

# TYPES AND AREAS OF LEGAL PROVISION OF THE ACTIVITIES OF HIGHER EDUCATIONAL INSTITUTIONS WITH SPECIFIC LEARNING CONDITIONS

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**Abstract.** *It is argued that the legal provision of higher educational institutions with specific learning conditions should be divided depending on the measures implemented by specially authorized entities (usually, divisions (Departments) of legal provision into: 1) regulatory legal provision, in particular: a) development and adoption of regulatory documents aimed at regulating the activities of the higher educational institution; b) verifying the situation of the compliance with the norms of the current legislation of the higher educational institution and its structural units; c) conclusion of contracts (agreements) necessary for the functioning of higher educational institutions with specific learning conditions; 2) organizational provision: a) implementation of control and supervisory activities over the work of structural units of the higher educational institution; b) reviewing materials based on the results of external inspections; c) reviewing citizens' appeals; d) organization of human resources; e) implementation of measures of logistical, technical and financial nature; 3) information and analytical provision, in particular: a) provision of information to the management staff about the activities of the structural units of the higher educational institution; b) educational work aimed at improving the legal awareness of the employees of the higher educational institutions; c) implementation of organizational and methodical provision of the normative activity of the higher educational institution, etc.*

*It has been established that a legal higher educational institution with specific learning conditions is a complex of legal norms, measures, tools, means and mechanisms aimed at regulating, protecting and ensuring the rights, freedoms and interests of the higher educational institution. Thus, it is considered possible to create a legal framework that is going to regulate all aspects of the activities of the above mentioned higher educational institutions with the help of regulatory legal provision, in particular: organization of the educational process, scientific and research work, administrative and economic activities, social protection of students and teachers, education quality control, creating favorable conditions for academic freedom and self-realization.*

*It has been argued that the organizational provision of higher educational institutions with specific learning conditions is the process of creating and managing the organizational structure, systems, procedures and resources to ensure the successful functioning and achievement of the set goals of higher educational institutions. Appropriate provision includes a wide range of factors covering: the organizational structure of an institution, its management system, procedures and practices aimed at the effective functioning of the educational process, scientific research, administrative and economic activities and social protection of students and employees.*

**Key words:** *classification, types, areas, legal provision, higher educational institutions, specific learning conditions.*

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## 1. Introduction

The functioning of higher educational institutions with specific learning conditions requires proper legal provision for their activities, whose purpose is to create legal and organizational conditions under which higher educational institutions will function on the basis of the compliance with the principles of the rule of law, legality, efficiency and stability, which in turn is an important element for ensuring and protecting legal rights, freedoms and interests of higher educational institutions as subjects of economic activity and as specialized institutions implementing higher education services. We note that legal provi-

sion of higher educational institutions with specific learning conditions, given the peculiarities and specifics of the legal status of the latter, are diverse in their content and nature, and are also implemented in different areas. At the same time, it should be noted that there are actually no comprehensive studies in the scientific literature focused on the characteristics of the types and areas of the relevant activity, which is a significant gap at theoretical and practical levels.

## 2. Review of the literature

It is worth noting that certain problematic aspects of the functioning of higher educational institutions

with specific learning conditions were considered in their scientific works by: B.V. Derevianko, V.I. Zhyhir, V.Yu. Kobrynskyi, V.V. Konohrai, A.S. Maryna, O.M. Muzychuk, V.I. Palchykov, M.F. Stepko, L.A. Spodin and many others. At the same time, despite significant theoretical developments, there are actually no comprehensive studies of the problems concerning legal provision of higher educational institutions with specific learning conditions in the scientific literature, especially regarding the classification and types of the relevant work.

### **3. Research purpose and objectives**

The purpose of the article is to outline the types and areas of legal provision for the activities of higher educational institutions with specific learning conditions. In order to achieve the specified purpose, we should solve the following objectives: to carry out analysis of the norms of the current legislation, which is aimed at regulating the activity of higher educational institutions; to work out the scientific views of scholars regarding the areas of legal provision of higher educational institutions with specific learning conditions.

### **4. Scientific novelty of the research**

The scientific novelty of the article is determined by the fact that the article is the first attempt to outline the types and areas of legal provision for the activities of higher educational institutions with specific learning conditions.

### **5. Results**

Having started the scientific research, it is worth noting that there is lack of any theoretical approaches to the classification of the types of legal provision of higher educational institutions with specific learning conditions in scientific literature. Thus, based on the analysis of scientific points of view of scholars, current norms, as well as law enforcement practice, we are convinced that the appropriate provision should be divided depending on the measures implemented by specially authorized entities (usually, divisions (Departments) of legal provision:

1) regulatory legal provision, in particular: a) development and adoption of regulatory documents aimed at regulating the activities of higher educational institutions; b) verifying the situation of the compliance with the norms of the current legislation of a higher educational institution and its structural divisions; c) conclusion of contracts (agreements) necessary for the functioning of higher educational institutions with specific learning conditions;

2) organizational provision: a) implementation of control and supervisory activities over the work of structural units of a higher educational institution; b) consideration of materials based on the results of external inspections; c) consideration of appeals from citizens; d) organization of human resources; e) implementation of measures of logistical, technical and financial nature;

3) information and analytical provision, in particular: a) provision of information to the management staff about the activities of the structural units of a higher educational institution; b) educational work aimed at improving the legal awareness of the employees of a higher educational institutions; c) implementation of organizational and methodical provision of the normative activity of a higher educational institution, etc.

The specified types of legal provision of higher educational institutions with specific learning conditions also determine the orientation of the corresponding activity. Thus, the first area, in our opinion, is legal provision of the activities of a higher educational institution. Legal provision from a legal point of view is the system of ordered legislative acts, resolutions, decrees and other legal acts of state authorities, empowered in a certain field of activity [1]. Thus, legal provision for the activities of higher educational institutions is a set of measures, tools, means and mechanisms aimed at normative regulation, protection and provision of the rights, freedoms and interests of higher educational institutions. Thus, it is considered possible to create a legal framework that is going to regulate all aspects of the activities of the above mentioned higher educational institutions with the help of regulatory legal provision, in particular: the organization of the educational process, scientific and research work, administrative and economic activities, social protection of students and teachers, education quality control, creating favorable conditions for academic freedom and self-realization. Therefore, it would be quite fair to say that legal provision for the activities of higher educational institutions with specific learning conditions is aimed at ensuring the compliance with the constitutional rights and freedoms of citizens in the field of education, guaranteeing the access to quality education, protecting the interests of students, teachers and other employees of higher educational institutions, ensuring the transparency and responsibility of administering the educational process, ensuring the interaction with other branches of law, for example, labor and civil law. Legal provision for the activities of higher educational institutions includes the following aspects: the development of internal regulatory legal acts, the norms of which are aimed at regulating educational processes, the organization and functioning of higher educational institutions, the rights and obligations of students, teachers and other employees. The relevant regulatory acts determine the procedure for admission to a higher educational institution, the content of educational programs, requirements for the quality of education, conduction of scientific research, certification, etc.

The next area of legal provision for higher educational institutions is to ensure students, teachers and researchers with the right to free access to knowledge, create conditions for freedom of expression of opinion, research creativity and self-realization, as well

as academic mobility. Academic freedom guarantees the independence of higher educational institutions from state intervention and ensures the development of science and education; ensuring the rights of students, in particular: the right to quality education, to participation in student self-government; the right to protect own interests, social protection, etc. This includes the right to information about the educational process, disclosure of assessment requirements, the possibility of joining student organizations, etc.; higher educational institutions with specific learning conditions are obliged to comply with the established standards and requirements for the quality of education. It covers the accreditation of institutions, the system of internal quality control of the implementation of educational programs, the assessment of student knowledge and the provision of requirements for teachers and other employees; determination of financing mechanisms of higher educational institutions, including budget, commercial and sponsor financing. This ensures the stability of financing of institutions and control over the use of such funds.

The next area of legal provision for the activities of higher educational institutions with specific learning conditions is the organization of the activities of the relevant subjects (i.e. organizational provision). M.I. Nebava and O.H. Ratushniak convincingly prove that the term "organization" comes from the Greek language and means combining, building, uniting something or someone into a single whole, bringing to a rigid system. Hence, the term "organization" must be understood as a complex production entity formed from independent production systems, but united by the joint management of enterprises. In a broader sense, an organization is a group of people whose activities are consciously coordinated to achieve a common purpose or goals. Organizations that function in society are different in nature and purpose of activity, which makes it possible to provide all spheres of human life, they are different in the form of ownership, have a commercial and non-commercial orientation, but they all act on the basis of certain principles and rules. An organization is an institutionalized group of persons (individuals and legal entities) that interact with the help of material, economic, legal and other conditions to achieve the set goals [2, p.6]. Therefore, in view of the above, it would be quite fair to say that the organizational provision of the activities of higher educational institutions with specific learning conditions is the process of creating and managing the organizational structure, systems, procedures and resources to ensure the successful functioning and achievement of the set goals of higher educational institutions. Appropriate provision includes a wide range of factors covering: the organizational structure of an institution, its management system, procedures and practices aimed at the effective functioning of the educational process, scientific research, administrative and economic activities and social protection of students and employees.

Therefore, the elements of organizational provision of higher educational institutions with specific learning conditions are: a) creation of an effective organizational structure of higher educational institutions. Organizational structure is a systematic method of distribution, coordination and hierarchical organization of functions, responsibilities, roles, powers and resources within a certain institution, organization, etc. It defines how different parts or divisions are related to each other and how they work together to achieve common goals. Organizational structure includes such elements as division of labor, chain of command, interrelationships between units, distribution of authorities and assignment of responsibility. Thus, organizational structure is a key aspect of management that affects the efficiency, coordination and communication within it; b) resource management. Resource management of higher educational institutions with specific learning conditions covers the process of planning, organizing and controlling the effective use of various types of resources of the educational institution. In particular, we are talking about resources: financial, human, material and informational. Resource management ensures their optimal distribution in order to ensure qualitative education, in accordance with established standards and needs. In the context of the presented issues, resource management includes the following actions: 1) planning - determining the needs of higher educational institutions, developing budgets, curriculum plans and other resources; 2) ensuring the proper structure and organization of the educational process, adequate logistical and technical provision, providing the necessary financial and informational resources; 3) control and evaluation of using the resources, which involves monitoring and evaluating the effectiveness of resource usage, identifying and eliminating deficiencies, and taking measures to improve resource management. Therefore, the goal of resource management of higher educational institutions with specific learning conditions is to ensure qualitative education, to increase the efficiency of the educational process, to support the development of personnel potential and to achieve the strategic goals of the Ministry of Internal Affairs; c) education's quality management. According to the Law of Ukraine "On Higher Education" "the quality of higher education is the compliance of the conditions of educational activities and learning outcomes with the requirements of legislation and standards of higher education, professional and / or international standards (if available), as well as to the needs of interested parties and society, which is ensured by implementing internal and external quality assurance procedures" [3].

The next important area of legal provision for higher educational institutions with specific learning conditions is the development of a strategy for the development of relevant subjects. As an example, we should indicate "Mission and Development Strategy of Kharkiv National University of Internal Af-

fairs for 2020-2027", according to which the mission of Kharkiv National University of Internal Affairs is a component of the mission of the Ministry of Internal Affairs of Ukraine, which consists in creating a safe environment for the existence and development of a free society through the formation and implementation of the state policy in the field of law enforcement, strengthening public trust in the Ministry of Internal Affairs, continuing the development of Ukraine as a safe European state, based on the interests of citizens and the high efficiency of all components of the Ministry of Internal Affairs [4].

We should further specify the following area of legal provision - the organization of legal work. Legal work according to N.A. Zhelezniak, is the legal provision of activities in the relevant spheres of state administration, as well as in the national economy of the state, which is carried out by relevant legal services or legal advisers, including methodical guidance of legal work at enterprises, institutions, organizations belonging to the sphere of management of Ministries, other central executive authorities, with the aim of ensuring legality in their work, preventing violations of the rights and legitimate interests of citizens, enterprises, institutions, organizations [5]. Thus, legal work is aimed at the correct application, strict compliance in practical activity with the requirements of legislation, regulatory acts by the University, its managers and employees during the performance of the tasks and functional duties assigned to them, the organization of legal work related to the conclusion of contracts (agreements).

The areas of legal provision for higher educational institutions with specific learning conditions in addition to the above mentioned include claim and lawsuit work, representation of the University's interests in courts and other state authorities in accordance with the procedure established by law. Thus, the tasks of claim and lawsuit work are: "ensuring the fulfillment of contractual obligations in all areas of the University's activities; economy and rational use of material, labor, financial, fuel and energy, raw materials and other types of resources; reduction of unproductive costs and elimination of the reasons and conditions causing them; ensuring the protection and restoration of violated property rights and interests of the University protected by law; ensuring liability of violators of contractual obligations; effective use of legislation to improve economic indicators of economic activity and prevent its violations" [6].

In the context of the presented issues we should indicate the implementation of control over the com-

pliance of draft regulatory documents submitted for signature to the rector of the University with the legislation. The specified control over the activities of higher educational institutions is the system of organizational structures, procedures, mechanisms and tools aimed at ensuring effective management, as well as verifying the functioning of the relevant higher educational institution. This control is aimed at ensuring the implementation of the strategic goals, policies and programs of a higher educational institution, as well as ensuring the compliance with regulatory requirements, rules, procedures and ethical standards. Relevant activities include a wide range of actions such as planning, organizational activities, monitoring, evaluating, analyzing, reporting and internal auditing.

Conducting educational work, as an area of legal provision of higher educational institutions with specific learning conditions, includes various activities aimed at spreading knowledge, raising awareness and forming a positive attitude to legal issues among management staff, employees and students. The main goal of educational work is to create a legal culture, promote the compliance with legislation and increase the legal literacy of all employees of higher educational institutions. As part of educational work, specially authorized entities: 1) disseminate information about current legislation, made amendments, etc.; 2) conduct seminars, trainings and lectures on legal issues for employees and students; 3) prepare memos, brochures, information leaflets and other materials containing accessible information about the legal aspects of the work of higher educational institutions, the rights and obligations of employees and students; 4) provide advisory support on legal issues for employees and students; 5) organize various events, such as law weeks, aimed at drawing attention to legal issues, popularizing legal knowledge and forming a conscious attitude to legislation; 6) organize cooperation with other legal institutions, human rights organizations and other entities to share experience, to conduct joint events and to implement projects aimed at raising legal awareness.

## 6. Conclusions

Thus, the conducted scientific research makes it possible to state that legal provision of higher educational institutions with specific learning conditions is carried out in a large number of areas, which in turn confirms the importance of such activity, as well as the need for its constant development and improvement.

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