

EDUCATION LEGISLATION IN THE CONTEXT OF SOCIO-ECONOMIC DEVELOPMENT AND NATIONAL SECURITY STRATEGIES**

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Article info

Received –
2024 May 17
Accepted –
2024 July 20
Available online –
2024 December 20

Keywords

Education, enlightenment,
educational legislation, national
security, socio-economic
development

The subject of the study is the assessment of certain aspects of education legislation in the context of socio-economic development and national security strategies. Education is one of the most powerful long-term tools for socio-economic development and national security. This is due to the socio-cultural and information environment of involving government decision makers in a particular educational model. This situation calls for the formation of a regulatory framework in the field of education, which is combined with government policies. The purpose of the study is to substantiate the directions for improving the legislation on education from the point of view of establishing the formal and legal relationship of its individual provisions with state policies.

Research methods: the authors use theoretical methods of formal and dialectical logic, empirical methods of comparison, description, interpretation as well as formal legal method. Results and conclusions. Legislation in the field of education does not form a clear formal and legal relationship with government policies. In this regard, education as an object of public administration and regulation needs conceptualization and system-forming strategic planning. These processes should include issues of education security as a socially significant good, socially significant service, and educational infrastructure. The system of principles of state policy and legal regulation in the field of education should be brought into line with the paradigms of strategic planning in the field of national security and socio-economic development. It is proposed to abandon the concept of "quality of education" in favor of the concept of "quality of educational activity" as more appropriate to the meaning and content of strategic planning acts. This will eliminate the need to substantiate the quality of education as a socially significant good and constitutional value, since in this case we are talking about the philosophy and axiology of education as a social phenomenon, and not about its quantitative and qualitative characteristics that can be measured. This approach will also make it possible to specify the goals and content of verification and evaluation activities in the field of education. It is advisable to differentiate the meanings of education. Education as a benefit should be positioned through the preamble to Federal Law No. 273-FZ dated December 29, 2012 "On Education in the Russian Federation", ensuring recognition of its social value and guarantee. It is necessary to substantiate the connection between education and enlightenment. The concept of enlightenment is immanent in education. At the same time, there remains the possibility of enlightenment activities outside the framework of educational programs, but not in opposition to education as a combination of training and upbringing.

** The article was prepared as part of a research paper 5.2-2024-1 "Modernization of legislation in the field of higher education as a factor of safe socio-economic development", carried out on a state assignment by the Russian Academy of National Economy and Public Administration under the President of the Russian Federation.

1. Introduction

Socio-economic development and ensuring national security constitute two fundamental tasks and key functions of a state, saving and ensuring the livelihood of its population. Education is one of the strategic resources of the state, ensuring its stability, integrity and sustainable development. This social phenomenon is naturally interconnected with the fundamental tasks of the state, but the fulfillment of them is of long-acted nature and cannot be formulated as "here and now", since education is one of the most powerful long-term development tools due to the social, cultural and information environment of involvement in a particular educational model. [1, pp. 17-25; 2]

Education acts as an object and resource to the social, economic development and national security, as their basis and condition to be ensured, being, at the same time, a source of threat and instability [3; 4; 5, pp. 17-25; 6, pp. 123-137]. The uniqueness of the phenomenon of education is manifested in its resilience: even in critical circumstances education continues to exist and performs its functions, although it demonstrates a response to a destructive situation. At the same time, socio-economic development and national security are ensured by some exact individuals, the formation of their ideological, intellectual and other potential occurs in the education system, which determines the human factor in fulfilling the fundamental tasks of the state, and, consequently, makes the security of the state and society dependent on the rate of education as a sphere and mechanism for mobilizing human potential.

In this regard, the urgency of forming such a legal framework on education increases, which sustainably relays the obligations of the state towards the individual and society arising from its fundamental tasks and key functions.

2. Education in the strategic planning system

In the system of acts of strategic planning, educational issues are presented in quite a wide range, but at the same time, with a predominant instrumental approach that relays education, it is treated, first of all, as a condition and means of fulfilling fundamental tasks of the state.

In the current National Security Strategy, education is mentioned nineteen times in several projections: in the context of its characteristics as a social benefit and a saving people condition (quality, level, accessibility), with its systematic characteristics (the education system as an indicator of the state's status in the international competitive space), effectiveness (educational potential), institutional matter (through the idea of developing educational centers), logistical security, enlightenment and increase of the level of culture, ideological security (preserving the experience of previous generations and traditional values). The philosophical, axiological and socio-economic aspects of education [7; 8] as a complex multifactorial phenomenon allow treating education as one of the foundations of the entire national security system in the meaningful context that is formulated in the Strategy itself:

sovereign statehood in the unity of defense capability, socio-political and economic stability can not be formed, exist and progress without having a sovereign educational system and educational meanings consistently broadcasted at all its levels; education is the basis for the formation of Russian society, the state and forms the primary basis for the well-being of citizens;

educational establishments create the human resource potential of defense, security and national economy organizations;

the right to education is a constitutional right, which, basing on the concept of national

security, is, on the one hand, an object of protection potentially subjected to threats of an internal and external nature, on the other hand, it is an instrument for achieving the necessary state of protection from threats, providing opportunities to protect other objects that constitute the matter of national security;

education is considered both as a matter of national interest and as a strategic national priority, which implementation in the long-term perspective will create conditions and justification for moral leadership and the ideological basis of the future world order, broadcasted by the Russian state;

public authorities in the field of education ensure contravention any threats to national security and can be considered as an element of the national security system.

The national security strategy functions not only as an independent act of strategic planning, but also creates the basis for the formation of other sectoral strategic documents, many of which, including strategic acts in the field of economic security¹, position education as one of the means to achieve strategic goals². At the same time, there is virtually no system-forming strategic planning in the field of education. [9, p. 5-11] This does not mean that such planning does not exist at all: a system of design and programming³ is

developing (the Ministry of Education and Science of Russia is a participant in 13 state programs that are directly⁴ and indirectly⁵ aimed at the development of education); a Strategy for the digital transformation of the science and higher education branch has been formed⁶; there is a conceptual industry-wide⁷ and sub-industry⁸ vision, as on the part of the Government of the Russian Federation and on the part of the authorized executive authorities; the foundations of state policy interconnected with education issues are defined⁹.

Such an approach can hardly be considered appropriate, taking into the account, the degree of involvement of educational issues in strategic planning, and the directions of the relationship between education and the fundamental tasks of the state. Moreover, in terms of the relations of education and national security, a multifactorial manifestation of the

Development and National Projects, Protocol No. 16 dated 12/24/2018).

⁴ Decree of the Government of the Russian Federation No. 1642 dated 12/26/2017 (ed. dated 09/28/2023) "On approval of the State program of the Russian Federation "Development of Education". Collection of Legislation of the Russian Federation. 2018. No. 1 (Part II). Article 375.

⁵ "Development of healthcare"; "Social support for citizens"; "Economic development and innovative economy", etc. URL: <https://minobrnauki.gov.ru> (as of 08/15/2023) (accessed: 04/20/2024).

⁶ URL: <https://minobrnauki.gov.ru> (as of 08/15/2023) (accessed: 04/20/2024).

⁷ For example, the concept of the development of a network of psychological services in educational institutions of higher education in the Russian Federation (approved by the Ministry of Education and Science of the Russian Federation on 08/29/2022 N VF/1-Kn). Official documents in education. 2022. № 28.

⁸ For example, the Decree of the Government of the Russian Federation dated 12/24/2013 No. 2506-r (ed. from 08.10.2020) "On approval of the Concept of development of mathematical education in the Russian Federation". Collection of legislation of the Russian Federation. 2014. No. 2 (part I). Article 148.

⁹ For example, Decree of the President of the Russian Federation No. 809 dated 11/19/2022 "On approval of the Foundations of State Policy for the preservation and strengthening of traditional Russian spiritual and moral values". Collection of Legislation of the Russian Federation. 2022. No. 46. St. 7977

¹ Decree of the President of the Russian Federation dated 05/13/2017 No. 208 "On the Strategy of economic security of the Russian Federation for the period up to 2030". Collection of Legislation of the Russian Federation. 2017. No. 20. St. 2902

² Decree of the President of the Russian Federation dated 05/29/2020 No. 344 "On approval of the Strategy for countering Extremism in the Russian Federation until 2025". Collection of Legislation of the Russian Federation. 2020. No. 22. St. 3475; Decree of the President of the Russian Federation dated 12/01/2016 No. 642 (ed. dated 03/15/2021) "On the Strategy of scientific and technological development of the Russian Federation". Collection of Legislation of the Russian Federation. 2016. No. 49. St. 6887, etc.

³ Passport of the national project "Education" (approved by the Presidium of the Presidential Council for Strategic

phenomenon of security in the field of education itself takes place: a philosophical and axiological aspects leading to ideological and cognitive-psychological security through the interpretation of education as a social benefit and conditions for people preserving (mission, goals, priorities, value orientations that define sovereign educational meanings and, in particular ultimately, the order of the individual, society and the state for educational results (in the unity of education and upbringing)); a meaningful aspect connected with the security of educational programs, which is a consequence of the philosophical and axiological context and which should be considered in the context of the set of characteristics features of the educational system and its effectiveness; through infrastructural security (accessibility, logistics base, safe learning and upbringing conditions, the scale and limits of "digital maturity"). A certain amount of security in the field of education is well analysed and described in the studies through the concept of safety of the educational environment [10; 11, pp. 82-96; 12, pp. 14-22; 13, pp. 48-53].

In turn, legislation in the field of education also does not form clear formal relations with government policies, including the National Security Strategy. In particular, Federal Law No. 273-FZ dated 12/29/2012 "On Education in the Russian Federation" addresses security issues through an indication of safe educational and upbringing conditions and a secure lifestyle, which partly affects issues of infrastructural security, partly issues of safety of educational programs. Security manifests itself as neither a principle of state Security nor as a principle of state policy and legal regulation. The obvious exception is the relations with the Decree of the President of the Russian Federation dated 11/19/2022 No. 809 "On Approval of the Foundations of State Policy for the preservation and strengthening of traditional Russian spiritual and moral

values." In terms of socio-economic development, Law No. 273-FZ precisely links the development of the educational and human resource development systems with the relevant federal and regional programs three times.

Law No. 273-FZ points the principles of state policy, while the state policy itself is not presented in a systematic way. Furthermore, Law No. 273-FZ forms the principles of state policy and legal regulation in a way which is not typical for current regulation, i.e. in a comprehensive manner. As a rule, legal regulation as an integral part of state policy or state policy as a whole is a subject-matter of discussions. Such a combination of policy and regulative matters does not provide a clear idea of the essence and content of the relevant types of state governance at least due to the difference in goals and tasks. The aims and tasks of legal regulation are manifested in Law No. 273-FZ (Chapter 4), though aims and tasks of the state policy are formed due to the relevant strategic acts, the matter which differentiates the points of evaluative matter [15, p. 27-48; 16, p. 388-391; 17, p. 273-278]. Moreover, Part 2 of the Chapter 1 of the Law No. 273-FZ includes only principles of the state policy.

3. Some features of legal regulation in the field of education in the context of the goals and priorities of strategic planning

Strategic planning is largely focused on the quality of education as one of the foundations for achieving strategic goals. The very concept of the quality of education is officially stated in Article 2 of Law No. 273-FZ. In connection with the definition proposed by the legislator in connection with the acts of strategic planning, some objections arise.

1. Education is a unity of studying and upbringing in dynamics as a process with the goals and parameters set. This process is formally positioned as a socially significant benefit, and only then ("as well") as a complex

of "acquired knowledge, skills, values, work experience and competencies of a certain volume and complexity". The concept of quality of education characterizes exclusively educational activities, which involve the implementation of educational programs. According to the legal definition the educational program, should characterize education, but it characterizes educational activity and is not able to characterize education as a social phenomenon in general. Moreover, ideas about the quality of education (actually, educational activities) give grounds to consider education not as a socially significant benefit, but as a result of fulfilling an order that is formed by the state through the standardization of educational activities, or by individuals or legal entities, which indicates that education turns out to be merely a service, both in a legal sense, and in the sense of the implementation of public interest. The very form of standardization is not able to cover the socially significant context of education as a benefit and constitutional merit. Accordingly, a formal uncertainty appears as to what idea of education and its quality the acts of strategic planning appeal to. This underlines once again the necessity to create an independent state policy in the field of education, especially since such experience already exists.

2. Law No. 273-FZ an indicates as well activities of enlightenment nature which are performed outside educational programs, but correlate with educational ones in terms of aims and results. At the same time, it is not obvious whether this activity is also an element of the general model of education represented in Law No. 273-FZ, and whether it can be taken into account in the scope of the quality of education in strategic planning acts. Education and enlightenment are naturally connected to one another. At the same time, education presupposes upbringing, which is an element of the educational program, and

enlightenment is formally deprived of this function.

3. The legal haecceities predetermining the notion of education are in a certain contradiction, since, on the one hand, the legislator comes to the conclusion to approve education as a benefit, and on the other hand, educational activities are broadcasted as a service. As a result, the legal structure acquires the character of a benefit, which makes it possible to create economic effects of educational activity, but education itself loses its axiological value and effects performed. In this regard, the question of the quality of education arises again: it is possible to discuss quality of the service provided, but not the quality of a benefit. The quality of the service is quite obvious – it is the quality of educational activities, as well as the quality of the educational infrastructure as a whole, then the acts of strategic planning should not indicate the quality of education as a kind of evident structure, but the quality of educational activities, that can be traced in the reporting materials of educational authorized bodies.

4. The leading actor shaping the priorities of education (both as benefits and as services) is only the state. It is the only entity possessing sufficient political, legal, financial and economic resources to form the entire model of education from the point of view of both ideology and infrastructure. There are certain reasons that state possesses to count on certain positive results for it, the ideas of which are laid down in strategic planning documents.

At the same time, research indicates that assessments of the importance of education and its impact on social and economic development are extremely ambiguous. The direct dependence of economic development, the standard of living of the population, and the effectiveness of public administration on the part of education (educational level of the population, etc.) is the subject-matter of discussion [18, pp. 535-550; 19, pp. 2159-2168;

20; 21, pp. 22-31; 22, pp. 163-167; 23]. There is a number of successful "dropouts" whose image is an example for a significant part of the population, despite all official values, for example, William H. Gates, Paul Allen, Larry Ellison, Michael Dell.

The influence of education on the state of national security is much more obvious due to the fact that this institution is one of the conductors of state policy. This is clearly manifested in the field of higher education, primarily due to its non-mandatory nature, as well as due to the fact that it is formed on some certain educational background. In this regard, it is hardly fair to conflate students who master higher education programs and to people who master educational programs of a different level in a single category of students.

4. Conclusion

1. Education as an object of public administration and regulation needs to be determined, it requires as well system-forming strategic planning, including issues of educational security as a socially significant benefit, socially significant service, educational infrastructure (unity of social benefit, constitutional law, the process of education and educational outcome). The security of education as an integral part of national security ensures national interests. [24, pp. 72-77; 25].

2. The system of principles of state policy and legal regulation in the field of education, manifested in Law No. 273-FZ, has to come into compliance with the paradigms of strategic planning in the field of security and socio-economic development. To change the approach such as "principles of public policy and legal regulation", giving independent significance to each group of principles.

3 To abandon the concept of "quality of education" in favor to the concept "quality of educational activity" as more significant to the meaning and content of strategic planning acts

influencing education issues, which allows make exact this concept and eliminate the need to substantiate the quality of education as a socially significant benefit and constitutional merit, since in this case philosophy and axiology of education as a social phenomenon are taken into the consideration, instead of its quantitative and qualitative characteristics that can be measured. Such an approach will also help to make exact the meaning of verification and evaluation activities in the field of education, to interpret their results exclusively in an obvious pragmatic sense from the point of view of evaluating the educational infrastructure.

4. In Law No. 273-FZ, it is necessary to define the very essence of education in a differentiative manner. Education as a benefit should be positioned separately, perhaps through the preamble to the legislative act (by the analogy, in particular, with Federal Law No. 125-FZ dated 09/26/1997 "On Freedom of Conscience and on Religious Associations"), ensuring recognition of its social value and guaranteeing the later by law. Accordingly, it makes no sense to indicate a socially significant benefit within the concept of education, especially since education is carried out in the interests of a person, family, society and the state, which already implies its value. Alongside, within the framework of the proposed version of the recognition of education as a benefit, it is advisable to identify its connection with enlightenment, and, as it seems, it is necessary to start from the formation of the concept of enlightenment itself, recognizing it as immanent to education, [26, p. 27-32] leaving, at the same time, the possibility of educational activities outside the framework of educational programs, without opposing it to enlightenment as a combination of education and upbringing.

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BIBLIOGRAPHIC DESCRIPTION

Grechkina O.V., Dushakova L.A., Shmaliy O.V.
Education legislation in the context of socio-economic
development and national security strategies.
Pravoprimenenie = Law Enforcement Review, 2024,
vol. 8, no. 4, pp. 24–33. DOI: 10.52468/2542-1514.
2024.8(4).24-33. (In Russ.).