

**LEGAL SIGNS OF EDUCATIONAL INSTITUTIONS IN THE SYSTEM OF
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Abstract: This article describes the legal characteristics of educational institutions in the system of the Ministry of Internal Affairs (hereinafter - MIA) as a legal entity , and the theoretical and practical importance of their civil-legal status is described .

Key words: legal entity, signs of a legal entity, institution, educational institutions in the MIA system, service for a fee, paid educational services, academic (financial) freedom.

Uzbekistan's transition to a market economy created competition in the education sector, as in all other sectors. The market economy is based on free commodity-money relations and the movement of services in various forms on its basis has accelerated these processes. It is known that during the time of the former Union, all types of education were provided free of charge and this was established at the constitutional level (Article 43 of the Constitution of the USSR) ¹. However, the market economy system created the need for material and technical self-sufficiency of educational institutions and their need to provide paid educational services. As a result, the civil-legal status of educational institutions, which did not need to operate as legal entities during the former Union, was changed.

¹Constitution (Basic Law) of the Republic of Uzbekistan (Principled on 19.04.1978 in the ninth session of the Republic of Uzbekistan)// URL : [https://nrm.en/contentf?doc=391018_konstituciya_\(osnovnoy_zakon\)_respubliki_uzbekistan_\(prinyata_19_04_1978_g_na_vneocherednoy_shestoy_sessii_vs_ruz_devyatogo_sozvyva\)](https://nrm.en/contentf?doc=391018_konstituciya_(osnovnoy_zakon)_respubliki_uzbekistan_(prinyata_19_04_1978_g_na_vneocherednoy_shestoy_sessii_vs_ruz_devyatogo_sozvyva)) (application time: 10.09.2023y)

As the President of the Republic of Uzbekistan, Sh.M. Mirziyoev, noted, "Increasing the quality of education is the only correct way of development of New Uzbekistan." ²Indeed, in order to improve the quality of education, it is important to create a competitive environment and introduce paid educational services. As a result of the transition of our country to a market economy, the provisions that paid education and paid educational services can be the subject of civil-legal contracts were expressed in our national legislation. In particular, in Article 6 of the Law of the Republic of Uzbekistan "On Education" dated August 29, 1997, the norm was established that "Educational institutions have the right to provide paid educational services, as well as engage in other types of business activities, in accordance with the tasks defined in the charter."³

With the formation and development of market economy relations in Uzbekistan, the participation of educational institutions, including educational institutions in the Ministry of Internal Affairs system, in the civil process has become an objective necessity. After all, the principles of the market economy have been absorbed into the social life, which has ensured the large-scale participation of educational institutions in civil-legal relations.

It should be noted that the legal status of educational institutions as a legal entity and their participation in civil-legal relations in our country were implemented mainly in two stages. At the first stage, educational institutions were given the right to provide paid educational services and engage in business activities, while at the next stage, private educational institutions were allowed to establish and operate.

M. V. Grechko , the creation of private educational institutions recognition of private property in society and recognition of the equality of all forms of property was the basis. ⁴However, in our opinion, the recognition of private property and recognition of the equality of all forms of property is one of the important principles of the market economy. Therefore, the transition of the country to the market economy caused the creation of private educational institutions. This led to a more intense participation of private educational institutions in civil-legal relations.

²Address of the President of the Republic of Uzbekistan Shavkat Mirziyoyev to the Oliy Majlis and the people of Uzbekistan // URL : <https://president.uz/uz/lists/view/5774>

³This law is no longer valid // URL:<https://lex.uz/acts/16188> (application time: 11.09.2023y)

⁴*Grechko M.V.* Obrazovatelnoe uchrejdenie kak sub'ekt sobstvennosti: economic and legal aspect // Natsionalnye interesy: priority i bezopasnost. 2011. No. 3. -S.27. URL: <https://cyberleninka.ru/article/n/obrazovatelnoe-uchrezhdenie-kak-subekt-sobstvennosti-ekonomiko-pravovoy-aspekt> (data obrashcheniya: 11.09.2023).

In fact, according to the traditional rule established in civil law, legal entities are divided into commercial and non-commercial types. It should be noted that this rule appeared due to the country's transition to a market economy and made non-commercial legal entities active subjects of civil-legal relations. Our national legislation provides for several types of non-commercial legal entities. The most common legal form of non-commercial legal entities are institutions, which are of particular importance in ensuring the interests of the state and society. In particular, the role of non-profit legal entity educational institutions in the cultivation of strong and competitive mature personnel necessary for state and community work is considered important. Allowing the privatization of the education sector in our country is aimed at training potential and competitive personnel. At the same time, the creation of private educational institutions created a unique new trend in the market of educational services, and as a result, new organizational and legal forms of educational organizations (private, international, etc.) appeared.

A.A.Popov stated that " The active involvement of institutions in civil transactions, i.e., on the one hand, the implementation of non-commercial functions and on the other hand, active participation in property relations, creates the need to review their legal status in civil-legal relations ⁵. " Indeed, the creation of private educational institutions and the competitive environment in the process of personnel training made it necessary to review the organizational and legal status of state educational institutions, such as traditional management, performing other tasks that do not consist of commercialism, and being fully or partially financially supported by the founders. This implementation allows to solve the problems related to the participation of institutions in civil-legal relations, which are relatively new among the subjects of civil law. In addition, as private educational institutions are developing in the educational market today with their paid and competitive educational services, they serve to make the educational institutions of the MIA system a worthy competitor.

In this regard, in the conditions of market economy and educational competition, the issue of competition of educational institutions in the MIA system with educational institutions granted academic freedom (financial independence) in training quality personnel is also relevant.

As defined in Article 76 of the FC, educational institutions with the status of an institution are considered to be organizations established by the owner to perform management,

⁵Popov A. A. Uchrejdienie kak sub'ekt grajdanskogo prava :Autoref. d is candy. walk Nauk : 12.00.03 Krasnodar, 2005 . 187 – S. 3.

socio-cultural tasks or other non-commercial tasks, but it cannot be denied that they are actively involved in business activities. In other words, educational services have become a type of service that is provided for a fee, even if it is a service provided by non-profit organizations.

the Republic of Uzbekistan dated December 24, 2021 "On measures to provide financial independence to state higher education institutions" ⁶has prompted a significant increase in the participation of educational institutions, including educational institutions in the MIA system, in civil-legal relations. In other words, this legal document became the legal basis for changing the organizational and legal forms of educational institutions, that is, for the beginning of reforms related to the formation of modern educational institutions that meet the requirements of the market economy. According to this decision, starting from January 1, 2022, 35 HEIs in Uzbekistan began to operate on the basis of academic independence. It should be noted that in the referendum of the Republic of Uzbekistan held on April 30, 2023, which was included in the new version of the Constitution of the Republic of Uzbekistan, which was adopted by popular vote, "Higher education organizations have academic freedom, self-management, research and teaching freedom in accordance with the law" has the right" ⁷, the new norm caused a revolutionary change in the activity of educational institutions.

As a result of academic independence, higher education institutions (hereinafter referred to as higher education institutions) determine curricula, programs, qualification requirements, the form of education, duration of studies, grant additional admissions to doctoral studies at their own expense, introduce part-time, distance and evening education for master's degrees, their own creation and publication of textbooks and other educational and scientific literature on the basis of grifi, internal control of the quality of education, contract value, involvement of local and foreign professors and specialists on the basis of a contract, direct purchase of foreign educational and scientific literature, textbooks, training manuals they solve a number of important tasks independently.

The rapid entry of not only private, but also foreign and international educational institutions into the educational market of Uzbekistan with paid educational services created competition in the educational market and ultimately served the modernization of state educational institutions. These processes were also implemented in the activity of educational

⁶Decision PQ-61 of the President of the Republic of Uzbekistan dated December 24, 2021 "On measures to provide financial independence to state higher education institutions" // URL:<https://lex.uz/docs/5793251>

⁷Constitution of the Republic of Uzbekistan. [Text] Official publication. - Tashkent: "Uzbekistan" publishing house, 2023. - 80 p.

institutions in the MIA system. In particular, by the Decision of the President of the Republic of Uzbekistan dated August 16, 2017 "On measures to fundamentally improve the system of training, retraining and upgrading the skills of internal affairs bodies" PQ-3216, the form of part-time education was introduced starting from the 2018/2019 academic year, and payment - training was organized on the basis of a contract. In addition, by the decision of the President of the Republic of Uzbekistan No. PQ-282 of August 18, 2023, amendments and additions were made to the above Decision No. PQ-3216, and the annual admission quota of the Academy for full-time education is 700 people, as well as up to 200 additional people on the basis of a payment contract. meant.⁸

In our opinion, it is important to ensure academic freedom, self-management, the right to conduct research and teaching, the freedom to independently implement the main directions of their activities, and the right to be independent in making decisions on determining the order and conditions of education in accordance with the law. is becoming a demand. The intense competitive environment in the educational market of our country requires the independent functioning of educational institutions, the inappropriate interference of high-ranking organizations and their officials in the activities of educational institutions, and the need to sharply reduce the cases of them giving instructions to educational institutions regarding the conditions and requirements for conducting studies. In a word, today's processes indicate the need for a drastic change in the form of management inherited from the former Union system in relation to educational institutions.

Determining the legal status of MIA educational institutions as a participant in civil-legal relations has become an urgent issue for the science of civil law and the practice of law enforcement. It should be noted that the main form of participation of educational institutions in civil-legal relations is invisible in the contracts concluded on the educational services provided by them. That is, the contract concluded by the educational institutions on the provision of various paid educational services creates civil-legal relations with their participation. On the one hand, an educational institution participates as an active counterparty of these agreements, on the other hand, individuals and legal entities participate.

⁸APPENDIX 2 to the decision of the President of the Republic of Uzbekistan dated August 18, 2023 "On the introduction of the system of training, retraining and advanced training of personnel of internal affairs bodies (police) of foreign countries at the Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan" // URL: <https://lex.uz/docs/6577432?ONDATE=22.08.2023%2000#6582516>

It is known that contracts are an important basis of economic relations in a market economy. The issue of the legal status of the parties to the contract (ownership of rights and legal capacity) is of great importance in the actual calculation of contracts. That is, the participants of the civil-legal relationship are required to have civil rights and legal capacity in order to enter into civil-legal relations. Civil legislation does not recognize any organization as a legal entity, but an organization with the characteristics provided for in Article 39 of the FC. According to it: "A person who has separate property in his own property, business management or operational management and is responsible for his obligations with this property, can have property or personal property rights on his own behalf and can exercise them, fulfill obligations, An organization that can be a plaintiff and a defendant in court is a legal entity⁹."

According to the general rule in civil law, the legal characteristics of a legal entity are formed by determining its main economic goals and tasks. However, some scholars say that an organization that has legal characteristics is a legal entity. For example, D.M. Genkin, "The organization is not considered a legal entity because it has certain characteristics, on the contrary, the state grants legal personality rights to organizations and imposes certain powers and obligations on them in order to establish a socialist economy. Therefore, it is necessary to emphasize not about the "signs" of a legal entity, but the fact that an organization with legal qualities is recognized by the state as a legal entity¹⁰. Of course D.M. This view of Genkin was an important view of legal personality for its time, and this theory is not compatible with the legislation of today's market economy countries. Yu.K. And Tolstoy expresses a firm opinion that "each of the signs of a legal entity is a necessary condition, and an organization that embodies all of these is recognized as a subject of civil law."¹¹Indeed, Yu.K. The opinions expressed by Tolstoy are consistent with Article 39 of the Civil Code of the Republic of Uzbekistan. According to this article, our national legislation recognizes as a legal entity an organization with 4 legal characteristics (organizational unity, property independence, independent property liability and the ability to be a plaintiff and a defendant in court). Therefore, an organization that does not have one of these legal signs cannot be considered a legal entity.

⁹Civil Code of the Republic of Uzbekistan // URL : <https://lex.uz/acts/111189>

¹⁰Genkin D.M. Znachenie primeneniya instituta yuridicheskoy lichnosti vovnutrennem i vneshnem tovarooborote USSR // Sb. nauchnykh trudov. Moscow Institute of National Economy. Vyp . IX. - M., 1955. - S. 21.

¹¹Civil law: Uchebnyk. T. 1 / Otv. ed. A.P. Sergeev, Yu.K. Tolstoy. - M., 2003. - S. 142.

In order to recognize a specific organization as a legal entity in civil law, it is necessary to determine whether a number of important legal and practical actions have been implemented by this organization. For example, the organization is registered as a legal entity, has an official name and seal, owns property and can independently implement it, and has a bank account number.

In conclusion, it can be said that in civil law, the determination of the legal characteristics of educational institutions, which are considered non-profit organizations in the MIA system, as a legal entity, in their entry into civil-legal relations, recognition as a subject of civil law, when concluding contracts on the provision of paid educational services with individuals and legal entities, with other subjects plays an important role in solving the civil disputes that have arisen in the court procedure and participating in the court as a plaintiff and defendant, in the legal management of the property assigned to them. At the same time, the presence of educational institutions with different legal statuses in the Ministry of Internal Affairs allows us to define the specific features of the civil-legal status of each of them and their legal characteristics as a legal entity.

