



## **BASIS OF ESTABLISHMENT AND REORGANIZATION OF HIGHER EDUCATION ORGANIZATIONS**

**Raimov Elbek Bahadirovich,**

Senior lecturer of the Department of "Legal Sciences"  
of the National University of Uzbekistan  
named after Mirzo Ulug'bek  
E-mail: [elbekraimov687@gmail.com](mailto:elbekraimov687@gmail.com)

<b>Article history:</b>	<b>Abstract:</b>
<b>Received:</b> 20 <sup>th</sup> November 2024 <b>Accepted:</b> 11 <sup>th</sup> December 2024	This article examines the foundations of the formation of higher education organizations in accordance with the principles of organization and reorganization in accordance with civil law. In addition, this article presents the foundations of regulatory legal acts that are the legal basis for the formation and reorganization of higher education organizations.

**Keywords:** doctrinal civil-legal definition, organizational-legal form, state educational standard, state accreditation, non-state higher education organization, administrative regulations, merger, acquisition, division, separation, change.

Currently, there is no clear legal definition of the concept of higher education institutions in our legislative documents. However, concepts such as higher education institution and higher education institutions are used. We can give the following doctrinal civil-legal definition of a higher education institution, which is a type of educational organization:

"A higher education institution is an educational organization that is organized in the organizational and legal form provided for by civil legislation for non-profit organizations, and that implements higher, postgraduate education and additional educational programs in educational areas (specialties) established by the state educational standard and that has passed state accreditation."

The inclusion of this doctrinal definition as a norm in special legislative acts is considered to be a distinctive feature of the higher education institution, which, as a subject of civil law, is aimed at satisfying the needs of the individual, society and the state in higher education. A higher education institution is a legal entity with special (functional) legal capacity, the content of which is determined by the subject criterion - the provision of educational services in the field of higher education. We can also recognize a higher education institution as a legal entity established by state authorities and management bodies or its founders, providing higher and postgraduate education in accordance with state educational standards and requirements, state registered in accordance with the procedure established by law and implementing additional educational programs in educational areas (specialties) that have passed state accreditation.

On this basis, we can define the concept of non-governmental higher education organization as

follows. According to it, a non-state higher education organization is a non-state organization that provides higher and post-higher education in accordance with state educational standards and requirements, is not financed by the state and is not under state management, and implements additional educational programs in educational areas (specialties) that are state-registered and state-accredited in accordance with the procedure established by law.

The Law of the Republic of Uzbekistan No. ZURQ-957 "On Amendments and Addenda to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Improvement of Public Administration in the Field of Education within the Framework of Administrative Reforms" introduced amendments to the legislative acts in order to form an integrated system of republican executive authorities in the field of higher education, science and innovations, preschool and school education, as well as to improve the quality of educational services provided by state and non-state educational organizations, including the replacement of the words "higher educational institutions" and "higher educational institutions" reflected in the legislative acts of the Republic of Uzbekistan with the words "higher educational organizations". [1]

According to Article 49 of the Civil Code, the reorganization (merger, acquisition, division, separation, transformation) of a legal entity may be carried out in accordance with the decision of its founders (participants) or the body of the legal entity authorized to do so in the constituent documents.

In cases established by law, reorganization of legal entities in the form of merger, acquisition or



transformation may be carried out only with the consent of authorized state bodies.

According to Article 30 of the Law "On Education", state higher education, secondary specialized, professional educational institutions and their branches, as well as higher, secondary specialized, professional educational organizations with state participation and their branches are established by resolutions of the President of the Republic of Uzbekistan or the Cabinet of Ministers of the Republic of Uzbekistan.

The following universities were reorganized on the basis of the above-mentioned regulatory legal acts.

By the Resolution of the President of the Republic of Uzbekistan No. PP-62 dated 07.02.2024 "On measures to radically improve the system of personnel training for the sectors of the economy", the proposal of the Ministry of Higher Education, Science and Innovations, the Ministry of Economy and Finance, and the Tax Committee to reorganize Tashkent State Economic University by incorporating the Tashkent Financial Institute and the Fiscal Institute into it was approved. [2]

By the Resolution of the President of the Republic of Uzbekistan No. PP-186 dated 31.03.2022 "On the organization of Navoi State University of Mining and Technologies", the Navoi State Mining Institute was reorganized into the Navoi State University of Mining and Technologies. [3]

The issue of legal succession plays an important role in the reorganization. According to Article 50 of the Civil Code, when legal entities are merged, the rights and obligations of each of them shall be transferred to the newly created legal entity in accordance with the transfer document.

By the Resolution of the President of the Republic of Uzbekistan No. PP-428 dated 10.12.2024 "On the Establishment of Karshi State Technical University", the Ministry of Higher Education, Science and Innovations, the Ministry of Economy and Finance, the Kashkadarya Regional Administration's proposal to establish Karshi State Technical University on the basis of the Karshi Institute of Engineering and Economics, the Karshi Institute of Irrigation and Agrotechnology, the Karshi branch of the Tashkent University of Information Technologies named after Muhammad al-Khwarizmi, and the Shakhrisabz branch of the Tashkent Institute of Chemical Technology was approved. [4]

According to subparagraph "b" of paragraph 7 of this resolution, the university is the legal successor to the rights and obligations of the Karshi Institute of Engineering and Economics, the Karshi Institute of

Irrigation and Agrotechnology, the Karshi branch of the Tashkent University of Information Technologies named after Muhammad al-Khwarizmi, and the Shakhrisabz branch of the Tashkent Institute of Chemical Technology, as well as to the concluded agreements.

Also, by the Resolution of the President of the Republic of Uzbekistan No. PP-265 "On measures to establish the Termez State University of Engineering and Agrotechnology" dated 18.07.2024, the proposal of the Ministry of Higher Education, Science and Innovations, the Ministry of Agriculture, and the Ministry of Economy and Finance to establish the Termez State University of Engineering and Agrotechnology on their basis by merging the Termez Engineering and Technological Institute and the Termez Institute of Agrotechnology and Innovative Development was approved. [5]

According to it, the university is the legal successor of the Termez Engineering and Technological Institute and the Termez Institute of Agrotechnology and Innovative Development in terms of rights and obligations.

There is a slight difference in the issue of legal succession between the aforementioned Resolution No. PP-428 and Resolution No. PP-265, namely, the newly established university under Resolution No. PP-428 is considered the legal successor of the rights and obligations of the merged universities, as well as the concluded contracts, while the university established under Resolution No. PP-265 is the legal successor of the rights and obligations of the merged universities.

In this case, the issue of legal succession under the concluded contracts is left open in Resolution No. PP-265. Contracts may be concluded with students for the provision of educational services, contracts for the economic activities of the university (supply of products, lease), or other types of contracts.

Given that there is no separate procedure for the reorganization of an operating higher education institution, the provisions of Article 52 of the Civil Code apply. According to it, the creditor of the reorganized legal entity has the right to demand the cancellation or early fulfillment of obligations that led to the indebtedness of this legal entity, as well as compensation for losses. That is, if an operating university is reorganized, its creditors, including students, will also have the right to demand the cancellation or early fulfillment of obligations and compensation for losses. This will have a negative impact on the activities of the higher education institution.



According to Article 42 of the Civil Code, legal entities are established by the owner or a person authorized by him or by order of an authorized body, as well as in the manner prescribed by law.

According to Article 30 of the Law "On Education", state higher education, secondary specialized, professional educational institutions and their branches, as well as higher, secondary specialized, professional educational organizations with state participation and their branches are established by resolutions of the President of the Republic of Uzbekistan or the Cabinet of Ministers of the Republic of Uzbekistan.

These norms apply to state-established HEIs, and the following are examples of them.

By the Resolution of the President of the Republic of Uzbekistan No. PP-378 "On Measures to Establish Navoi State University" dated 31.10.2024, the proposal of the Ministry of Higher Education, Science and Innovations and the Navoi regional administration to establish Navoi State University on the basis of the Navoi State Pedagogical Institute was approved. **[6]**

By the Resolution of the President of the Republic of Uzbekistan dated 07.05.2022 No. PP-237 "On measures to establish an International Agricultural University", the initiative of the Ministry of Agriculture to establish an International Agricultural University in Tashkent in collaboration with the Royal Agricultural University of Great Britain (hereinafter referred to as the partner university) was supported. **[7]**

By the Decree of the President of the Republic of Uzbekistan No. PF-3052 "On the transformation of the Tashkent State Conservatory into the State Conservatory of Uzbekistan" dated 16.04.2002, the proposals of the Ministry of Culture of the Republic of Uzbekistan, the Union of Composers, prominent representatives of art and the general public on the transformation of the Tashkent State Conservatory into the State Conservatory of Uzbekistan were approved, and it was determined that the State Conservatory of Uzbekistan will be considered a reference higher educational institution in all areas of musical education. **[8]**

By the Resolution of the President of the Republic of Uzbekistan dated 16.10.2021 No. PP-5261 "On the establishment of the National Institute of Pop Art named after Botir Zokirov under the State Conservatory of Uzbekistan", the National Institute of Pop Art named after Botir Zokirov under the State Conservatory of Uzbekistan was established. **[9]**

In addition, non-state HEIs can be established based on the resolutions of the President of the

Republic of Uzbekistan or the Cabinet of Ministers of the Republic of Uzbekistan.

For example, by the Resolution of the President of the Republic of Uzbekistan dated 17.07.2024 No. PP-261 "On measures to establish the American University of Technologies in Tashkent", the proposal of the Ministry of Higher Education, Science and Innovations and the Cintana Education company (USA) to establish the American University of Technologies in Tashkent was approved. **[10]**

According to Article 29 of the Law "On Education", educational organizations of the Republic of Uzbekistan and their branches, as well as branches of educational organizations of foreign countries, are established with the status of legal entities.

For example, by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 406 dated 10.07.2024 "On measures to establish a branch of the South Kazakhstan University named after M. Auevov in the city of Chirchik", the proposal of the Ministry of Higher Education, Science and Innovations and the Ministry of Investments, Industry and Trade to establish a branch of the non-profit joint-stock company "South Kazakhstan University named after M. Auevov" in the city of Chirchik was approved. **[11]**

By the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 297 dated 01.06.2022 "On measures to establish the digital university "IT-Park University", the proposal of the Ministry of Development of Information Technologies and Communications, the Ministry of Higher and Secondary Specialized Education, the Directorate and "ERAM Global Campus" LLC (USA) to establish "IT-Park University" in the form of a limited liability company. **[12]**

This higher education institution is included in the list of higher education institutions established with state participation (non-state higher education institutions with a state share). Currently, 70 percent of the shares of "IT-Park University" LLC belong to "EPAM GLOBAL CAMPUS LLC", and the remaining 30 percent belong to "Directorate of the Technological Park of Software Products and Information Technologies" LLC.

At the same time, there are processes of establishing two higher education institutions under one higher education institution. For example, by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On measures to train candidates for diplomatic positions at the Diplomatic Academy under the University of World Economy and Diplomacy, as well as to introduce a system of retraining and advanced training of specialists in certain positions"



No. 8 dated 10.01.2023, the Diplomatic Academy was established on the basis of the Higher School of Diplomacy under the University of World Economy and Diplomacy. [13]

The decision abolished the Higher School of Diplomacy at the University of World Economy and Diplomacy and established the Diplomatic Academy in its place.

Based on the above, we can conclude that the legal basis for the establishment of higher education institutions is the presidential decree or the decree of the Cabinet of Ministers. In addition, the merger method of reorganization is more widely used in practice.

#### REFERENCE:

1. Ўзбекистон Республикасининг "Маъмурий ислохотлар доирасида таълим соҳасида давлат бошқаруви такомиллаштирилиши муносабати билан Ўзбекистон Республикасининг айрим қонун ҳужжатларига ўзгартириш ва қўшимчалар киритиш тўғрисида"ги ЎРҚ-957-сон қонуни, Қонунчилик маълумотлари миллий базаси, 09.09.2024 й., 03/24/957/0689-сон, <https://www.lex.uz/uz/docs/7093724>;
2. Ўзбекистон Республикаси Президентининг 07.02.2024 йилдаги ПҚ-62-сон "Иқтисодиёт соҳалари учун кадрлар тайёрлаш тизимини тубдан такомиллаштириш чора-тадбирлари тўғрисида"ги қарори, қонунчилик маълумотлари миллий базаси, 10.02.2024 й., 07/24/62/0110-сон, <https://lex.uz/ru/docs/6794040>;
3. Ўзбекистон Республикаси Президентининг 31.03.2022 йилдаги ПҚ-186-сон "Навоий давлат кончилиги ва технологиялар университетини ташкил этиш тўғрисида"ги қарори, Қонунчилик маълумотлари миллий базаси, 01.04.2022 й., 07/22/186/0257-сон, <https://lex.uz/docs/5933941>;
4. Ўзбекистон Республикаси Президентининг "Қарши давлат техника университетини ташкил этиш тўғрисида"ги 10.12.2024 йилдаги ПҚ-428-сон қарори, Қонунчилик маълумотлари миллий базаси, 11.12.2024 й., 07/24/428/1017-сон, <https://lex.uz/docs/7254548>;
5. Ўзбекистон Республикаси Президентининг 18.07.2024 йилдаги ПҚ-265-сон " Термиз давлат муҳандислик ва агротехнологиялар университетини ташкил этиш чора-тадбирлари тўғрисида" қарори, Қонунчилик маълумотлари миллий базаси, 19.07.2024 й., 07/24/265/0530-сон, <https://lex.uz/uz/docs/7026984>;
6. Ўзбекистон Республикаси Президентининг 31.10.2024 йилдаги ПҚ-378-сон "Навоий давлат университетини ташкил этиш чора-тадбирлари тўғрисида"ги қарори, Қонунчилик маълумотлари миллий базаси, 01.11.2024 й., 07/24/378/0871-сон, <https://lex.uz/docs/7182193>;
7. Ўзбекистон Республикаси Президентининг 07.05.2022 йилдаги ПҚ-237-сон " Халқаро қишлоқ хўжалиги университетини ташкил қилиш чора-тадбирлари тўғрисида"ги қарори, Қонунчилик маълумотлари миллий базаси, 06.12.2024 й., 07/24/420/1009-сон, <https://lex.uz/uz/docs/5996837>;
8. Ўзбекистон Республикаси Президентининг 16.04.2002 йилдаги ПФ-3052-сон "Тошкент давлат консерваториясини Ўзбекистон давлат консерваториясига айлантириш тўғрисида"ги фармони, Ўзбекистон Республикаси Олий Мажлисининг Ахборотномаси, 2002 й., 4-5-сон, 85-модда, <https://lex.uz/docs/152182>;
9. Ўзбекистон Республикаси Президентининг 16.10.2021 йилдаги ПҚ-5261-сон "Ўзбекистон давлат консерваторияси ҳузуридаги Ботир Зокиров номидаги Миллий эстрада санъати институтини ташкил этиш тўғрисида"ги қарори, Қонунчилик маълумотлари миллий базаси, 18.10.2021 й., 07/21/5261/0968-сон, <https://lex.uz/docs/5680302>;
10. Ўзбекистон Республикаси Президентининг "Тошкент шаҳрида Америка технологиялар университетини ташкил этиш чора-тадбирлари тўғрисида"ги 17.07.2024 йилдаги ПҚ-261-сон қарори, Қонунчилик маълумотлари миллий базаси, 18.07.2024 й., 07/24/261/0519-сон, <https://lex.uz/uz/docs/7024064>;
11. Ўзбекистон Республикаси Вазирлар Маҳкамасининг 10.07.2024 йилдаги 406-сон "М. Ауэзов номидаги Жанубий Қозоғистон университетининг Чирчиқ шаҳридаги филиалини ташкил этиш чора-тадбирлари тўғрисида"ги қарори, Қонунчилик маълумотлари миллий базаси, 12.07.2024 й., 09/24/406/0500-сон, <https://lex.uz/docs/7014263>;



12. Ўзбекистон Республикаси Вазирлар Маҳкамасининг 01.06.2022 йилдаги 297-сон «IT-Park University» рақамли университетини ташкил этиш чора-тадбирлари тўғрисида»ги қарори Қонунчилик маълумотлари миллий базаси, 02.06.2022 й., 09/22/297/0471-сон, <https://lex.uz/docs/6045196>;

13. Ўзбекистон Республикаси Вазирлар Маҳкамасининг «Жаҳон иқтисодиёти ва дипломатия университети ҳузуридаги Дипломатик академияда дипломатик лавозимларга тайинланадиган номзодларни ўқитиш, шунингдек, айрим лавозимдаги мутахассисларни қайта тайёрлаш ва уларнинг малакасини

ошириш тизимини жорий этиш чора-тадбирлари тўғрисида» 10.01.2023 йилдаги 8-сон қарори, Қонунчилик маълумотлари миллий базаси, 19.04.2024 й., 09/24/217/0287-сон <https://lex.uz/uz/docs/6346262>;