

# Assessment of the International Institutional and Legal Activity of Russia in the Field of Higher Education

## Evaluación de la actividad internacional institucional y legal de Rusia en el campo de la educación superior

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### Content

1. Introduction
  2. Methods
  3. Data, Analysis, and Results
  4. Discussion
  5. Conclusion
- Acknowledgment  
References

#### ABSTRACT:

The article is devoted to a qualitative and quantitative assessment of architecture of international legal regulation of transformation processes of higher education system. The object of research was set of the international legal acts adapted retrospectively from 1990 to 2014 directly or indirectly of regulating transformation processes of the Russian education system in the conditions of international harmonization of educational space. The hypothesis of the research is the statement that quality of the international legal regulation positively correlates with quality of the public relations in the field of international harmonization of world educational space. In the article the means of use of institutional methodology have carried out the analysis of a complex of international treaties in a regional, subject, retrospective and level aspect. The assessment of the main directions of development of the international legal regulation of modern international processes of higher education in the conditions of harmonization of world educational space is given according to the results of the research.

**Keywords:** institutional activity; system of higher

#### RESUMEN:

El artículo se dedica a una evaluación cualitativa y cuantitativa de la arquitectura de la regulación legal internacional de los procesos de transformación del sistema de educación superior. El objeto de la investigación fue establecer los actos jurídicos internacionales adaptados retrospectivamente de 1990 a 2014 directa o indirectamente de regular procesos de transformación del sistema educativo ruso en las condiciones de armonización internacional del espacio educativo. La hipótesis de la investigación es la afirmación de que la calidad de la normativa legal internacional se correlaciona positivamente con la calidad de las relaciones públicas en el campo de la armonización internacional del espacio educativo mundial. En el artículo los medios de uso de la metodología institucional han llevado a cabo el análisis de un complejo de tratados internacionales en un aspecto regional, sujeto, retrospectivo y de nivel. La evaluación de las principales orientaciones del desarrollo de la regulación jurídica internacional de los modernos procesos internacionales de educación superior en las condiciones de armonización del espacio educativo mundial se da de acuerdo con los

# 1. Introduction

The majority of the countries position the system of higher education in an international aspect as it has become a part of the world of service market and it cannot be considered only in a national context. The science recognizes the need for international harmonization of the educational space (Aigner, Nelson & Stimpfl, 1992; Parakhonsky, 1996; Qiang, 2003). The many scientists emphasize conditionality of the happening processes with economic, political, social, cultural and academic motives (Knight, 1997; Spiro, 2003; Yuan, 2015).

Let's define international harmonization of educational space as reduction process in a condition of commensurability, equation and a coordination of national systems of higher education having institutional registration with preservation of national self-identification.

It is obvious that essential cultural, social and economic distinctions of the states to which point scientists (Alas & Edwards, 2011; Shibao & Zenobia, 2007; Jae-Eun, 2013) point out, complicate process of international harmonization of educational space. In this regard, the most important driver of the public relations in the field of higher education is the international legal regulation establishing a communicative basis of interaction of international educational space stakeholders. As formal institutes (rules of law) crystallize the public relations, creating a basis for further construction of institutional structure it is quite logical to pay great attention to standard legal regulation of modern educational transformations.

The globalization, according to foreign and domestic scientists, represents the mechanism which promotes development of national systems of the higher education. In this article the assessment of the international institutional and legal activity of Russia in the field of the higher education is carried out. The national system of the higher education needs a new target reference point which basis is the international solidarity. The training of foreign students gives to any state special preferences of both economic, and geopolitical character. The individual in the society of a new format is a person who owns the new technologies which have appeared during a post-industrial era where education initially when forming universal values in any state. The international scientific community has to adhere to internationalization of the higher education which is followed by development in the uniform direction. The international cooperation in development of the higher education has to be followed by a community of problems and the solution of uniform tasks, without national, regional peculiarities. That is, the uniform universal mechanism which is followed by communication systems has to be developed. Thus, globalization promotes merge of national educational systems, turning into uniform world social system which demands standard and legal improvement. The calls and threats of a multilevel complex of the economic relations of the certain countries have significant effect on formation of national system of qualification in it and complexity of development of the uniform universal mechanism, as does this perspective especially urgent. Now representatives of economic entities are involved in process of training in higher educational institutions, practical developments and researches by groups of scientists and students are conducted, that is process of merge to the industry actively proceeds and is a world tendency. The strengthening of a role of the state to formation of national systems of the higher education is directly connected with formation of uniform world social system which is subordinated to the international standards which determine education parameters, the importance and the place in society. One of the directions of development of national systems of the higher education is diversification that complicates merge of national educational systems, i.e. there is a process of a dichotomy. The dichotomy of the higher education is a prerequisite for improvement of the international legal regulation. Respectively, new approach to ensuring development of national system of the higher education in the conditions of the mature market relations and the growing competition in labor market is necessary that will take the place in world science of the right.

The analysis of the international institutional and legal activity of Russia in the field of the higher

education is based on key provisions of theories: symbolical interactionism, structural functionalism, philosophy of pragmatism (Dewey, 2009; Mead, 1964; Parsons, 1996). And also provisions of theories such as phenomenological sociology, critical theory of socialization, development in the context of consecutive the ontogenetic crises are used (Berger & Luckmann 1966; Eriksson, 1996; Habermas, 2008).

The various aspects of a complex problem of development of the higher education in Russia at the different levels of his formation at different times were considered in works of the Russian scientists (Abubakirova, 2015; Aslanov & Danelyus, 2015; Strelkova, 2015).

The highly appreciating a versatile and complex contribution of the Russian and foreign scientists to history and the theory of the studied question, it should be noted that their works plan, but at the same time don't limit field of activity for carrying out scientific researches as a number of aspects and the directions in Russia when forming national system of qualification is still insufficiently considered and demands detailed studying.

Let us note that many scientists emphasize the necessity of formation of qualitative and high-grade system of formal institutes (legal framework) for effective development of the public relations (Skobleva, 2010; Yin-Li, Azman-Saini & Siong-Hook, 2012; Volchik, et al., 2015), etc particularly point to it.

The analysis of quantitative and qualitative data illustrating practice and dynamics of standard and legal construction of the international educational relations of Russia is carried out in this article.

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## 2. Methods

In article during the studying and the analysis of scientific problems according to character of the studied object such methods of scientific knowledge as straight lines (empirical) analysis and synthesis, induction and deduction, a historical method were applied.

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## 3. Data, Analysis, and Results

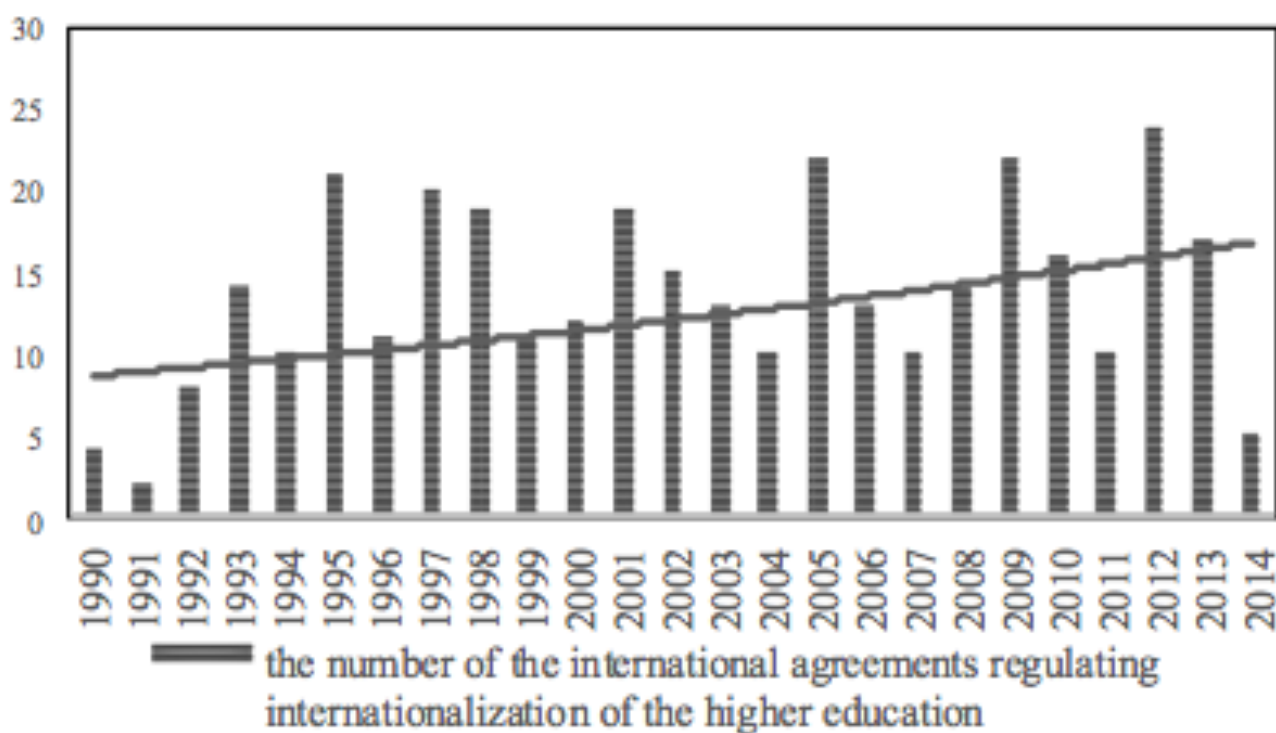
As the international contracts (supranational and international levels) are a part of legal system of the Russian Federation (article 15 of the Constitution of the Russian Federation), first of all we will carry out research of international legal regulation of international transformations of Russian education.

The database synthesized from various sources (FGBU, 2017; Presidential Decree, 2014; Supplemental legal system Consultant Plus, 2017) has served the empirical basis for the conclusions containing in this part of the research. Preconditions of the research were the following provisions:

- the international acts ratified by the USSR/the Russian Federation have become invalid as they testify to institutional activity of stakeholders are also included in the analytical base;
- the analysis of documents directly or indirectly regulating international transformations of the Russian higher education is carried out;
- not only general, but also acts of regional international value are taken into consideration;
- the analysis of exclusive international acts in which the USSR and the Russian Federation as the assignee takes part (participated);
- outside of the research is the remained law-enforcement and the jurisprudence demanding separate detailed research;
- in this part of the research the main attention is given to quantitative, but not to substantial characteristics of international legal regulation of international transformations of the Russian system of higher education;
- any adopted act, out of connection with its regulating influence is an indicator of institutional will and activity during the corresponding period.

The object of the analysis was set of the international legal acts adapted retrospectively from 1990 to 2014 directly or indirectly of regulating transformation processes of the Russian education system in the conditions of international harmonization of educational space (drawing 2). As the

majority of the modern integration unions of Russia have arisen after 1990 as a result of accession or signing of documents on creation, we will carry out the analysis of legal educational institutes to the period with 1990 to the present. In institutional density, in a context of this research, we will consider sufficiency of the international legal regulation of the relations in the field of international harmonization of educational space. In its turn institutional activity we will define as will of the state-society to establishment of the frame rules, being expressed in a context of this research in the conclusion of the international agreements in studied area.



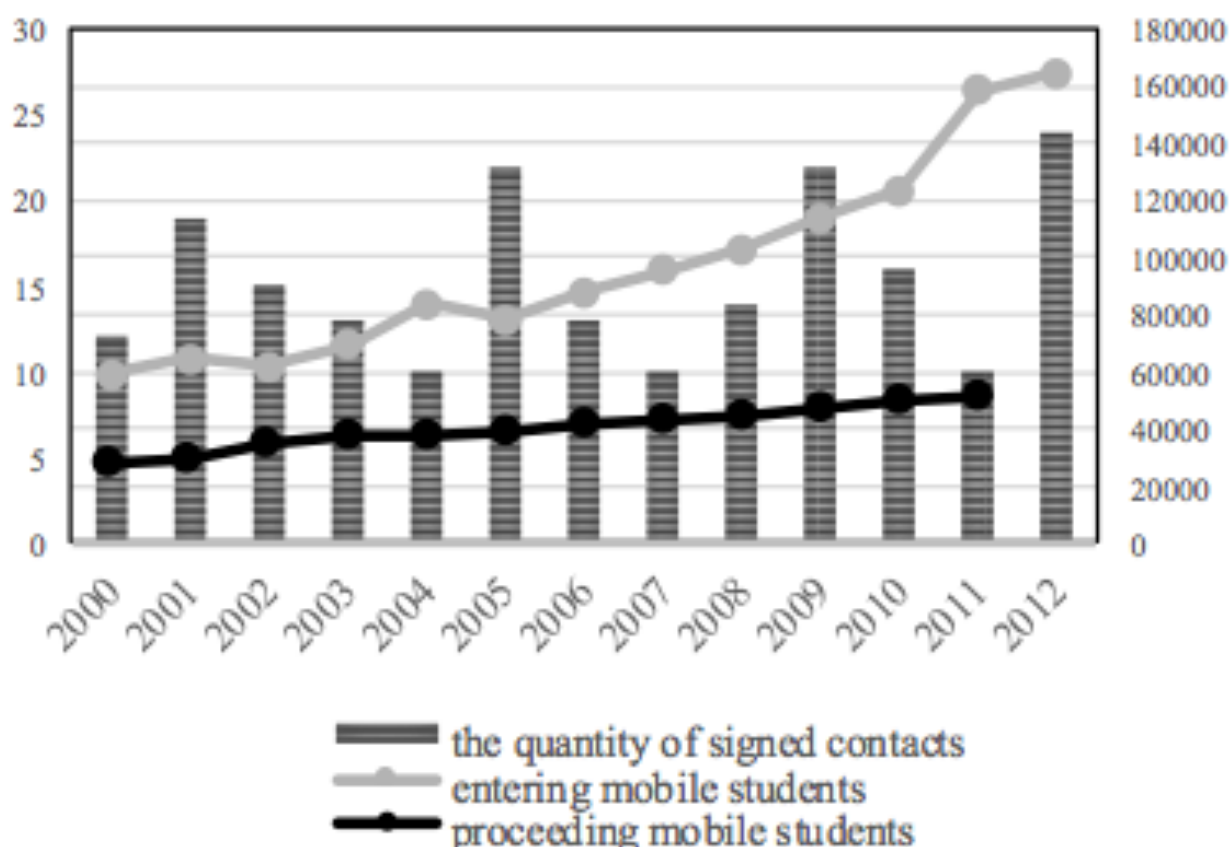
**Picture 1** - the dynamics of institutional activity of the international regulation of international transformation processes of the Russian system of higher education during the period from 1990 to 2014.

The analysis of institutional activity during the studied period shows monotonous growth of institutional density of international legal regulation of harmonization of educational space. The exponential sliding shows a tendency to increase in institutional activity (picture 1). For the purpose of correlation establishment between institutional density of regulation of harmonization processes and actually developing public relations in the field of research we will correlate quantitative indices of international legal regulation and the indicators illustrating the main tendencies and practice of the educational environment in the conditions of globalization and integration of economy. In modern conditions, the international educational processes are realized in practice through «cross-border education». It should be mentioned that unequivocal definition of this term in a science has not developed, we will agree with the scientists defining this term as process, being expressed in cross-border mobility of all participants of scientific and educational process. The existence of special international regulation of this category, in particular by such international agreement as Leading principles «Ensuring quality in cross-border Higher education» (2006) should be also pointed out.

It is represented that the most indicative criterion of cross-border education is mobility of students and teachers. We mention importance of an analyzed indicator: The Berlin communique (National Agency for the development of qualifications, 2017) calls «mobility of students, the academic and administrative personnel a basis of creation of the European space of the higher education». We ascertain restrictions of application of a statistical method for correlation establishment between analyzed indicators. The official state statistics and the international data of mobility of teachers do not exist. In Russia the statistics of departure of Russians abroad for training or professional development is not conducted. In this part of research databases of Institute of the international formation of the USA (NCES, 2015), Institute of statistics of UNESCO (2017; UIS, 2017), the Organization for Economic Cooperation and Development (OECD, 2013), and also expert estimates have been used. As a result we will note some problems. In particular, there are no authentic statistical data on export student's mobility in Russia. In the international

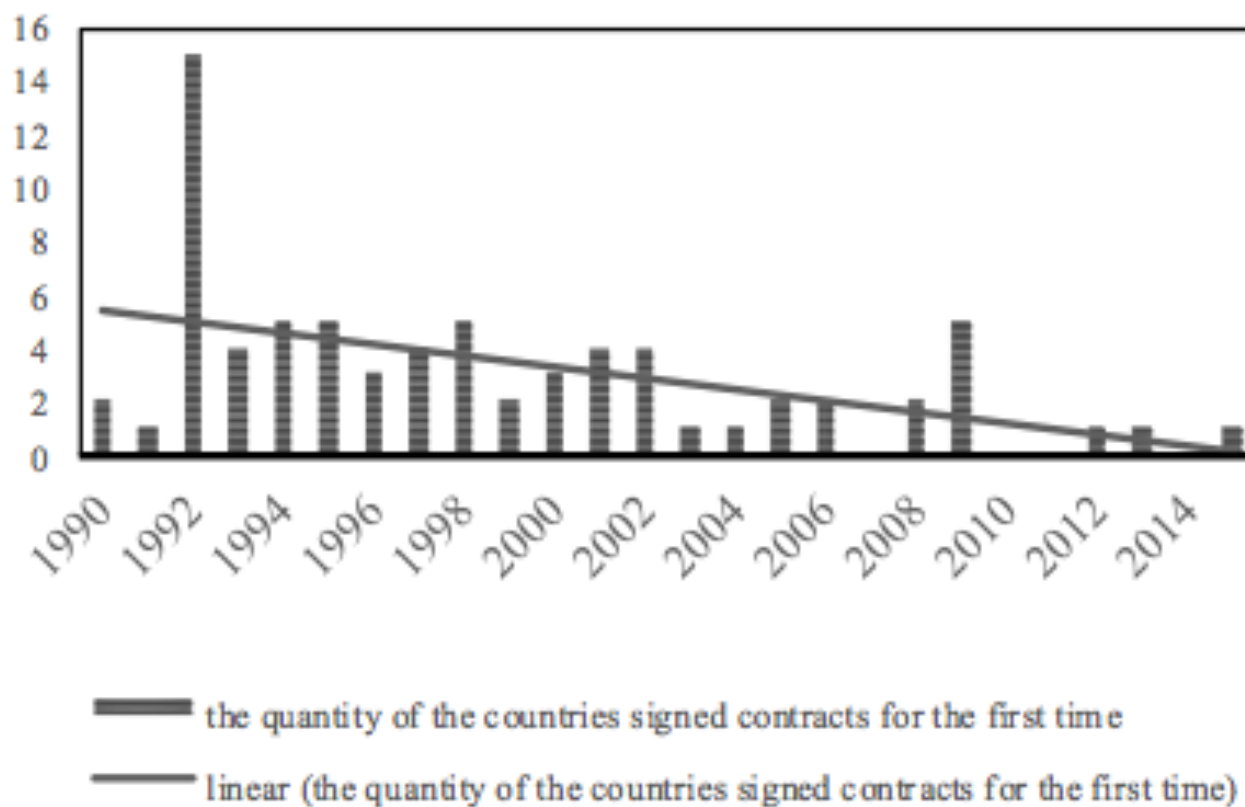
practice there were no uniform criteria of reference of the foreign citizen to mobile students. Lack of a visa regime, various structures and levels of educational programs, lack of uniform approaches to standardization of data, incomplete coverage of Higher education institutions by the reporting have caused poor quality of statistics in the field of research. However joint efforts of UNESCO, OECD, Evrostat promote formation of some array of statistical data.

Thus, we have possibility of carrying out the analysis of the unique available indicator – student's mobility (picture 2). According to the experts` opinion in 2009 in 34 countries – participants of the organization 2,8 million foreign students from which 1,3 %, or about 37 thousand were Russians (Kommersant, 2012) studied OECD. As a whole the statistics has essential distinctions in different databases that complicate the analysis. Comparison of data of picture 3 illustrates positive correlation between institutional density and mobility of students. It should be noted that analyzed indicators interrelated: the increasing flow of the international students demands formalization of process of an international academic exchange and on the contrary, introduction of clear rules of cooperation promote more active exchange of students.



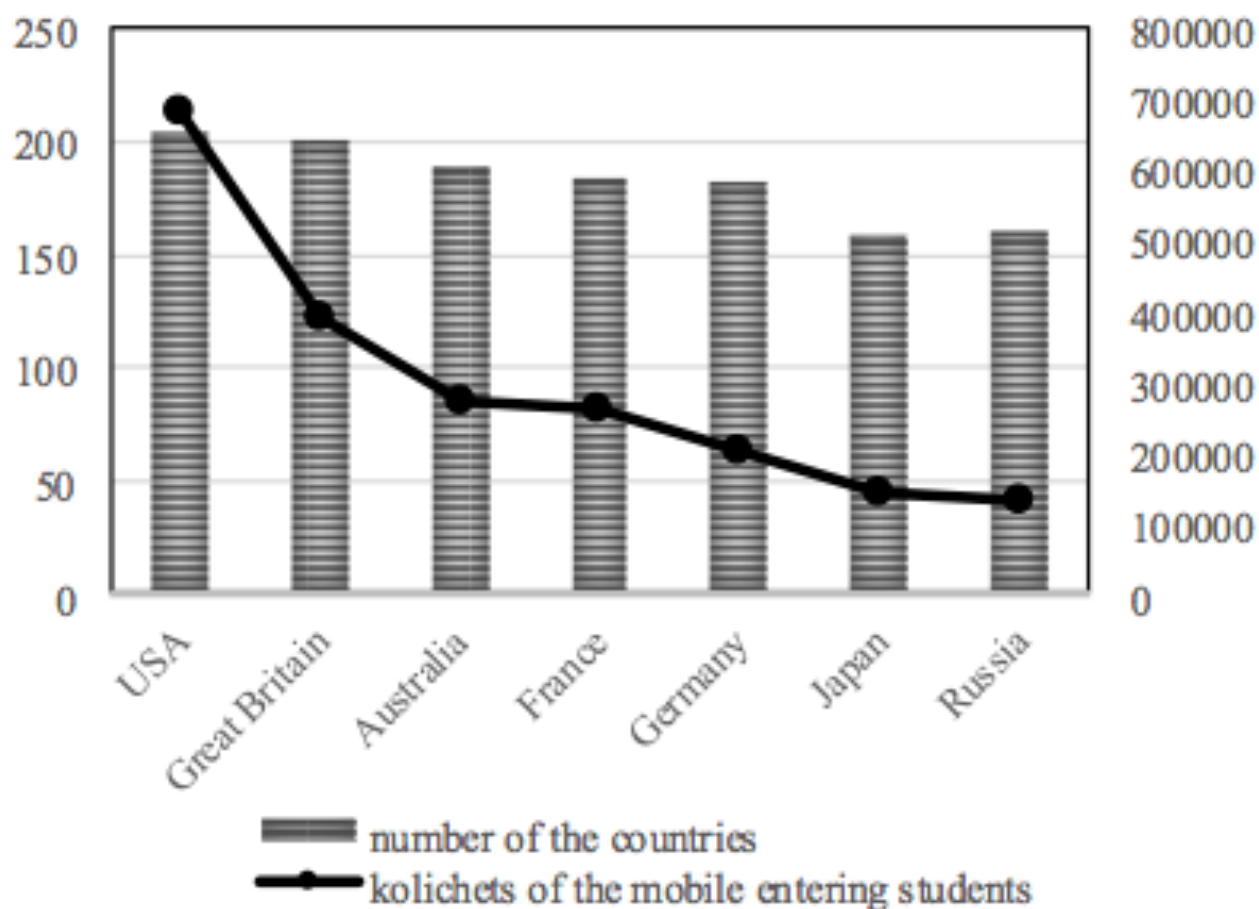
**Picture 2** - the Ratio of student's mobility (to Russia and from Russia) and the international legal institutional activity during the period from 1990 to 2013.

For the purpose of establishment of level of institutional activity in a regional and retrospective level we will carry out a quantity appraisal for the first time the international agreements signed by Russia regulating international processes of educational space with the concrete countries.



**Picture 3** - the geography of institutional international activity of the Russian Federation during the period with 1990 to the present.

Picture 3 illustrates decrease in geographical activity of Russia – the number of the countries with which bilateral agreements are concluded, promptly decreases, thus, we observe decrease in regional and territorial activity of Russia that testifies to fall of possibilities of "soft" political influence of Russia by means of distribution of Russian, cultural values (decrease in informal regulating influence). Also this phenomenon testifies the achievement of some threshold territorial and geographical stability of international relations of Russia in the field of education. This tendency is observed against promptly extending geography of providing educational services the largest, according to UNESCO, suppliers: the USA, Great Britain, France, Australia, Germany and Japan. The quantitative assessment of the countries of presence of the specified leaders allows drawing a conclusion on comparability of number of regions from which there come mobile students to the Russian Federation; however, Russia essentially lags behind the specified countries by quantity foreign students (picture 4). That testifies to insufficiently high-quality and active positioning of Russian higher education in the presence countries.

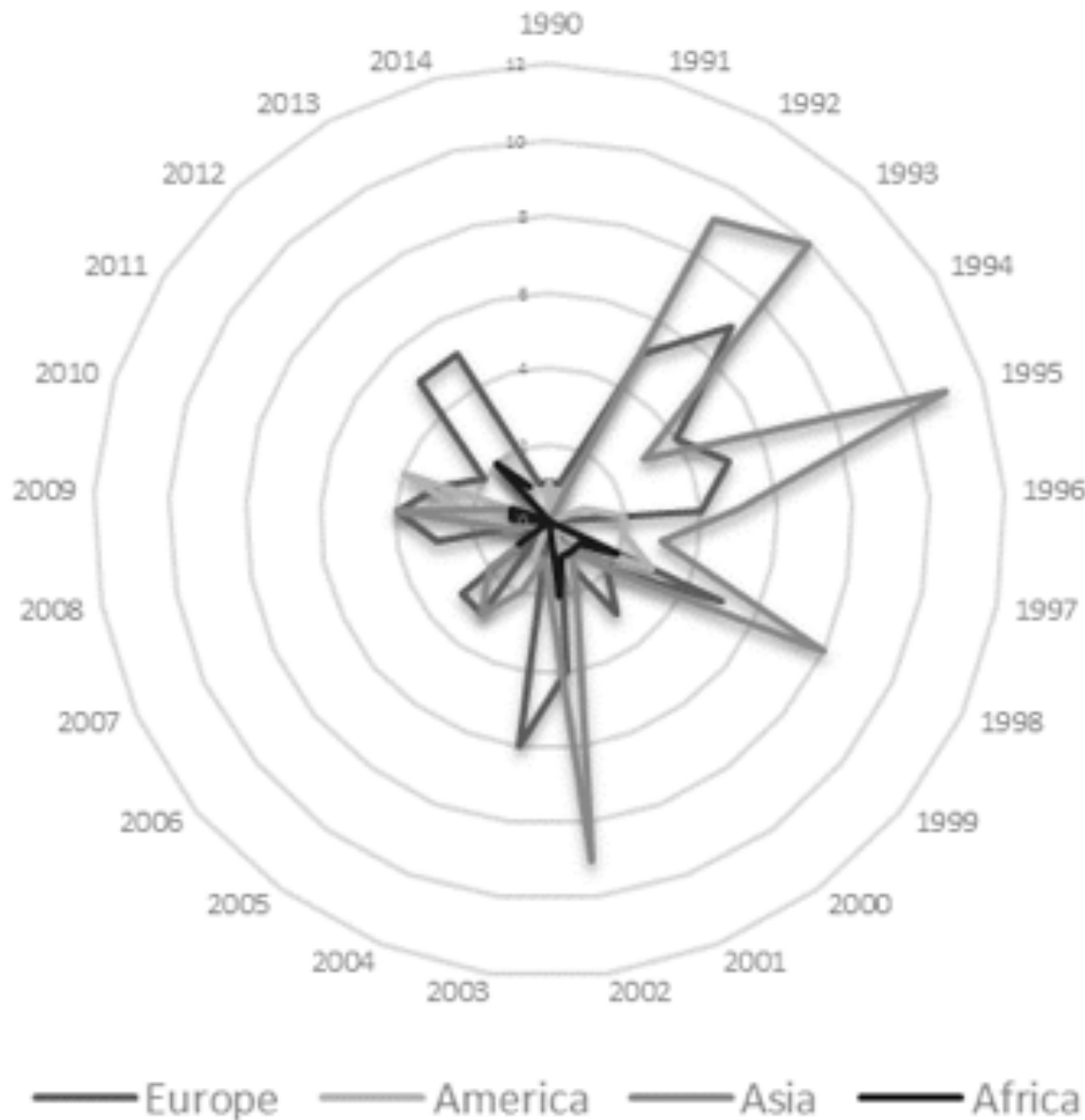


**Picture 4** - the quantitative and geographical structure of deliveries of higher education by the countries – leaders in 2012.

It is represented that quality of legal regulation has high correlation with educational mobile activity of foreign citizens. The majority of problems for foreign students arises owing to lack of the adequate rules regulating stay of foreigners in Russia. In particular, it is necessary to point to difficulties with the employment arising owing to specific legal regulation of the matter. The federal law "About a legal status of foreign citizens in the Russian Federation" forbade work in training in spite of that abroad employment is possible not only in training, but also some time after the termination of an educational program. To be fair, we will note that long-awaited changes are made to the specified law and since January 1, 2014 the foreign students who are full-time students in educational institutions having state accreditation, have acquired the right to labor activity with observance of some requirements. This change has given the chance to foreign students of self-financing in training and will essentially affect a choice the foreign citizen of the country of training. Also it is necessary to recognize that, despite ratification by the Russian Federation of the international agreements on recognition of qualifications and diplomas, still Russian education raises doubts at the foreign employer in this connection, in the majority of the countries (except for the CIS) graduates of the Russian Higher education institutions should pass in the homeland examinations for confirmation of the received competences. Also in this area it is necessary to consider the problem of lacking of the standard world frame of qualifications. In Russia the national frame of qualifications is a component and a basis of development of national system of qualifications in which, federal professional and educational standards, a branch framework of qualifications, national system of an assessment of results of education and certification (Kommersant, 2012) should enter. The mismatch of national educational standards with the world complicates the adaptation of the graduate of the Russian University to the foreign labor market. The National council on professional qualifications at the President of the Russian Federation (2014) is created in Russia.

It should be taken into consideration that standards of a labor market are rather mobile unlike education standards. This situation is caused by smaller transnational mobility and national identification of an education system. The solution of these problems in big degree depends on quality of legal regulation and a state policy concerning foreign students. Thus, it is necessary to recognize that formalization of harmonization processes does not fully correspond to the international standards and the developing public relations in studied area.

The quantitative assessment of density of international legal regulation in a regional level (picture 5) illustrates the most active institutional construction in European and Asian regions. The greatest institutional density is observed in the second region. The European region is presented by active institutional construction in the area of internationalization of the higher education of such countries as Belorussia, Moldova, Kazakhstan, and the Ukraine. Thus, it is necessary to pay attention to retrospective constancy both systematic updating and the conclusion of new agreements that testifies to achievement of some threshold institutional stability of the public relations in studied area between Russia and the specified regions.

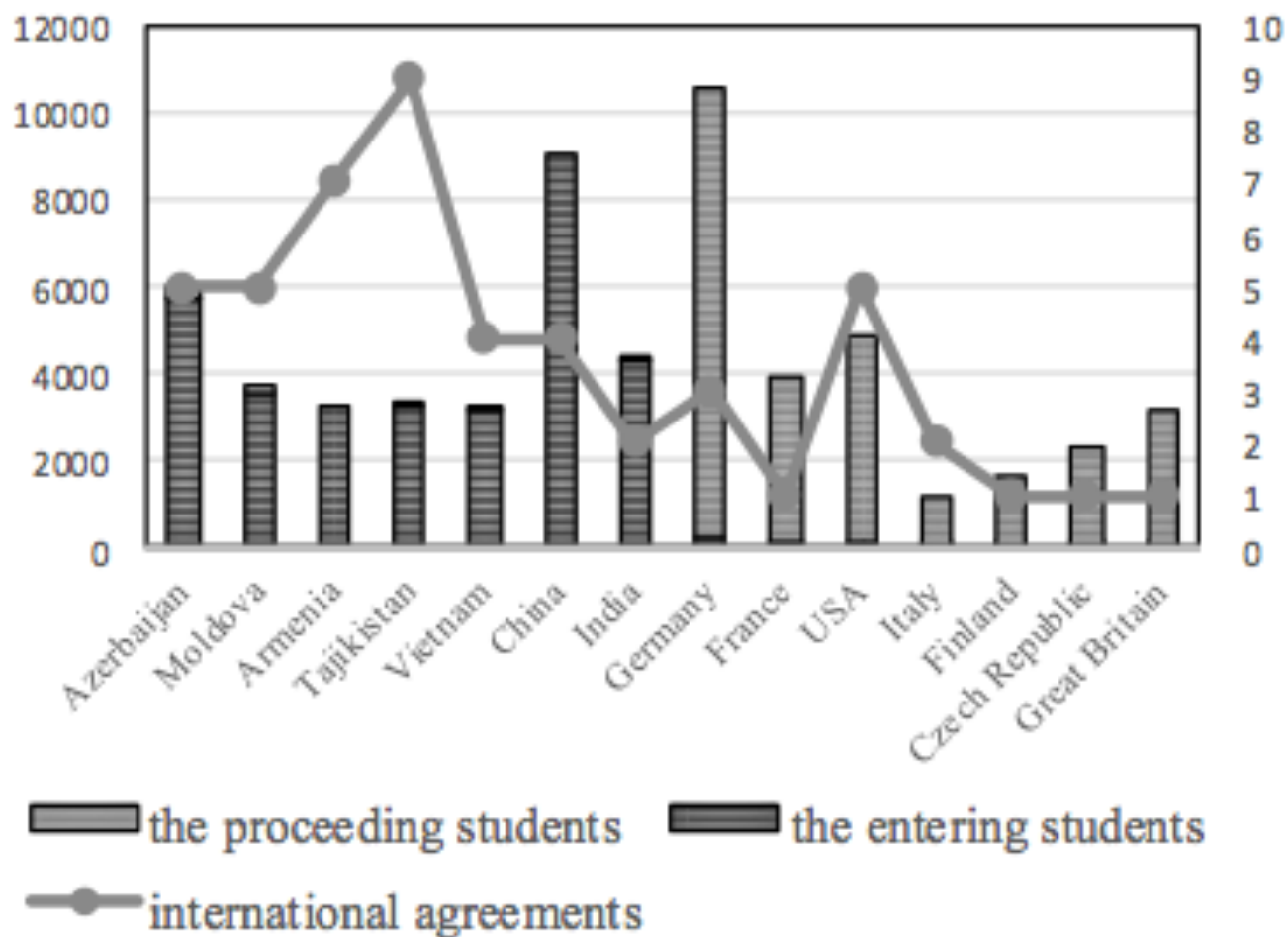


**Picture 5** - the Retrospective and regional matrix of the international agreements ratified by Russia during the period from 1990 to 2013.

For the purpose of establishment of institutional sufficiency of international legal regulation we will correlate mobile activity of students with institutional activity of the states. We should emphasize that the greatest balance of mobile students (the sum of entering and proceeding students) for Russia is the share of CIS countries and Europe. The geography of the countries with which Russia exchanges students is quite wide, we will note also that Russia treats the countries, where entering students (visitors for training) much more, than proceeding (leaving on training to other countries). The greatest number of mobile entering students is the share of Kazakhstan, proceeding to Germany and the USA. We also specify that interest to training in Russia is shown by the majority of the countries of the former Soviet Union, and also the country of Vietnam, India and China. Picture 6 illustrates a high level of institutional density of harmonization processes in the former Soviet Union countries; however, we observe low institutional activity at high academic mobility in relationship with China, India, Germany and France. We see that Germany and France are included into the European space which has quite extensive legal international base mediating international harmonization; here it is necessary to point only to absence of inter country legal contacts. Also lower level of international legal regulation of the public relations in studied area in the countries, exporters of the higher education for the Russian

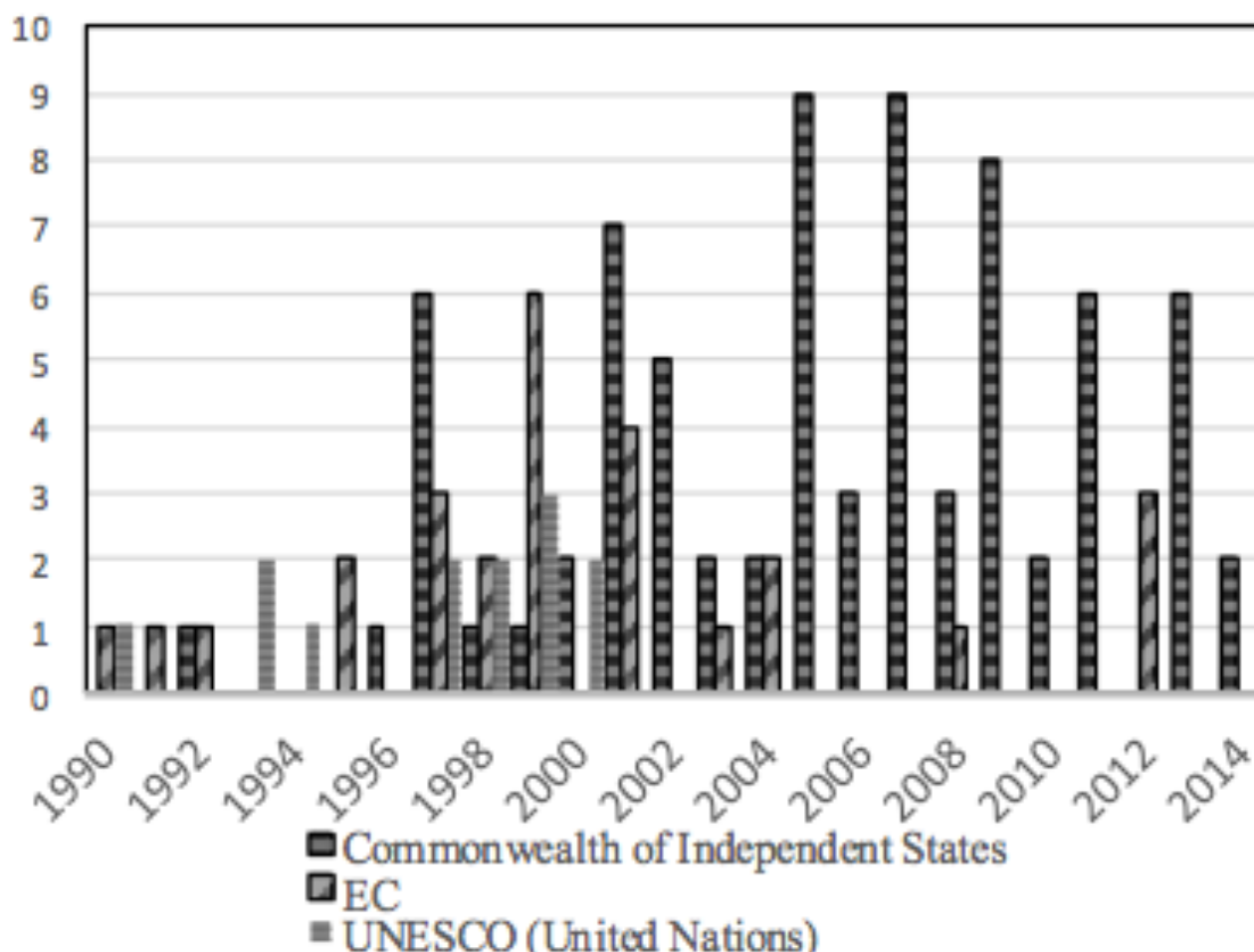


students should be noted here. Also we will note a positive tendency of increase of density of legal regulation for the countries of recipients of Russian education that is caused by interest of Russia to increase in number of mobile foreign students. Summarizing we ascertain existence of institutional lacunas in studied area.



**Picture 6** - the ratio of mobile activity of students and institutional activity of the states in 2013.

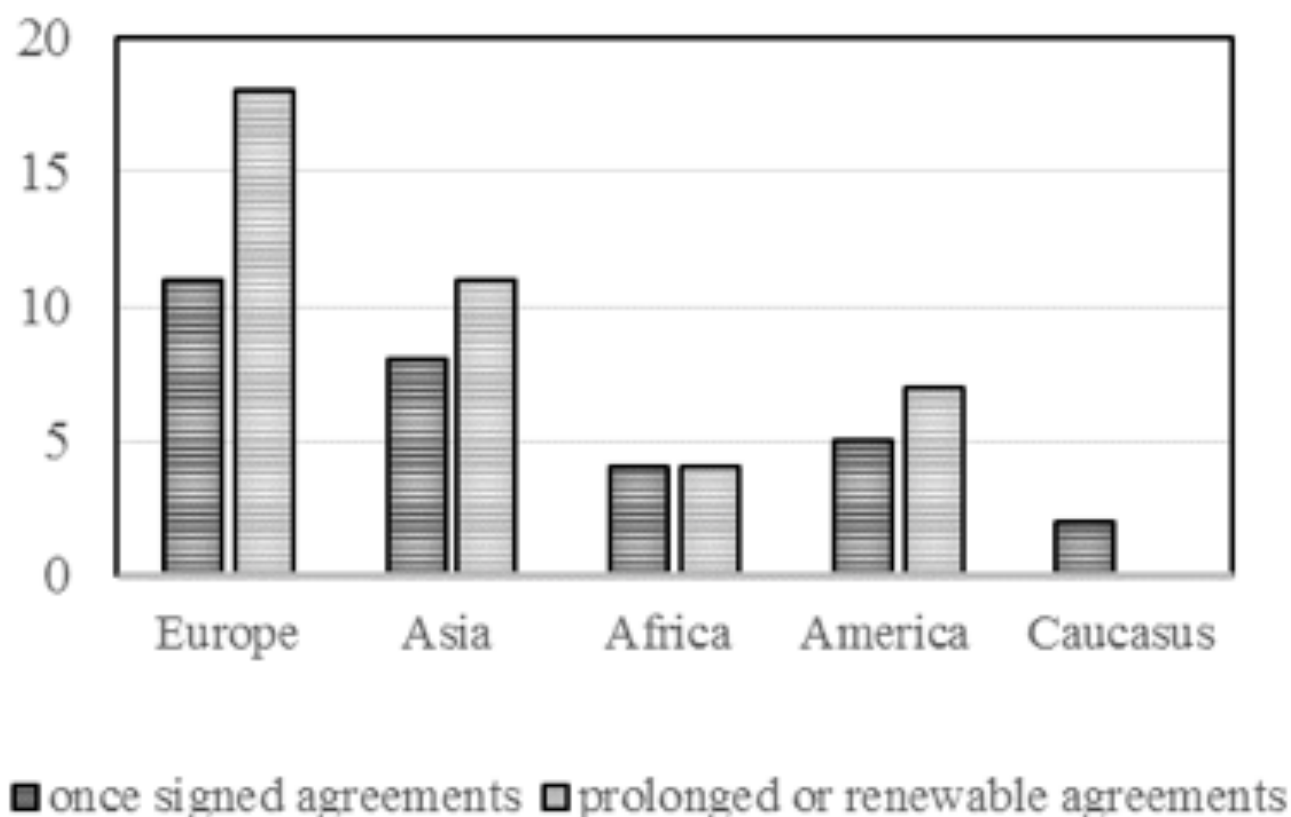
The assessment of number of the signed agreements in an aspect of integration associations shows the most active institutional construction in a retrospective and the predicted period within the Council of Europe and the CIS, and the greatest institutional density is observed in the integration union CIS (picture 7).



**Picture 7** - Dynamics of the supranational agreements ratified by Russia in a cut of integration associations in a retrospective from 1990 for 2014.

Here it is pertinent to emphasize that the above mentioned things testify rather to aspiration of the Russian system of higher education to harmonize the relation, instead of integration into one concrete education system, whether it should be Europe or the CIS.

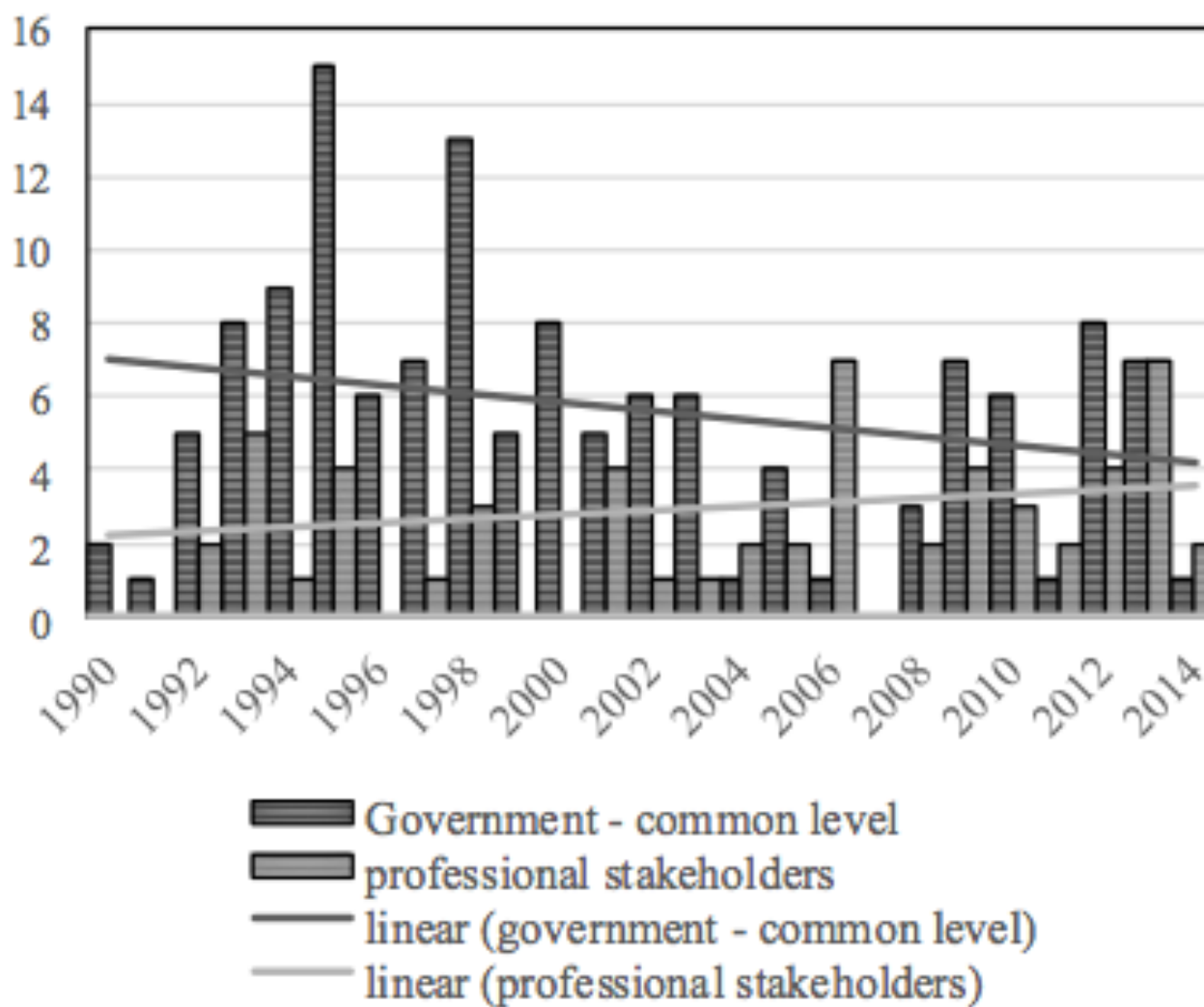
For an assessment of institutional stability we will carry out the analysis of the international documents about prolongation and the repeated conclusion. Long-term nature of communications with certain regions and updating of documents taking into account the changed relations (picture 8) testifies to some threshold institutional stability in relationship with the concrete countries.



**Picture 8** - the balance of once signed and renewable agreements of the period from 1990 to 2013.

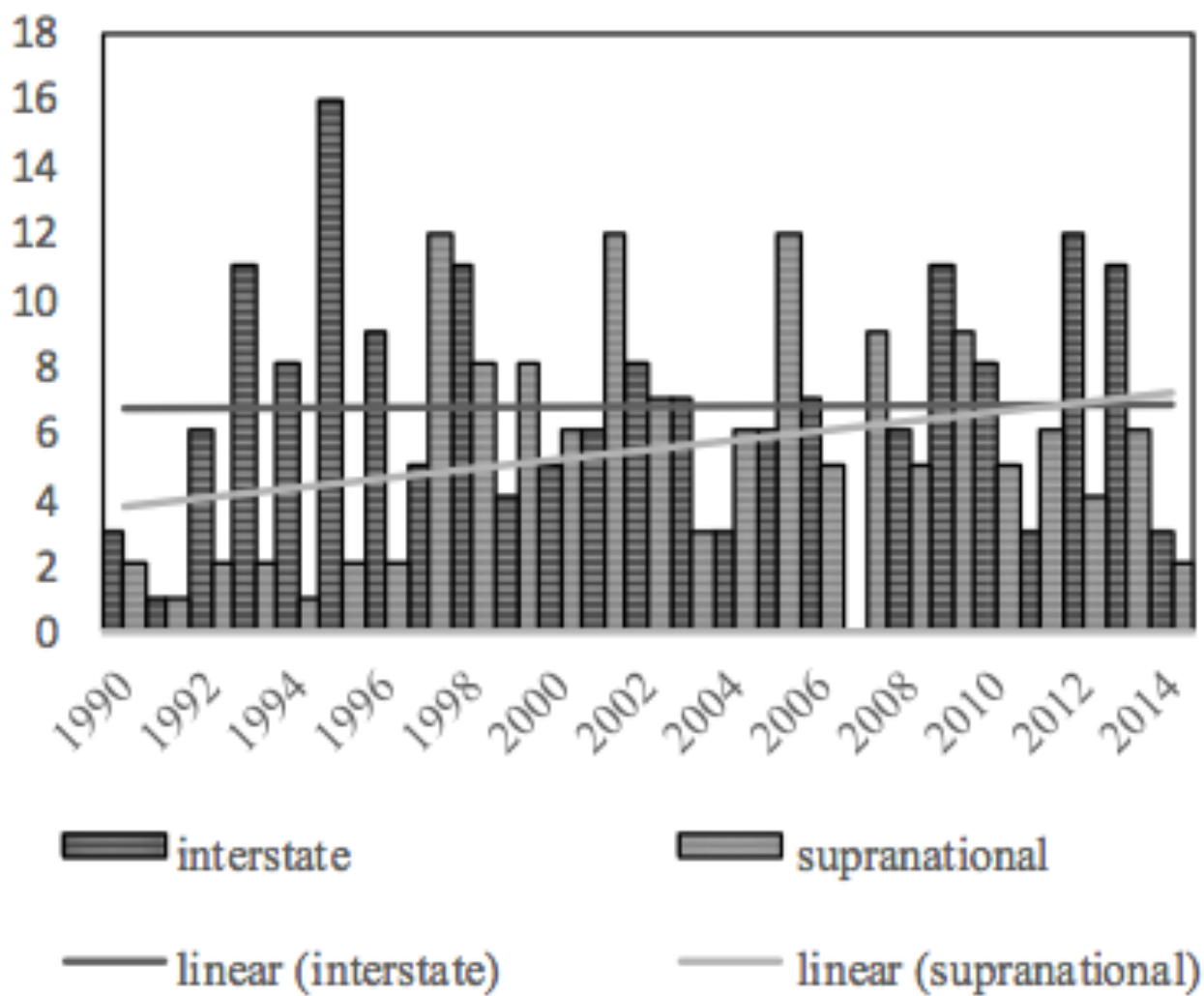
The analysis of documents in a regional aspect confirms the aforesaid. The greatest number of documents repeatedly concluded by the Russian Federation or renewable is observed in regions of Europe and Asia. However, it should be noted a positive tendency (balance of once signed and the renewable agreements) to maintenance of the stable relations and in regions of Africa and America.

It is necessary to make the subject analysis of institutional activity for an assessment of level of a specification of rules. All set of the international acts was accepted by the following main groups of subjects: Supranational bodies, Governments, Profile ministries, committees, schools, Special international subjects (for example, International bank of reconstruction and development). Participation in the international acts of special subjects and the profile ministries testifies to study and stabilization governed professional participants. Picture 9 shows moderate growth of institutional activity of professional stakeholders of education that provides higher level of a specification, and also increases institutional sufficiency of legal regulation in studied area.



**Picture 9** - Dynamics of the international agreements of Russia in a subject aspect from 1990 for 2014.

For the purpose of the complex analysis of the international legal regulation we will carry out a level appraisal of legal regulation (Picture 10). We emphasize that existence of enough of documents of supranational regulation testifies to high degree of intensity of the public educational relations. The supranational assumes refusal of national subjects of a part of the imperious powers. For example, one of such supranational bodies is the European commission which competence includes implementation of member states of actions supporting, coordinating and supplementing policy. Thus, existence of documents of the specified level provides high extent of coordination of subjects. Here we should note a trend towards an individualization of legal regulation. Growth rate of number of supranational acts has decreased and moderately the number of the international (inter country) bilateral acts grows, this phenomenon testifies to higher degree of a specification of agreements taking into account national and political interests and decrease in level of unification of the relations.



**Picture 10** - Dynamics of the international agreements of Russia in an level aspect from 1990 for 2014.

## 4. Discussion

A row of scientists considers the idea of the international institutional and legal activity of the state in the field of the higher education from a line item of scientific knowledge which entity is viewed in all types of activity of the person. The provided analysis of literature showed that a row of researchers (Declaration on science, 1999; International bureau UNESCO in Moscow, 2016; Shaidullina, et al., 2017) adhere to an integrated approach to the solution of the designated problem with the purpose of up-dating of international pedagogical education.

It is necessary to mark that a row of authors (INESNA, 2014; Education Recourses Information Centre, 2016; Tyugashev, 2008) consider institutional and legal activity of the state in the field of the higher education from a line item of the modern views of society taking into account transformation of the social and economic relations between the states. The line item of the modern society concerning a case in point consists in the maintenance of scientific definitions and a role of science in support of development of national system of the higher education. In the modern conditions the science shall be available irrespective of geographical, political location and all resources shall be directed to its enhancement as researches confirm at the same time and social conversions. The altering the system of the higher education of the state taking into account influence of geopolitical factors, application-oriented aspects promote increase in level of economic growth by effective use of cumulative capacity of the state and a spiritual and moral vector of development of humanity. The integration of the states in the field of industrial partnership is a premise for formation of the new mechanism which is regulated by normative and legal contents and the efficiency of use of cumulative capacity of the state depends on its implementation.

The shall be one of significant criteria of development of the international activity of the state in the field of the higher education openness and this line item foreign and domestic researchers of (Skobleva, 2010; Strelkova 2015; Volchik, et al., 2015) different states designated in the works.

The tendency is tracked by a row of scientists who read that it is necessary to set a new format of the social relations and to develop the uniform mechanism irrespective of the available capacity of the country. In our judgement, the entity of a new format of the social relations consists in combining of the intelligence which is built in the system of values thanks to information communications.

It is necessary to mark growth of interest in a problem of the international institutional and legal activity of the states in the field of the higher education. This fact is caused by achievement of a certain level of international relations of the states in the field of education. This thesis finds the belief in operation both foreign, and domestic researchers who adduce powerful arguments, relying on theoretical and application-oriented aspects. From a set of the provided indices researchers select the index of human development which is viewed in techniques of assessment of level of competitiveness of the state. And the second significant argument in the designated line item is globalization process which provides development of an education system of the states and defines a new format of the social relations.

Thus, in the analysis of the international researches we allocate approaches according to the solution of common problems of education which are a prerequisite for development of strategy of national policy of the state and are directed to increase in management efficiency in education.

The obtained quantitative data the illustrating practice and dynamics of standard and legal construction of the international educational relations of Russia define expediency of their use in a separate research of substantial characteristics of international legal regulation of international transformations of the Russian system of the higher education, including with law-enforcement and jurisprudence.

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## 5. Conclusion

Summing up this research, we will note some important qualitatively – quantitative tendencies in the area of the international legal regulation of international harmonization of world educational space:

- dynamics of institutional activity has monotonous growth that provides increase of institutional density and sufficiency of the rules regulating the international transformations of higher education;
- level of a specification of rules that facilitates interaction of stakeholders of education raises;
- the greatest institutional activity is established in regions of Europe and Asia, the greatest institutional density is observed in the former Soviet Union;
- the trend to an individualization of the international legal regulation towards establishment interstate, instead of supranational rules of interaction is revealed;
- there is a positive correlation between quality of the international legal regulation and activity of the public relations at the field of education;
- the geography of presence of Russian education was stabilized; however, there is an unrealized potential of import of national educational service;
- legal lacunas in relationship with the countries having the greatest balance of an exchange of mobile students are found;
- formalization of international processes by the national legislation does not fully correspond to the international practitioners;
- lack of a tendency of integration of Russian higher education in any concrete national or regional system of the higher education is established.

In a context of the problem, we will state an assessment to a legal subsystem of the institutional environment of international harmonization of educational space. The modern massif of the international legal regulation has the general trend to individualization and specification of rules of interaction taking into account national and geopolitical interests of the countries. The architecture of the international legal regulation of studied processes as a whole is created. As the negative moments it is necessary to point out the necessity of a further specification of rules, eliminations of legal lacunas and harmonization of national legal regulation with the international practitioners taking into account modern interests of stakeholders of education.

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