



# ISSUES OF CONSTITUTIONAL PROTECTION OF INDIVIDUAL RIGHTS TO EDUCATION IN UZBEKISTAN AND DEVELOPED COUNTRIES

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<p><b>Received:</b> May 20<sup>th</sup> 2022 <b>Accepted:</b> June 20<sup>th</sup> 2022 <b>Published:</b> July 28<sup>th</sup> 2022</p>	<p>Nowadays, in many countries, the practice of strengthening a number of important rights of the individual, in particular the right to education, is widely used in the constitutions, which are the highest guarantee of human and civil rights. If this practice first of all strengthens the right of a person to receive education from a legal point of view, then it creates a basis for improving the system of implementation of this right. In this article, the issues of constitutional protection of the right to education of the individual are analyzed on the basis of the constitutions of foreign countries.</p>

**Keywords:** right to education, constitutional protection, higher education, continuing education, educational programs, compulsory free education, state guarantee.

## INTRODUCTION

It is known that every country pays special attention to the youth, who are its future, and their education. The reason is that only knowledge can save the country from recession and lead to its development. Therefore, almost all countries, especially developed countries, take seriously the issue of ensuring citizens' right to education. In many literatures, scientists consider the right to education and its provision by the state as one of the main factors of the country's development. In this article, these issues will be explained scientifically.

## MATERIALS AND METHODS

Although the Constitution of the Republic of Uzbekistan stipulates the right of an individual to receive education, it is reflected that this relationship is very limited, that is, only general education and school work are guaranteed by the state. This article, which aims to improve the national constitution based on the experience of developed foreign countries, mainly used the method of comparative legal analysis. In addition, the methods of analysis, synthesis, induction, and deduction were effectively used.

## Research results

In our country, young people are given every opportunity to learn, work on themselves, and become potential employees who can take the great responsibility of taking the future of the country into their own hands. Education is defined as a

constitutional right of citizens in Article 41 of our main dictionary, which clearly strengthens the basic rights of our citizens. [3].

A number of national and foreign scientists have expressed reasonable opinions about how important it is to strengthen the right of an individual to education by the constitution.

In particular, **O.T.Husanov** also expresses such an opinion that "...every far-sighted country is interested in the education of its citizens and acts in this way. Citizens' education is affected by how education is organized and what conditions and opportunities are created for it." [16]

Also **T.D. Gracheva** emphasized that a person should have knowledge and skills guaranteed by the state and the international community and that it is important for the development of the state and society. [17]

In general, we can see that getting knowledge is a fundamental human right, and these rights are included in many international legal documents on human rights. In particular, The Universal Declaration of Human Rights adopted by the UN in 1948 [2], the International Covenant on Civil and Political Rights adopted in 1966 (including the corresponding optional protocol of 1966) and the International Covenant on Social, Economic and Cultural Rights are also distinguished in this area due to their special importance. [18]



In addition to these international instruments, many countries have enshrined the individual's right to education in their basic law constitutions.

For instance, we can see that in Article 7 Basic Law for the **Federal Republic of Germany**, the entire school system shall be under the supervision of the state. Parents and guardians shall have the right to decide whether children shall receive religious instruction. [4]

Religious instruction shall form part of the regular curriculum in state schools, with the exception of non-denominational schools. Without prejudice to the state's right of supervision, religious instruction shall be given in accordance with the tenets of the religious community concerned.

Teachers may not be obliged against their will to give religious instruction. The right to establish private schools shall be guaranteed. Private schools that serve as alternatives to state schools shall require the approval of the state and shall be subject to the laws of the Länder.

Such approval shall be given when private schools are not inferior to the state schools in terms of their educational aims, their facilities or the professional training of their teaching staff and when segregation of pupils according to the means of their parents will not be encouraged thereby. Approval shall be withheld if the economic and legal position of the teaching staff is not adequately assured.

A private elementary school shall be approved only if the education authority finds that it serves a special educational interest or if, on the application of parents or guardians, it is to be established as a denominational or interdenominational school or as a school based on a particular philosophy and no state elementary school of that type exists in the municipality. Preparatory schools shall remain abolished. Moreover, in Article 91b educational programs, and Article 104c defines state financing of school work. []

According to 26<sup>th</sup> article of **Japan's Constitution** all people shall have the right to receive an equal education correspondent to their ability, as provided by law. All people shall be obligated to have all boys and girls under their protection receive ordinary education as provided for by law. Such compulsory education shall be free. [5]

According to 31<sup>st</sup> article of **Korea (Republic)'s Constitution** all citizens shall have an equal right to receive an education corresponding to their abilities. All citizens who have children to support shall be responsible at least for their elementary education and other education as provided by law.

Compulsory education shall be free. Independence, professionalism and political impartiality of education and the autonomy of institutions of higher learning shall be guaranteed as prescribed by law. The State shall promote lifelong education. Fundamental matters pertaining to the educational system, including in-school and lifelong education, administration, finance, and the status of teachers shall be determined by law. [6]

We can see that in Article 19 of the **Egypt's Constitution** every citizen has the right to education with the aim of building the Egyptian character, maintaining national identity, planting the roots of scientific thinking, developing talents, promoting innovation and establishing civilizational and spiritual values and the concepts of citizenship, tolerance and non-discrimination.

The state commits to uphold its aims in education curricula and methods, and to provide education in accordance with global quality criteria. Education is obligatory until the end of the secondary stage or its equivalent. The state grants free education in different stages in state educational institutions as per the law.

The state commits to allocating a percentage of government spending that is no less than 4% of the GDP for education. It will gradually increase this until it reaches global rates. The state oversees education to ensure that all public and private schools and institutes abide by its educational policies. [7]

Article 16 of the **Finland's Constitution**, which has the highest quality of education in the world, defines the right to education. According to that everyone has the right to basic education free of charge. Provisions on the duty to receive education are laid down by an Act. The public authorities shall, as provided in more detail by an Act, guarantee for everyone equal opportunity to receive other educational services in accordance with their ability and special needs, as well as the opportunity to develop themselves without being prevented by economic hardship. The freedom of science, the arts and higher education is guaranteed. [8]

During the analysis of the constitutions of these countries, we can witness that the practice of strengthening the basic rights of the individual related to education with the constitution has also been formed in the CIS countries.

In particular, Article 43 of the **Constitution of the Russian Federation** stipulates that everyone has the right to education, that general education is considered mandatory and guaranteed by the state. [9]



Article 43 of the **Constitution of Ukraine** everyone has the right to education. Complete general secondary education is compulsory. The State ensures accessible and free pre-school, complete general secondary, vocational and higher education in state and communal educational establishments; the development of pre-school, complete general secondary, extra-curricular, vocational, higher and post-graduate education, various forms of instruction; provision of state scholarships and privileges to pupils and students. Citizens have the right to obtain free higher education in state and communal educational establishments on a competitive basis. Citizens who belong to national minorities are guaranteed the right to receive instruction in their native language, or to study their native language in state and communal educational establishments and through national cultural societies in accordance with the law.[10]

Article 19 of the **Constitution of the Republic of Kazakhstan** mentions the right to education of every person along with a number of other rights, including the right to use one's native language and culture, to freely choose the language of communication. Furthermore, in the Article 30 were mentioned that the citizens shall be guaranteed free secondary education in state educational establishments. Secondary education shall be obligatory. A citizen shall have the right to receive on competitive basis higher education in state higher educational establishment. The citizens shall have the right to pay and receive an education in private educational establishments on the basis and terms established by law. The state shall set uniform compulsory standards in education. The activity of any educational establishment must comply with these standards. [11]

**The Constitution of Turkmenistan** defines the right to education in a slightly different way. That is, Article 55 of the constitution states that every citizen has the right to education. We can consider this norm in a somewhat limited form. The reason is that every citizen has the right to education, not everyone. [12]

In addition, every opportunity has been created for young people in our country to get education, to work on themselves and to become potential staff who can take the huge responsibility of taking the future of the country into their own hands. Education is defined as a constitutional right of citizens in Article 41 of our main dictionary, which clearly strengthens the basic rights of our citizens.

In addition, on September 23, 2020, a new version of the Law "On Education" was adopted in

order to regulate relations related to the implementation of the right to education, in order to bring relations in this field into line with modern requirements. [13]

On November 6, 2021, the newly elected President of the Republic of Uzbekistan, Shavkat Mirziyoyev, in his speech at the joint meeting of the chambers of the Oliy Majlis, dedicated to the inauguration ceremony, also focused on the education of the future generation. As a result of the implementation of the measures specified in the Development Strategy of Uzbekistan, it is envisaged that the level of coverage of young graduates with higher education will be increased from 28% to 50%. [1]

**For information:** *today, the rate of coverage of young graduates with higher education has increased from 9 percent in 2016 to 28 percent.* [15]

## CONCLUSION

To sum up, education is an inalienable, legal right of every person, and its legalization is illustrated by the following work.

**Firstly**, amending and revoking constitutional rights requires a more complex process than revising and revoking statutory rights. As a result, the individual's right to education will be further strengthened.

**Secondly**, it ensures that all laws or other normative legal acts that are adopted cannot be contrary to the constitution and that the provisions that may limit the right of an individual to education are not adopted.

**Thirdly**, the strengthening of the right of a person to education by the constitution serves to improve the system of its implementation.

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