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Some features of legal regulation of higher and postgraduate education in Kazakhstan and the USA

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Abstract. The education system in Kazakhstan has been continuously developing since independence, with each passing year gaining new momentum and setting itself certain tasks towards the formation of a national model of education, including higher and postgraduate education, aimed at improving the quality of training of human resources, meeting the needs of the individual, society, and the state.

The research aims to conduct a comparative analysis of the legal regulation of higher and postgraduate education in Kazakhstan and the United States.

The scientific significance lies in a comprehensive analysis of the legal regulation of higher and postgraduate education in Kazakhstan and the United States.

The practical significance is to develop proposals for improving the Kazakh legislation in the field of higher and postgraduate education based on the best practices of the United States.

The research was conducted using the method of comparative legal analysis, formal-logical, historical legal, and system-analytical methods.

The value of the research lies in its provision of a comprehensive overview of the legal regulation of higher and postgraduate education in Kazakhstan and the United States. The research results can be used to improve Kazakh legislation and develop programs for the development of higher and postgraduate education.

Keywords: education system, higher and postgraduate education, academic freedom, law, Kazakhstan, USA, national model of higher education.

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It is dedicated to the 95th anniversary of higher education in Kazakhstan

Introduction

It is no secret that until recently the organization and activities of higher and postgraduate education in the Republic of Kazakhstan (hereinafter referred to as the RK) were characterized by an excessive degree of state intrusion into the internal life of higher education institutions (hereinafter referred to as the HEI). Undoubtedly, these were still echoes of the socialist form of planning and management of the educational process at all levels of training. Nevertheless, Kazakhstan's reforms currently being carried out in higher and postgraduate education show the country's commitment to introducing new approaches, including those based on advanced global trends. For example, in recent years, to improve the quality of training of specialists, the Government of the RK has focused on reducing the number of HEIs and strengthening the qualification requirements for their licensing, as well as increasing academic freedom. At the same time, the primary task of the country remains to ensure affordable and quality education, increase the level of knowledge of the new generation, and its ability to adapt to the trends of the rapidly changing world.

The Address of the President of the RK dated January 17, 2014 "Kazakhstan's Way-2050: Common Aim, Common Interests, Common Future" states that "it is necessary to systematically proceed to the gradual transition of leading universities to academic and managerial autonomy" [1].

What has been done recently, what legal documents have been adopted, what is their practical implementation and what else can we offer - we will try to answer these and other questions in this study.

Given the rapid economic development of the countries of the Asia-Pacific Region, it is predicted that soon, the majority of the world population will belong to the middle class, for whom higher education is of central importance. This means that there will be an increase in demand for higher education. As a consequence, the number of students studying in HEIs will increase from 4% of the world population in 2012 to 10% by 2040 [2]. At the same time, according to the World Declaration on Higher Education for the Twenty-first Century, due to the need to ensure the sustainable development of humanity, higher education faces monumental challenges that require its most radical renewal [3].

In this regard, we believe that the study of the legal regulation of higher and postgraduate education in foreign countries and, in particular, in the United States of America (hereinafter referred to as the USA) will make it possible to more fully and accurately assess and predict the processes occurring in the course of reforming Kazakhstani higher and postgraduate education. An analysis of the law of the United States regulating these levels of the education system may provide valuable information about advanced foreign experience, including the issue of legal regulation of higher and postgraduate education, with a view to its subsequent introduction and application in Kazakhstani realities.

Methodology

The following questions will be addressed in this study: What has been done recently in Kazakhstan and the United States regarding the field of legal regulation of higher and

postgraduate education, what legal documents have been adopted, what is their practical implementation, and what additionally should we consider?

We have defined two main tasks:

- to explore the legal and practical aspects of the regulation of higher and postgraduate education in Kazakhstan;
- to study the best American practices in some issues of legal regulation of higher and postgraduate education with the purpose of further adoption.

The methodological basis is the comparative legal method of analyzing legislation of the RK and the USA in the field of higher and postgraduate education. The research was also carried out using formal logical, historical, legal, and system-analytical methods. Materials used included laws and regulations in the field of higher and postgraduate education, other regulatory legal acts, scientific doctrine, and media publications on the topic of research.

Discussion and Results

As we know, the year 2023 marks the 95th anniversary of the establishment of the first higher education institution in our country (in 1928, the Kazakh State University was founded, which later became the Kazakh Pedagogical Institute – *author's note*). Before gaining independence, there were 61 universities in our country [4], and today there are already 116 [5].

In Kazakhstan, since 1991, the education system, and especially higher and postgraduate education, has undergone several stages of institutional development and legal regulation. Since 1993, a revision of the content of education has begun at all levels. Thus, for example, the Law of the Republic of Kazakhstan “On Higher Education” was in force for almost six years from that year, which became invalid in 1999. In 1996-1997, decentralization of management and financing of higher education started, which led to the beginning of the diversification of education institutions by form of ownership. In 1999, the Law of the Republic of Kazakhstan “On Education” was adopted, which was replaced by the current Law of the Republic of Kazakhstan “On Education” of 2007 [6]. At present, the Law of the Republic of Kazakhstan “On Science” dated February 18, 2011, is also in force [7].

The first strategically important documents at the time of their adoption were the State Program “Education” (2000), the Strategy for Education Development in the RK until 2010 (2001), the Concept of Education System Development in the RK until 2015 (2004), State Programs for Education Development in the RK for 2005-2010, for 2011-2020, for 2016-2019, for 2020-2025, etc.

In March 2010, Kazakhstan officially joined the Bologna Declaration [8] and became the 47th member of the European Higher Education Area and the first Central Asian state to be recognized as a full member of the European educational space.

Without delving into the history and periodization of the adoption of certain legal acts and strategic documents, many of which have already lost their force, let us pay special attention to the current regulatory and legal framework.

Less than a year ago in Kazakhstan, the Concept of Development of Higher Education and Science in the Republic of Kazakhstan for 2023-2029 (hereinafter referred to as the Concept)

was approved by the Resolution of the Government of the Republic of Kazakhstan. According to this Concept, 609 thousand people study in 118 organizations of higher and (or) postgraduate education (hereinafter referred to as OHPE) of the country, including 228 thousand people under the state educational order. Gross enrollment in higher education (% of those receiving higher education from the total population of the five-year age group following the completion of secondary school) is 62%, which is significantly lower than in many countries (Russia 82%, South Korea 94%, Ireland 78%, Belarus 81%). In general, state support of education in 2022 compared to the level of 2010 increased almost 2 times and amounted to 4.5 trillion tenge [9].

Among the priorities for the development of the education system, the Concept names the increase in accessibility of higher and postgraduate education, infrastructure development, and digitalization of higher education, as well as its internationalization. Among the threats are the decline of Kazakhstani science in world rankings, an increase in “brain drain” and the outflow of teachers and scientists to other fields [9].

According to the Law of the Republic of Kazakhstan “On Education”, higher and postgraduate education are one of the seven levels of the education system based on the principle of continuity of general educational and academic programs [6].

According to Article 30 of the Constitution of the Republic of Kazakhstan, a citizen has the right to receive free higher education on a competitive basis at a public higher education institution. Fee-based education in private educational institutions is carried out on the basis and in the manner established by law. The state sets compulsory educational standards. The activities of any educational institution must comply with these standards [10].

According to S.V. Barabanova “In the 20th century, higher education has become a source of strategic resources - human capital and knowledge that determine the human and technological resources of society. Education is assessed as the most intellectually intensive sector of the economy” [11]. Consequently, the state striving to occupy a worthy place in the world in the 21st century must have a specific strategy in the field of higher education.

We believe that at present Kazakhstan is still on the path of reforms in the education system, and in particular, higher and postgraduate education. For example, a new Ministry of Science and Higher Education has been recently established; branches of the world’s leading HEIs have been opened; an atlas of new professions has been created to forecast changes in the labor market and determine areas for training specialists; academic independence of HEIs is gaining momentum and much more. The structure of HEIs by type of ownership for 2017-2022 shows the results of the transformation of the higher education system. Thus, according to the data from the Bureau of National Statistics of the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan, the share of government institutions in this area decreased from 38.5% to 25.9% since 2017; in absolute numbers, there was a reduction from 47 to 30 HEIs [5] (see Diagram 1 for more details).

At the current stage of development, many experts note that support for academic freedom is becoming an increasingly prominent part of the state policy in the field of higher education in Kazakhstan. Its expansion began back in 2018, when the rights of universities to set independently tuition costs, determine up to 80% of the content of educational programs, etc. were enshrined at the legislative level [12]. In the same direction, steps have been taken to

expand the participation of students and academic teaching staff in the life of the HEI: academic support units for students and faculty committees have been created that are directly involved in the decision-making process significant for the education institution. Since the beginning of 2021, Kazakhstani HEIs (with the exception of military and special ones), instead of Ordinary National Diplomas have begun to issue their own diplomas that meet the established minimum set of five requirements and have a unique identification number registered in the National Educational Database of the Republic of Kazakhstan [13].

According to Sh.V. Tlepina, it is necessary to make greater use of the opportunities of autonomy that are granted to higher education institutions: to make decisions independently on internal organization, personnel issues, new curricula, etc. In particular, it is worth noting the structural organization of European law schools, where a well-known professor who has occupied a certain department is essentially considered the chief (head of the department), has great opportunities and practically independently forms his own school (department). He has at his disposal the possibility of forming a staff of assistants, associate professors, and fellows working on the topics of the department, determining the learning and teaching and scientific orientation of the department, the department library and technical aids, the opportunity to use periodically a six-month sabbatical, etc. [14].

It is obvious that the reforming of Kazakhstan's higher and postgraduate education will continue over the next few years, and therefore, in connection with the need for further improvement of educational legislation, it is important to conduct a theoretical understanding and systematization of the experience and achievements of foreign countries in this area, including in the issue of legal regulation.

In light of this, the experience of organizing and reforming the higher education system in the USA, a country for which the issue of modernizing the system of higher and postgraduate education is equally relevant, is of particular interest.

So, what is attractive about higher and postgraduate education in the USA and what are its features?

The U.S. higher school represents a special element of the national education system. Undoubtedly, the U.S. higher school has serious problems and several significant shortcomings, but this particular segment of the education system is recognized as a flagship not only by the Americans themselves but also by the international community as a whole. American higher education over the past fifty years has been one of the most dynamically and steadily developing areas of public life in the USA. In many ways, it is the rapid development of higher education and the international recognition of its successes that has contributed to the spread of American influence not only in the sector of education and culture but also in the fields of economics, information, political relations, etc. It was the higher education system that for decades provided an uninterrupted influx of talented youth and mature scientists to the USA, creating the background for American leadership in various sectors [15].

The U.S. remains the top choice for students seeking higher education abroad. The country hosted more than a million international college students during the 2022-2023 academic year, according to data from the latest Open Doors Report on International Educational Exchange. The numbers mark an almost 12% jump from the previous year, and the fastest growth rate

in more than 40 years. New international student enrollment surged by 14% in 2022-2023, on top of the 80% increase the prior year; per the 2023 report, released by the Institute of International Education and the U.S. Department of State's Bureau of Educational and Cultural Affairs. "Students from around the world are continuing to recognize the United States' global leadership in higher education, ranging from two-year community colleges to four-year universities and beyond," says Lee Satterfield, assistant secretary of state for Educational and Cultural Affairs [16].

The higher education system of the USA is traditionally referred to as the "Atlantic model" or "liberal model," which is characterized (in contrast to the continental one) by a greater role of private universities, greater autonomy of higher education institutions, and the dominance of indirect (primarily financial) methods of state regulation of higher education. It is worth noting, however, the mutual influence of both models, since the German model has had a significant influence on the formation of the modern American university, and the American system, in turn, continues to have a significant and even decisive influence on the development of the European higher education system [17].

The U.S. higher school is also remarkable in terms of scale and scope, even in comparison with the most developed countries. For example, the USA leads in the number of annual average spending per student in the higher education system. For instance, the American higher education system splashes out nearly \$27,000 per student on core and auxiliary educational services. This figure includes spending on instruction, administration, and ancillary services such as dormitories and dining halls. Another \$3,000 per student goes to research and development spending. Only tiny Luxembourg, an affluent grand duchy in Western Europe, spends more per college student than the United States. America maintains its second-place ranking regardless of whether one looks only at core education spending or all college spending, including research. In third place is the United Kingdom, where universities spend \$21,000 per student on core and auxiliary expenditures – and where high tuition is also a common complaint [18].

What are the characteristics of the American system of higher and postgraduate education?

The American education system has a multilevel structure and differs significantly from the educational systems of other countries. The U.S. higher school includes a wide range of educational institutions that differ from each other both in the tasks they face and in the quality of the education they provide. To a greater extent, the term "post-secondary education" is applicable to the USA since it includes universities, classical four-year colleges, and two-year colleges (analogous to Kazakhstan's secondary vocational education – *author's note*).

Just like in our country, higher education in the USA consists of two main sectors: public (state) and private. According to the latest data from the National Center for Education Statistics, there are a total of 5,916 private (4,024) and public (1,892) universities in the USA that issue bachelor's and master's degrees; as well as 4,931 two- and four-year colleges that provide the opportunity to earn an Associate degree, which allows you to get a job or continue studying at an American university [19].

About 7.1 million college students (about 42%) were enrolled in four-year public institutions in spring 2023. The smallest number of students were enrolled in two-year private nonprofit

and for-profit schools. In spring 2023, enrollment at these schools accounted for roughly 2% of total enrollments [20].

The USA has seen a downward trend in private universities over a period of five years (2017-2022), while in Kazakhstan their number has increased over this period of time (see Figure 1 for more details).

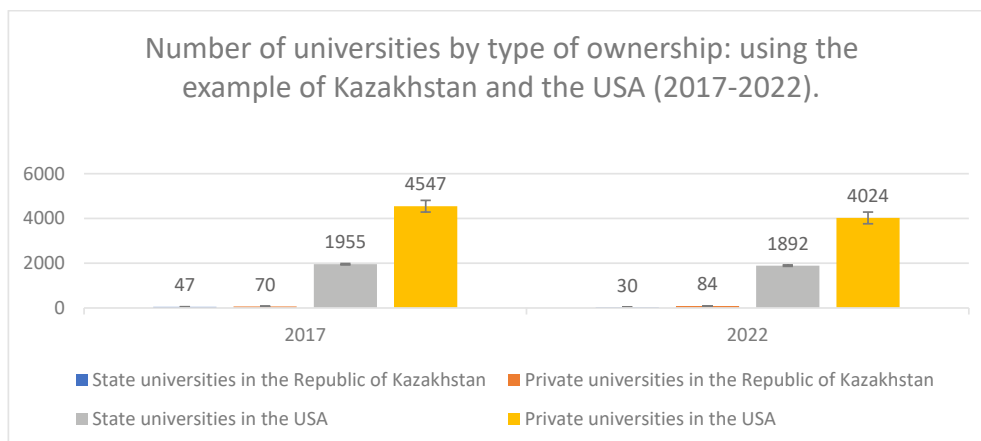


Figure 1. Number of higher education institutions by type of ownership: using the example of Kazakhstan and the USA (2017-2022) [5; 19]

In the USA, public (state) education institutions are established based on public funds and are governed by boards of trustees (boards of regents), who, as a rule, are appointed by state governors or elected by the population of the state. Private educational institutions are established based on private funds and are governed by boards of trustees appointed by their founders. In turn, private HEIs are divided into nonprofit ones, established for the purpose of providing education, and for-profit ones, established by the founders with the aim of receiving financial gain from educational activities.

The sector of higher education in the USA includes both higher education institutions and specialized secondary educational establishments. Therefore, American statistics, in accordance with European standards, from the second half of the 20th century began to distinguish from the total number of HEIs two-year education institutions that provide the population of the country with professional education, and four-year education institutions that provide higher education [21].

The U.S. Constitution of 1787, unlike the Basic Law of Kazakhstan, does not contain special provisions regarding higher education. Nevertheless, a number of provisions of the U.S. Constitution and its amendments have served as the basis for the subsequent development of federal legislation and the law enforcement practice of the U.S. Supreme Court in this area. Such provisions include the clauses of the U.S. Constitution on “regulation of interstate commerce”, “general welfare”, “implied powers”, and “equal protection under the laws” [22].

In the first stages of the development of North American statehood, the issues of higher education were within the direct competence of the states, and only after the Civil War in the USA the Morrill Act was adopted [23].

This act made it possible for states to establish public colleges funded by the development or sale of associated federal land grants. In addition, the Morrill Act has marked a new, rather stable trend of increasing the role of federal legislation and law enforcement practice in regulating legal relations in the sector of higher education. This trend reached its climax in the 50-60s of the last century when several special legislative acts were adopted, the most important of which was the Higher Education Act of 1965 [24], which essentially established the general principles of financing, regulation, and accreditation of higher education in the United States.

Federal Education Legislation is consolidated in Title 20 “Education” of the United States Code, although some issues of legal regulation in the sector of higher education are regulated in other titles devoted, in particular, to the protection of human rights, the legal status of immigrants, nondiscrimination in employment and labor rights and obligations of academic and administrative staff of higher education institutions, tax regime of HEIs, students and their families, issues of ensuring security and criminal law counteraction to crime in the sector of higher education [25].

A special Title 34 of the Code of Federal Regulations, which contains a systematization of federal substatutory regulation, is devoted to the issues of regulation of higher education [26].

Chapter 6, Subtitle B “Office of Higher Education of the U.S. Department of Education” (Sections 600-679) is devoted specifically to the issues of higher education, which, by the provisions of Title 20 of the Statutes at Large, defines the criteria for recognizing the relevant institution as an institute of higher education as required by law; requirements for accrediting agencies of higher education institutions, as well as requirements for agreements between the federation and states on the participation of states in higher education funding programs; determines the administrative procedures for implementing the provisions of the law on the provision of various types of federal financial assistance to institutes of higher education, students and their families.

Undoubtedly, one of the main makers of federal law in the sector of higher education is the U.S. Supreme Court, whose precedent decisions create nationwide legal standards and guarantees in the sector of higher education and, often, act as a coordinator of education policy of the President, the U.S. Congress, and governmental authorities of the states. For example, in 180 years (from 1809 to 1989), it issued 1,059 decisions on the unconstitutionality of provisions of the constitutions and legislation of the states [27].

The decisions of the Supreme Court in the cases of Plessy, Brown, Bakke, Grutter, Lemon, the Virginia Military Institute, the Mississippi Women’s Institute, as well as recent legal cases in the USA resulting from inaccessible course content in higher education [28], have determined and continue to determine the main directions and principles of legal regulation of higher education in the USA, having established the content of such key legal concepts and doctrines as “affirmative action”, “rule of strict analysis”, “reverse discrimination”, “substantial state interest”, etc.

Regardless of significant quantitative and qualitative changes in the sector of legal regulation of higher education at the federal level, federal legislation and law enforcement practice in this field continue to remain insufficiently systematized and contradictory, being largely dependent on the relevant alignment of political forces in the legislative and executive powers, as well as on the ratio of conservative and liberal attitudes of judges of the U.S. Supreme Court.

Despite the growth in lawmaking activity of federal state government bodies in the sector of higher education, most issues of legal regulation of higher education activities fall within the competence of the states. They are the ones who establish public universities and colleges and carry out comprehensive and more detailed legal regulation of the functioning of higher education within the respective state. A “quiet revolution” is underway, during which “states have reformed and strengthened their political and economic systems” and are now pioneering “addressing some of the nation’s most challenging problems, demonstrating effective leadership” [29].

Unlike the U.S. Constitution of 1787, many state constituent acts contain separate special provisions addressing higher education issues.

Despite significant differences in the content and structure of state constitutions, in which “the general list of articles... covers about 40 titles” [27], it is possible to identify the main issues of constitutional regulation of the activities of higher education. These include, in particular, the consolidation of general provisions regarding the social and political significance and functions of education, the establishment of the higher education system (as a rule, public) of the state, or the mention or consolidation of the legal status of individual universities; the regulation of the management system of higher education institutions; the regulation of the conditions and system of financing universities and colleges, as well as problems of the relationship between religion and higher education [30].

An important dominant feature in state constitutions is the idea of equality, which is expressed not only in the general provisions of the Bill of Rights, but also in special articles on education. In particular, the Constitution of the State of Washington guarantees the creation of adequate conditions for the education of all children residing within the boundaries of the state, without distinction or preference on the basis of race, color, caste, or sex [31]; the Constitution of the State of West Virginia provides special provisions for educational opportunities for the blind, the dumb and people with mental issues; the Constitution of the State of New Mexico guarantees the educational rights of Hispanics [32].

The experience of the USA in the issue of academic freedom of universities is interesting, since universities have a high degree of academic freedom, and the role of federal authorities is limited to expanding access to education (grants, scholarships, loans), funding scientific research and issues of recognition of accreditation agencies. Private universities have much more autonomy than public universities, but they must operate strictly within the framework of non-profit organizations.

Article 2 of the World Declaration on Higher Education for the Twenty-first Century: Vision and Action and Framework for Priority Action for Change and Development in Higher Education, adopted by the World Conference on Higher Education: Higher Education in the Twenty-first Century, Vision and Action, 9 October 1998 states that higher education institutions, their staff and students must enjoy full academic freedom and autonomy, understood as a scope of rights and responsibilities, while being fully responsible and accountable to society [33].

In the United States, the Supreme Court has consistently ruled that academic freedom is a constitutional right under the First Amendment, which states that “Congress shall make no law ... abridging the freedom of speech, or of the press.” In 1957, the court summarized the “four essential freedoms” that constitute academic freedom for a university. Academic freedom, the

court said, means that an institution can “determine for itself on academic grounds who may teach, what may be taught, how it should be taught, and who may be admitted to study. - *Sweezy v. New Hampshire*, 354 U.S. 234 (1957) [34].

In 1915 the Committee on Academic Freedom and Academic Tenure of the American Association of University Professors formulated a statement of principles on academic freedom and academic tenure known as the 1915 Declaration of Principles, which was officially endorsed by the Association at its Second Annual Meeting held in Washington, D.C., December 31, 1915, and January 1, 1916. Many colleges and universities incorporated the Statement into their policies and procedures or into their collective bargaining agreements with faculty unions.

The American Association of University Professors (AAUP) is an organization of college and university faculty, librarians with faculty status, and graduate students. Administrators may be associate members but may not vote on AAUP policies. Current committees include, for example, Committee A on Academic Freedom and Tenure, the Committee on Academic Professionals, the Committee on College and University Governance, the Committee on Contingency and Professions, and the Committee on Graduate and Professional Students. The AAUP has led the movement to develop principles and standards that regulate faculty employment relationships [35].

What is academic freedom according to this Statement?

Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

Teachers are entitled to freedom in the classroom to discuss their subject, but they should be careful not to introduce into their teaching controversial matters which have no relation to their subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution [36].

In the judicial practice of the United States and the European Union, students are more actively exercising their rights and more often use judicial protection. Significantly more students went to court for the protection of their academic rights [37].

Conclusion

Analyzing the above, we can conclude that, even though Kazakhstan and the USA are located in different geopolitical spaces, both countries are active in the issue of regulating higher and postgraduate education. At the same time, the comparative analysis has shown that the legal regulation of higher and postgraduate education in Kazakhstan and the USA has both similarities

and differences. These differences are due to the specific historical, cultural, and socio-economic conditions in the two countries. Thus, for example, about similarities, it can be noted that:

- Both systems are aimed at training qualified specialists for various fields of activities.
- Both systems include public and private educational institutions.
- Both systems have different legislative acts regarding the legal regulation of the system of higher and postgraduate education.

Regarding the differences, the following can be noted:

- The Constitution of the Republic of Kazakhstan enshrines the right of a citizen to receive free higher education on a competitive basis at a public higher education institution, while the Basic Law of the USA does not contain special provisions regarding higher education, referring to state constitutions. At the same time, it is important to note that the legal regulation of higher education in most state constitutions is unsystematic and even fragmented, which does not allow to use of the potential of this most important source of law for the regional level to a great extent.

- The USA does not have a ministry of education to oversee its educational institutions.
- In the USA, the academic freedom of HEIs is greatly developed at the level of real practical implementation, and the role of boards of trustees in corporate governance is highly noted.
- The American Association of University Professors is a prominent example of the possibility of promoting academic freedom through joint efforts of universities. The creation of such an organization in Kazakhstan can help in defining fundamental professional values and standards of higher education that ensure the quality of education and academic freedom.

Mechanical learning of material is not encouraged in American education institutions. Faculty members try to stimulate interest in academic disciplines and develop analytical thinking in students. The educational process in the USA is characterized by great flexibility and “real” academic freedom. Students are given a certain freedom in developing an individual curriculum. The opportunity to choose independent disciplines develops responsibility and contributes to the formation of a positive attitude toward academic activity.

Many more positive aspects of the American system of higher and postgraduate education can be listed, but we believe that for Kazakhstani HEIs at the current stage of development, it is necessary to pay attention to the real understanding and implementation of academic freedom and to adopt advanced foreign experience in this matter.

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Қазақстан мен АҚШ-тағы жоғары және жоғары оқу орнынан кейінгі білім беруді құқықтық реттеудің кейбір ерекшеліктері

Аңдатпа. Қазақстандағы білім беру жүйесі тәуелсіздік алған кезеңнен бастап, жыл сайын білім берудің ұлттық моделін, оның ішінде адам ресурстарын даярлау сапасын арттыруға, жеке тұлғаның, қоғамның және мемлекеттің қажеттіліктерін қанағаттандыруға бағытталған жоғары және жоғары оқу орнынан кейінгі білім беру моделін қалыптастыру жолында барлық жаңа бағыттар мен белгілі міндеттерді айқындай отырып, үздіксіз дамып келеді.

Зерттеудің мақсаты Қазақстан мен АҚШ-тағы жоғары және жоғары оқу орнынан кейінгі білім беруді құқықтық реттеуге салыстырмалы талдау жүргізу болып табылады.

Қазақстан мен АҚШ-тағы жоғары және жоғары оқу орнынан кейінгі білім беруді құқықтық реттеуді кешенді талдау зерттеудің ғылыми маңыздылығы болып табылады.

Зерттеудің практикалық маңыздылығы АҚШ-тың озық тәжірибесі негізінде жоғары және жоғары оқу орнынан кейінгі білім беру саласындағы қазақстандық заңнаманы жетілдіру бойынша ұсыныстар әзірлеумен ерекшеленеді.

Зерттеу салыстырмалы-құқықтық талдау әдісін, сондай-ақ формальды-логикалық, тарихи-құқықтық, жүйелік-аналитикалық әдістерді қолдана отырып жүргізілді.

Қазақстан мен АҚШ-тағы жоғары және жоғары оқу орнынан кейінгі білім беру жүйелерінің бірқатар ұқсастықтары мен айырмашылықтары бар деген негізі қорытынды келтірілген.

Зерттеудің құндылығы оның Қазақстан мен АҚШ-тағы жоғары және жоғары оқу орнынан кейінгі білім беруді құқықтық реттеу туралы біртұтас түсінік қалыптастыруында. Бұл ретте, зерттеу нәтижелері жоғары және жоғары оқу орнынан кейінгі білім беру саласындағы қазақстандық заңнаманы жетілдіру, сондай-ақ білім беруді дамыту бағдарламаларын әзірлеу үшін пайдаланылуы мүмкін.

Түйін сөздер: білім беру жүйесі, жоғары және жоғары оқу орнынан кейінгі білім, академиялық еркіндік, заң, Қазақстан, АҚШ, жоғары білімнің ұлттық моделі.

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Некоторые особенности правового регулирования высшего и послевузовского образования в Казахстане и США

Аннотация. Система образования в Казахстане непрерывно развивается с момента обретения независимости, с каждым годом получая все новые обороты и ставя перед собой определенные задачи на пути формирования национальной модели образования, в том числе высшего и послевузовского, направленной на повышение качества подготовки человеческих ресурсов, удовлетворение потребностей человека, общества и государства.

Целью настоящего исследования является сравнительный анализ правового регулирования высшего и послевузовского образования в Казахстане и США.

Научная значимость заключается в комплексном анализе правового регулирования высшего и послевузовского образования в Казахстане и США.

Практическая значимость состоит в разработке предложений по совершенствованию казахстанского законодательства в сфере высшего и послевузовского образования на основе передового американского опыта.

Исследование проведено с использованием метода сравнительно-правового анализа, а также формально-логического, историко-правового, системно-аналитического методов.

Основным выводом является то, что системы высшего и послевузовского образования в Казахстане и США имеют ряд сходств и различий.

Ценность проведенного исследования заключается в том, что оно дает целостное представление о правовом регулировании высшего и послевузовского образования в Казахстане и США. При этом, результаты исследования могут быть использованы для совершенствования казахстанского законодательства, а также для разработки программ развития в сфере высшего и послевузовского образования.

Ключевые слова: система образования, высшее и послевузовское образование, академическая свобода, закон, Казахстан, США, национальная модель высшего образования.

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