

On the issue of administrative and legal forms of legal support of the statutory activities of higher education institutions

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Abstract. *The article emphasizes that the administrative-legal form is a way of organizing and functioning of state administration, which is based on legal norms and includes the use of administrative means and methods to achieve established goals and objectives. This form regulates relations between the state and citizens, as well as between various authorities.*

It is noted that the main characteristics of the administrative-legal form are the presence of a clear hierarchy of authorities, the lawful application of administrative procedures and sanctions, as well as ensuring legality and equality before the law. Administrative and legal forms of legal support for the statutory activities of higher education institutions can be classified according to various criteria, including the level of responsibility and competence, specialization of functions, forms of organization and methods of implementation: according to the degree of autonomy, administrative and legal forms can be centralized or decentralized; by level of organization - internal or external; by content - consultative or institutional.

With regard to separate administrative-legal forms of legal support for the statutory activities of higher education institutions, attention is focused on the fact that one of the main administrative-legal forms of legal support is the development and analysis of legal documents, such as statutes, regulations, rules, and others. Another form of legal support for the statutory activities of higher education institutions is rulemaking, which plays an important role in regulating their activities, which includes the creation, analysis and improvement of normative legal acts, which are aimed at regulating a wide range of aspects of activities, starting from the organization of management and ending with rights and responsibilities of education seekers and employees. Rulemaking contributes to strengthening the legal foundations of education, protecting the rights and interests of all participants in the educational process, improving the quality of educational services, developing international cooperation, and integrating the Ukrainian higher education system into the global educational space.

Key words: *administrative and legal form, administrative and legal support, legal support, statutory activity, institutions of higher education.*

Problem statement. Effective legal support is one of the basic conditions for ensuring the smooth, legal, and socially oriented functioning of any organization in Ukraine. Legal support is an integral part of the management of institutions of higher education since they are in a complex legal environment that requires not only compliance with educational standards but also compliance with legislation in the fields of education, finance, labor, land use, etc.

State of the study. In the national scientific opinion, O.M. Bandurka, O.Yu. Drozd, S.G. Golovko, N.A. Zheleznyak, M.V. Kovaliv, A.T. Komziuk, O.V. Kostyrenko, K.B. Levchenko, S.V. Medvedenko, L.V. Mogilevskiy, O.A. Morgunov, O.M. Muzychuk, V.O. Nevyadovskiy, V.M. Pashkov, V.I. Podhirnyi, S.V. Potopalskyi, O.Yu. Salmanova, V.V. Sokurenko, T.I. Tarakhonich, R.P. Tomma, M.R. Terovanesov, V.I. Felyk, O.O. Shevchuk, G.V. Shevchuk, O.M. Yukhimiuk, and many others. However, despite a considerable number of scientific achievements, scientists actually left out of their attention the problematic issues of administrative and legal forms and methods of legal support for the statutory activities of higher education institutions.

Purpose and objectives of the study. The purpose of the article is to determine the administrative and legal forms of legal support for the statutory activities of higher education institutions. To achieve the specified goal, the following tasks must be completed: formulate

the author's definition of the administrative-legal form; analyze its main characteristics and approaches to its classification; consider separate administrative and legal forms of legal support for statutory activities of higher education institutions; characterize the relationship between administrative and legal forms and administrative and legal methods.

Scientific novelty of the study. The novelty lies in the fact that a comprehensive analysis of the administrative and legal forms of legal support for the statutory activities of higher education institutions was carried out for the first time, taking into account the latest challenges and technological as well as digital innovations in the modern educational environment.

Presentation of the main material. The term "form" can have different interpretations depending on the context of use. In general, "form" means the appearance or structure of an object, including its size, outline, and volume. In a mathematical or geometric context, "form" refers to the geometric structure of objects and their relative arrangement.

Also, the term "form" can indicate the way in which something is organized or performed, for example, in the form of a song, the form of a letter, or the form of a lesson [1, p. 62].

A.S. Vasiliev, in the course of analyzing the issue of the content and form of the state, notes that the content and form are general philosophical categories that reflect the relationship of two sides of natural and social reality:

a certain orderly set of elements and processes that create an object or phenomenon (i.e. content), and the way of existence and expression of this content, its various modifications (i.e. form). The concept of form is also used in the sense of the internal organization of content, and in this sense the problem of form acquires further development as a category of structure [2, p. 102-103].

In a legal context, "form" can refer to a prescribed procedure or official document that must be completed by law. "Form" refers to a specific order or standard format in which certain documents, legal acts, or statements must be drawn up. This means that there are certain rules and requirements that must be followed when drafting and filling out these documents.

For example, in the course of concluding contracts, the "form" may indicate whether the contract needs to be signed by the parties in the presence of witnesses or a notary public. Also, "form" may determine the need to use certain words or phrases in a document to make it legally binding.

In the context of drafting legal documents, such as statements or lawsuits, "form" may include requirements for content, design, signatures, and other details that must be followed in order for the document to be accepted and recognized [3, p. 52].

So, in the legal context, "form" defines the mandatory conditions for the execution of documents, which are regulated by law or rules in order to ensure their legality and legal clarity.

Administrative-legal form is a way of organizing and functioning of state administration, which is based on legal norms and includes the use of administrative means and methods to achieve established goals and objectives. This form regulates relations between the state and citizens, as well as between various authorities.

The main characteristics of the administrative-legal form are the presence of a clear hierarchy of authorities, the lawful application of administrative procedures and sanctions, as well as ensuring legality and equality before the law.

This form allows for effective organization of public administration and resolution of various administrative issues, in particular in the spheres of social protection, economy, education, and other spheres of public life.

Administrative and legal forms of legal support for the statutory activities of higher education institutions can be classified according to various criteria, including the level of responsibility and competence, specialization of functions, forms of organization, and methods of implementation.

First of all, according to the degree of autonomy, administrative and legal forms can be centralized or decentralized. In a centralized form, decisions on legal support are made at the level of central education management bodies. Instead, in a decentralized system, higher education institutions have some autonomy in deciding legal issues tailored to their specific needs and context.

The second criterion is specialization of functions. Legal support may include issues of education, as well as administrative and financial management. The former provides solutions to issues related to education legislation, academic freedom, the educational process, etc., while the latter deals with record keeping, financial planning, personnel management, and other administrative aspects.

The third criterion is the level of organization. Administrative and legal forms can be internal or external. Internal organization provides for the presence of internal legal services or departments that specialize in solving legal issues within a specific institution of higher education. External support is carried out with the involvement of external legal consultants, law firms or agencies specialized in solving legal issues in the field of higher education [4, p. 51-53].

Finally, in terms of content, administrative and legal forms can be consultative or institutional. In a consultative form, legal experts provide advice and recommendations on legal issues. While institutional enforcement includes the establishment of internal rules, regulations and procedures that regulate the legal aspects of higher education institutions.

Regarding separate administrative-legal forms of legal support for the statutory activities of higher education institutions, one of the main administrative-legal forms of legal support is the development and analysis of legal documents, such as statutes, regulations, rules, and others. These documents reflect the specifics of each enterprise, institution, or organization and meet the requirements of the law. Along with this, it is important to conduct legal consulting, which helps to avoid violations and solve complex legal issues. Representation and protection of the interests of an enterprise, institution or organization in courts and other bodies is another important form of legal support. Lawyers ensure the protection of the rights and interests of an enterprise, institution or organization in all legal situations [5, p. 247].

Another form of legal support for the statutory activities of institutions of higher education is rulemaking, which plays an important role in regulating their activities. This includes the creation, analysis, and improvement of normative legal acts aimed at regulating a wide range of aspects of activity, starting with the organization of management and ending with the rights and responsibilities of education seekers and employees.

Rule-making, as Yu. Zagumenna notes, is the process of creating normative acts that regulate various aspects of social life. This may include legislation, by-laws, regulatory documents, regulations, etc. Rule-making can be carried out by various authorities at different levels: from local to national and international [6, p. 122].

An important aspect of rulemaking is ensuring compliance with legal standards and principles of justice and taking into account the needs of society. Rule-making is an important component of a democratic society, as it allows the creation of rules that regulate the relationship between people and authorities, ensuring order and the rights of citizens.

Rule-making is a dynamic process that constantly adapts to changes in society, technological progress, economic conditions, and other factors. It can also be a reflection of society's values and priorities. For example, legislation on environmental protection may be the result of a growing level of public awareness of environmental problems and the need to conserve natural resources.

Effective rulemaking involves an open and active process in which various stakeholders have the opportunity to express their views and participate in the formation of laws and regulations. This approach contributes to increasing legitimacy and making decisions that reflect the real needs and interests of society as a whole.

In the context of international cooperation, rule-making can be manifested through the conclusion of international treaties and the creation of international organisations that adopt normative acts to regulate common issues, such as trade, human rights, international peace and security, etc. [7, p. 396].

In general, rule-making plays a key role in the formation of laws and regulations that contribute to the functioning of society and ensure the protection of the rights and freedoms of citizens. In particular, rule-making determines the legal landscape of society, establishing rules and regulations that affect all aspects of citizens' lives: from human rights and social justice to economic development and environmental protection. This process can be iterative, as it involves analysing the current needs of society, reconciling different points of view, and making the necessary changes in legislation or other regulatory acts.

Rule-making is an important tool for managing society because it allows for adapting the legal system to changes and ensuring its compliance with modern challenges. Thus, it ensures the stability and development of the legal system, which is important for the functioning of the legal state.

In the context of legal support for the statutory activities of higher education institutions in Ukraine, rule-making is a necessary and integral component of higher education management in the country. This process is determined by legislative norms that regulate all aspects of the functioning of institutions of higher education, including their status, rights and obligations, organisational structure, and relationships with other participants in the educational process. This allows you to avoid legal conflicts and provides legal protection for all participants in the educational process: from students to administrative staff.

In addition, rule-making in this area is aimed at ensuring the quality of education. It establishes standards and requirements for the educational process as well as determines accreditation procedures, which contributes to raising the level of higher education in Ukraine and maintaining its competitiveness at the international level.

In particular, regulatory legal acts determine the rights and responsibilities of students and teachers and establish the procedures for certification and the provision of educational services. This ensures stability and transparency in the relationship between the participants in the educational process and promotes the development of

academic freedom and the culture of legal interaction [8, p. 62].

In addition to its internal significance, rule-making also contributes to the integration of the Ukrainian higher education system into the European educational space. It allows for the harmonisation of Ukrainian legislation with European standards and requirements, which makes higher education in Ukraine more attractive for international students and researchers and also promotes the development of international scientific and educational projects.

Ensuring effective governance is another key function of regulation in the field of higher education. Normative acts establish the order of organisation and management of institutions of higher education, defining the management structure, rights and responsibilities of management, decision-making procedures, and conflict resolution. This helps ensure effective functioning of higher education institutions, rational use of resources, and the implementation of strategic planning for the development of the educational sphere.

In addition, regulatory support stimulates innovative processes in education. By determining the legal framework for the introduction of new educational technologies, scientific research, and interdisciplinary programs, regulatory acts contribute to the development of the educational system, increasing its competitiveness, and ensuring compliance with the requirements of the modern world.

In general, rule-making in the field of higher education in Ukraine plays an important role in ensuring the stability, quality, and development of this industry. It contributes to strengthening the legal foundations of education, protecting the rights and interests of all participants in the educational process, improving the quality of educational services, developing international cooperation, and integrating the Ukrainian higher education system into the world educational space. Thus, rational regulatory regulation is a key factor in the successful functioning and development of higher education in Ukraine.

Coordinated and effective rule-making is an important factor for ensuring the quality, stability, and development of higher education. It helps higher education institutions adapt to changes in society, technologies, and scientific trends, ensuring compliance of their activities with modern requirements and standards [9, p. 85].

Secondly, regulations provide quality standards for the educational process. This includes establishing requirements for programs, teaching staff, material and technical bases, assessments of the quality of education, and other aspects that determine the effectiveness of the educational process.

Thirdly, rule-making regulates the internal organisation and management of institutions of higher education. This includes establishing a governance structure, decision-making, financial planning, and reporting that ensure effective resource management and compliance with regulatory requirements.

Fourthly, the rights and responsibilities of students and employees of higher education institutions, as well as procedures for protecting their rights and interests, are defined at the regulatory and legal levels. This is important for ensuring harmonious relationships within the institution of higher education and protecting the rights of all participants in the educational process.

Rule-making as an administrative and legal form depends on the interaction of the university community, state bodies, experts in the field of education, and other interested parties. It aims not only to solve current problems but also to ensure the strategic development of higher education in accordance with the modern requirements and needs of society [10, p. 37].

Regarding the ratio of administrative-legal forms and administrative-legal methods, both categories are important concepts in the field of public law, related to public administration and legal regulation. The first of them, "administrative-legal form," defines a specific way of organisation and functioning of power structures that is established by legal norms and regulations. This may include the formation and activity of administrative bodies, the procedure for making and implementing administrative decisions, and other aspects of the organisation of public administration.

On the other hand, the "administrative-legal method" defines specific means, techniques, and procedures used in public administration to achieve certain goals. These methods may include conducting administrative control, issuing administrative orders, developing and applying administrative regulations, etc.

So, distinguishing between these concepts, we can say that "administrative-legal form" determines the structure and organisation of the activities of power structures, while "administrative-legal method" determines the means and methods by which these structures carry out their functions and tasks. Both concepts are important for ensuring the effective functioning of the state apparatus and the exercise of authority in compliance with the law.

These two concepts are interrelated and are used together to ensure effective management and implementation of state functions. For example, when the state establishes an administrative-legal form, it determines the structure and organisation of the activities of power structures, such as ministries, departments, agencies, etc. These bodies may have different departments, divisions, and officials responsible for performing certain functions and tasks.

After determining the administrative-legal form, the state can use administrative-legal methods. This includes the application of legal norms and procedures for making and implementing decisions, monitoring compliance with legislation, issuing decisions and orders, as

well as solving specific management and administration issues.

Thus, the administrative-legal form creates a framework for the activity of power structures, and the administrative-legal methods determine specific tools and procedures. Both of these categories are important for ensuring the effective and legal functioning of public administration.

Conclusions. Thus, within the scope of this article, it was stated that the administrative-legal form is a way of organising and functioning of state administration that is based on legal norms and includes the use of administrative means and methods to achieve established goals and objectives. This form regulates relations between the state and citizens, as well as between various authorities.

The main characteristics of the administrative-legal form are the presence of a clear hierarchy of authorities, the lawful application of administrative procedures and sanctions, as well as ensuring legality and equality before the law. Administrative and legal forms of legal support for the statutory activities of higher education institutions can be classified according to various criteria, including the level of responsibility and competence, specialisation of functions, forms of organisation, and methods of implementation: according to the degree of autonomy, administrative and legal forms can be centralised or decentralised; by level of organisation - internal or external; by content - consultative or institutional.

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