
LEGAL GLOBALIZATION AND INTERNATIONALIZATION OF HIGHER EDUCATION: THE CONSTITUTIONAL AND LEGAL ASPECT

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Author made an attempt to understand the place and role of the constitutional and legal fundamentals (Constitution and other constitutional laws), which proclaim the right for the education and regulate the implementation of the right for higher education (on the example of the Russian legislation) in the global process of the internationalization of the institution of education in general and higher education in particular. The policy objective of modernization of education in the medium term is to ensure Russia's competitiveness on a global level. This goal is achievable, if it is be possible in the coming years to ensure the optimal ratio of cost and quality in the fields of education and science, as well as effective mechanisms for the constitutional and administrative and law management of the institutions of higher education in Russia. Relations arising in the field of public administration in the field of higher education, as well as the main subject of this relationship — school, are constantly at the center of scientific interest, which is understandable on the basis of the important role, assigned to them in society in terms of administrative and legal reform in Russian Federation. In majority of the national public education system at the constitutional level vocational school focused not on simple reproduction (an increase in) of the labor force but is directly related to the world of work, sector of the economy, scientific and technological progress.

Key words: education, educational law, constitutional law on education, training, nurturing, higher education, legal globalization.

The most important feature of the present stage of globalization — is a sharp, almost explosive increase of the needs of the world community in objective, reliable and timely information on public processes. The value of global information processes cannot be overestimated, because they contribute to the development of effective policy decisions, because the problems covered by the globalization by their nature have a long-term format.

Along with the global information processes, appeared such a phenomenon as the global information system, which is formed under the influence of the global information society. Global Information processes and systems have a significant impact on the legal systems of most countries, including Russia, in particular on their legal policy.

On the 8th of July, 2002 the representatives of the countries of «eight», including Russia, have signed on isle Okinawa the Charter on Global Information Society. For the first time at the international legal level Charter outlined the legal, political and technological measures to revitalize the international community to build a global information society. The Charter does not contain a definition of the concept of a global information society. However, the most important principles of the Charter secured

its formation: the principle of each member of society to access information, and to communicate with any other member of this society; the principle of the sovereignty of the information; equality of every member of society, the nation and others. [5. P. 42].

Currently, most developed democratic countries of the world recognized the need to reform their higher education systems, so that students really have become a central figure in the educational process in higher education, to put the cognitive activity of the student in the center of attention of educators, researchers, developers of educational programs of teaching aids for the administrative officers, i.e. process of learning rather than teaching, as it has been until now in the traditional education [4. P. 13–29].

In the context of the parallel existence of public and private education, develops the competition for the quality of professionals, who able to take its rightful place on the labor market. Professional competitiveness today serves as a core indicator of the level of qualification of any specialist. The requirements for the qualification of graduates of vocational schools are constantly changing [11. P. 22]. This became especially obvious in the last decade, when experts are increasingly in the need of multi-disciplinary knowledge and skills, that give them the ability to analyze, model, transform and use information in relation to different situations and systems [13. P. 61].

In the majority of the national public education system the vocational school focuses not on the simple reproduction (an increase in) of the labor force, but directly is related to the world of work, sector of the economy and technological progress [12. P. 27–29]. The gap between vocational school and the needs of the economy transforms the school into the system of reproduction of impersonal workforce, which has no demand on the labor market [14. P. 11–15]. To ensure the formation of a new system of practical training, customer-oriented market, it should feel itself like an integral part of the economic system, as one of its structural components, which is largely determined by trends in the development of production [8. P. 18–20].

The government gives specific requirements for activities in the field of higher education (in terms of activities in the field of higher education) [3. P. 164]. The task of the supervisory authority in the field of higher education is, above all, the control over the observance of institutions of higher education legislation, which regulates administrative relations in the field of higher education [15. P. 3–4]. The system of the state financial supervision of higher education in developed economies combines the basics of publicity and regulatory system [4. P. 18–28]. The task of financial departments of state supervision in the field of higher education is not only to provide information on the activities of higher education institutions and control over their compliance with the rules of law, but also to protect the interests of students and teachers in violation of higher education institutions of their obligations. Achieving this goal is provided both by the issuance of permits (licenses) for carrying out activities in the field of higher education and on-going supervision of this activity [1. P. 49].

In today's market economy conditions [9. P. 20–27], as already was emphasized, the change in management of higher education has more to do with the development of the autonomy of higher education institutions, affecting all types of these institutions. This is due to economic, social and political factors. First, even in the most

economically developed countries there is a lack of government resources to maintain the necessary level of financing ever more sprawling higher education sector; secondly, increasing demands on the quality of education [2. P. 49]. Moreover, under the Quality, we mean not only the level of education, but also a variety of specializations [7. P. 85–90]. Lack of financing for higher education, its growth in a number of Western countries forced to seek resolution of the problem in attracting other sources — businesses, charitable organizations, local communities (in this case in a number of EU higher education already financed mainly from regional budgets), and finally educated the persons, starting education [10. P. 18].

The state (at the constitutional level) and institutions of higher education in terms of expanding diversity of sources of funding, have to change the organization of management, including the fact, that business and communities are slowly beginning to take an increasingly active part in the politics of higher education institutions, taking in account definition of mission spectrum and content of educational programs and quality [13. P. 87]. And, if before under the quality was meant the relevance of the programs to certain standards, set by the state, now under the quality is increasingly understood the matching of the needs of all stakeholders — from employers to the students [6. P. 19]. This does not mean, that the state is running out of higher education, where its role is not only reduced, but even amplified; we are talking about changing the objectives and the constitutional and legal governance and the participation of the state in these processes. Significantly increases the role of the state in promoting and strengthening the role of universities as research and development centers in the knowledge economy [16. P. 52–56]. It is also widely recognized, that the basic research and development is not possible without state support.

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ПРАВОВАЯ ГЛОБАЛИЗАЦИЯ И ИНТЕРНАЦИОНАЛИЗАЦИЯ ВЫСШЕГО ОБРАЗОВАНИЯ: КОНСТИТУЦИОННО-ПРАВОВОЙ АСПЕКТ

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В статье предпринята попытка осмысления места и роли конституционно-правовых основ (Конституции и других конституционных актов), провозглашающих право на образование и регулирующих реализацию права на высшее образование (на примере российского законодательства) в мировом процессе интернационализации института образования в целом и высшего обра-

зования в частности. Цель политики модернизации образования в среднесрочной перспективе состоит в обеспечении конкурентоспособности России на мировом уровне. Указанная цель достижима, если в ближайшие годы обеспечить оптимальное соотношение затрат и качества в сферах образования и науки, а также эффективные механизмы конституционного и административно-правового управления высшими учебными заведениями в России. Отношения, возникающие в сфере государственного управления в сфере высшего профессионального образования, а также основной субъект данных отношений — вуз, постоянно находятся в центре научных интересов, что вполне объяснимо, исходя из той важной роли, которая отведена им в обществе в условиях административно-правовой реформы в Российской Федерации. В большинстве национальных государственных систем образования на конституционном уровне профессиональная школа ориентирована не на простое воспроизводство (увеличением) рабочей силы, а напрямую связана с миром труда, сектором экономики и научно-техническим прогрессом.

Ключевые слова: образование, образовательное право, конституционное право на образование, обучение, воспитание, вуз, правовая глобализация.