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**«Problems of codification of the legislation of Ukraine on education and science in the context of European integration».**  
(«Проблеми кодифікації законодавства України про освіту і науку у контексті європейської інтеграції»).

According to Art. 53 of the Constitution of Ukraine, everyone has the right to education. The state ensures the availability and free of charge of preschool, complete general secondary, vocational, higher education in state and municipal educational institutions; development of preschool, complete general secondary, out-of-school, vocational, higher and postgraduate education, various forms of education; providing state scholarships and benefits to pupils and students.

It follows from the content of Article 53 of the Basic Law of Ukraine that the right of Ukrainian citizens to education corresponds to the obligation of the state to ensure that these citizens receive different levels of education, as well as the obligation to stimulate and provide benefits in this sphere.

In our opinion, this duty of the state includes:

- 1) determination of the organizational and legal basis in the field of education;
- 2) creation and improvement of the material and financial basis in the field of educational services.

Of course, both of the above areas in the field of ensuring the right of Ukrainian citizens to education need further improvement, but the genesis of the primary is to determine the organizational and legal framework in the field of education in Ukraine.

In our opinion, in the education of Ukraine (and especially in higher education) there is a phenomenon of regulation – the existence of a significant number of regulations, which, firstly, often contradict each other, and secondly, the scattering and large number of such acts complicate for educational and scientific institutions of all levels the process of their further implementation in practical educational activities.

Based on the above, there is an objective need for further unification of the legal framework for education at all levels, including higher education.

In our opinion, the main direction of unification of the legislation of Ukraine on education should be the creation of the Fundamentals of the legislation of Ukraine on education and science, especially since the practice of creating such codified acts already exists in Ukraine. (about culture, etc.). The creation of a similar legal act in the field of education will, in our opinion, facilitate the process of application by the subjects of legal norms governing this area in the practical educational and scientific activities.

We believe that the Fundamentals of Ukrainian legislation on education and science should be built on the following structure:

***Preamble*** (it should define the purpose and objectives of the adoption of this regulation).

### **General Part**

***Section 1.*** General principles of the legislation of Ukraine on education.

**Chapter 1.** General provisions (definition of terms, legislation on education, principles, tasks, state policy in the field of education, etc.).

Chapter 2. Legal status of entities in the field of educational services. Guarantees of activity of pedagogical and scientific and pedagogical workers.

Chapter 3. Management in the field of education. Forms and methods of state regulation and management in the field of educational services.

*Section 2.* General principles of the legislation of Ukraine on science and scientific and technical activity.

Chapter 1. General provisions (definition of terms, legislation on science and scientific and technical activities, principles, tasks, state policy in the field of science and scientific and technical activities, etc.).

Chapter 2. Legal status of subjects of science and scientific and technical activity. State guarantees for scientists and researchers.

Chapter 3. Management in the field of science and scientific and technical activities. Forms and methods of state regulation and management in science and scientific and technical activities.

The Law of Ukraine “On Education” and the Law of Ukraine “On Scientific and Scientific-Technical Activity” should become the basis for the construction of the General Part of the Fundamentals of the Legislation of Ukraine on Education and Science.

### **Special Part**

*Section 3.* Preschool education.

*Section 4.* General secondary education.

*Section 5.* Extracurricular education.

*Section 6.* Vocational education.

*Section 7.* Higher education.

*Section 8.* Postgraduate education.

*Section 9.* Postgraduate, postgraduate and doctoral studies.

*Section 10.* Self-education.

*Section 11.* Legal regulation of certain areas of scientific activity.

*Section 12.* Legal regulation of certain areas of scientific and technical activities.

*Section 13.* Material and technical and financial support of educational, scientific and scientific and technical activities.

*Section 14.* State and public control in the field of education, science and scientific and technical activities.

**Section 15.** Legal responsibility in the field of education, science and scientific and technical activities.

**Section 16.** International cooperation in education, science and science and technology.

The formation of sections 3 – 10 of the Special Part of the Fundamentals of the legislation of Ukraine on education and science, but with further improvement of the content, should be the Law of Ukraine "On Preschool Education", the Law of Ukraine "On General Secondary Education", the Law of Ukraine "On Extracurricular Education". Law of Ukraine "On Vocational Education" of February, Law of Ukraine "On Higher Education", as well as bylaws of the Cabinet of Ministers of Ukraine and the Ministry of Education and Science of Ukraine concerning the definition areas of legal regulation in certain areas of education and science.

Thus, the unification of the legislation of Ukraine on education, science and scientific and technical activities will contribute to the formation of a unified approach to legal regulation and development of state policy measures in this sphere.

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**Право на тимчасовий захист громадян України в країнах ЄС.**

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