kyrgyzstan – 13 HEIs and about 50 educational programmes, in Tajikistan – 6 HEIs and more than 20 educational programmes, and in Uzbekistan the IAAR accredited 1 HEI and 4 study programmes.

Monitoring procedures, conducted by the IAAR on an annual basis, are important. The IAAR has gained considerable experience and capacity in analysing HEIs in different countries, identifying common trends and distinctive features. This provides an impetus for further development and identifies key priorities and new approaches to improve the quality of education.

An annual analysis of HEIs in different IAAR countries has revealed that stakeholders are not always involved in the development of educational programmes, and that practitioners are rarely involved in the delivery of classes. For instance, only 6% of HEIs in Tajikistan, about 15% in Kyrgyzstan and only 3% in Uzbekistan. In Kazakhstan, as the analysis has demonstrated, the practice of involving stakeholders is much wider.

Another fact to mention is the lack of monitoring of graduates’ employment in Central Asian countries compared to Kazakhstan HEIs, which constantly monitor the graduates demand in the labour market.

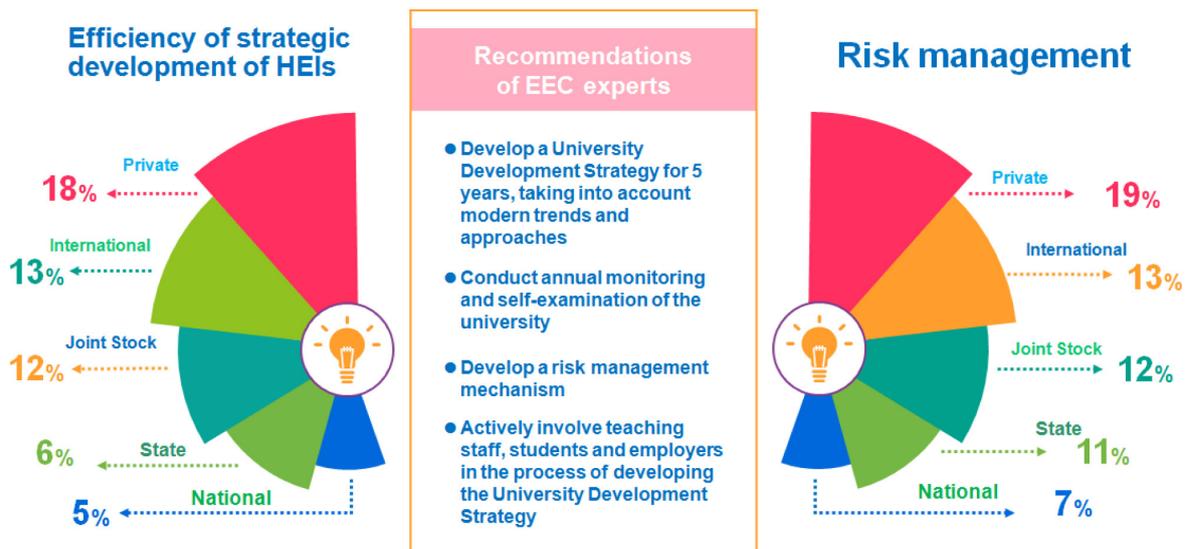


Figure 1 – Analysis of accredited universities

The IAAR through institutional and specialised accreditation of HEIs continuously performs analysis based on stakeholder feedback. This enables to identify ways of improving HEIs' performance to ensure quality. Let's highlight some of the experts' recommendations.

Firstly, risk management should be given attention while elaborating the HEI's development strategy. The experts noted a low level of risk management, as 18% of the independent experts' recommendations are focused on improving this indicator (Figure 1).

To this end, it is necessary for HEIs to annually analyse and implement self-assessment procedure, as well as to develop a risk management mechanism, and involve the teaching staff, students and employers more extensively in the development of the HEI Strategy.

Summarizing, 30% of the experts' recommendations are targeted at developing relations with foreign HEIs, many HEIs lack Strategy Implementation Plans, and the developed strategies of HEIs do not always take into account the risks and global trends. The experts note the low publication rates (18%) of the teaching staff and 10% of the experts' recommendations point to the lack of conditions for inclusive education.

What is needed to improve the quality of education in HEIs in Kazakhstan?

1. Expand common frameworks and tools for innovative cooperation, knowledge sharing and mobility of academic staff and students.

2. Design joint EPs and double-degree education programmes – “points of growth” transforming HEIs' operations.

3. Social dimension must be central in higher education Strategies.

4. It is necessary to implement a system of Risk Management and ensure the viability of HEIs.

5. Strengthening the publication capacity of teaching staff and increasing the activity of students in research and international projects.

6. Create a quality inclusive space in HEIs.

The analysis has shown that in order to improve the quality of education in universities of the Central Asian region the following is necessary:

- Increased cooperation, internationalisation and academic mobility of teaching staff and students;

- Developed joint and double-degree study programmes;

- Enhanced social support for students and teaching staff;

- Introduced risk management system;

- Increased publication of faculty and doctoral students;

- Greater participation of students in scientific and international projects;

- Created conditions for the development of inclusive space.

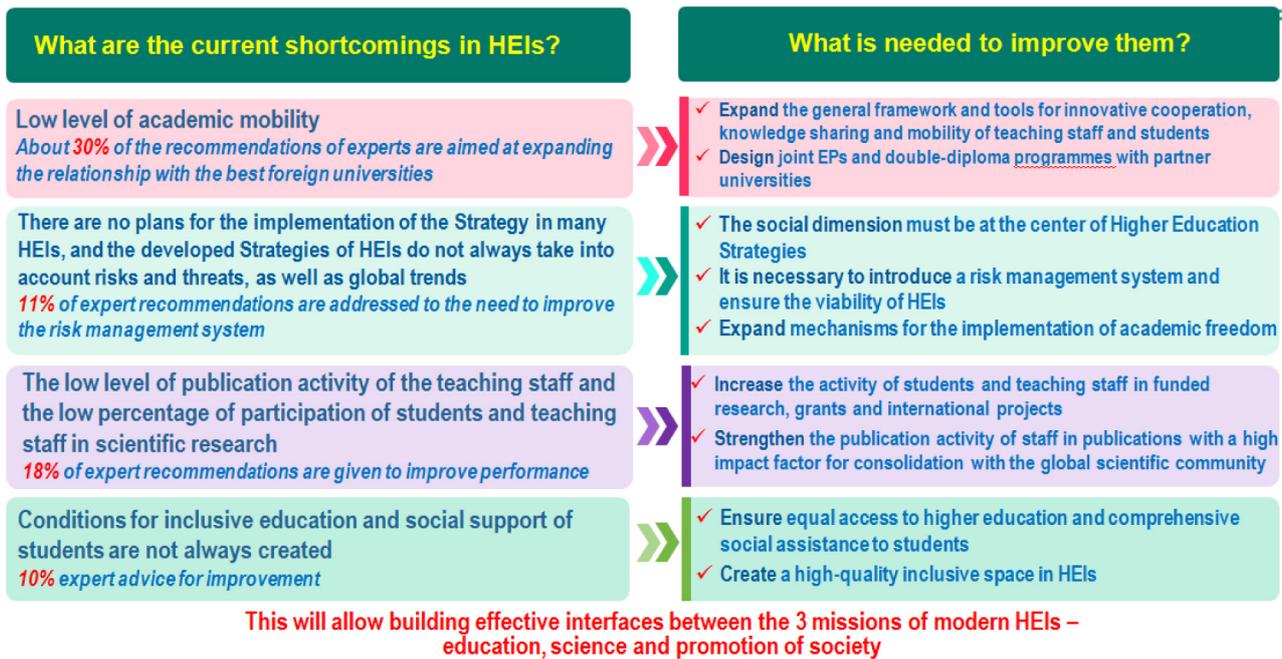


Figure 2 – The quality of education in the HEIs of the Republic of Kazakhstan

Conclusion

The main guidelines for the effective development of the education system in the context of global changes become:

- Promotion of a quality culture and international standards in the Central Asian region;
- Improvement of the legal framework for independent external evaluation of higher education institutions' operations to further ensure the quality of education;
- Integration of higher education into the global world;
- Refreshing the labour market with sought-after and highly qualified personnel;
- Development of student-centred and practice-oriented education;
- Creation of inclusive space in higher education institutions.

International accreditation opens wide horizons for cooperation of Central Asian universities and becomes a catalyst for education system transformation. The international accreditation procedure effectively promotes:

- improved academic performance of HEIs;
- determined shortcomings and recommendations for improvement;

- developed effective measures to improve the quality of education;
- provision of the labor market with the necessary personnel.

Internationally accredited educational organizations receive significant competitive advantages at the market of educational services:

- international recognition;
- comparability and convertibility of qualifications;
- validation of the high quality of education;
- compliance with international quality standards;
- increased opportunities for international cooperation with the best world universities;
- demand for graduates and their employment.

Thus, international accreditation as a driver of education modernization will allow improving the quality of education and integrating Central Asian universities into a single educational landscape and creating an inter-country market of qualified personnel. This will have a positive impact on the quality of education, enhance the universities' profile and the competitiveness of academic services in the context of global transformations.

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