

THEORETICAL AND LEGAL FRAMEWORK TO REGULATE THE SYSTEM OF HIGHER AND POSTGRADUATE EDUCATION IN THE REPUBLIC OF KAZAKHSTAN

Dinara Osmanova, L. N. Gumilyov Eurasian National University
Saule Amandykova, L.N. Eurasian National University
Leyla Amandykova, Astana International University
Nurbek Khairmukhanmedov, L.N. Gumilyov Eurasian National University
Nurmukhamed Myrzatayev, L. N. Gumilyov Eurasian National University

ABSTRACT

Background/Objectives: The education system's role in the state's political, social, and economic, technical, technological, and cultural development is well known. It is the educational potential that ensures a decent image of the country and its place in the world community and determines a person's status in society. Education as a purposeful process intended to enrich an individual and groups of people with fundamental and applied knowledge corresponding to the modern development level covers the whole system of relations that develop between the state and the individual, the state and educational organizations, teachers and students, etc. These relations are governed by society's social norms and, above all, by the norms of law since the participants in educational relations are endowed with appropriate rights and obligations.

Legal norms determine the educational process nature, consolidate the education system structure, establish the legal personality of educational organizations, teachers, and students; regulate relations in the education system management, its financial support; regulate the principles of the educational process arrangement that enables to ensure the enforcement of the rights and interests of all its participants. The implementation of the obtained theoretical results and recommendations will help to improve the domestic legal framework in the field of education, as well as enable to form and develop educational law in the Republic of Kazakhstan as a branch of law, and to create the preconditions for the formation and improvement of competitive educational programs. Methods/Statistical analysis: In recent years, the following dissertations have been written in the legal science of Kazakhstan in the field of legal regulation of educational activities: M.S. Beibitov "Self-government in higher educational institutions of the Republic of Kazakhstan (organizational and legal problems)" (1996) [1] and R.R. Sultanov "Organizational and legal issues and the implementation of the constitutional right to education in the Republic of Kazakhstan" (2006). Both studies have made a certain contribution to national science and practice. A comprehensive study of the educational process and the prospects for its development in the light of the legislatively enshrined institutional autonomy of universities is performed for the first time in the national science of jurisprudence. Findings: The implementation of the obtained theoretical results and recommendations will help to improve the

domestic legal framework in the field of education, as well as allow the formation and development of educational law in the Republic of Kazakhstan as a branch of law, and create the preconditions for the formation and improvement of competitive educational programs. Novelty/Applications: Work scientific novelty: the state function in the sphere of regulating national educational policy through the prism of modern scientific knowledge, modern world trends has been revised; the theoretical and legal foundations of the national educational system regulation of the Republic of Kazakhstan has been studied; the analysis of the system of functioning of the autonomy of organizations of higher and postgraduate education in the Republic of Kazakhstan has been performed; the experience of some foreign countries in the implementation of higher and postgraduate education has been studied; proposals and recommendations aimed at the effective implementation of the national system of higher and postgraduate education and its further development have been developed.

Keywords: The Autonomy of a Higher Education Institution, Kazakhstan, Education Law.

INTRODUCTION

The relevance of the study is due to the fact that one of the most important tasks now is the integration of the system of higher and postgraduate education in Kazakhstan into the world educational space that meets the new needs of economic development in the context of globalization, the widespread dissemination of information and communication technologies.

The main act governing legal relations in the field of education is the law on education. In connection with the Republic of Kazakhstan's acquisition of independence, laws on secondary education and higher education were adopted. However, the practice has shown the inexpediency of the existence of two laws regulating legal relations in the field of education; therefore, the law “*On Education*” was adopted. Simultaneously, in practice, problems arose that contradicted the law provisions; therefore, the law was constantly amended and supplemented. As a result, a new law on education had to be adopted in 2007. However, it also turned out to be imperfect, so several changes were introduced. For instance, concepts and definitions were not only edited, but some articles and whole paragraphs were also cancelled. Furthermore, the principles and approaches changed significantly.

In our opinion, one of the reasons for this situation is that the new editions of the law or even the constant updating of the law in most cases proceeded from the practice of law application and did not rely on scientifically grounded theoretical and legal norms. As for the regulation of the system of higher and postgraduate education in the Republic of Kazakhstan, it should be noted that this system has undergone significant changes in connection with the transition to credit technology of education in the absence of substantiated theoretical and methodological works on this issue. Thus, there is a contradiction between regulating the system of higher and postgraduate education in the Republic of Kazakhstan and the lack of theoretical and legal foundations of this process. This circumstance shows the relevance of the study topic.

The topic of this study becomes more and more relevant in connection with the reforms performed in the education system, namely, with the expansion of the academic and managerial independence of universities that, in turn, increase the social responsibility of universities for the

results of their activities, for the quality of personnel training, for the formation of the modern world view of the younger generation (Nurmagambetov, 2019). Based on these reforms, various innovations are being introduced that, in turn, require scientific justification and research. This study is devoted to the theoretical and practical analysis of legal relations that develop within the Republic of Kazakhstan's educational process and educational activities, namely higher and postgraduate education.

MATERIALS AND METHODS

The aim of the research is a comprehensive analysis of the theory and practice for the formation of legal prerequisites to regulate the activities of educational organizations in the field of higher and postgraduate education on the example of the foreign countries' experience; disclosure of trends and potential of the Republic of Kazakhstan in the field of legal regulation of higher and postgraduate education. It is necessary to solve the following tasks to achieve this aim:

1. To analyze the state of the national system of higher and postgraduate education;
2. To analyze the study of legislation in the field of regulation of higher and postgraduate education;
3. To study the issues of academic, managerial, organizational, and financial autonomy of universities as one of the factors in organizing the process of managing them;
4. To identify the role of academic potential in the functioning of higher education in the process of improving the system of higher and postgraduate education;
5. To develop scientifically-based proposals to improve the legal framework of higher and postgraduate education;
6. To investigate the legal status of higher educational institutions in the republic of Kazakhstan;
7. To analyze international experience in the legal regulation of the system of higher and postgraduate education.

The study's object is the social relations arising in the sphere of legal regulation of the system of higher and postgraduate education in the Republic of Kazakhstan. The study's subject is the formation, development, and implementation of the national system of legal regulation of higher and postgraduate education in the Republic of Kazakhstan, the study of measures to further improve the Kazakh educational model (Osmanova et al., 2013).

Research Methods: In writing the work, the following empirical and theoretical research methods were applied: analysis and synthesis, induction and deduction, comparison and generalization, structural-functional method, classification, sociological method, statistical method, comparative legal method. Besides, when writing the work, private, scientific research methods were used, such as legal qualifications, comparative analyzes, etc.

Work scientific novelty: the state function in the sphere of regulating national educational policy through the prism of modern scientific knowledge, modern world trends has been revised; the theoretical and legal foundations of the national educational system regulation of the Republic of Kazakhstan has been studied; the analysis of the system of functioning of the autonomy of organizations of higher and postgraduate education in the Republic of Kazakhstan has been performed; the experience of some foreign countries in the implementation of higher and postgraduate education has been studied; proposals and recommendations aimed at the effective implementation of the national system of higher and postgraduate education and its

further development have been developed.

DISCUSSION AND RESULTS

The human rights system presupposes the interaction of its constituent parts in various aspects. Each right is characterized by a unique combination of properties, qualities, and characteristics. The right to education occupies a special place in the human rights system; its diversity is explained by the social significance of the sphere in which it exists. As V.M. Syrykh rightly noted, education rightfully takes a leading position among other social institutions, more and more manifests itself as a sphere of application of the forces of the most creative, intellectual part of society, as well as the effective use of the latest achievements of science and technology (Syrykh, 2002).

The beginning of the human right to education as the right of every free person to receive an affordable, equal, and high-quality education was laid down in the works of prominent thinkers of Antiquity, the Age of Enlightenment, the classics of philosophical and legal thought of the New Time, who developed the basis for the universal provisions (principles) of the human right to education. The human right to education is a normatively structured property of being and a form of realizing the individual's interests, determining the measure of individual human freedom, conditioned by the properties of political, social and economic, and cultural activities of the state in the educational process that reveals the nature of the relationship between the individual, society and the state in this area (Amandykova et al., 2019). The human right to education regulates social relations associated with any form of teaching and upbringing; has a programmatic and targeted nature expressed in the need for constant improvement of legislation on education and state activities to ensure the implementation of the law under study; this process is performed based on joint activities of a person, the state and society in the person of public associations, whose interests are united by a single focus, complement each other.

According to Art. 1, "*education is a continuous process of upbringing and teaching performed for moral, intellectual, cultural, physical development and the professional competence formation.*" In general, education is a set of acquired knowledge, abilities, skills, value attitudes, the experience of activity and competence of a certain volume and complexity for intellectual, spiritual, moral, creative, physical, and (or) professional development of a person, satisfaction of his educational needs and interests. Based on this definition, it can conclude that the right to education is a condition for a person's dignified existence in the family, society, and the state, the possibility of active socialization of the individual, the requirement for the person to recognize his/her intellectual, creative, professional needs, as well as a guarantee of a developed, stable, a prosperous society and state.

The Law of the Republic of Kazakhstan "*On Education*" includes such principles of state policy in this area as equality of rights to receive a quality education, priority of the industry development, education availability at all levels for the population, taking into account the intellectual development, psycho-physiological and individual characteristics of each person. This is the secular, humanistic and developmental nature of education, the priority of civic values, human life and health, free development of the individual, respect for his/her rights and freedoms, stimulation of the individual's accomplishments, and the development of giftedness,

the continuity of the educational process ensuring the continuity of its levels. This is the unity of teaching and upbringing, the democratic nature of education management, the transparency of the education system, the diversity of educational organizations in terms of ownership, forms of teaching and upbringing, and education areas.

The following can be noted when the law is analyzed. The educational policy of Kazakhstan is focused on integration into the world space. This sphere contributes to the individual's full socialisation involving other social institutions in the educational process. Due to its massiveness and consistency, education transfers the values of universal and national culture into the sphere of the emerging new social consciousness and, thus, has a decisive influence on the processes taking place in spiritual life, economics, and politics.

In the context of the law, the role and importance of the education system, human resources as criteria for the level of social development, economic power, and national security have increased. Changes in the social relations system impact education, requiring it to be mobile, have an adequate response to a new historical stage's realities and comply with economic development needs.

The Constitution of the Republic of Kazakhstan, following international law, separately identifies the right to education as an element of a person's constitutional status. The state's right to education is ensured through the education system development and the creation of appropriate social and economic conditions for education following the Constitution of the Republic of Kazakhstan. The state guarantees to the citizens of the Republic of Kazakhstan the receipt of free secondary general and primary vocational education and on a competitive basis under the state educational order of free secondary vocational education, higher vocational and postgraduate vocational education in educational institutions within the state compulsory educational standards, if a citizen receives education at each of these levels for the first time [8].

Expansion of international cooperation, activation of student exchange, development of international programs urgently requires removing barriers to the mobility of Kazakhstan students. Thus, the right to education is a constitutional establishment that forms the basis of an individual's legal status; it is the state with its capabilities that should become a true guarantor of the constitutional rights of an individual, including in the field of education. Measures of state support for education should strengthen the state's role in ensuring that educational activities meet the needs of the individual and society (Kubeev & Amandykova, 2008).

The implementation of constitutional guarantees of the citizens' right to education is ensured by creating a system and appropriate conditions to obtain an education. Currently, the concept of "education system" is interpreted as a set of factors that ensure the implementation of its social functions: a network of educational institutions; educational standards; educational programs; resource support - personnel, scientific, methodological, material, and financial; cooperation with other social sectors; management (Kerimkulov & Osmanova, 2013). The right to education is the only social right present in the aforementioned Protocol No. 1 to the European Convention on Human Rights. A whole system of human rights protection measures is being built. This fact confirms the vital role of the right to education in the system of modern democratic values.

Art. 2 of this Protocol No. 1 refers in general to such important aspects of this right as a) universality (no one can be denied this right); b) the responsibilities of the state in the field of

education and teaching; c) the duty of the state to respect the religious and philosophical convictions of parents while providing their children with education following these convictions.

The right to education, or rather, its realization, presupposes, as noted, the state's active role in guaranteeing this type of social claim. The right to education is, in a sense, an obligation. Moreover, as evidenced by the legislation, and legal practice, and life itself in general, many rights for people “*appear*” only after a person has fulfilled certain social (and legal) obligations. In turn, the fulfilment of rights leads to the emergence of new obligations, and such obligations lead to the emergence of other rights (an example of this is the right to teach a certain discipline exercised by the teacher and, at the same time, the obligation of the teacher to teach these).

The right to education also belongs to this kind of right. Up to a certain age, up to a certain stage (level) of the education system (this level is also different in different countries), as well as taking into account the degree of social and economic development of society, the right to education is practically and legally the person's (citizen) obligation to obtain and master that other minimum of knowledge, skills, and abilities that (minimum) guarantees the necessary and sufficient conditions for social communication of this citizen. Usually, this obligation to receive a “minimum” education is associated with the institution of school (general) education and is legally enshrined in constitutional and other legislative acts. The same obligation is provided by part 2 of Art. 53 of the Constitution of Ukraine, part 4 of Art. 27 of the Constitution of Spain, part 2 of Art. 26 of Japan's Constitution, etc. It is another matter that in some countries basic general education is declared compulsory (Russia, Spain), in others - complete general secondary education (Ukraine), in others - primary education (Italy). For example, according to the Constitution of Poland, the study is compulsory for everyone under 18 years of age (part 1 of Art. 70). The same part 2 of Art. 26 of Japan's Constitution establish everyone's obligation in whose care children are placed to provide their education. However, what kind of education in question is not stipulated by law. Thus, the obligation to obtain general education is provided by Art. 30 by the Constitution of the Republic of Kazakhstan.

Analysis of numerous texts of articles of international acts, constitutional acts of various states, as well as the Constitution of the Republic of Kazakhstan, devoted to the right to education, the study of various scientific studies and comments on legislation, give grounds to highlight, in addition to the above, some important features of this right to education. The right to education is an integral right that, albeit to varying degrees, can be attributed to various groups of human rights and freedoms.

First of all, it is social, cultural, and civil (personal). The right to education is social because education, as has already been shown, is, on the one hand, one of the leading social subsystems of society. Besides, the right to education as a social right presupposes creating a state guarantees' system for each person to receive the education that is the most important condition for his/her successful socialization (Kodzhaspirova & Kodzhaspirov, 2003). Life itself, the needs of society, the needs, finally, of the person himself, who has become “*mature*”, i.e. able to independently make socially significant decisions, a citizen after receiving a “*certificate of maturity*”, determines the need to choose his/her further life path, and thereby familiarize himself with a specific type of professional activity, its criteria, and requirements (Oleshkov & Uvarov, 2006).

Secondly, the right to education is a constitutional right. Thus, this right is enshrined and

guaranteed by the constitutional acts of all modern democratic states (Vishnyakova, 1999). This fact testifies that the right to education is the Basic Law, which is given exceptional importance.

Thirdly, the right to education is a universal one. Attention has already been drawn to this feature. Here we emphasize that the right to education extends not only to all citizens of the Republic of Kazakhstan without exception (and persons living in the Republic of Kazakhstan on a legal basis) but also to persons of different ages. In recent years, this circumstance has become more and more relevant both abroad and in our country. For example, more and more middle-aged citizens, especially the older adults (above 55 years of old), show a real interest in getting their first or second or even third higher education. This phenomenon is of interest, first of all, for sociological science, although ecological, pedagogical, and legal research also cannot bypass it.

Fourthly, the right to education implies that education is accessible to everyone. Accessibility of education is, first of all, the freedom to receive both general and professional and postgraduate education following the beliefs of parents, a person's desires and capabilities. In this regard, the availability of education is organically linked to the generality of the corresponding right. At the same time, as practice shows, this aspect of the right to education is one of the most problematic for various reasons. In the modern world, some contradictions are noted in education development, including Russian, from ensuring its availability.

Kazakhstan's higher education system is in an active search for new ways of effective implementation in the global educational space. All over the world, there is constant work to improve the education system. Theoretical comprehension of such problems as optimization of the status of a university, the ratio of autonomy and state control, changes in the higher education management system adequate to social changes, as well as an analysis of legislation and practice allows us to determine the general state of legal regulation of the universities' activities and outline ways to improve legislation on higher education.

The beginning of the human right to education as the right of every free person to receive an affordable, equal, and high-quality education was laid down in the works of prominent thinkers of Antiquity, the Age of Enlightenment, the classics of philosophical and legal thought of the New Time, who developed the basis for the universal provisions (principles) of the human right to education.

It should be noted that a specific feature of the human right to education is the combination of “*negative*” and “*positive*” components of the individual's freedom. Each person can independently choose the forms and methods of teaching, and the state does not have the right to interfere with this choice; at the same time, the person is protected from discrimination in the educational sphere (negative aspect), but at the same time, he/she has the right to count on positive actions of the state to create and properly operate the education system (positive aspect).

The Convention against Discrimination in Education gives a detailed definition of the “*discrimination in education*” concept. It prescribes some specific measures that states must take to eliminate discrimination manifestations in this area and pursue a state policy aimed at the performance of participants' real equality in educational relations. The Convention acts as the most important legal remedy against any actions of the state and its bodies performed to limit a certain group of persons to a lower level of education or closing for a particular person or certain social group access to education of any level or type, creating orders in which a person or group

of persons is placed in a position incompatible with human dignity.

The prescriptions of the Recommendation against Discrimination in Education (1960) enshrine the right of national minorities to teach their language in educational institutions. Recognizing and enshrining this right, the Recommendation limits it to three conditions:

1. The implementation of the right to learn their language by national minorities should not undermine the sovereignty of the country and prevent persons belonging to minorities from understanding the culture and language of the whole society;
2. The level of education in schools of national minorities cannot be lower than the general level prescribed or approved by the competent authorities;
3. Attending this kind of school is optional, not mandatory.

According to Art. 1 of the Law of the Republic of Kazakhstan “*On Education*” (2007): “*Education is a continuous process of upbringing and teaching performed for moral, intellectual, cultural, physical development and the professional competence formation*” (Altynbasov et al., 2018). Thus, the right to education is a condition for a person’s dignified existence in the family, society, and the state, the possibility of active socialization of the individual, the requirement for the person to recognize his/her intellectual, creative, professional needs, as well as a guarantee of a developed, stable, a prosperous society and state. Simultaneously, the main principles of the government education policy are enshrined in clause 1 of Art. 3 of the Law of the Republic of Kazakhstan “*On Education*” dated July 27, 2007, and include:

1. The equality of the rights of all to receive a quality education;
2. The priority of the education system development;
3. The availability of education at all levels for the population, taking into account the intellectual development, psycho-physiological and individual characteristics of each person;
4. The secular, humanistic and developmental nature of education, the priority of civic values, human life and health, free development of the individual;
5. The respect for human rights and freedoms;
6. The stimulation of the individual’s accomplishments and development of giftedness;
7. The continuity of the educational process ensuring the continuity of its levels;
8. The unity of teaching, upbringing, and development;
9. The democratic nature of education management, the transparency of the education system;
10. The diversity of educational organizations in terms of ownership forms of teaching and upbringing, and education areas.

The conclusions and proposals of the work can be used in the state national policy implementation in the field of higher and postgraduate education, in the activities of educational organizations; will contribute to the formation and development of the national educational system of Kazakhstan and some foreign countries, as well as improve the current legislation. The study results are introduced into the educational process of the Law Faculty of the L.N. Gumilyov Eurasian National University.

The variety of processes taking place in modern states in higher and postgraduate education proves that states function in the context of growing globalization and are actively influenced by it. When studying the formation and development of the national system of higher

and postgraduate education, such important theoretical and practical issues as effective use of digital technologies in the educational process to meet the needs of the labour market; internationalization and harmonization of curricula to ensure guaranteed development; application of new methods and teaching methodologies that ensure the quality of the educational process in today's conditions; building skills, knowledge, and potential to drive innovation that underpins economic and social well-being.

A comprehensive analysis of the existing norms in the field of higher and postgraduate education of the Republic of Kazakhstan substantiates the need to systematize the array of norms of the educational process, capable of implementing the effective legal regulation of public relations at the level of modern tasks and needs of civil society, the state and the individual that in turn will eliminate gaps and contradictions of current legislation, will ensure the effective operation of norms in law enforcement practice in the field of higher and postgraduate education.

Assessment of the higher education quality, as is customary in international practice, must be performed through an effective mechanism of attestation, accreditation, and professional certification, having formed uniform assessment criteria. In this regard, it is necessary to improve the current practice of certification, accreditation, taking into account the principles of international standards, including ESG and professional certification, concerning the National Qualifications Framework.

Having studied the international experience of regulating higher and postgraduate education, as well as the peculiarities of introducing international principles of quality assurance into national education systems; recommendations have been developed to improve the processes of harmonization of the higher and postgraduate education system of the Republic of Kazakhstan with the European, Atlantic and Asian systems of higher and postgraduate education, taking into account the specifics of the national education system. This, in turn, will allow expanding the process of internationalization of higher and postgraduate education of Kazakhstan by creating a Central Asian hub.

A comparative analysis of the legal status and effective experience of foreign universities led to the formation of the most effective and acceptable methods of legal management of the universities' activity, where it is necessary to strengthen the role of supervisory and (or) boards of trustees, boards of directors, for the transparency of the activities of autonomous Kazakhstan universities, including the transparency of financial autonomy, expressed in the functioning of endowment funds, and their compliance with strict reporting, for the possibility of participation in the formation of educational programs of stakeholders - society, business leaders, parents.

DISCUSSION AND CONCLUSION

As a result of the study, the following conclusions were made: The content of such categories as the “*educational system*”, “*educational relations*”, “*quality of education*”, etc. is revealed that is a potential opportunity to study the essence and patterns of the educational process. It has been established that reformation of the education system is fundamentally impossible without a comprehensively and deeply grounded state educational policy and should be performed comprehensively based on a balanced, carefully developed scientific concept, a stable regulatory framework that can determine the state of education in the republic from the

standpoint of its tasks, functions, features and propose innovative ways and directions for its development and adjustment.

The necessity of the educational process informatization is substantiated that is a condition for its successful development, an important factor in achieving its main aims, improving the quality of education of graduates, developing new mechanisms for the formation of their modern scientific world view corresponding to the conditions and problems of the society development. Based on a theoretical analysis of the subject, methods, principles, and sources of educational law, it is defined as a complex branch of laws, the legal norms of which is industry-specific and in their interconnection regulate social relations arising in the framework of the educational process between all stakeholders - students, educational organizations and employers.

It has been established that the regulation of educational relations at the legislative level is a guarantee of equality of citizens and the rule of law in the educational process. The paper substantiates that education management is the activity of government bodies and non-governmental organizations aimed at increasing the efficiency of education; the process governing the achievement of educational policy aims. Certification, attestation, and accreditation of educational organizations are allocated as means of state administration. The practical and theoretical essence of these categories is revealed, based on which the main aim of the educational process - the quality of education is achieved (Ngambi & Hardman, 2005). The analysis of the regulatory and legal framework of certification, attestation, and accreditation of educational activities in the Republic of Kazakhstan, the analysis of the mechanism for the institutional autonomy implementation that enables higher education institutions to raise standards, as well as develop high-quality education and research that meet the requirements of the time, international standards and the market, and ways to improve the aforesaid is suggested.

It has been substantiated that a significant expansion of the academic and managerial freedom of all higher educational institutions is a requirement of the time, and this freedom is expressed in terms of empowering universities with the right to independently determine the procedure to admit students and form a contingent in the context of educational programs; determine the structure and content of educational programs; form the structure of the university and staff; create subsidiaries for scientific and educational activities; determine the procedure for hiring, etc.

The activities of autonomous universities must be transparent and strict reporting must be observed. At the moment, a gradual transition to universities autonomy is underway: the universities have established supervisory and (or) board of trustees, boards of directors that are involved in the determination of the university's development strategy, decision-making on the use of financial resources, and electing the university rector. Besides, in matters of expanding managerial independence, it is envisaged to transform state and national universities into a new organizational and legal form - a non-profit joint-stock company with 100% state participation. These reforms are designed to ensure transparency in the management of universities, control by society, as well as to attract investment in higher education following a foreign practice.

It has been established that autonomy and independence should operate in those universities where there is a real system of university officials (rector, vice-rector, deans, heads of departments, etc.) election. Moreover, autonomous universities should primarily work in the

interests of the state, society, and the region where the university is located. An innovation of the Law on the expansion of academic and managerial independence of higher educational institutions is to provide universities with the right to create an endowment fund, the main purpose of which is to accumulate capital through investment and the allocation of part of the income from commercialization. The income will be used to purchase equipment, material, and technical equipment, conduct scientific research, pay salaries and bonuses to teachers, as well as scholarships for students, etc. In general, the system of endowment funds with its development and strengthening will give a positive effect, and along with other measures will increase the financial stability of the university (Osmanova & Zhaksybekova, 2013).

The paper substantiates the possibility of higher education through university complexes to quickly and more organically fit into the Bologna process framework. The study addresses the concept and significance of the quality of education, analyzes new methods and teaching methodologies that ensure the quality of education in today's conditions. New organizational and methodological approaches are required to solve this problem. In a constantly developing society, the management of the quality of specialists training should be a multi-level system of organization and control that would enable to constantly and objectively assess the level of training of a future specialist and ensure guarantees of the rights of the individual, society and the state. Consequently, the first level of control over the quality of education is an intra-university control system; the second level is state and public control.

It was revealed that the introduced principle of developing educational programs concerning the National Qualifications Framework (NQF) contributes to the definition of teaching outcomes and competencies. It is agreed with the professional community and spelt out in the NQF, Sectoral Qualifications Framework (SQF) and professional standards. Now universities, having on hand teaching outcomes and competencies, will be able to develop their educational programs, thereby creating competition between educational programs of various universities. Simultaneously, a competitive environment will be formed between educational programs aimed at the quality of staff training, and the Ministry of Education will only keep a register of educational programs to record it (Barnard-Brak et al., 2010).

The paper substantiates legal guarantees against the existing risks of dependence on resources, the need to diversify the economy, and the importance of further developing population skills. There are some measures to assess the current skills performance provided by the education and training system of Kazakhstan and how well these systems are working to meet the needs of the labour market (Burgstahler et al., 2004).

This paper addresses possible actions for Kazakhstan and legal guarantees to solve current problems by strengthening the higher education system to ensure the guaranteed development of skills, knowledge, and the potential to introduce the innovations that underlie economic and social well-being.

REFERENCES

- Altynbasov, B., Myrzatayev, N., Tastekeev, K., Saktaganova, I., & Osmanova, D. (2018). Organizational and legal aspects of education. *Journal of Advanced Research in Law and Economics*, 8(29), 2072-2077.
- Amandykova, S., Khairmukhanmedov, N., Osmanova, D., & Myrzataev, N. (2019). Legal issues for the regulation

- of higher schools' transformation in the Republic of Kazakhstan. *Revista Dilemas Contemporáneos: Educación, Política y Valores*, 6(25), 1-16.
- Barnard-Brak, L., Sulak, T., Tate, A., & Lechtenberger, D. (2010). Measuring college students' attitudes toward requesting accommodations: A national multi-institutional study. *Assessment for Effective Intervention*, 35(3), 141-147.
- Beibitov, M.S. (1996). *Self-government in higher educational institutions of the Republic of Kazakhstan: organizational and legal problems*. Kazakhstan.
- Burgstahler, S., Corrigan, B., & McCarter, J. (2004). Making distance learning courses accessible to students and instructors with disabilities: A case study. *The Internet and Higher Education*, 7(3), 233-246.
- Kerimkulov, A., & Osmanova, D. (2013). The issues of corruption offences in economic activity. *Actual Problems of Economics*, 150(12), 457-461.
- Kodzhaspirova, G., & Kodzhaspirov, A. (2003). *Pedagogical dictionary*. Moscow: Publishing Center Academy.
- Kubeev, E.K., & Amandykova, S.K. (2008). *Constitution of the Republic of Kazakhstan: Theoretical and Legal Analysis*. Almaty: Bilim.
- Ngambi, D., & Hardman, J. (2005). *Towards knowledge-separation of the structure of the environment based on student questions*. Moscow: SSU Publishing House.
- Nurmagambetov, A., Amandykova, S., Khassenov, M., & Nurmagambetova, S. (2019). Public-legal and private-legal regulation of entrepreneurial activity in the republic of Kazakhstan. *Opcion*, 35(2), 446-460.
- Oleshkov, M., & Uvarov, V. (2006). *Modern educational process: Basic concepts and terms*. Moscow.
- Osmanova, D., & Zhaksybekova, F. (2013). Smuggling and its influence on the development of the national economy. *Actual Problems and Economics*, 5(143), 426-431.
- Osmanova, D., Zhaksybekova, F., & Rakhymbekova, A. (2013). Tax evasion as a crime in the field of legal regulation of economic activity. *Actual Problems of Economics*, 10(148), 423-429.
- Sultanov, R.R. (2006). *Organizational and legal issues and the implementation of the constitutional right to education in the Republic of Kazakhstan*. Zhezkazgan, Kazakhstan.
- Syrykh, V.M. (2002). *Introduction to the theory of educational law*. Moscow: Center for educational legislation of the Ministry of Education of Russia.
- Vishnyakova, S.M. (1999). *Professional education: Dictionary*. Moscow: NMTs SPO.