UDC 31

Technological support for the implementation of educational policy at the regional level

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Abstract

The analysis of these definitions provides grounds for the identification of the main features that should be included in the concept of state educational policy. The first is the definition of the state and its institutions or bodies of state power as the subject of this policy. The second sign is its purposefulness or strategic nature. An important feature of the state educational policy, which has been repeatedly noted by researchers, is its consistency – at the same time, this concept applies to both policy subjects and their activities. The defining characteristic of public policy in the field of education is its proactive nature, aimed at both functioning and development. Finally, we consider it expedient to emphasize the security nature of the state policy in the field of education – the state should not only define the purpose and objectives of the educational sector, but also ensure their achievement. Therefore, both the formation of the above-mentioned policy and its implementation are relevant.

Given the relevance of the above signs, we offer this definition: public policy in education is a strategic system-related actions of public authorities aimed at ensuring the functioning and development of the domestic education sector.

Thus, the analysis of studies dealing with the categorical analysis of the concepts of "administrative legal framework", "public policy" and "state policy in the sphere of education" gives us reason to formulate the definition of the notion, which is the subject of our study, namely: administrative-legal bases of formation and realization of state policy in the field of education.

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Keywords

Politics, education, form, structure, development.

Introduction

The analysis of educational policy carried out by us in the context of the latest educational paradigm gives grounds for confirming the exceptional relevance of updating the system of theoretical and methodological foundations and the development of effective administrative and legal mechanisms of state management of education [Ragetlie, Sano, Antabe, & Luginaah, 2020].

Public administration, as Professor Woodrow Wilson of Princeton University and later the 28th President of the United States noted in the Science of public administration, is the most obvious function of government: it is government in action; it is the Executive, the operational, the most visible aspect of government. Public administration permeates everywhere, no new enterprise can do without it [Zhao, Cao, & Ma, 2020]. The purpose of the science of public administration is to organize the work of government bodies to make them work in a business-like way, to strengthen and clearly define their structure, and to instill in the minds of civil servants a sense of accomplishment. The activity of the state apparatus is based on the rules of conduct. The sphere of public administration is the business sphere (the sphere of performance of duties). Public administration consists in the detailed, systematic implementation of public laws. Each individual case of application of the General laws, in fact, is an

act of management. The science of public administration, from a philosophical point of view, is closely connected with the study of the correct distribution of constitutional powers. To be effective, it must open up the simplest mechanisms by which the duties of officials can be accurately defined, that is, in the best way that can divide powers without restricting freedom of action, and define responsibilities with the utmost clarity [Xu, Xie, & Xie, 2020].

Main part

Woodrow Wilson makes an important point that power is dangerous if it is irresponsible. When responsibility is shared by many people, it loses certainty and the lack of certainty of responsibility leads to irresponsibility. But when responsibility is assigned to a Manager or Agency, it is easy to trace and establish. Besides, if duties and responsibilities are not provided for at all, power is more than dangerous.

In other words, the bureaucracy of the Soviet times needed motivation to consolidate abstract "legal relations" in administrative and legal science, and not to concretize the institutions of duty and responsibility. This directly follows from the content of the article M. p. karadzhe-Iskrovaya "the Latest evolution of administrative law" (1927), in which the author emphasizes that " it should be constantly remembered that in us the person is not something of value in itself [Samonas, Dhillon, & Almusharraf, 2020]. She is only a cog of a huge machine, so ensuring her rights is in the background."

As K. S. Belsky notes, the years 1917-1937 were a sign of the absolute methodological crisis of administrative and legal science. In other words, the word "tragedy" was more applicable than "crisis"to characterize the state of administrative and legal science during the two decades of Soviet power. The fact is that the Bolsheviks, having seized power, almost immediately began to treat jurisprudence as a bourgeois branch of knowledge. All these years passed under the banner of "offensive against bourgeois jurisprudence". Administrative law as a branch of jurisprudence found itself in an extremely difficult position under the new regime and was twice excluded from the curriculum [Yuen, Ma, & Wang, 2020]. For the scientific atmosphere of the 30-40s, two processes were characteristic: intimidation of scientists and ideologization of their thinking, and both processes were carried out simultaneously by the authorities. In the early 30s, party committees and party bureaus were established in research institutes and higher educational institutions of the country, which exercised close supervision over the old Russian profession and strengthened quantitatively, first, the party layer of the teaching staff. Gradually, the party committees have become an instrument of ideological education of scientists and teachers, as well as a "school of careerism", through which thousands of future heads of departments, deans of faculties, Vice-rectors and rectors will pass [Accurso, 2020]. The line on the normalized amount of knowledge was a line that was supported by the party apparatus for seventy years and which prepared and formed a generation of teachers and legal scholars with the so-called "Soviet erudition", left a peculiar imprint on the domestic administrative and legal studies of the 60-90-ies of the XX century.

Given the above, it is appropriate to cite the reasoning of K. S. Belsky, who notes that "... honestly conducted inventory of the" economy " of the science of administrative law will show a disappointing picture. It seems that this science has not yet fully defined the subject of administrative law. It turns out that administrative law still does not have an optimal system, which makes it convenient for studying by schoolchildren, students and citizens, who, by the way, are obliged to know this branch of law first. The system of administrative law proposed by textbook authors from 1940 to 1990 is controversial

[Liu, Chen, & Yan, 2020]. And one more significant remark: administrative law as a branch of law in the 30-80s was in some way lost its real meaning, and administrative law as a branch of jurisprudence has turned in these years half in quasi-science." The point of view of K. S. Belsky was supported by Yu. m. starilov: "the opinion of K. S. Belsky is also Indisputable. Belsky that "honestly conducted inventory "economy" science of administrative law is not a comforting picture", and that " administrative law as a branch of law in the 30-80s was to a certain extent lost its own real meaning, and administrative law as a branch of law has turned in these years half in quasi-science." Further K. S. Belsky notes that "the greatest defect consisted in unilateral definition of a subject of branch of the right that caused "one-sided development"... Sciences of administrative law. The beginning of this approach was laid by the articles

S. M. Bertsinsky and S. S. Studenikin, written in the late 30s, as well as a textbook of administrative law in 1940. In them, the subject of administrative law was treated as relations in the sphere of public administration, regulated by the norms of administrative law [Seaman, Stanton, Edwards, & Halenar, 2020]. Then these views on the industry justified and consolidated Yu. m. Kozlov in the work " the Subject of Soviet administrative law." An outstanding researcher of administrative law of the Soviet period (60-90-ies) defined administrative law as a branch of law that regulates public relations in the field of public administration. However, the very concept of "state administration" looked strange in the works of Soviet administrativists, and its study could not be called normal. Scientists-administrativisty studied administrative fictions not real, and imaginary administrative reality, that were in ministries and Executive committees. These bodies were in fact the doubles of the party apparatus, which really governed the country [Xue, & Li, 2020]. The norms regulating the activity of party bodies were beyond the limits of administrative and legal science. Another oddity of the concept of "public administration" is its dimensionality, which deprives this concept of meaning. It covers virtually everything: the meeting of the Board of the Ministry, and the relationship between the management apparatus and the citizen who disputes the actions of the official, and even the relationship between citizens."

The concept of regulation of public relations accordingly dominates in scientific researches on questions of problems of administrative law, including on questions of administrative and legal regulation of educational activity where it is usually noted that the object of research is public relations in the sphere of administrative and legal regulation of educational activity [Pérez, & Claveria, 2020].

Given the above, it makes sense to consider the existing problem from the point of view of the methodology of law, or, in other words, to answer a few logical questions: why for almost 80 years, administrative law science is satisfied with the dogma of the subject of administrative law and the conclusions of methodological research in this plane?; why, contrary to the principles of the rule of law, modern administrative law is not a branch of law that regulates the organization and activities of administrative bodies and its representatives?

According to the explanatory dictionary of the language, the term "methodology" means the following: "the doctrine of the scientific method of knowledge and transformation of the world; its philosophical, theoretical basis; a set of research methods used in any science in accordance with the specifics of the object of its knowledge." [Le, Leon-Gonzalez, & Giang, 2020]

For example, G. G. Zabarny, G. A. Kalyuzhny, A.V. Tereshchuk and other scientists note that the methodological basis of the science of administrative law are the following research methods: historical; comparative legal; logical; formal legal; sociological. They believe that the objectives of the science of administrative law are the study of public administration, public relations, consisting in its

sphere; research of administrative and legal norms governing these relations; analysis of the practice of implementation of administrative law; identification and study of General and characteristic regularities of administrative and legal regulation of public relations [Alkaid Albqoor, Chen, Weiss, Waters, & Choi, 2020].

At the same time, as the experience of developed foreign countries with an advanced system of democracy and market economy shows, administrative law is a branch of law that regulates the organization and activities of administrative bodies; administrative science, or the science of public administration, is a social science that studies public administration, administration for the science of public administration is an objective reality; the subject of This approach is based on the constitutional and legal legalisation (legalisation) of the legal status of the administration. In its entirety, this scientific approach provides reliable protection of the rights and legitimate interests of individuals and legal entities [Dustan, 2020].

Regarding this, the view of K. Zweigert and X. Ketz is appropriate, who emphasize that nowadays the versatility of comparative law as a scientific method of jurisprudence is not subject to appeal. Indeed, no country's science can be based solely on information obtained within its own legal system. Of course, other jurists specializing in domestic law continue to largely and still content themselves with "intra-national discussions". Comparative law brings legal science from the archaic state that hinders its development to the international level. As in our opinion, the comments are unnecessary [Karami, White, Ford, Swan, & Yildiz Spinel, 2020].

It is interesting that in 2003 the book "Public administration: problems of administrative and legal theory and practice" was published, the authors of which (Averyanov V. B., Andryusha A. F., bityak Yu. P. etc.), contrary to the ruling of the administrative law science dogma on the management of the concept note the following: "Among the key issues that now need radical revision of certain theoretical and methodological stereotypes (not to say dogmas) that have developed in legal science in former times, of paramount importance is the need to more carefully assess the nature of social relations that resulted is definition the field of law, which is subject to review as administrative. ...the based analysis of administrative relations of subjects of administrative law gives grounds for ascertaining the fact of absence in them of appreciable domination of administrative aspects if to interpret concept of management in strict accordance with scientific postulates as:...influence on joint activity with the purpose of its ordering and the direction". [Sierra, 2020]

However, the point of view becomes clear, since the authors note that "they are dominated not by administrative signs, but by signs of so-called "public service" activities, that is, the activities of the state and local governments to ensure such an order of their interaction with the population, specific private (natural and legal) persons, in which the latter are able to effectively exercise their rights and legitimate interests. So, another conclusion is that in a generalized form, administrative law is not "management law", but mainly "public service law", i.e. the law aimed at serving the needs and interests of individuals in their relations with public administration bodies. This emphasis should dominate the interpretation of the" administrative"nature of the area of law in question." In other words, there is a gradual preparatory lobbying for the introduction of paid administrative services [Berry, Kannan, Mukherji, & Shotland, 2020].

V. M. Garashchuk, discussing the methodological foundations of the conceptual development of administrative law science emphasizes that such criteria as the definition of the scope of public relations covered by the subject of administrative law should be observed. In his opinion, "the latter now began to "blur", "seize" the sphere of non-managerial legal relations."

The scientist's view once again emphasizes the conclusion that the definition of the content of the subject of administrative law does not change for decades, only supplemented by provisions that do not change the dominant essence of the subject.

Rene David once wrote that Marxism-Leninism in a socialist country is not like any philosophical doctrine in Western countries. This is the only officially recognized doctrine, and any other that contradicts it is considered not only wrong, but also dangerous, a threat to the social order. Anyone who disagrees with this doctrine, who denies and even simply questions the postulates of Marxism, is, consciously or not, an enemy of humans, and his wrong views must be stopped [Vrdelja, Učakar, & Kraigher, 2020].

Conclusion

M. Is. Bunyakin concludes that the methodological basis of the science of Soviet administrative law was based on anti-scientific principles: partisanship, ideological, class approach to the study of phenomena in order to expose the reactionary essence of bourgeois administrative law. Being an organic part of the Marxist-Leninist doctrine of the state and law, the theoretical basis of administrative law consisted of the works of the classics of Marxism-Leninism. This approach to the definition of the science of administrative law in the USSR remained until the early 1990s. Unjustified criticism, repression of talented scientists, restriction and severance of ties with world science - this is the background on which the science of this time developed.

S. S. Alekseev, considering the problems of the theory of law, points out that socialist law was a system of obligatory norms that Express the state will of the workers, led by the working class (the whole people – after the victory of socialism), raised into law and act as a regulator of social relations in order to build socialism and communism. However, as Professor N. S. Timashev specifies, actions of the authorities created allegedly according to the Constitution, were defined at all by will of workers, and bodies of the hidden apparatus of the power what there was a Communist party. Thus, the Soviet state is ruled by an organization of an active minority. The author concludes that there is a peculiar formula: democracy within the oligarchy.

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Технологическое обеспечение реализации образовательной политики на региональном уровне

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Аннотация

В работе исследуются аспекты определения основных черт в региональном аспекте, которые должны быть включены в концепцию государственной образовательной политики. Первое – это определение государства и его институтов или органов государственной власти как предмета этой политики. Вторым признаком является его целенаправленность или стратегический характер. Важной особенностью государственной образовательной политики, которая неоднократно отмечалась исследователями, является ее последовательность – в то же время эта концепция распространяется как на субъекты политики, так и на их деятельность. Определяющей характеристикой государственной политики в сфере образования является ее проактивный характер, направленный как на функционирование, так и на развитие. Наконец, мы считаем целесообразным подчеркнуть безопасность государственной политики в сфере образования - государство должно не только определять цели и задачи образовательного сектора, но и обеспечивать их достижение. Поэтому как формирование вышеуказанной политики, так и ее реализация актуальны.

Учитывая актуальность вышеперечисленных признаков, мы предлагаем следующее определение: государственная политика в сфере образования представляет собой стратегическую системную деятельность органов государственной власти, направленную на обеспечение функционирования и развития отечественного сектора образования.

Таким образом, анализ исследований, посвященных категориальному анализу понятий «административно-правовая база», «государственная политика» и «государственная политика в сфере образования», дает основание сформулировать определение понятия, являющегося предметом нашего исследования, а именно: административно-правовые основы формирования и реализации государственной политики в сфере образования.

Для цитирования в научных исследованиях

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Ключевые слова

Политика, образование, форма, структура, развитие.

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