

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI HUZURIDAGI
ILMIY DARAJALAR BERUVCHI DSc.07/30.12.2019.Yu.22.02 RAQAMLI
ILMIY KENGASH**

TOSHKENT DAVLAT YURIDIK UNIVERSITETI

BOKIYEV JAHONGIR NURMATJON O‘G‘LI

**O‘ZBEKISTONDA RAQAMLASHTIRISH SHAROITIDA TA’LIM
OLISHNING TASHKILY-HUQUQIY ASOSLARINI
TAKOMILLASHTIRISH (OLY TA’LIM MISOLIDA)**

12.00.02. – Konstitutsiyaviy huquq. Ma’muriy huquq.
Moliya va bojxona huquqi

**yuridik fanlar bo‘yicha falsafa doktori (PhD) dissertatsiyasi
AVTOREFERATI**

Toshkent – 2024

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**yuridik fanlar bo‘yicha falsafa doktori (PhD) dissertatsiyasi
AVTOREFERATI**

Toshkent – 2024

Falsafa doktori (PhD) dissertatsiyasi mavzusi O‘zbekiston Respublikasi Oliy ta’lim, fan va innovatsiyalar vazirligi huzuridagi Oliy attestatsiya komissiyasida B2022.2.PhD/Yu720-raqam bilan ro‘yxatga olingan.

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Dissertatsiya bilan Toshkent davlat yuridik universiteti Axborot-resurs markazida tanishish mumkin (1269-raqam bilan ro‘yxatga olingan). (Manzil: 100047, Toshkent shahri, Sayilgoh ko‘chasi, 35-uy. Tel.: (99871) 233-66-36).

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KIRISH (Falsafa doktori (Phd) dissertatsiya annotatsiyasi)

Dissertatsiya mavzusining dolzarbligi va zarurati. Dunyoda raqamlashtirish tendensiyalari barcha sohalarda bo'lgani kabi ta'lim sohasida ham jadal rivojlanib bormoqda. Xususan, butun dunyoda kuzatilgan koronavirus pandemiyasi muayyan muddat mobaynida an'anaviy ta'limdan onlayn ta'limga o'tishga va natijada onlayn ta'limning yangi trendga aylanishiga sabab bo'ldi. YUNESKO ma'lumotlariga ko'ra, butun dunyo bo'ylab 220 milliondan ortiq talabalar koronavirus pandemiyasi paytida akademik uzilishlarga duch kelishgan va natijada ushbu davrda raqamli platformalar orqali masofadan o'qitish juda muhim ahamiyatga ega bo'lgan. "Forbes" nashrining ma'lumotlariga ko'ra, birgina AQSHning o'zida bakalavriat dasturlarida tahsil oluvchilarning 14,6 foizi hamda magistratura bosqichida tahsil oluvchilarning 17,2 foizi to'liq yoki deyarli to'liq onlayn ta'lim olishadi.

Jahonda raqamli ta'lim olish huquqi, raqamlashtirish jarayonlarining ta'lim olish huquqiga ta'siri, raqamlashtirish sharoitida ta'lim olish huquqini ro'yobga chiqarish, shuningdek, ta'limda raqamli texnologiyalardan foydalanish borasida qonunchilik bazasini yaratish masalalari bo'yicha qator ilmiy tadqiqotlar amalga oshirib kelinmoqda. Jumladan, raqamli ta'limni yo'lga qo'yishda uzluksiz aloqa va boshqa shu kabi zarur shart-sharoitlarning yaratilishi, ushbu jarayonlarda yuzaga kelishi mumkin bo'lgan to'siqlar va ularning ta'lim olish huquqiga ta'siri, raqamli ta'lim jarayonlarida talabalarning shaxsiy ma'lumotlari xavfsizligini ta'minlash kabi masalalarga ham ilmiy, ham amaliy xarakterdagi tadqiqot sifatida e'tibor qaratib kelinmoqda.

Yangi O'zbekistonda ham ta'lim sohasini, xususan, oliy ta'limni raqamlashtirish bo'yicha muayyan islohotlar amalga oshirib kelinmoqda. Xususan, O'zbekiston Respublikasi Prezidenti Sh.M. Mirziyoyev raisligida 2021-yil 16-iyun kuni oliy ta'lim tizimidagi ustuvor vazifalarga bag'ishlangan videoselektorda oliy ta'lim muassasalarida "o'quv jarayonini tashkil etish va boshqarishni to'liq raqamlashtirish zarurligi" alohida ta'kidlangan edi.

Ushbu dissertatsiya tadqiqoti O'zbekiston Respublikasi Konstitutsiyasi (2023), "Ta'lim to'g'risida"gi (2020) hamda "Yoshlarga oid davlat siyosati to'g'risida"gi (2016) Qonunlari, O'zbekiston Respublikasi Prezidentining "Oliy va o'rta maxsus ta'lim sohasida boshqaruvni isloh qilish chora-tadbirlari to'g'risida"gi (2019), "O'zbekiston Respublikasi oliy ta'lim tizimini 2030 yilgacha rivojlantirish konsepsiyasini tasdiqlash to'g'risida"gi (2019), "Raqamli O'zbekiston – 2030" strategiyasini tasdiqlash va uni samarali amalga oshirish chora-tadbirlari to'g'risida"gi (2020) farmonlari, O'zbekiston Respublikasi Prezidentining "Oliy va o'rta maxsus ta'lim tizimiga boshqaruvning yangi tamoyillarini joriy etish chora-tadbirlari to'g'risida"gi (2019), "Sun'iy intellekt texnologiyalarini jadal joriy etish uchun shart-sharoitlar yaratish chora-tadbirlari to'g'risida"gi (2021), "Davlat oliy ta'lim muassasalarining akademik va tashkiliy-boshqaruv mustaqilligini ta'minlash bo'yicha qo'shimcha chora-tadbirlar to'g'risida"gi (2022), "Davlat oliy ta'lim muassasalariga moliyaviy mustaqillik berish chora-tadbirlari to'g'risida"gi (2022) qarorlari, Vazirlar Mahkamasining "Oliy ta'lim tashkilotlarida masofaviy ta'lim shaklini joriy etish chora-tadbirlari to'g'risida"gi (2022) qarori hamda sohaga oid boshqa qonunchilik hujjatlarida belgilangan vazifalarni amalga oshirishga muayyan darajada xizmat qiladi.

Tadqiqotning respublika fan va texnologiyalari rivojlanishining asosiy ustuvor yo‘nalishlariga mosligi. Mazkur tadqiqot respublika fan va texnologiyalari rivojlanishining “Demokratik va huquqiy jamiyatni ma’naviy-axloqiy va madaniy rivojlantirish, innovatsion iqtisodiyotni shakllantirish ustuvor yo‘nalishi” doirasida tayyorlangan bo‘lib, dissertatsiya 12.00.02 – Konstitutsiyaviy huquq. Ma’muriy huquq. Moliya va bojxona huquqi yo‘nalishiga mos keladi.

Muammoning o‘rganilganlik darajasi. Ta’lim olish huquqi va u bilan bog‘liq masalalar milliy huquqshunos olimlarimizdan Sh. Asadov, B. Qodirov, B. Ismoilov, I. Djurayev, M. Tursunova, E. Qodirov, D. Anvarova, F. Madiyev, Sh. Yakubov, S. Gulyamov, V. Topildiyev, Q. Abdurasulova, J. Maksumov hamda D.A. Turaxanovlar tomonidan muayyan darajada tadqiq etilgan. Shuningdek, ta’lim olishning inson va fuqaro huquqi sifatidagi nazariy-huquqiy masalalari O. Husanov, M. Rustamboyev, D. Axmedov, I. Tulteyev, B. Saidov hamda X. Mamatov kabi olimlar tomonidan o‘rganilgan. Shu bilan birga, oliy ta’limda zamonaviy texnologiyalarni joriy etish orqali ta’lim olish imkoniyatlarini (huquqini) ta’minlash bilan bog‘liq masalalarning iqtisodiy va pedagogik jihatlari Z. Baxranova, A. Xamidova, G‘. Xakimov, R. Shamuratov hamda D. Mamatov kabi olimlar tomonidan o‘rganilgan.

Shuningdek, MDH tarkibiga kiruvchi davlatlar huquqshunos olimlari, jumladan, S.A. Mishenko, K.N. Guseynova, V. Shkatulla, K.A. Brizkun, C.B. Demanova, S.L. Seregina hamda Y.D. Voloxovalar ta’lim olishga bo‘lgan konstitutsiyaviy huquqni ta’minlash muammolarini tadqiq etishgan.

G‘arb davlatlari olimlaridan D. Black, T. Amin, M. Shaw, C. Martin, H. Brighthouse, K. Mullane, K. Facer, N. Selwyn hamda D. Wagner kabi soha mutaxassisleri ta’lim olish huquqini ta’minlashning zamonaviy huquqiy muammolari bo‘yicha tadqiqotlar o‘tkazishgan¹.

Dissertatsiya tadqiqotining dissertatsiya bajarilayotgan oliy ta’lim muassasasining ilmiy-tadqiqot ishlari rejaları bilan bog‘liqligi. Dissertatsiya mavzusi Toshkent davlat yuridik universitetining ilmiy tadqiqot ishlari rejasiga kiritilib “Rivojlangan davlatlar qonunchilik amaliyoti va xorijiy davlatlarning ijobiy yutuqlarini nazariy tadqiq etish asosida olingan natijalarni milliy qonunchilikka implementatsiya qilish” bo‘yicha ilmiy tadqiqotlarning ustuvor yo‘nalishlari doirasida amalga oshirilgan.

Tadqiqotning maqsadi O‘zbekiston Respublikasida raqamlashtirish sharoitida shaxsning oliy ta’lim olish huquqini ta’minlashning konstitutsiyaviy-huquqiy asoslarini takomillashtirishga qaratilgan tegishli taklif, tavsiya va xulosalar ishlab chiqishdan iborat.

Tadqiqotning vazifalari:

- ta’lim olish huquqi tushunchasining mazmun-mohiyati va yuridik tabiatini tahlil qilish;
- raqamli texnologiyalar va raqamli ta’lim olish shakllarini nazariy tahlil qilish;
- raqamli ta’lim olish huquqining vujudga kelishi va rivojlanish tendensiyalarini tadqiq etish;

¹ Mazkur olimlarning ilmiy ishlari bilan dissertatsiyaning foydalanilgan adabiyotlar ro‘yxatida tanishish mumkin.

- raqamlashtirish sharoitida oliy ta’lim olish huquqini ta’minlashning tashkiliy-huquqiy asoslarini o‘rganish;
- raqamlashtirish sharoitida oliy ta’lim olish huquqiga doir qonunchilik tahlilini amalga oshirish;
- masofaviy oliy ta’lim olish huquqini ta’minlashning huquqiy asoslarini tadqiq etish;
- inklyuziv raqamli ta’lim olish huquqini ta’minlashning tashkiliy-huquqiy masalalarini o‘rganish;
- raqamlashtirish sharoitida oliy ta’lim olish huquqini ta’minlash istiqbollarini ilmiy jihatdan tahlil qilish;
- ta’lim olish huquqiga doir xalqaro huquqiy standartlarni joriy etish orqali raqamli oliy ta’lim olish huquqini ta’minlash masalalarini o‘rganish;
- ayrim rivojlangan xorijiy mamlakatlarda ta’lim olish huquqini ta’minlashga doir ijobiy tajribalarni joriy etish istiqbollarini tadqiq etish;
- sun’iy intellektni ta’lim olish jarayoniga tatbiq etishning huquqiy jihatlarini tahlil qilish.

Tadqiqot obyekti O‘zbekistonda raqamlashtirish sharoitida oliy ta’lim olish huquqini ta’minlash bilan bog‘liq konstitutsiyaviy-huquqiy munosabatlar tizimi hisoblanadi.

Tadqiqot predmetini raqamlashtirish sharoitida shaxsning oliy ta’lim olish huquqini ta’minlashga doir nazariy-huquqiy qarashlar, sohaga oid qonunchilik hujjatlari, ularni qo‘llash amaliyoti, xorijiy mamlakatlar qonunchiligi va tajribasi, yuridik fandagi mavjud konseptual yondashuv, ilmiy-nazariy qarashlar va huquqiy kategoriyalar hamda mazkur munosabatlarni tartibga soluvchi qonunchilik hujjatlarini takomillashtirishga oid masalalar tashkil etadi.

Tadqiqot usullari. Tadqiqot olib borishda tarixiy, tizimli-tuzilmaviy, formal-yuridik, qiyosiy-huquqiy, mantiqiy, ilmiy manbalarni kompleks tadqiq etish, so‘rovnoma, induksiya, deduksiya va statistik ma’lumotlar tahlili kabi usullar qo‘llangan.

Tadqiqotning ilmiy yangiligi quyidagilardan iborat:

- alohida ta’lim ehtiyojlari bo‘lgan shaxslarning sifatli ta’lim olishi bo‘yicha teng imkoniyatlarni kafolatlash maqsadida ta’lim tashkilotlarida alohida ushbu shaxslar uchun davlat tomonidan inklyuziv ta’lim va tarbiya ta’minlanishi lozimligiga oid norma konstitutsiya darajasida mustahkamlanishi lozimligi asoslantirilgan;
- har bir insonning sifatli oliy ma’lumot olish huquqini samarali amalga oshirish maqsadida davlat uzluksiz ta’lim tizimi, uning har xil turlari va shakllari, davlat va nodavlat ta’lim tashkilotlari rivojlanishini ta’minlashi konstitutsiyaviy kafolatlanishi zarur ekanligi asoslangan;
- shaxsning erkin rivojlanishini ta’minlash maqsadida masofaviy ta’lim talabalarga mamlakatning har qaysi hududida va uning tashqarisida ta’lim olishning teng imkoniyatlarini yaratib berishi zarurligi ilmiy asoslantirilgan;
- masofaviy ta’lim bo‘yicha o‘qish davomiyligi tegishli bakalavriat ta’lim yo‘nalishi va magistratura mutaxassisligi bo‘yicha kunduzgi ta’lim shakli uchun belgilangan o‘qish davomiyligi muddatidan kam bo‘lishi mumkin emasligi asoslantirilgan;

Tadqiqotning amaliy natijalari quyidagilardan iborat:

– “ta’lim olish huquqi”, “oliy ta’lim olish huquqi”, “masofaviy ta’lim olish huquqi”, “inklyuziv ta’lim” kabi tushunchalarga nisbatan mualliflik ta’riflari ishlab chiqildi;

– amaldagi qonunchilikka ta’lim olish, shu jumladan, oliy ta’lim olish huquqini amalga oshirishni ta’minlash yo’llari sifatida ta’lim tashkilotlarida alohida ta’limga ehtiyojli bolalar uchun inklyuziv ta’lim va tarbiyani tashkil etish, oliy ta’lim tashkilotlarida qonunga muvofiq akademik erkinlik, o’zini o’zi boshqarish, tadqiqotlar o’tkazish va o’qitish erkinligini berish kabilarni kiritish maqsadga muvofiqligi asoslantirildi;

– inklyuziv ta’limni ta’lim olish shakllaridan biri sifatida emas, balki ta’limning ajralmas xususiyati va asosiy tamoyili ekanligi asoslantirildi va shunga asosan amaldagi qonunchilikda inklyuzivlikni ta’lim olish prinsipi sifatida kiritish lozimligi asoslantirildi;

– davlat ta’lim muassasalarida inklyuziv ta’limni tashkil etishga oid munosabatlarni tartibga solishga qaratilgan alohida normativ-huquqiy hujjatni qabul qilish lozimligi asoslantirildi va unda nazarda tutilishi kerak bo’lgan bir nechta masalalar yuzasidan takliflar ishlab chiqildi;

– masofaviy ta’lim olish huquqidan foydalanishda ta’lim oluvchi (talabalar)ni boshqarishi, ularga o’quv faoliyatida ko‘mak berish maqsadida alohida maqomdagi mutaxassislar (masofaviy ta’lim moderatori, fasilitator va tyutorlar) mavjud bo’lishi lozimligi hamda ularning huquqiy maqomi, vazifa va funksiyalarini qonunchilikda belgilash zarurligi asoslantirildi;

– mahkumlarga masofaviy oliy ta’lim berish tartibini qonunchilik darajasida belgilash lozimligi asoslantirildi hamda mazkur sohada ishlab chiqiladigan normativ-huquqiy hujjatda belgilanishi lozim bo’lgan normalar bo’yicha tavsiyalar ishlab chiqildi.

Tadqiqot natijalarining ishonchiligi ishda qo‘llangan usullar, uning doirasida foydalanilgan ilmiy-nazariy yondashuvlar rasmiy manbalardan olingani, xalqaro tajriba va milliy qonunchilik normalarining o‘zaro tahlil qilingani, xulosa, taklif va tavsiyalarining amaliyotda joriy etilgani, natijalarning yetakchi milliy va xorijiy nashrlarda e’lon qilingani, vakolatli tuzilmalar tomonidan tasdiqlangani bilan belgilanadi.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Tadqiqot natijalarining ilmiy ahamiyati shundaki, tadqiqotdagi ilmiy-nazariy xulosalar, taklif va tavsiyalardan raqamlashtirish sharoitida oliy ta’lim olish huquqining tashkiliy-huquqiy asoslarini takomillashtirish yuzasidan ilmiy izlanishlar olib borish, mazkur masalaga oid qonun hujjatlari hamda ularning tegishli normalarini sharhlash, milliy qonunchilikni takomillashtirish hamda Konstitutsiyaviy huquq, Qiyosiy konstitutsiyaviy huquq, Konstitutsiyaviy huquqning ilmiy-amaliy muammolari fanlarini o’qitish va ilmiy-nazariy jihatdan yanada boyitishda foydalanish mumkinligida namoyon bo’ladi. Tadqiqot natijalaridan ushbu yo‘nalishdagi metodologik-uslubiy yondashuvlarni takomillashtirishda, kelgusida bu borada fundamental va amaliy ilmiy tadqiqotlar olib borishda foydalanilishi mumkin.

Tadqiqot natijalarining joriy qilinishi. Raqamlashtirish sharoitida shaxsning ta’lim olish, shu jumladan, oliy ta’lim olish huquqini ta’minlashni takomillashtirish sohasidagi tadqiqot bo’yicha olingan ilmiy natijalar asosida:

– ta’lim tashkilotlarida alohida ta’lim ehtiyojlariga ega bo’lgan bolalar uchun davlat tomonidan inklyuziv ta’lim va tarbiya ta’minlanishi lozimligiga oid taklif 2023-yil 1-

maydagi “O‘zbekiston Respublikasi Konstitutsiyasi to‘g‘risida”gi O‘RQ–837-son Konstitutsiyaviy qonun bilan yangi tahrirda tasdiqlangan O‘zbekiston Respublikasi Konstitutsiyasining 50-moddasi oltinchi qismini ishlab chiqishda inobatga olingan (O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasining 2023-yil 1-dekabrda 02/6-09-29-sonli dalolatnomasi). Ushbu taklifning amalga oshirilishi alohida ta‘lim ehtiyojlariga ega bo‘lgan shaxslar uchun davlat tomonidan ta‘lim tashkilotlarida inklyuzivlik asosidagi ta‘limning yo‘lga qo‘yilishiga xizmat qiladi;

– shaxsning oliy ta‘limga bo‘lgan huquqini ta‘minlashda davlat uzluksiz ta‘lim tizimi, uning har xil turlari va shakllari, davlat va nodavlat ta‘lim tashkilotlari rivojlanishini ta‘minlashi zarurligiga oid taklif 2023-yil 1-maydagi “O‘zbekiston Respublikasi Konstitutsiyasi to‘g‘risida”gi O‘RQ–837-son Konstitutsiyaviy qonuni bilan yangi tahrirda tasdiqlangan O‘zbekiston Respublikasi Konstitutsiyasining 50-moddasi ikkinchi qismini ishlab chiqishda e‘tiborga olingan (O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasining 2023-yil 1-dekabrda 02/6-09-29-sonli dalolatnomasi). Ushbu taklifning amalga oshirilishi davlat tomonidan ta‘limning barcha turlari, xususan, oliy ta‘lim rivojiga ham alohida e‘tibor qaratilishiga, natijada shaxsning oliy ta‘lim olish huquqi ta‘minlanishiga xizmat qiladi;

– masofaviy ta‘lim talabalarga mamlakatning har qaysi hududida va uning tashqarisida ta‘lim olishning teng imkoniyatlarini taqdim etishiga oid taklif Vazirlar Mahkamasining 2022-yil 3-oktyabrda 559-son qarori bilan tasdiqlangan Oliy ta‘lim tashkilotlarida masofaviy ta‘limni tashkil etish tartibi to‘g‘risidagi nizomning 7-bandi beshinchi xatboshisini ishlab chiqishda inobatga olingan (O‘zbekiston Respublikasi Vazirlar Mahkamasi Yuridik ta‘minlash boshqarmasining 2024-yil 14-martda 09-09-11-sonli ma‘lumotnomasi). Ushbu taklifning inobatga olinishi ta‘lim oluvchilarga masofaviy tarzda ham mamlakatda, ham undan tashqarida ta‘lim olish imkoniyatini taqdim etishga xizmat qilgan;

– masofaviy ta‘lim bo‘yicha o‘qish davomiyligi tegishli bakalavriat ta‘lim yo‘nalishi va magistratura mutaxassisligi bo‘yicha kunduzgi ta‘lim shakli uchun belgilangan o‘qish davomiyligi muddatidan kam bo‘lishi mumkin emasligiga oid taklif Vazirlar Mahkamasining 2022-yil 3-oktyabrda 559-son qarori bilan tasdiqlangan Oliy ta‘lim tashkilotlarida masofaviy ta‘limni tashkil etish tartibi to‘g‘risidagi nizomning 17-bandini ishlab chiqishda inobatga olingan (O‘zbekiston Respublikasi Vazirlar Mahkamasi Yuridik ta‘minlash boshqarmasining 2024-yil 14-martda 09-09-11-sonli dalolatnomasi). Ushbu taklif masofaviy ta‘lim shaklining o‘ziga xos xususiyatidan kelib chiqib, unda o‘qitishning minimal davomiyligiga oid aniq qoidaning belgilanishiga xizmat qilgan;

Tadqiqot natijalarining aprobatsiyasi. Mazkur tadqiqot natijalari 4 ta ilmiy anjumanda, jumladan, 2 ta xalqaro, 2 ta respublika miqyosida o‘tkazilgan ilmiy-amaliy konferensiya, davra suhbatlari va seminarlarda sinovdan o‘tgan.

Tadqiqot natijalarining e‘lon qilinganligi. Mazkur tadqiqot natijalari bo‘yicha jami 12 ta ilmiy ish, jumladan, ilmiy jurnallarda 8 ta (4 ta xorijiy nashrlarda) va to‘plamlar tarkibida 4 ta ilmiy maqola chop etilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya tarkibi kirish, to‘qqiz paragrafni o‘z ichiga olgan uchta bob, xulosa, foydalanilgan adabiyotlar ro‘yxati hamda ilovalardan iborat. Dissertatsiyaning hajmi 132 betni tashkil etadi.

DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiyaning **kirish** (falsafa doktori dissertatsiyasi annotatsiyasi) qismida tadqiqot mavzusining dolzarbligi va zarurati, tadqiqotning respublika fan hamda texnologiyalari rivojlanishining asosiy ustuvor yo‘nalishlariga mosligi, tadqiq etilayotgan muammoning o‘rganilganlik darajasi, dissertatsiya mavzusining dissertatsiya bajarilayotgan oliy ta‘lim muassasasining ilmiy tadqiqot ishlari bilan bog‘liqligi, tadqiqotning ilmiy yangiligi va amaliy natijasi, tadqiqot natijalarining ishonchliligi, ilmiy va amaliy ahamiyati, ularning joriy qilinishi, natijalarning aprobatsiyasi, e‘lon qilinganligi hamda dissertatsiyaning hajmi va tuzilishiga oid ma‘lumotlar berilgan.

Dissertatsiyaning birinchi bobi **“Ta‘lim olish huquqining nazariy-huquqiy tahlili”** deb nomlanib, unda ta‘lim olish huquqi tushunchasining mazmun-mohiyati va yuridik tabiati, raqamli texnologiyalar va raqamli ta‘lim olish shakllari, raqamli ta‘lim olish huquqining vujudga kelishi va rivojlanish tendensiyalari soha olimlarining fikrlari hamda amaldagi qonunchilik misolida tahlil qilingan.

Bugungi kunda insoniyat hayotida raqamli texnologiyalarning ahamiyati salmoqli hisoblanib, ular inson huquq va erkinlarini ta‘minlashda muhim rol o‘ynamoqda. Raqamlashtirish jarayonlari ko‘pgina sohalarda bo‘lgani kabi ta‘lim tizimida ham keng ko‘lamda yoyildi hamda fuqarolarning ta‘lim olish huquqini ta‘minlashga ijobiy ta‘sir etmoqda. Biroq shuni ham ta‘kidlash lozimki, ta‘lim jarayonlarini raqamlashtirishda ayrim savollarni keltirib chiqarmoqda. Ushbu holat esa sohada ilmiy tadqiqotlar olib borishni taqozo etadi. Shu sababli ta‘lim olish huquqi tushunchasining konseptual, ilmiy-metodologik jihatlarini hamda uning huquqiy tabiatini, raqamlashtirish sharoitidagi oliy ta‘limning o‘ziga xos xususiyatlarini ilmiy jihatdan tahlil qilish mazkur tadqiqot ishining asosiy vazifalaridan biri hisoblanadi.

Tadqiqotchi tomonidan bir qator xalqaro-huquqiy hujjatlar, jumladan, Inson huquqlari umumjahon deklaratsiyasi va YUNESKOning Ta‘limning xalqaro standartlari tasnifi, shuningdek, O‘zbekiston Respublikasining “Ta‘lim to‘g‘risida”gi Qonuni, olimlardan I. Kant, O. Kruxmaleva, Sh. Asadov, F. Abdurazzaqova, M. Shermatov, Sh. Saydaliyeva, B. Norbekova, S. Fedorenko, T. Shilyuk, N. Jabin, S. Shermuxamedova, B. Qodirov va boshqa olimlar tomonidan ta‘lim hamda ta‘lim olish tushunchasiga bildirilgan ta‘riflar tahlil qilinib, ilmiy bahs-munozaraga kirishilgan hamda tahlillar natijasida dissertant tomonidan “ta‘lim” va “ta‘lim olish huquqi” tushunchalariga nisbatan quyidagicha mualliflik ta‘riflari taklif etilgan:

“Ta‘lim – shaxsga nazariy va amaliy bilimlarni berishga, uning malaka va amaliy ko‘nikmalarini shakllantirish va rivojlantirishga qaratilgan, bilim olish jarayoni va o‘quv faoliyatining davomiyligi va uzluksizligi bilan tavsiflanadigan hamda ma‘lum bir ketma-ketlikda aniq ifodalangan maqsadlarga erishishning tizimli jarayonidir.”

“Ta‘lim olish huquqi – har bir shaxs teng huquqlilik asosida erkin foydalanishi mumkin bo‘lgan, shaxsda muayyan bilim, malaka va ko‘nikma shakllantiradigan, davlat tomonidan berilgan kafolatlar asosida shaxsga tegishli bo‘lgan subyektiv huquqdir”.

Mualliflar tomonidan oliy ta‘lim olish huquqining subyektiv huquq sifatida e‘tirof etilishi hamda davlat va xalqaro hamjamiyat tomonidan kafolatlanishiga oid qarashlarini alohida e‘tirof etish joizligi, shuningdek, mualliflar qayd etganidek, oliy ta‘lim olish huquqi shaxsning ushbu huquqdan ixtiyoriy foydalanishi orqali tegishli soha bo‘yicha

bilim, malaka va ko'nikmalarni egallashga bo'lgan huquqni ham ifodalashi to'g'risida xulosaga kelingan.

Dissertant tomonidan S. Martin, H. Brighthouse va K. Mullane kabi olimlar tomonidan bildirilgan oliy ta'lim olish huquqining konstitutsiyaviy subyektiv huquq ekanligiga to'liq qo'shilgan holda oliy ta'lim olish huquqi amaldagi konstitutsiyamizda ham mustahkamlangani hamda u fundamental huquqlardan biri sifatida shaxsga tegishli bo'lgan ta'lim olish huquqining bir qismi sifatida belgilangani e'tirof etilgan.

Shuningdek, tadqiqotchi tomonidan ayrim olimlarning oliy ta'lim olish huquqining tabiiy huquq sifatida baholanishi holati bilan to'liq kelishib bo'lmazligi, sababi tabiiy huquq inson tug'ilishi bilan yuzaga kelishi va har qanday holatda ham shaxsga tegishli bo'lishi, biroq oliy ta'lim olish uchun shaxs ma'lum talablarni, jumladan, umumiy o'rta va o'rta maxsus yoki professional ta'limni tamomlagan bo'lishi talab etilishi to'g'risidagi qarash ilgari surilgan.

F.R. Xandaker, A.K. Weilert kabi olimlarning tadqiqotlarini tahlil etish natijasida ta'lim olishga bo'lgan huquqning "Soyabon huquqlar" (umbrella rights) toifasiga kirishi asoslantirilgan.

Olib borilgan tahlillardan kelib chiqib bugun raqamlashgan ta'lim jarayonlari quyidagicha tasniflangan:

Ana'naviy — talabalar oliy ta'lim muassasasiga keladi, professor-o'qituvchilar bilan yuzma-yuz (face to face) aloqaga kirishadi. Ta'lim jarayonlarida raqamli texnologiyalardan, raqamli ta'lim platformalaridan foydalaniladi.

Aralash (Hybrid) — ta'lim jarayonlarining bir qismi an'anaviy tarzda (asosan seminar mashg'ulotlari), bir qismi (ma'ruzalar va imtihonlarni topshirish) esa raqamli texnologiyalar orqali kechadi.

To'liq raqamlashgan — Ta'limning barcha jarayonlari to'liq masofadan raqamli texnologiyalar yordamida kechadi. Virtual universitetlar, xususan, Pokiston virtual universiteti, Harvard biznes maktabi misolida bu jarayonlar tahlil qilingan.

Shuningdek, bugungi raqamli texnologiyalar rivojlangan bir davrda raqamli ta'lim olishning mobil ta'lim, bulutli texnologiya, onlayn kurslar, geymifikatsiya, web-kvest kabi turlari ishda tahlil qilingan.

Qonunchilikdagi mavjud normalar tahlil etilganda "oliy ta'lim olish huquqi" tushunchasining mavjud emasligi, olimlar tomonidan berilgan fikrlarda ushbu tushunchaning munozarali ekanligi hamda ular o'rtasida ushbu tushunchaga nisbatan yagona to'xtamga kelinmagani sababli ushbu tushunchaga nisbatan quyidagi mualliflik ta'rifi berilgan:

"Oliy ta'lim olish huquqi – belgilangan talab bo'yicha tegishli ma'lumotga ega bo'lgan shaxsning ta'lim yo'nalishlari bo'yicha chuqurlashtirilgan kasbiy bilim, malaka va ko'nikmalarga ega bo'lishga qaratilgan, jamiyat va davlatning yuqori malakali mutaxassislar tayyorlash maqsadida davlat tomonidan berilgan ma'lum kafolatlar asosida barcha foydalanishi mumkin bo'lgan shaxsning subyektiv huquqidir."

Tadqiqotchi tomonidan amalga oshirilgan tahlillardan kelib chiqqan holda oliy ta'lim olish huquqining yuridik tabiati sifatida quyidagilar ko'rsatilgan:

- oliy ta'lim olish huquqi konstitutsiyaviy subyektiv huquq hisoblanadi;
- inson huquqlarining konstitutsiyaviy tasnifi bo'yicha ijtimoiy huquqdir;

– oliy ta’lim olish huquqi muayyan majburiyat bajarilganidan so‘ng, ya’ni majburiy umumiy o‘rta ta’lim tamomlanganidan so‘ng vujudga keladi;

– oliy ta’lim olish ixtiyoriylik asosida, ya’ni oliy ta’lim olish yoki olmaslik, ta’lim olish shakllarini, ta’lim yo‘nalishlari va ta’lim muassasalarini erkin tanlashi asosida amalga oshiriladi.

Shuningdek, “Ta’lim to‘g‘risida”gi Qonunda ta’lim olish huquqini amalga oshirishni ta’minlash imkoniyati umumiy belgilangani hamda ularni yanada kengaytish maqsadida ushbu qonunning 5-moddasi ikkinchi qismiga ta’lim olish, shu jumladan, oliy ta’lim olish huquqini amalga oshirishni ta’minlash imkoniyati sifatida quyidagilarni kiritish maqsadga muvofiqligi bayon etilgan:

– ta’limning uzluksiz ekanligini ta’minlash va uni tashkil etish;

– umumiy o‘rta ta’limning majburiyligi;

– ta’lim tashkilotlarida alohida ta’lim ehtiyojlariga ega bo‘lgan bolalar uchun inklyuziv ta’lim va tarbiyani tashkil etish;

– oliy ta’lim tashkilotlarida qonunga muvofiq akademik erkinlik, o‘zini o‘zi boshqarish, tadqiqotlar o‘tkazish va o‘qitish erkinligini berish.

Tadqiqotchi tomonidan “raqamlashtirish” tushunchasi mazmuni ham turli olimlar qarashlarini tahlil qilgan holda ko‘rib chiqilgan. Bunda ushbu tushunchani talqin qilishga nisbatan ikki xil yondashuv mavjudligi, birinchi yondashuv raqamlashtirishni tor ma’noda talqin qilishi, ushbu qarash tarafdorlaridan T. Feldman, R. Pepperell, D. Robinson, T. Pinch hamda F. Trokkolarning fikriga ko‘ra, raqamlashtirish deganda turli xil ma’lumot va axborotlarni 1 va 0 signallariga aylantirish tushunilishi, ushbu qarash informatikada har qanday axborotning 1 va 0 (“ha” va “yo‘q”) mantiqiy signallari ko‘rinishida ifodalanishiga asoslangani bayon etilgan.

Ikkinchi yondashuv tarafdorlari, shu jumladan, M. Kastels, R. Vachl, J. Van Diyk, S. Verhulst hamda S. Sassen va K. Appyaharning fikricha, raqamlashtirish deganda jamiyatning turli sohalariga raqamli texnologiyalarni, media va kommunikatsiya platformalarini keng joriy etish tushunilishi ko‘rsatilgan.

Tadqiqotchi tomonidan yuqorida keltirilgan birinchi yondashuv asosida “raqamli texnologiyalar” tushunchasiga 1 va 0 signallari asosida ishlovchi axborot-kommunikatsiya texnologiyalari sifatida ta’rif berilgan. Shu bilan birga, birinchi yondashuv tarafdorlarining qarashlarini rad qilmagan holda “raqamlashtirish” tushunchasiga keng ma’noda ta’rif berish maqsadga muvofiq bo‘lishi, sababi bugungi kunda “raqamlashtirish” atamasini shunchaki ma’lum bir fayllarga nisbatan emas, balki butun bir sohalarga nisbatan qo‘llash boshlangani va bu bilan mazkur tushuncha o‘zining mohiyatini yuqorida keltirilgan ikkinchi yondashuv foydasiga o‘zgartirgani, shunga ko‘ra, “raqamlashtirish” tushunchasini raqamli texnologiyalarni joriy etish orqali muayyan ijtimoiy munosabatlarning shaklini o‘zgartirish jarayoni sifatida ta’riflash joizligi to‘g‘risidagi mualliflik ta’rifi ishlab chiqilgan.

Shuningdek, dissertant o‘z tahlillari asosida ta’lim sohasida raqamli texnologiyalarning afzalliklari ta’lim jarayonini individuallashtirish, ya’ni ta’lim jarayonining ta’lim oluvchiga yo‘naltirilganligida namoyon bo‘lishini, raqamli ta’lim texnologiyalaridan foydalanish talabalar tomonidan bilimlarni tartibli va tushunarli shaklda olish imkoniyatini yuzaga keltirishini, raqamli ta’lim texnologiyalari qog‘ozbozlikni minimallashtirishga, pedagoglar faoliyatini va talabalarning bilim olish

jarayonini yanada soddalashtirishga, talabalarning amaliy ko'nikmalarini rivojlantirishga va oxir-oqibatda oliy ta'limni sifat jihatidan yangi bosqichga ko'tarishga xizmat qilishini bayon etgan.

Muallif tomonidan dunyoda raqamli ta'lim olish huquqi har bir davlatda o'ziga xos tarzda rivojlangani, ushbu rivojlanish tendensiyalarini shartli ravishda quyidagi bosqichlarga bo'lish maqsadga muvofiqligi bildirilgan:

- 1) raqamli ta'lim olish huquqining shakllanish davri (1980–1995-yillar);
- 2) raqamli ta'lim olishning sohalararo tarqalish davri (1995–2020-yillar);
- 3) raqamli ta'lim huquqining post-COVID davri (2020-yildan hozirgi vaqtgacha).

Dissertant soha olimlarining fikrlari, yuridik adabiyotlar hamda qonunchilik hujjatlari tahlili asosida bugungi kunda raqamli ta'lim olish huquqining rivojlanishida quyidagi tendensiyalar mavjudligini ta'kidlagan:

– elektron ta'limning kirib kelishi oliy ta'lim tizimida oflayn va onlayn ta'lim bilan birlashib, aralash (gibrid) o'quv jarayoniga o'tmoqda hamda ularning qaysi biri afzalliklarga egaligi ochiq qolmoqda;

– oliy ta'limning raqamli transformatsiyasi ustuvor loyihalarni amalga oshirishga hissa qo'shadigan infratuzilmani, yagona me'yoriy-uslubiy bazani yaratishni talab etmoqda;

– oliy ta'limning raqamli transformatsiya natijasida oliy ta'lim tizimida o'quv jarayonini tashkil etish, jumladan, ta'lim maqsadlari, uning mazmuni, ta'lim metodlarini samarali amalga oshirishda zamonaviy axborot-kommunikatsiya texnologiyalari bazasini joriy etishni talab qiladi;

– raqamli ta'limning rivojlanishi sifatli ta'lim kontentlari, o'quv materiallarini shakllantirish bilan bir qatorda o'qituvchining pedagogik va kasbiy mahoratini doimiy ravishda oshirib borishni talab etmoqda;

– ta'limni raqamlashtirish ta'lim olishdagi tengsizliklarni keltirib chiqarishi, ya'ni nisbatan kambag'al aholi qatlamlari orasida tengsizlikka sabab bo'lishi mumkin va uni minimallashtirish zarur;

– ta'limni jarayonlarini raqamli texnologiyalar asosida tashkil etish, vebinar, onlayn, “blended learning”, “flipped classroom” texnologiyalarini amaliyotga joriy etishning aniq mexanizmlari, ularni joriy orqali erishiladigan ijobiy natijalar hamda kelib chiqishi mumkin bo'lgan salbiy oqibatlarning oldini olish choralarini ko'rish va boshqalar.

Dissertatsiyaning ikkinchi bobi **“Raqamlashtirish sharoitida ta'lim olish huquqini ta'minlashning tashkiliy-huquqiy asoslari”** deb nomlangan bo'lib, ushbu bobda raqamlashtirish sharoitida ta'lim olish huquqiga doir qonunchilik tahlili, masofaviy ta'lim olish huquqini ta'minlashning huquqiy asoslari hamda inklyuziv raqamli ta'lim olish huquqini ta'minlashning tashkiliy-huquqiy masalalari tahlil etilgan.

So'nggi yillarda ta'lim olish huquqi, shu jumladan, oliy ta'lim olish huquqini amalda ta'minlashga qaratilgan qonunchilik hujjatlari bazasi yaratib kelingani, oliy ta'lim olish huquqini ta'minlash masalasining huquqiy asoslari xalqaro hujjatlar, qonun va qonunosti hujjatlar (qonunlar, Oliy Majlisi palatalari qarorlari, Prezident farmon va qarorlari, Vazirlar Mahkamasi qarorlari, vazirliklar, davlat qo'mitalari va idoralarning buyruqlari va qarorlari), Oliy ta'lim, fan va innovatsiyalar vazirining ichki lokal hujjatlari orqali tartibga solinishi bayon etilgan.

Tadqiqotchi tomonidan sohaga oid normativ-huquqiy hujjatlarning qabul qilinishi va ularga o'zgartirishlar kiritib borilishiga oid ma'lumotlar tarixiylik va tizimlilik usullaridan kelib chiqqan holda tahlil qilingan.

Zero, mazkur bobda mustaqillik qo'lga kiritilganidan so'ng respublikamizda 1992-yilda "Ta'lim to'g'risida"gi Qonun, 1997-yilda esa Kadrlar tayyorlash milliy dasturi qabul qilingani, 1997-yilga kelib, "Ta'lim to'g'risida"gi Qonun yanada takomillashtirilgan holda yangi tahrirda qabul qilingani, mazkur hujjatlarda oliy ta'lim huquqi, uni amalga oshirish tartibi va shartlari, ta'lim turlari, bosqichlari va muddati bilan bir qatorda, yangi pedagogik texnologiyalar va axborot vositalarni o'quv jarayoniga joriy etish belgilangan bo'lib, raqamlashtirish sharoitida oliy ta'lim olish huquqini amalga oshirish nazarda tutilmagani kabilar bayon etilgan.

Dissertant ta'lim sohasida amalga oshirilgan keng ko'lamli islohotlar natijasida bugungi kunda milliy qonunchiligimizda oliy ta'lim olish huquqi inson huquqlari kafolati sifatida konstitutsiyaviy normalardan biri hisoblanishi, xususan, O'zbekiston Respublikasi Prezidenti Sh. Mirziyoyev 2022-yil 20-iyundagi Konstitutsiyaviy komissiya a'zolari bilan uchrashuvdagi ma'ruzasida oliy ta'lim va ilm-fan sohalarini ustuvor taraqqiy ettirishni konstitutsiyaviy darajada mustahkamlab qo'yish shartligini ta'kidlab, ta'lim tizimi va ilm-fanni rivojlantirishning ustuvor yo'nalishlarini belgilab berganligi, shundan kelib chiqib, oliy ta'lim olishga bo'lgan huquqlar kafolati sifatida Yangi tahrirdagi Konstitutsiyaning 51-moddasida oliy ta'lim olish huquqi, ya'ni shaxsning davlat ta'lim muassasalarida tanlov asosida davlat hisobidan (grant asosida) oliy ma'lumot olishga haqli ekanligi mustahkamlab qo'yilganligi, mazkur qoidaning konstitutsiyaviy norma sifatida belgilash orqali iqtidorli yoshlarni qo'llab-quvvatlash maqsadida doimiy ravishda tanlov asosida davlat ta'lim tashkilotlarida bepul oliy ma'lumot olish huquqi kafolatlanayotgani, bu o'z navbatida, oliy ta'lim olishga bo'lgan huquqning davlat tomonidan kafolatlanishini ham nazarda tutishini bayon etgan.

Muallif O'zbekiston Respublikasi Konstitutsiyasi O'zbekistonning barcha huquqiy tizimi, shu jumladan, oliy ta'lim huquqini amalga oshirishda universal huquqiy asos hisoblanishini, shunga ko'ra, ta'limni, jumladan, oliy ta'lim olish huquqini amalga oshirish va huquqiy jihatdan tartibga solishda yangi tahrirda qabul qilingan Konstitutsiyamiz eng oliy yuridik kuchga ega hujjat sifatida, ushbu sohadagi munosabatlarga nisbatan to'g'ridan to'g'ri amal qilishini alohida qayd etgan.

Dissertant qonunchilik hujjatlarida masofaviy ta'lim olish huquqining aniq ta'rifi mavjud emasligi hamda soha olimlari tomonidan ushbu tushunchaga nisbatan turli qarashlar ilgari surilganidan kelib chiqib ushbu tushunchaga nisbatan quyidagi mualliflik ta'rifini ilgari surgan:

"Masofaviy ta'lim olish huquqi – ta'lim oluvchining ta'lim standartlariga muvofiq mustaqil bilim olish tamoyiliga asoslangan, ta'lim oluvchilar tomonidan zarur bilim, malaka va ko'nikmalarni axborot-kommunikatsiya texnologiyalaridan va Internet tarmog'idan foydalangan holda masofadan olishiga qaratilgan huquqidir".

Shuningdek, masofaviy ta'lim olish huquqidan foydalanishda ta'lim oluvchi (talabalar)ni boshqarishi, ularga o'quv faoliyatida ko'mak berish maqsadida alohida maqomdagi mutaxassislarni jalb etish zarurati yuzaga kelmoqda. Vazirlar Mahkamasining 2022-yil 3-oktyabrdagi 559-son qarori bilan tasdiqlangan Oliy ta'lim tashkilotlarida masofaviy ta'limni tashkil etish tartibi to'g'risidagi nizomga masofaviy ta'lim jarayonining ishtirokchilari sifatida moderator, fasilitator va tyutorlarni kiritish, ularning huquqiy maqomi, vazifa va funksiyalarini belgilash maqsadga muvofiq.

Har kimga ta'lim olish uchun teng huquqlar kafolatlanishi, jazoni shu jumladan, ijro etish muassasalarida jazo o'tayotgan mahkumlarning ham oliy ta'lim olishga bo'lgan konstitutsiyaviy huquqlarini amalda ta'minlash hamda ularni yanada kengaytirish maqsadida mahkumlarga masofaviy oliy ta'lim berish tizimini yo'lga qo'yish taklif etiladi. Bunda ushbu huquqni ta'minlashda quyidagi mexanizmlarni joriy etish maqsadga muvofiq.

a) masofaviy ta'lim shakli orqali oliy ta'lim olish istagida bo'lgan mahkumlarga masofaviy oliy ta'lim olish huquqi beriladi;

b) onlayn shaklda mahkumlarning bilimlari va ko'nikmalarini oshirish maqsadida masofaviy o'qitishni amalga oshiruvchi o'quv kurslari va dasturlari faoliyatini yo'lga qo'yish;

d) yakuniy imtihondan o'tgan mahkumlarga oliy ma'lumot olganini tasdiqlovchi belgilangan shakldagi diplom berish taklif etiladi.

“Inklyuziv ta'lim” tushunchasiga nisbatan quyidagicha mualliflik ta'rifi ishlab chiqilgan:

“Inklyuziv ta'lim – ta'lim tizimi barcha ta'lim oluvchilarga: ham sog'lom, ham nogironligi bo'lgan ta'lim oluvchilarga moslashtirilgan, barcha ta'lim oluvchilarning ta'lim olishga bo'lgan o'z huquqlaridan hech qanday to'sqinliklarsiz foydalanishiga asoslangan ta'lim tizimidir”.

O'zbekiston qonunchiligi tahlili shuni ko'rsatadiki, bugungi kunga qadar xalq ta'limi sohasida inklyuzivlikni ta'minlashga qaratilgan o'nlab normativ-huquqiy hujjatlar qabul qilingan bo'lsa-da, oliy ta'limda inklyuzivlikni ta'minlashga oid munosabatlar yetarlicha reglamentatsiya qilinmasdan qolmoqda.

“Ta'lim to'g'risida”gi Qonunning 15-moddasida inklyuziv ta'lim ta'lim olish shakllaridan biri sifatida keltirilgan bo'lib, aslida inklyuziv ta'lim ta'limning alohida shakli emas, balki uning ajralmas xususiyati va asosiy tamoyili sifatida e'tirof etilishi kerak. Shu sababli qonunning 15-moddasidagi ta'lim shakllari ro'yxatidan inklyuziv ta'limni chiqarib tashlash hamda 4-moddada keltirilgan ta'lim sohasidagi asosiy prinsiplardan biri sifatida ta'limning inklyuzivligini ham belgilash maqsadga muvofiqligi ta'kidlangan.

Raqamli inklyuziv ta'lim ta'limdagi tengsizliklarni tugatish va ijtimoiy inklyuziyani rag'batlantirishda muhim rol o'ynaydi. Raqamli texnologiyalar asosida tashkil etiladigan inklyuziv ta'limda nogironligi bo'lgan talabalar hamda boshqa talabalar o'rtasidagi, ayniqsa, ularning ta'lim olish borasidagi imkoniyatlari o'rtasida farqlarning kamayishiga erishish mumkinligi to'g'risida xulosaga kelingan.

Dissertant raqamli inklyuziv ta'limning tashkil etilishi bilan klassik shakldagi inklyuziv ta'limga bo'lgan huquqlar cheklanmasligi lozimligini, sababi raqamli inklyuziv ta'lim qo'shimcha imkoniyat shaklida taqdim etilmasdan, nogironligi bo'lgan shaxslar uchun majburiy tarzda tashkil etiladigan bo'lsa, bunday ta'lim o'zining inklyuzivlik xususiyatini yo'qotgan hisoblanishini bayon etgan.

Dissertatsiyaning uchinchi bobi **“Raqamlashtirish sharoitida ta'lim olish huquqini ta'minlash istiqbollari”** deb nomlangan bo'lib, ushbu bobda ta'lim olish huquqiga doir xalqaro huquqiy standartlarni joriy etish orqali raqamli ta'lim olish huquqini ta'minlash masalalari, ayrim rivojlangan xorijiy mamlakatlarda ta'lim olish huquqini ta'minlashga doir ijobiy tajribalarni joriy etish istiqbollari, sun'iy intellektni ta'lim olish jarayoniga tatbiq etishning huquqiy jihatlari kabi masalalar tahlil qilingan.

Mazkur bobda ta'lim olish huquqi bir qator xalqaro va mintaqaviy huquqiy hujjatlar, jumladan, xalqaro shartnomalar, konvensiyalar, paktlar, nizomlar, umumiy izohlar, tavsiyalar, deklaratsiyalar va harakatlar uchun asoslar kabi hujjatlardan o'rin olgani bayon etilib, 1948-yilda Inson huquqlari umumjahon deklaratsiyasi qabul qilingandan so'ng ta'lim olish huquqi xalqaro va mintaqaviy darajadagi ko'plab shartnomalarda yana bir bor tasdiqlangani ilgari surilgan.

Shuningdek, tadqiqotchi YUNESKOning Ta'lim sohasidagi kamsitishlarga qarshi konvensiyasi (1960), Irqiy kamsitishning barcha shakllariga barham berish to'g'risidagi xalqaro pakt (1965), Iqtisodiy, ijtimoiy va madaniy huquqlar to'g'risidagi xalqaro pakt (1966), Ayollarga nisbatan kamsitishning barcha shakllariga barham berish to'g'risidagi konvensiya (1979), Bola huquqlari to'g'risidagi konvensiya (1989), Barcha mehnat muhojirlari va ularning oila a'zolarining huquqlarini himoya qilish to'g'risidagi xalqaro konvensiya (1990) hamda Nogironlar huquqlari to'g'risidagi konvensiya (2006) asosida ta'lim olish huquqining belgilanganini ilgari surgan hamda mazkur xalqaro standartlardagi ta'lim olish huquqiga oid asosiy normalar mazmunini tahlil qilgan.

Dissertant tahlillar natijasiga ko'ra, raqamli ta'lim olish huquqi “har kimning qobiliyatiga asosan hamda yetarli imkoniyat doirasida” ta'minlanmog'i, ya'ni barcha shaxslar (shu jumladan, nogironligi bo'lgan shaxslar, olis hududlarda yashovchi shaxslar, ta'limni mehnat bilan bir vaqtda amalga oshirayotgan shaxslar hamda oilaviy yoki boshqa shaxsiy sabablarga ko'ra an'anaviy ta'lim olish imkoniyatiga ega bo'lmagan ayollar) uchun erishish mumkin bo'lgan darajada bo'lishi kerak degan xulosaga kelgan va mazkur fikrga kelishda Inson huquqlari umumjahon deklaratsiyasining 26-moddasi 1-qismi hamda Iqtisodiy, ijtimoiy va madaniy huquqlar to'g'risidagi xalqaro paktning 13–14-moddalariga asoslanganini bayon etgan.

Dissertantning bayon etishicha, ta'lim olish huquqini e'tirof etuvchi asosiy xalqaro standartlar raqamli ta'lim paydo bo'lishidan ancha oldin qabul qilingan bo'lsa-da, ularda ta'limning barcha uchun birdek ochiq bo'lishini, ya'ni barcha uchun ta'limga erishishda teng imkoniyatlar yaratish lozimligini e'tirof etuvchi normalar belgilangani ta'lim olishda alohida ehtiyojlarga muhtoj bo'lgan yuqorida sanab o'tilgan shaxslar uchun raqamli ta'lim olish huquqini ta'minlashda alohida ahamiyatga ega hisoblanadi.

Muallifning ta'kidlashicha, raqamli ta'lim olish huquqining ta'minlanishi Barqaror rivojlanish maqsadlariga erishish, xususan, 4-maqsad (Barcha shaxslar uchun inklyuziv ta'limni joriy etish), 5-maqsad (Gender tenglik), 9-maqsad (Sanoat, innovatsiya va infrastruktura), 10-maqsad (Notenglikni kamaytirish), 16-maqsad (Tinchlik, adolat va kuchli institutlar) hamda 17-maqsad (Maqsadlar yo'lida hamkorlik)ni ro'yobga chiqarishda muhim ahamiyatga ega hisoblanadi.

Shuningdek, xalqaro standartlar ta'limning barcha uchun teng bo'lishi asosida raqamli ta'limga bo'lgan huquqni e'tirof etgani holda uning yo'lga qo'yilishidan oldin bir qator shart-sharoitlar (raqamli texnologiyalardan foydalanish savodxonligi, sifatli raqamli texnologiyalar va uzluksiz aloqa) yaratilishi lozimligini, aks holda, bu boshqa bir jiddiy muammoga – sifatli ta'lim olishga bo'lgan huquqlar buzilishiga sabab bo'lishini belgilaydi.

Tadqiqotga ko'ra, xorijiy mamlakatlarning ta'lim olish to'g'risidagi qonunchilik hujjatlari tahlil etilganda, aksariyat xorijiy mamlakatlarda ta'lim olish huquqi konstitutsiyaviy norma sifatida mustahkamlab qo'yilgani aniqlandi. Jumladan, qator davlatlarda (Finlandiya, Norvegiya, Shveysariya, Italiya, Portugaliya) ta'lim olishning bir qismi sifatida oliy ta'lim olish huquqi konstitutsiyaviy norma sifatida belgilangan. Xususan, Finlandiyada ta'lim olish, shu jumladan, oliy ta'lim olish huquqi konstitutsiyaviy norma sifatida Konstitutsiyaning 16-bo'limida belgilab qo'yilgan.

Unga ko'ra, har bir inson bepul umumiy ta'lim olish huquqiga ega bo'lib, ta'lim olish majburiyatlari to'g'risidagi qoidalar qonun bilan belgilanadi. Shuningdek, Finlandiya Konstitutsiyasi 16-bo'limining uchinchi qismida oliy ta'lim olish huquqi belgilangan bo'lib, fan, san'at va oliy ta'lim erkinligi kafolatlangan.

Norvegiya Konstitutsiyasida ham ta'lim olish huquqi belgilangan bo'lib, Konstitutsiyaning 109-moddasida har bir insonning bilim olish huquqiga ega ekanligi hamda davlat hokimiyati organlari o'rta ta'lim olish, shuningdek, tegishli malaka asosida oliy ta'lim olishda teng imkoniyatlarni ta'minlashi nazarda tutilgan.

Shveysariya Konstitutsiyasining 19-moddasida bepul ta'lim olish huquqi kafolatlangan. Konstitutsiyaning 41-moddasi "f" kichik bandida oliy ta'limga kirish kafolati belgilangan bo'lib, bolalar va yoshlar, shuningdek, mehnatga layoqatli yoshdagi shaxslar o'zlarining qobiliyatlariga muvofiq ta'lim olishlari mumkin.

Ayrim mualliflar qayd etganidek, Konstitutsiyada yoshlarning oliy o'quv yurtlarida grant asosida davlat hisobidan ta'lim olish huquqi, ya'ni "iqtidorli yoshlarga davlat hisobidan oliy ma'lumot olish imkoniyati kafolatlanishiga" xizmat qiladi.

Dissertantning fikricha, ushbu normaning konstitutsiyaviy darajada belgilanishi, oliy ta'lim muassasalarida davlat granti o'rinlarining yo'qolmasligini, iqtidorli yoshlar uchun ijtimoiy-iqtisodiy hayotda o'zlarini to'laqonli namoyon etish imkoniyatini taqdim etishga hamda davlat va jamiyat ehtiyoji yuqori bo'lgan mutaxassislik yo'nalishlari bo'yicha tayyorlangan kadrlarning bandligini ta'minlashga xizmat qiladi.

Shu bilan birga, tadqiqotchi sun'iy intellektni ta'lim olish jarayoniga tatbiq etishning huquqiy jihatlariga ham to'xtalib, U. Holms, B. Uilliamson, R. Eynon, J. Potter, S. Gamaj, Z. Batmaz, R. Ston va E. Chukvu kabi olimlarning mazkur

masalaga oid qarashlarini keng muhokama qilgan hamda ularga o'zining ilmiy pozitsiyasini bildirgan.

Dissertantning bayon etishicha, oliy ta'limda sun'iy intellektning xavfsiz, axloqiy qo'llanishini targ'ib qilish uchun manfaatdor tomonlar, shu jumladan, ta'lim siyosatini yuritishga mas'ul davlat idoralari:

- raqamli tafovutlarni bartaraf etish uchun arzon uskunalar va internetga ega bo'la olish tashabbuslarini moliyalashtirishi;

- ta'lim muassasalariga sun'iy intellektni joriy etishda hamda ushbu vositalarning ta'lim jarayonida O'zbekiston Respublikasi manfaatlariga putur yetkazmasligini hamda tegishli axloq normalari va milliy qadriyatlarimizga to'liq mos kelishini ta'minlashda ko'mak berishlari;

- sun'iy intellekt algoritmik ta'lim mazmuni yoki qarorlar orqali kamsitishni taqiqlovchi qonun-qoidalarni qabul qilishi;

- sun'iy intellekt orqali o'qitish jarayonlari ustidan davriy tahlilni amalga oshirib borishlari lozim.

Shuningdek, o'qitish va o'rganishni yaxshilashda sun'iy intellektdan foydalanish istiqbollari bo'lgan ishtiyoqni maxfiylik, samaradorlik va adolatning tegishli kafolatlari bilan uyg'unlashtirish, umuman olganda, sohada muvozanatli siyosat olib borishga hamda barcha ta'lim oluvchilar uchun ta'limni sezilarli darajada yaxshilashga olib keladi. Bu esa, o'z navbatida, kelgusida ushbu muhim muvozanatni ta'minlaydigan siyosatni ishlab chiqishni taqozo etadi.

Tadqiqotchining fikricha, sun'iy intellektni ta'lim olish jarayoniga tatbiq etishning huquqiy asoslarini yaratish hamda unga oid siyosatni ishlab chiqishda barcha manfaatdor taraflar, shu jumladan, talabalar, xususiy sektor vakillari, sun'iy intellekt sohasidagi olimlar va amaliyotchi mutaxassislar ishtirokini ta'minlash lozim.

Bugungi kunda mavjud bo'lgan qonunchilikdagi bo'shliqlar, yetarlicha huquqiy asoslarning mavjud emasligi sun'iy intellektni ta'lim jarayoniga tatbiq etish jarayonlarini har tomonlama tartibga solishda muayyan qiyinchiliklarni yuzaga keltirishi ehtimoli yuqori. Shu bilan birga, sun'iy intellektga asoslangan ta'lim siyosati va huquqiy asoslarini ishlab chiqishda yuqorida biz tomonimizdan tahlil qilib o'tilgan potensial xavf-xatarlar va masalalarning (ta'lim texnologiyalariga ega bo'la olishda talabalar uchun tenglikni ta'minlash, talabalarning shaxsiy ma'lumotlari to'planishida maqsadga muvofiqlik prinsipiga amal qilish, huquqiy asoslarni yaratishda barcha manfaatdor taraflar – talabalar, xususiy sektor vakillari, sun'iy intellekt sohasidagi olimlar va amaliyotchi mutaxassislar ishtirokini ta'minlash) inobatga olinishi barcha talabalarga foyda keltiradigan inson huquqlari asoslarini mustahkamlash uchun xizmat qiladi.

Dissertant sun'iy intellekt texnologiyalari ta'lim jarayonlariga tatbiq etilgan taqdirda, ularning algoritmlari shaffof bo'lishi zarur, zero, bu ta'lim jarayoniga joriy etilgan sun'iy intellekt texnologiyalaridagi model xatti-harakatlarini, umuman olganda, butun jarayonni tushunishga hamda tegishli qoidalarga rioya qilinayotganligi to'g'risida huquqiy va sohaviy xulosalarga kelishga yordam beradi degan xulosani ilgari surgan.

XULOSA

Mazkur tadqiqot ishida O‘zbekistonda raqamlashtirish sharoitida ta’lim olishning tashkiliy-huquqiy asoslarini takomillashtirish masalalari oliy ta’lim misolida tahlil etildi. Mazkur sohada mavjud bo‘lgan amaldagi qonunchilikni tahlil qilish, milliy va xorijiy olimlarning ilmiy ishlari hamda rivojlangan xorijiy davlatlarning ushbu sohadagi amaliyotini o‘rganish orqali ilmiy-nazariy, qonunchilik va huquqni qo‘llash amaliyotini takomillashtirishga qaratilgan taklif va tavsiyalar ishlab chiqildi. Tahlil natijalari yuzasidan quyidagi xulosalarga kelindi:

I. Ilmiy-nazariy xulosalar:

1.1. Amaldagi qonunchilikda mazmun-mohiyati to‘liq ochib berilmagan yoki umuman ta’rif berilmagan *ta’lim olish huquqi, oliy ta’lim olish huquqi, masofaviy ta’lim olish huquqi, inklyuziv ta’lim* kabi bir qator tushunchalarga mualliflik ta’riflari ishlab chiqildi.

1.2. Ta’lim olish huquqi yuridik xususiyatiga ko‘ra “*soyabon huquq*” hisoblanib, u o‘z ichiga oliy ta’lim olish huquqini qamrab olishi ilmiy adabiyotlar tahlili natijasida isbotlandi.

1.3. Oliy ta’lim olish huquqi inson huquqlarining konstitutsiyaviy tasnifiga ko‘ra, *ijtimoiy huquqlar qatoriga kirishi*, shaxs o‘z xohishidan kelib chiqib bu huquqdan foydalanishi, ta’lim turlari, shakllari va muassasalarini erkin tanlashiga asoslangan, davlat tomonidan kafolatlangan pozitiv huquq ekanligi haqidagi ilmiy xulosalarga kelindi.

1.4. Raqamli ta’lim olishning huquqiy asoslaridan kelib chiqib, ushbu huquqning vujudga kelishi va rivojlanish bosqichlari quyidagi davrlarga bo‘lindi:

- 1) raqamli ta’lim olish huquqining shakllanish davri (1980–1995-yillar);
- 2) raqamli ta’lim olishning sohalararo tarqalish davri (1995–2020-yillar);
- 3) raqamli ta’lim huquqining post-COVID davri (2020-yildan hozirgi vaqtgacha).

1.5. Soha olimlarining fikrlari, yuridik adabiyotlar hamda qonunchilik hujjatlarining tahlili, bugungi kunda raqamli ta’lim olish huquqining rivojlanishida quyidagi tendensiyalar mavjudligini ko‘rsatmoqda:

– elektron ta’limning kirib kelishi oliy ta’lim tizimida oflayn va onlayn ta’lim birlashib, aralash (gibrid) o‘quv jarayoniga o‘tmoqda hamda ularning qaysi biri afzalliklarga egaligi ochiq qolmoqda;

– oliy ta’limning raqamli transformatsiyasi ustuvor loyihalarni amalga oshirishga hissa qo‘shadigan infratuzilmani, yagona me’yoriy-uslubiy bazani yaratishni talab etmoqda;

– oliy ta’limning raqamli transformatsiyasi natijasida oliy ta’lim tizimida o‘quv jarayonini tashkil etish, jumladan, ta’lim maqsadlari, uning mazmuni, ta’lim metodlarini samarali amalga oshirishda zamonaviy axborot-kommunikatsiya texnologiyalari bazasini joriy etishni talab qiladi;

– raqamli ta’limning rivojlanishi sifatli ta’lim kontentlari, o‘quv materiallarini shakllantirish bilan bir qatorda o‘qituvchining pedagogik va kasbiy mahoratini doimiy ravishda oshirib borishni talab etmoqda;

– ta’limni raqamlashtirish ta’lim olishdagi tengsizliklarni keltirib chiqarishi, ya’ni

nisbatan kambag'al aholi qatlamlari orasida tengsizlikka sabab bo'lishi mumkin va uni minimallashtirish zarur;

– ta'lim jarayonlarini raqamli texnologiyalar asosida tashkil etish, vebinar, onlayn, "blended learning", "flipped classroom" texnologiyalarini amaliyotga joriy etishning aniq mexanizmlari, ularni joriy etish orqali erishiladigan ijobiy natijalar hamda kelib chiqishi mumkin bo'lgan salbiy oqibatlarining oldini olish choralarini ko'rish va boshqalar.

II. O'zbekiston Respublikasi qonunchiligini takomillashtirishga oid takliflar:

2.1. "Ta'lim to'g'risida"gi Qonunda ta'lim olish huquqini amalga oshirish yo'llari umumiy belgilangani hamda ularni yanada kengaytish maqsadida ushbu qonunning 5-moddasi ikkinchi qismiga ta'lim olish, shu jumladan, oliy ta'lim olish huquqini amalga oshirishni ta'minlash yo'llari sifatida quyidagilarni kiritish maqsadga muvofiq:

- ta'limning uzluksiz ekanligini ta'minlash va uni tashkil etish;
- umumiy o'rta ta'limning majburiyligi;
- ta'lim tashkilotlarida alohida ta'lim ehtiyojlariga ega bo'lgan bolalar uchun inklyuziv ta'lim va tarbiyani tashkil etish;
- oliy ta'lim tashkilotlarida qonunga muvofiq akademik erkinlik, o'zini o'zi boshqarish, tadqiqotlar o'tkazish va o'qitish erkinligini berish.

2.2. "Ta'lim to'g'risida"gi Qonunning 15-moddasida inklyuziv ta'lim ta'lim olish shakllaridan biri sifatida keltirilgan bo'lib, aslida inklyuziv ta'lim ta'limning alohida shakli emas, balki uning ajralmas xususiyati va asosiy tamoyili sifatida e'tirof etilishi kerak. Shu sababli qonunning 15-moddasidagi ta'lim shakllari ro'yxatidan inklyuziv ta'limni chiqarib tashlash hamda 4-moddada keltirilgan ta'lim sohasidagi asosiy prinsiplardan biri sifatida ta'limning inklyuzivligini belgilash lozim.

2.3. O'zbekiston qonunchiligi tahlili shuni ko'rsatadiki, bugungi kunga qadar xalq ta'limi sohasida inklyuzivlikni ta'minlashga qaratilgan o'nlab normativ-huquqiy hujjatlar qabul qilingan bo'lsa-da, oliy ta'limda inklyuzivlikni ta'minlashga oid munosabatlar yetarlicha reglamentatsiya qilinmasdan qolmoqda. Vazirlar Mahkamasi qarori bilan O'zbekiston Respublikasi davlat ta'lim muassasalarida inklyuziv ta'limni tashkil etish to'g'risidagi nizomni qabul qilish hamda unda quyidagilarni nazarda tutish lozim:

- inklyuziv ta'limni tashkil etishning umumiy qoidalari;
- inklyuziv ta'limning maqsadi, tamoyillari va vazifalari;
- inklyuziv ta'lim ishtirokchilarining huquq va majburiyatlari;
- inklyuziv ta'limni tashkil etishga qo'yiladigan talablar;
- inklyuziv ta'lim sifati bo'yicha monitoring olib borish tartibi.
- inklyuziv ta'limni tashkil etishda javobgarlik va shikoyat qilish tartibi.

2.4. Masofaviy ta'lim olish huquqidan foydalanishda ta'lim oluvchi (talabalar)ni boshqarishi, ularga o'quv faoliyatida ko'mak berish maqsadida alohida maqomdagi mutaxassislarni jalb etish zarurati yuzaga kelmoqda. Vazirlar Mahkamasining 2022-yil 3-oktyabrdagi 559-son qarori bilan tasdiqlangan Oliy ta'lim tashkilotlarida masofaviy ta'limni tashkil etish tartibi to'g'risidagi nizomning 8-bandiga masofaviy ta'limni tashkil etishda masofaviy ta'lim moderatori, fasilitator va tyutorlarning bo'lishi lozimligini

belgilash, shuningdek, nizomni ularning huquqiy maqomi, vazifa va funksiyalarini o‘z ichiga olgan 8¹-band bilan to‘ldirish taklif etiladi.

2.5. Har kimga ta’lim olish uchun teng huquqlar kafolatlanishi, shu jumladan, jazoni ijro etish muassasalarida jazo o‘tayotgan mahkumlarning ham oliy ta’lim olishga bo‘lgan konstitutsiyaviy huquqlarini amalda ta’minlash hamda ularni yanada kengaytirish maqsadida Jinoyat-ijroiya kodeksiga quyidagicha o‘zgartirish va qo‘shimchalar kiritish taklif etiladi:

1) 9-moddaning birinchi qismini quyidagi mazmundagi o‘n birinchi xatboshi bilan to‘ldirish:

“mahkumlar qonunchilikda belgilangan tartibda va shaklda ta’lim olish, shu jumladan, oliy ta’lim olish huquqiga ega”.

2) 100-moddaning uchinchi qismini quyidagi tahrirda bayon etish:

“Manzil-koloniyalardagi mahkumlar oliy va o‘rta maxsus o‘quv yurtlarining sirtqi bo‘limlarida ta’lim olishlari mumkin”;

shunindek, quyidagi mazmundagi to‘rtinchi qism bilan to‘ldirish:

“Maxsus tartibli koloniyalardan tashqari jazoni ijro etish muassasalarida jazoni o‘tayotgan mahkumlar jazoni o‘tash tartibi va shartlari, jazoni ijro etish muassasalaridagi rejimga rioya etgan holda sirtqi yoki masofaviy shaklda oliy ta’lim olish huquqiga ega”.

2.6. Shaxsning konstitutsiyaviy huquqlarini cheklash yoki undan mahrum qilish faqat sud tomonidan amalga oshirilishi mumkinligi hamda jinoyat qonunchiligida nazarda tutilgan ayb uchun javobgarlik prinsiplarining amalda ta’minlanishi maqsadida Vazirlar Mahkamasining 2017-yil 20-iyundagi 393-son qarori bilan tasdiqlangan Oliy ta’lim muassasalari talabalari o‘qishini ko‘chirish, qayta tiklash va o‘qishdan chetlashtirish tartibi to‘g‘risidagi nizomga sud tomonidan ozodlikdan mahrum etilganligi munosabati bilan talabaning oliy ta’lim muassasalaridan o‘qishdan chetlashtirilgan holatlarda talabaning xohishi va yozma arizasiga asosan ta’lim olish shaklini masofaviy shaklga o‘zgartirgan holda oliy ta’lim olishini davom ettirishini ta’minlash lozim. Shu sababli mazkur nizomning 36-bandini quyidagi mazmundagi ikkinchi xatboshi bilan to‘ldirish taklif etiladi:

“Talaba mazkur bandning “j” kichik bandida nazarda tutilgan asosga ko‘ra oliy ta’lim muassasasidan chetlashtirilgan holatlarda uning yozma arizasiga ko‘ra ta’lim olish shakli masofaviy shaklga o‘zgartirilishi mumkin. Bundan maxsus tartibli koloniyalarda jazoni o‘tashi belgilangan mahkumlar mustasno”.

III. O‘zbekiston Respublikasida ta’lim olishning tashkiliy mexanizmlarini takomillashtirishga oid taklif va tavsiyalar

3.1. Inklyuziv ta’limning mazmuni alohida sharoitlarda ta’lim olishga muhtoj bo‘lgan ta’lim oluvchilarni bunday sharoitlarga muhtoj bo‘lmagan boshqa ta’lim oluvchilardan ajratishga emas, balki ularni bir guruhga birlashtirgan holda ta’lim berishni talab qiladi. Shu sababli, ixtisoslashtirilgan ta’lim muassasalarida ta’lim berish amaliyotidan bosqichma-bosqich voz kechish hamda davlat ta’lim muassasalarini (bino-inshootlarni, darsliklar va boshqa jihozlarni) imkoniyati cheklangan va alohida sharoitlarda ta’lim olishga muhtoj bo‘lgan ta’lim oluvchilar ehtiyojlari uchun moslashtirish taklif etiladi.

3.2. Alohida sharoitlarda ta'lim olishga muhtoj bo'lgan ta'lim oluvchilar uchun qo'shimcha imkoniyat yaratish maqsadida ularning masofaviy ta'lim shaklida tahsil olishini tashkil etish taklif etiladi. Shu bilan birga, masofaviy ta'lim shaklida tahsil olish bunday toifadagi tahsil oluvchilar uchun majburiylik asosida emas (zero, bu inklyuzivlik tamoyillariga zid keladi), balki ixtiyoriylik asosida tashkil etilishi lozim.

3.3. Oilaviy yoki boshqa shaxsiy sabablarga ko'ra an'anaviy ta'lim olish imkoniyatiga ega bo'lmagan xotin-qizlarga oliy ta'lim olishda alohida imtiyozlar taqdim etish, xususan ularning masofaviy ta'lim shaklida tahsil olishlari uchun qo'shimcha kvotalar ajratish taklif etiladi.

3.4. Masofaviy ta'limni tashkil etishda sifatli ta'lim olinishini ta'minlash maqsadida o'quv jarayonlarini boshlashdan oldin talabalar uchun raqamli texnologiyalardan foydalanish savodxonligi bo'yicha o'quv kurslarini tashkil etish taklif etiladi.

3.5. Oliy ta'limda sun'iy intellektning xavfsiz, axloqiy qo'llanishini targ'ib qilish uchun manfaatdor tomonlar, shu jumladan, ta'lim siyosatini yuritishga mas'ul davlat idoralari:

- raqamli tafovutlarni bartaraf etish uchun arzon uskunalar va internetga ega bo'la olish tashabbuslarini moliyalashtirishi;

- ta'lim muassasalariga sun'iy intellektni joriy etishda hamda ushbu vositalarning ta'lim jarayonida O'zbekiston Respublikasi manfaatlariga putur yetkazmasligini hamda tegishli axloq normalari va milliy qadriyatlarimizga to'liq mos kelishini ta'minlashda ko'mak berishlari;

- sun'iy intellekt algoritmik ta'lim mazmuni yoki qarorlar orqali kamsitishni taqiqlovchi qonun-qoidalarni qabul qilishi;

- sun'iy intellekt orqali o'qitish jarayonlari ustidan davriy tahlilni amalga oshirib borishlari tavsiya etiladi.

3.6. Sun'iy intellektga asoslangan ta'lim ko'plab ijobiy jihatlarga ega bo'lgani holda bir qator potensial xavf-xatarlarni ham nazarda tutishini inobatga olgan holda kelgusida bunday ta'limni tashkil etishda hamda uning huquqiy asoslarini yaratishda quyidagilarni inobatga olish tavsiya etiladi:

- talabalarning shaxsiy ma'lumotlari to'planishida muayyan chegaralarni o'rnatish hamda bunda maqsadga muvofiqlik prinsipiga amal qilish;

- ta'lim texnologiyalariga ega bo'la olishda talabalar uchun tenglikni ta'minlash;

- sun'iy intellekt asosidagi ta'limga oid huquqiy siyosat va huquqiy asoslarni ishlab chiqishda barcha manfaatdor taraflar – talabalar, xususiy sektor vakillari, sun'iy intellekt sohasidagi olimlar va amaliyotchi mutaxassislar ishtirokini ta'minlash.

**SCIENTIFIC COUNCIL No. DSc.07/30.12.2019.Yu.22.02
FOR AWARDING OF THE SCIENTIFIC DEGREES
AT TASHKENT STATE UNIVERSITY OF LAW**

TASHKENT STATE UNIVERSITY OF LAW

BOKIEV JAKHONGIR NURMATJON UGLI

**“IMPROVING THE ORGANIZATIONAL AND LEGAL FRAMEWORK
OF EDUCATION IN UZBEKISTAN IN THE CONTEXT OF
DIGITALIZATION (ON THE EXAMPLE OF HIGHER EDUCATION)”**

12.00.02. – Constitutional law. Administrative law.
Finance and customs law

**Abstract of doctoral (PhD) dissertation
on legal sciences**

Tashkent – 2024

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The doctoral dissertation (PhD) is available at the Information Resource Center of Tashkent State University of Law (registered under No. 1269.), (Address 100047, Amir Temur Street, 13. Tashkent city. Phone: (998971) 233-66-36).

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INTRODUCTION (Abstract of PhD thesis)

The relevance and necessity of the dissertation theme. Digitalization tendencies are fast increasing worldwide, including in education. The global coronavirus epidemic, in particular, triggered a temporary shift from traditional schooling to online education, and as a result, online education has emerged as a new trend. According to UNESCO, the coronavirus epidemic has caused academic interruption for over 220 million students globally, making distance learning via digital platforms especially vital during this time. Forbes reports that in the United States alone, 14.6 percent of undergraduate students and 17.2 percent of graduate students study totally or nearly entirely online.

Several scientific studies are being conducted worldwide on the issues of the right to digital education, the impact of digitization processes on the right to education, the realization of the right to education in the context of digitization, and the development of a legal framework for the use of digital technologies in education. In particular, research topics are focusing on issues of both scientific and practical nature, such as the establishment of continuous communication and other similar necessary conditions for the establishment of digital education, the obstacles that may arise in these processes and their impact on the right to education, and ensuring the safety of students' personal data in digital education processes.

Certain educational changes, particularly those relating to higher education, are being implemented in the new Uzbekistan. In particular, under the chairmanship of the President of the Republic of Uzbekistan, Sh.M. Mirziyoyev, on June 16, 2021, in the video selector dedicated to the priority tasks in the higher education system, "the need for full digitalization of the organization and management of the educational process" was emphasized in higher education institutions.

This dissertation research is based on the Constitution of the Republic of Uzbekistan (2023), the laws "On Education" (2020) and "On State Policy Regarding Youth" (2016), the Resolutions of President of the Republic of Uzbekistan "On Measures to Reform Management in the Field of Higher and Secondary Special Education" (2019), "On approval of the concept of development of the higher education system of the Republic of Uzbekistan until 2030" (2019), "On approval of the strategy "Digital Uzbekistan – 2030" and measures for its effective implementation" (2020), of the Decisions of President of the Republic of Uzbekistan "On measures to introduce new management principles into the system of higher and secondary special education" (2019), "On measures to create conditions for the rapid introduction of artificial intelligence technologies" (2021) "On additional measures to ensure academic and organizational-management independence of state higher education institutions" (2022), "On additional measures to ensure academic and organizational-management independence of state higher education institutions" (2022), the decision of the Cabinet of Ministers "On measures to introduce the form of distance education in higher education institutions" (2022) and other legislative documents related to the field serve to a certain extent for the implementation of tasks.

Correspondence of the research to the priorities of the development of science and technology of the republic. This research was carried out in the priority direction of the development of science and technology of the republic. I “Formation of a system of innovative ideas and ways to implement them spiritual, moral and cultural development of democratic and legal society,” the dissertation is suitable for Section 12.00.02 – Constitutional Law. Administrative Law. Finance and customs law.

The degree to which the problem has been studied. The right to education and related issues were researched to a certain extent by our national legal scholars such as Sh. Asadov, B. Kadirov, B. Ismoilov, I. Djuraev, M. Tursunova, E. Kadirov, D. Anvarova, F. Madiyev, Sh. Yakubov, S. Gulyamov, V. Topildiev, Q. Abdurasulova, J. Maksumov, and D. Turakhanova. Also, the theoretical-legal issues of the right to education as a human and civil right were studied by scholars such as O. Husanov, M. Rustamboev, D. Akhmedov, I. Tulteyev, B. Saidov, and X. Mamatov. Furthermore, the economic and pedagogical aspects of ensuring the opportunities (rights) to education through the implementation of modern technologies in higher education were studied by scholars such as Z. Bakhranova, A. Khamidova, G. Khakimov, R. Shamuratov, and D. Mamatov.

Additionally, legal scholars from CIS countries, including S.A. Mishenko, K.N. Guseynova, V. Shkatulla, K.A. Brizkun, C.B. Demanova, S.L. Seregina, and Y.D. Volokhova, have researched the problems of ensuring the constitutional right to education.

Among Western scholars, experts such as D. Black, T. Amin, M. Shaw, C. Martin, H. Brighouse, K. Mullane, K. Facer, N. Selwyn, and D. Wagner have conducted studies on contemporary legal issues related to ensuring the right to education.¹

The relatedness of the research to the research plans of the scientific organization or educational institution where the dissertation was completed. The theme of the dissertation was included in the research plan of Tashkent State University of Law and was carried out within the framework of priority areas of scientific research on "Implementation of the results obtained from theoretical studies of the legislative practices of developed countries and the positive achievements of foreign countries into national legislation."

The aim of the research is to develop relevant proposals, recommendations and conclusions aimed at improving the constitutional and legal basis of ensuring the right of a person to receive higher education in the conditions of digitization in the Republic of Uzbekistan.

The research objectives are to:

- analyze the essence and legal nature of the concept of the right to education;
- theoretical analysis of digital technologies and forms of digital education;
- study on trends in the emergence and development of the right to digital education;
- to study the organizational and legal basis of ensuring the right to education in the conditions of digitization;

¹The scientific works of these scientists are listed in the list of used literature of the dissertation work.

–carry out a legislative analysis on the right to education in the context of digitization;

–research the legal basis for ensuring the right to distance education;

–study of organizational and legal issues of ensuring the right to inclusive digital education;

–scientific analysis of the prospects of ensuring the right to education in the context of digitization;

–study the issues of ensuring the right to digital education by introducing international legal standards on the right to education;

–researching the prospects of introducing positive experiences on ensuring the right to education in some developed foreign countries;

–analyze the legal aspects of applying artificial intelligence to the educational process.

The object of research is the system of constitutional and legal relations related to ensuring the right to receive higher education in the conditions of digitization in Uzbekistan.

The subject of the research consists of theoretical and legal perspectives on ensuring an individual's right to higher education in the context of digitalization, relevant legislative documents, their application practices, the legislation and experiences of foreign countries, existing conceptual approaches in legal science, scientific-theoretical views and legal categories, as well as issues related to improving the legislative documents that regulate these relations.

Research methods. In conducting the research, methods such as historical, systemic-structural, formal-legal, comparative-legal, logical, comprehensive analysis of scientific sources, surveys, induction, deduction, and statistical data analysis were used.

Scientific novelty of the research is as follows:

- in order to ensure equal opportunities for quality education of persons with special educational needs, it is substantiated that the norm on the provision by the state of inclusive education and training of these persons in educational organizations should be strengthened at the level of the constitution;

- it is based on the fact that it is necessary to constitutionally guarantee the development of the state system of continuous education, its various types and forms, state and non-state educational organizations in order to effectively implement the right of every person to receive a quality higher education;

- in order to ensure the free development of the individual, it is scientifically proved that distance education should create equal opportunities for students to receive education in any region of the country and beyond;

- it is substantiated that the duration of study in the distance mode cannot be less than the duration of study established for full-time study in the corresponding direction of bachelor's degree and master's degree specialization.

Practical results of the research are as follows:

–author's definitions were developed regarding concepts such as “right to education,” “right to higher education,” “right to distance education,” “inclusive education”;

–as ways to ensure the realization of the right to education, including the right to higher education, in educational institutions as a means of ensuring the implementation of the right to education, including the organization of inclusive education and upbringing for children with special educational needs, granting academic freedom, self-management, research and teaching freedom in higher education institutions in accordance with the law the expediency of including such things was justified;

–it was emphasized that inclusive education is not one of the forms of education, but an integral feature and main principle of education, and based on this, it was justified that inclusion should be included as a principle of education in the current legislation;

–the necessity of adoption of a separate normative legal document aimed at regulating relations related to the organization of inclusive education in public educational institutions was substantiated, and proposals on a number of issues that should be provided for in it were developed;

–it was justified that there should be experts of special status (distance education moderators, facilitators and tutors) in order to manage the learner (students) in using the right to distance education, and to help them in their educational activities, and the need to define their legal status, duties and functions in the legislation;

–it is substantiated that the procedure for providing distance higher education to prisoners should be defined at the legislative level, as well as developed recommendations on the norms that should be defined in the normative-legal document being developed in this area.

The reliability of research results. The reliability of the research results is based on the fact that the methods used in the work and scientific-theoretical approaches used in its framework are obtained from official sources, international experience and national legal norms are mutually analyzed, conclusions are drawn, proposals and recommendations are implemented in practice, and the results are published in leading national and international journals and approved by competent authorities.

The scientific and practical significance of the research results. The scientific significance of the research results lies in the fact that the scientific-theoretical conclusions, proposals, and recommendations from the study can be used to improve the organizational-legal foundations of the right to higher education in the conditions of digitalization. These findings can be applied in scientific research on this issue, in interpreting relevant legal documents and their norms, in enhancing national legislation, and in teaching and further enriching subjects such as Constitutional Law, Comparative Constitutional Law, and scientific-practical issues of Constitutional Law. The research results can also be used to improve methodological approaches in this field and to conduct future fundamental and practical scientific research.

The implementation of research results. Based on the scientific results of the research in the field of improving the provision of the right of a person to education, including higher education, in the conditions of digitization:

- the proposal on the need to provide inclusive education and upbringing by the state for children with special educational needs in educational organizations, Article 50 of the Constitution of the Republic of Uzbekistan, approved in a new version by Constitutional Law No. 837 “On the Constitution of the Republic of Uzbekistan” dated May 1, 2023, was taken into account in the development of the part (deed of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan dated December 1, 2023, No. 02/6-09-29). The implementation of this proposal will serve to establish inclusive education in state educational institutions for persons with special educational needs;

- the proposal regarding the need to ensure the development of the state continuous education system, its various types and forms, and the development of state and non-state educational organizations in expanding the right to higher education It was taken into account in the development of the second part of Article 50 of the Constitution of the Republic of Uzbekistan (deed No. 02/6-09-29 of December 1, 2023 of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan). The implementation of this proposal will ensure that the state pays special attention to the development of all types of education, in particular, higher education, and as a result, ensures the right of a person to receive higher education;

- the proposal regarding distance education providing students with equal opportunities for education in any region of the country and outside of it was approved by the developing the fifth paragraph of item 7 of the regulation on the procedure for organizing distance education in higher education organizations taken by the decision of the Cabinet of Ministers dated October 3, 2022 No. 559, (deed No. 09-09-11 dated March 14, 2024 of the Legal Assurance Department of the Cabinet of Ministers of the Republic of Uzbekistan). The consideration of this proposal served to provide distance learning opportunities to learners both within the country and abroad;

- the proposal that the duration of distance education studies cannot be less than the duration of studies established for the full-time form of education in the relevant bachelor’s field of study and master’s specialty approved by the Cabinet of Ministers' decision No. 559 of October 3, 2022 on the procedure for organizing distance education in higher education institutions taken into account in the development of paragraph 17 of the regulation (Deed No. 09-09-11 dated March 14, 2024 of the Legal Assurance Department of the Cabinet of Ministers of the Republic of Uzbekistan). Based on the unique nature of distance education, this proposal served to determine a clear rule regarding the minimum duration of training in it.

Approbation of the research results. The results of this research were approved at 4 scientific conferences, including 2 international and 2 republican scientific-practical conferences, roundtables and seminars.

Publication of the research results. A total of 12 scientific papers were published on the results of this study, including 8 in scientific journals (4 articles in foreign journals) and 4 scientific articles in collections.

The structure and volume of the dissertation. The dissertation consists of an introduction, three chapters involving 9 paragraphs, a conclusion, a list of references and appendices. The volume of the dissertation is 132 pages.

THE MAIN CONTENT OF THE DISSERTATION

In the introduction (abstract of the Doctor of Philosophy (PhD) dissertation) part of the dissertation, the relevance and necessity of the research theme, the correspondence of the research with the main priority directions of the development of republican science and technology, the level of studying the problem, the relation of the dissertation theme with the scientific research work of the higher education institution where the dissertation is being carried out, the scientific novelty and practical result of the research, the reliability, scientific and practical significance of the research results, their implementation, approval of the results, publication, and the volume and structure of the dissertation are given.

The first chapter of the dissertation is titled **“Theoretical-legal analysis of the right to education”** where the content and essence of the concept of the right to education, its legal nature, digital technologies and forms of digital education, the emergence of the right to digital education, and trends in its development are analyzed based on the opinions of experts in the field and examined through examples of current legislation.

Today, the importance of digital technologies in human life is considered significant and they play an important role in ensuring human rights and freedoms. Digitalization processes have spread widely in the education system, as well as in many other spheres, and have a positive impact on ensuring the right of citizens to education. However, it should also be noted that the digitalization of educational processes raises some questions. This situation requires research in this area. Therefore, one of the main objectives of this study is a scientific analysis of conceptual, scientific and methodological aspects of the concept of the right to education, as well as its legal nature, the features of higher education in the conditions of digitalization.

The researcher used a number of international legal documents, including the Universal Declaration of Human Rights and the UNESCO Classification of International Standards of Education, as well as the Law of the Republic of Uzbekistan “On Education”, scientists I. Kant, O. Krukhmalyova, Sh. Asadov, F. Abdurazzakova, M. Shermatov, Sh. Saidalieva, B. Norbekova, S. Fedorenko, T. Shilyuk, N. Jabin, S. Shermukhamedova, B. Kadirov and other scientists analyzed the definitions of the concept of education and receiving education, entered into a scientific discussion, and as a result of the analysis of researcher, the following definitions of ‘education’ and ‘right to education’ are proposed by the author:

“Education is a systematic process aimed at providing a person with theoretical and practical knowledge, forming and developing his skills and practical skills, characterized by the continuity and continuity of the learning process and educational activities, and achieving clearly expressed goals in a certain sequence.”

“The right to education is a subjective right that every person can freely use on the basis of equal rights, which forms certain knowledge, skills and abilities in a person, and belongs to a person based on the guarantees given by the state.”

The authors are allowed to separately recognize their views on the recognition of the right to higher education as a subjective right and its guarantee by the state

and the international community, and as the authors noted that the right to higher education is the acquisition of knowledge, qualifications and skills in the relevant field through the voluntary use of the individual, it is concluded that it also constitutes a right to.

The researcher is in full agreement with the fact that the right to higher education is a constitutional subjective right as expressed by scholars such as S. Martin, H. Brijhaus and C. Mullane and that the right to higher education is enshrined in our current constitution and it is part of the right to education which belongs to the individual as a fundamental right recognized as defined.

Also, the researcher cannot fully agree with the assessment of the right to higher education as a natural right by some scientists, the reason being that the natural right arises from the birth of a person and belongs to the individual in any case, but in order to receive higher education, a person must meet certain requirements, including general secondary and the view that it is required to have completed secondary special or professional education is put forward.

As a result of the analysis of the studies of scientists such as F.R. Khandaker, A.K. Weilert, it is justified that the right to education is included in the category of “umbrella rights”.

Based on the analysis, the current digital educational processes are categorized as follows:

Traditional — students come to a higher education institution and interact with professors and teachers face to face. Digital technologies and digital educational platforms are used in educational processes.

Hybrid — part of the educational process takes place in a traditional way (mainly seminar classes), and part of it (giving lectures and exams) takes place through digital technologies.

Fully digitized — All educational processes are fully distanced using digital technologies. These processes are analyzed on the example of virtual universities, in particular, Virtual University of Pakistan, Harvard Business School.

Also, in the era of today’s advanced digital technologies, types of digital education such as mobile education, cloud technology, online courses, gamification, web quest are analyzed in the work.

Due to the fact that the concept of “the right to higher education” when analyzing the existing norms in the legislation does not exist, that this concept is contradictory in the opinions of scientists, and among them there is no consensus on this concept, the following author's definition of this concept is given:

“The right to receive higher education is a subjective right of a person who has the relevant information according to the specified requirements, aimed at acquiring in-depth professional knowledge, qualifications and skills in the fields of education, based on certain guarantees given by the state for the purpose of training highly qualified specialists of the society and the state.”

Based on the analysis carried out by the researcher, the following are indicated as the legal nature of the right to higher education:

- the right to receive higher education is a constitutional subjective right;

- the right to higher education is a social right according to the constitutional classification of human rights;
- the right to higher education arises after the fulfillment of certain obligations, namely upon completion of compulsory general secondary education;
- based on the principle of voluntary higher education, individuals have the freedom to choose whether to pursue higher education or not, as well as the freedom to choose the forms of education, fields of study, and educational institutions.

It is also stated in the Law “On Education” that the possibilities of ensuring the realization of the right to education are defined in general terms, and in order to further expand them, it is advisable to include them as possibilities of ensuring the realization of the right to education, including higher education, in Part two of Article 5 of this Law:

- ensuring the continuity of education and its organization;
- compulsory general secondary education;
- organization of inclusive education and education of children with special educational needs in educational organizations;
- ensuring academic freedom, self-governance, freedom of scientific research and teaching in higher education institutions in accordance with the law.

The researcher examined various scholars' views on the concept of "digitization" and found two main approaches. The first approach defines digitization in its literal sense, as advocated by T. Feldman, R. Pepperell, D. Robinson, T. Pinch, and F. Trocco, where digitization refers to the conversion of various types of information and data into logical signals of 1 and 0 ("yes" and "no") in informatics.

Proponents of the second approach, including M. Castells, R. Wachl, J. Van Dick, S. Verhulst, and S. Sassen and K. Appyah, argue that digitization refers to the widespread introduction of digital technologies, media, and communication platforms into various areas of society.

Based on the first approach presented above, the researcher defined the concept of “digital technologies” as information and communication technologies working on the basis of 1 and 0 signals. At the same time, without rejecting the views of supporters of the first approach, it is appropriate to define the concept of “digitization” in a broad sense, because today the term “digitization” has begun to be used not only in relation to certain files, but also in relation to entire fields, and this concept changed its essence in favor of the second approach presented above, accordingly, the author’s definition of the permissibility of defining the concept of “digitization” as a process of changing the form of certain social relations through the introduction of digital technologies was developed.

In addition, based on his analysis, the researcher considers the advantages of digital technologies in education in the individualization of the educational process, that is, the educational process is directed to the learner, the use of digital educational technologies creates an opportunity for students to receive knowledge in an orderly and understandable form, digital educational technologies help to minimize paperwork, the activities of teachers and students states that it serves to further

simplify the process of gaining knowledge, the development of the digital educational process, and the development of the educational process.

The author states that the right to receive digital education in the world has developed in its own way in each country, and it is appropriate to conditionally divide these development trends into the following stages:

- 1) the period of formation of the right to digital education (1980–1995);
- 2) period of interdisciplinary diffusion of digital education (1995–2020);
- 3) the post-COVID era of the right to digital education (from 2020 to the present).

Based on the opinions of experts in the field, analysis of legal literature and legal documents, the researcher noted that there are the following trends in the development of the right to receive digital education today:

- the introduction of electronic education in the system of higher education, offline and online education are combined, moving to a mixed (hybrid) educational process, and which of them has advantages remains open;

- the digital transformation of higher education requires the creation of an infrastructure, a unified regulatory and methodological base that contributes to the implementation of priority projects;

- as a result of the digital transformation of higher education, the organization of the educational process in the higher education system, including educational goals, its content, and effective implementation of educational methods requires the introduction of a modern information and communication technology base;

- the development of digital education requires the continuous improvement of the teacher's pedagogical and professional skills, along with the formation of quality educational content and educational materials;

- digitization of education can cause inequalities in education, that is, it can cause inequality among relatively poor population groups, and it is necessary to minimize it;

- organization of educational processes on the basis of digital technologies, specific mechanisms of implementation of webinar, online, “blended learning,” “flipped classroom” technologies, positive results achieved through their implementation and measures to prevent possible negative consequences, etc.

The second chapter of the dissertation is called **“Organizational and legal foundations of ensuring the right to education in the conditions of digitalization,”** this chapter analyzes the legislation on the right to education in the conditions of digitalization, legal foundations are analyzed ensuring the right to distance education and organizational and legal issues of ensuring the right to inclusive digital education.

In recent years, the legal framework for ensuring the right to education, including the right to higher education, has been developed through various legislative documents aimed at implementing the right to education in practice. The legal foundations of ensuring the right to higher education are indicated through international instruments, laws, and regulatory acts (such as laws, resolutions of the Oliy Majlis chambers, decrees and resolutions of the President, decisions of the Cabinet of Ministers, directives and decisions of ministries, state committees, and

agencies) as well as through internal regulations of the Ministry of of Higher Education, Science and Innovation.

Because in this chapter, after gaining independence in our republic, the Law “On Education” was adopted in 1992 and the National Program of Personnel Training was adopted in 1997. The documents prescribe the right to higher education, the procedure and conditions for its realization, types, stages and duration of education, as well as the introduction of new pedagogical technologies and information tools into the educational process.

As a result of the large-scale reforms implemented by the researcher in the field of education, today in our national legislation, the right to higher education is considered one of the constitutional norms as a guarantee of human rights, in particular, the President of the Republic of Uzbekistan Sh. Mirziyoyev in his speech at the meeting with the members of the Constitutional Commission on June 20, 2022 emphasizing that it is necessary to strengthen the priority development of the spheres of education at the constitutional level and set the priority directions for the development of the education system and science, based on this, as a guarantee of the right to receive higher education, Article 51 of the Constitution of the new version states the right to receive higher education, that is, the right of a person to the state that the right to receive higher education at the state’s expense (on the basis of a grant) on a competitive basis in educational institutions has been confirmed, and that the right to receive a free higher education on a competitive basis in state educational organizations is constantly guaranteed in order to support talented young people by defining this rule as a constitutional norm, which in turn it is stated that the right to education is guaranteed by the state.

The author states that the Constitution of the Republic of Uzbekistan is considered the universal legal basis for the implementation of the entire legal system of Uzbekistan, including the right to higher education, and accordingly, the newly adopted Constitution as a document with the highest legal force in the implementation and legal regulation of education, including the right to receive higher education, specifically noted that it applies directly to relations in this area.

The researcher noticed the absence of a precise definition of the right to distance education in legal documents and observed various interpretations of this concept by scholars in the field. Based on this, the researcher proposed the following definition of the right to distance education:

“The right to distance education is the right of the learner based on the principle of independent learning in accordance with educational standards, aimed at obtaining the necessary knowledge, qualifications and skills by the learners at a distance using information and communication technologies and the Internet global information network.”

In addition, there is a need to attract specialists of special status in order to manage the learner (students) in the use of the right to receive distance education, to help them in their educational activities. It is appropriate to include persons such as moderators, facilitators and tutors as participants in the distance education process in the regulation on the procedure for the organization of distance education in

higher education organizations, approved by the decision of the Cabinet of Ministers No. 559 of October 3, 2022, and to define their legal status, duties and functions.

It is proposed to establish a system of remote distance education for prisoners in order to ensure equal rights to education for everyone, to ensure the constitutional rights of prisoners serving their sentences, including in execution institutions, to receive higher education and to further expand them. To ensure this right, it is advisable to introduce the following mechanisms.

a) prisoners who wish to receive higher education through the form of distance education are granted the right to receive distance higher education;

b) to establish training courses and programs that implement distance education in order to improve the knowledge and skills of prisoners in online form;

c) convicts who passed the final exam are offered a diploma of the prescribed form confirming that they have received higher education.

In relation to the concept of “inclusive education”, the author’s definition was developed as follows:

“Inclusive education is an educational system adapted to all learners, both able-bodied and disabled, based on the enjoyment of their right to education by all learners without any barriers.”

The analysis of the legislation of Uzbekistan shows that although dozens of regulatory legal documents aimed at ensuring inclusiveness in the field of public education have been adopted to date, relations related to ensuring inclusiveness in higher education remain insufficiently regulated.

Article 15 of the Law “On Education” lists inclusive education as one of the forms of education, and in fact, inclusive education should be recognized as its integral feature and main principle, rather than a separate form of education. For this reason, it is stated that it is expedient to exclude inclusive education from the list of forms of education in Article 15 of the Law and to define inclusiveness of education as one of the main principles in the field of education mentioned in Article 4 of the Law.

Digitally inclusive education plays an important role in ending educational inequalities and promoting social inclusion. It was concluded that inclusive education organized on the basis of digital technologies can reduce the differences between students with disabilities and other students, especially in terms of their educational opportunities.

The researcher states that the rights to a classical form of inclusive education should not be limited by the organization of digital inclusive education, because if digital inclusive education is provided as an additional opportunity and organized in a mandatory manner for persons with disabilities, such education is considered to have lost its inclusiveness.

The third chapter of the dissertation is called “**Prospects of ensuring the right to education in the conditions of digitalization**”, this chapter considers the issues of ensuring the right to digital education through the implementation of international legal standards of the right to education, the prospects of implementing the positive experience of ensuring the right to education in some developed foreign countries,

analyzes such issues as legal aspects of the application of artificial intelligence in the educational process.

This chapter states that the right to education is included in a number of international and regional legal documents, including international treaties, conventions, covenants, statutes, general comments, recommendations, declarations and principles of action. After the adoption of the Universal Declaration of Human Rights in 1948, education the right to receive has been reaffirmed in many agreements at the international and regional levels.

Also, the researcher is interested in the UNESCO Convention against Discrimination in Education (1960), the International Covenant on the Elimination of All Forms of Racial Discrimination (1965), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of All Forms of Discrimination Against Women (1979), the Convention on the Rights of the Child (1989), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), and the Convention on the Rights of Persons with Disabilities (2006), which put forward the definition of the right to education and the basic principles of the right to education in these international standards analyzed the content of norms.

According to the results of the researcher analysis, the right to receive digital education should be ensured “based on everyone’s ability and within the framework of sufficient opportunities”, that is, all persons (including persons with disabilities, persons living in remote areas, persons who are carrying out education at the same time as work, and for family or other personal reasons) (women who do not have the opportunity to receive traditional education) and stated that this opinion is based on Article 26, Part 1 of the Universal Declaration of Human Rights and Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights reached.

According to the researcher, although the main international standards recognizing the right to education were adopted long before the advent of digital education, they establish norms recognizing that education should be equally open to all, meaning that the need to create equal opportunities to achieve education for people with special educational needs is of particular importance in ensuring the right to digital education for the aforementioned individuals.

The author states that ensuring the right to digital education is essential for achieving the Sustainable Development Goals, particularly Goal 4 (Implementation of inclusive education for all), Goal 5 (Gender equality), Goal 9 (Industry, innovation and infrastructure), Goal 10 (Reducing Inequality), Goal 16 (Peace, Justice and Strong Institutions) and Goal 17 (Cooperation for the Goals) are important.

Also, while international standards recognize the right to digital education on the basis of equal education for all, a number of conditions (digital literacy, quality digital technologies and continuous connectivity) must be in place before it can be implemented, otherwise it will lead to another major problem - a defining violation of the right to quality education.

According to the study, when analyzing the legal documents of foreign countries on education, it was found that in most foreign countries, the right to

education has been strengthened as a constitutional norm. In particular, in a number of countries (Finland, Norway, Switzerland, Italy, Portugal), the right to receive higher education as a part of education is established as a constitutional norm. In particular, the right to education, including higher education, in Finland is defined as a constitutional norm in Section 16 of the Constitution.

According to it, everyone has the right to free general education, and the rules on the obligations of education are determined by law. Also, in the third part of the 16th section of the Constitution of Finland, the right to higher education is established, and the freedom of science, art and higher education is guaranteed.

The right to education is defined in the Constitution of Norway, Article 109 of the Constitution stipulates that everyone has the right to education and that state authorities provide equal opportunities for secondary education and higher education based on appropriate qualifications.

Article 19 of the Swiss Constitution guarantees the right to free education. Clause "f" of Article 41 of the Constitution guarantees access to higher education, and children and youth, as well as persons of working age, can receive education according to their abilities.

As noted by some authors, the right of young people to receive education in higher educational institutions at the expense of the state on the basis of a grant serves to “guarantee the opportunity for talented young people to receive higher education at the expense of the state.”

According to the researcher, the determination of this norm at the constitutional level serves to prevent the disappearance of state grant places in higher education institutions, to provide an opportunity for talented young people to fully express themselves in socio-economic life, and to ensure the employment of personnel trained in the fields of specialization that are highly needed by the state and society.

At the same time, the researcher touched upon the legal aspects of the application of artificial intelligence to the educational process, citing the work of scientists such as W.Holmes, B.Williamson, R.Eynon, J.Potter, S.Gamaj, Z. Batmaz, R.Stone and E.Chukwu widely discussed his views on this issue and explained his scientific position to them.

In order to promote the safe and ethical use of artificial intelligence in higher education, the researcher states that stakeholders, including government agencies responsible for education policy:

- funding initiatives to get access to affordable equipment and the Internet to bridge the digital divide;
- in the introduction of artificial intelligence to educational institutions and that these tools do not harm the interests of the Republic of Uzbekistan in the educational process, as well as relevant ethical norms and help ensure that they are fully aligned with our national values;
 - adoption of laws prohibiting discrimination by artificial intelligence through algorithmic learning content or decisions;
- they should carry out periodic analysis of teaching processes through artificial intelligence.

Also, combining enthusiasm for the prospects of using AI to improve teaching and learning with appropriate safeguards for privacy, efficiency, and fairness will lead to more balanced policy in the field as a whole and significantly improve education for all learners. This, in turn, requires the development of policies that will ensure this important balance in the future.

According to the researcher, it is necessary to ensure the participation of all interested parties, including students, representatives of the private sector, scientists and practitioners in the field of artificial intelligence, in the creation of legal bases for the implementation of artificial intelligence in the educational process and in the development of related policies.

Gaps in the legislation that exist today, the lack of sufficient legal frameworks are likely to cause certain difficulties in comprehensively regulating the processes of applying artificial intelligence to the educational process. At the same time, in the development of educational policies and legal frameworks based on artificial intelligence, the potential risks and issues analyzed by us above (ensuring equality for students in acquiring educational technologies, following the principle of expediency in the collection of personal data of students, creating legal frameworks ensuring the participation of all stakeholders—students, private sector representatives, AI scientists, and practitioners) will serve to strengthen human rights foundations that benefit all students.

The researcher put forward the conclusion that the necessity for transparency in the algorithms of artificial intelligence technologies applied to the educational process, stating that, in the context of applying artificial intelligence technologies to education, it is essential for their algorithms to be transparent. This would facilitate understanding the overall process and ensure compliance with relevant rules and regulations, both legal and industry.

CONCLUSION

This research work analyzes the issues of improving the organizational and legal foundations of education in the conditions of digitalization of Uzbekistan on the example of higher education. Proposals and recommendations aimed at improving the practice of scientific-theoretical, legislative and law enforcement activities were developed by analyzing the current legislation in this area, studying the scientific works of domestic and foreign scientists and the practice of developed foreign countries in this area. Based on the results of the analysis, the following conclusions were made:

I. Scientific and theoretical conclusions:

1.1. Author definitions were developed for a number of concepts such as the *right to education, the right to higher education, the right to distance education, and inclusive education*, whose essence is not fully disclosed or not defined at all in the current legislation.

1.2. The right to education is considered an “umbrella right” according to its legal nature, and it has been proven by the analysis of a number of scientific literature that it includes the right to education.

1.3. According to the constitutional classification of human rights, the right to higher education is among social rights, it is a positive right guaranteed by the state based on a person's free choice of education types, forms and institutions.

1.4. Based on the legal basis of digital education, the emergence and development stages of this right were divided into the following periods:

- 1) the period of formation of the right to digital education (1980-1995);
- 2) period of interdisciplinary diffusion of digital education (1995–2020);
- 3) the post-COVID era of the right to digital education (2020 to present).

1.5. The opinions of experts in the field, the analysis of legal literature and legislative documents show that the following trends exist in the development of the right to digital education today:

- the introduction of electronic education in the system of higher education, offline and online education are combined, moving to a mixed (hybrid) educational process, and which of them has advantages remains open;

- the digital transformation of higher education requires the creation of an infrastructure, a unified regulatory and methodological base that contributes to the implementation of priority projects;

- as a result of the digital transformation of higher education, the organization of the educational process in the higher education system, including educational goals, its content, and effective implementation of educational methods requires the introduction of a modern information and communication technology base;

- the development of digital education requires the continuous improvement of the teacher's pedagogical and professional skills, along with the formation of quality educational content and educational materials;

- digitization of education can cause inequalities in education, that is, it can cause inequality among relatively poor population groups, and it is necessary to minimize it;

- organization of educational processes on the basis of digital technologies, specific mechanisms of implementation of webinar, online, "blended learning", "flipped classroom" technologies, positive results achieved through their implementation and measures to prevent possible negative consequences, etc.

II. Suggestions for improving the legislation of the Republic of Uzbekistan:

2.1. The Law "On Education" generally defines the ways of exercising the right to education and in order to further expand them, it is appropriate to include the following in the second part of Article 5 of this Law as ways to ensure the exercise of the right to education, including higher education.

- ensuring continuity of education and organizing it;
- compulsory general secondary education;
- organization of inclusive education and training for children with special educational needs in educational organizations;
- providing academic freedom, self-management, research and teaching freedom in higher education institutions in accordance with the law.

2.2. Article 15 of the Law "On Education" lists inclusive education as one of

the forms of education, and in fact, inclusive education should be recognized as its integral feature and main principle, rather than a separate form of education. For this reason, it is necessary to exclude inclusive education from the list of forms of education in Article 15 of the Law, and to define inclusiveness of education as one of the main principles in the field of education mentioned in Article 4 of the Law.

2.3. The analysis of the legislation of Uzbekistan shows that although dozens of regulatory legal documents aimed at ensuring inclusiveness in the field of public education have been adopted to date, relations related to ensuring inclusiveness in higher education remain insufficiently regulated. By the decision of the Cabinet of Ministers, it is necessary to adopt the Regulation on the organization of inclusive education in state educational institutions of the Republic of Uzbekistan and to provide for the following:

- general rules for organizing inclusive education;
- the purpose, principles and tasks of inclusive education;
- rights and obligations of participants of inclusive education;
- requirements for organizing inclusive education;
- the procedure for monitoring the quality of inclusive education.
- responsibility and complaint procedure in the organization of inclusive education.

2.4. There is a need to involve specialists of special status in order to manage the learner (students) in using the right to receive distance education, to help them in their educational activities. Clause 8 of the regulation on the procedure for organizing distance education in higher education organizations, approved by the decision of the Cabinet of Ministers dated October 3, 2022 No. 559, specifies the necessity of distance education moderators, facilitators and tutors in the organization of distance education, as well as the regulation of their legal status, tasks and functions. It is proposed to supplement with item 81, which includes.

2.5 In order to guarantee equal rights to education for everyone, including the constitutional rights of prisoners serving time in penal institutions, and in order to further expand them, it is proposed to make the following changes and additions to the **Criminal-Executive Code**:

1) Filling the first part of Article 9 with the following eleventh paragraph:

"convicts have the right to receive education, including higher education, in the manner and form established by law."

2) Article 100:

The third part is as follows:

"Convicts in residential colonies can study in part-time departments of higher and secondary special educational institutions";

complete with the following fourth part:

"Convicts serving their sentences in penal institutions other than special order colonies have the right to receive higher education in correspondence or distance form, in compliance with the order and conditions of serving the sentence, the regime in penal institutions"

2.6. 2017 of the Cabinet of Ministers in order to ensure that the limitation or deprivation of the constitutional rights of a person can be carried out only by the

court and in order to ensure the principles of responsibility for the offense provided for in the criminal law

According to the regulation on the procedure for the transfer, restoration and expulsion of students of higher education institutions, approved by the decision No. 393 of June 20, in cases where the student was expelled from higher education institutions due to the deprivation of liberty by the court, changing the form of education to a distance form based on the student's wish and written application it is necessary to ensure that he continues his higher education. For this reason, it is proposed to supplement the second paragraph of the article 36 of this regulation with the following content:

"In cases where a student is expelled from a higher education institution on the basis of sub-paragraph "j" of this paragraph, the form of education may be changed to a distance form based on his written application. Except for the convicts who are scheduled to serve their sentences in special order colonies.

III. Proposals and recommendations on improving the organizational mechanisms of education in the Republic of Uzbekistan

3.1. The content of inclusive education requires not to separate learners who need education in special conditions from other learners who do not need such conditions, but to provide education by uniting them into one group. Therefore, it is proposed to gradually abandon the practice of teaching in specialized educational institutions and to adapt public educational institutions (buildings, textbooks and other equipment) to the needs of students with disabilities and special educational needs.

3.2. In order to create an additional opportunity for learners who need education in special conditions, it is proposed to organize their education in the form of distance education. At the same time, studying in the form of distance education should be organized not on the basis of compulsion for students of this category (zero, this contradicts the principles of inclusiveness), but on the basis of voluntariness.

3.3. It is proposed to provide special privileges for higher education to women who do not have the opportunity to receive traditional education due to family or other personal reasons, in particular, to allocate additional quotas for their education in the form of distance education.

3.4. In order to ensure quality education in the organization of distance education, it is suggested to organize training courses on digital technology literacy for students before starting educational processes.

3.5. To promote the safe, ethical use of AI in higher education, stakeholders, including government agencies responsible for education policy:

- funding initiatives to get access to affordable equipment and the Internet to bridge the digital divide;

- in the introduction of artificial intelligence to educational institutions and that these tools do not harm the interests of the Republic of Uzbekistan in the educational process, as well as relevant ethical norms and help ensure that they are fully aligned with our national values;

– adoption of laws prohibiting discrimination by artificial intelligence through algorithmic learning content or decisions;

- it is recommended to carry out periodic analysis of teaching processes through artificial intelligence.

3.6. Considering that education based on artificial intelligence has many positive aspects, but also implies a number of potential risks, it is recommended to take into account the following when organizing such education in the future and creating its legal basis:

- to establish certain limits in the collection of personal data of students and to follow the principle of expediency;

- ensuring equality for students in access to educational technologies;

- ensuring the participation of all interested parties — students, representatives of the private sector, scientists and practitioners in the field of artificial intelligence — in the development of legal policies and legal frameworks for artificial intelligence-based education.

**НАУЧНЫЙ СОВЕТ DSc.07/30.12.2019.Yu.22.02 ПО ПРИСУЖДЕНИЮ
УЧЁНЫХ СТЕПЕНЕЙ ПРИ ТАШКЕНТСКОМ ГОСУДАРСТВЕННОМ
ЮРИДИЧЕСКОМ УНИВЕРСИТЕТЕ**

**ТАШКЕНТСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ
УНИВЕРСИТЕТ**

БОКИЕВ ЖАХОНГИР НУРМАТЖОН УГЛИ

**СОВЕРШЕНСТВОВАНИЕ ОРГАНИЗАЦИОННО-ПРАВОВОЙ
ОСНОВЫ ПРАВА НА ОБРАЗОВАНИЕ В УЗБЕКИСТАНЕ В
УСЛОВИЯХ ЦИФРОВИЗАЦИИ (НА ПРИМЕРЕ ВЫСШЕГО
ОБРАЗОВАНИЯ)**

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АВТОРЕФЕРАТ
диссертации доктора философии (PhD) по юридическим наукам

Ташкент – 2024

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ВВЕДЕНИЕ (Аннотация диссертации доктора философии (PhD))

Цель исследования – разработка соответствующих предложений, рекомендаций и выводов, направленных на совершенствование конституционно-правовой основы обеспечения права человека на получение высшего образования в условиях цифровизации в Республике Узбекистан.

Объектом исследования является система конституционно-правовых отношений, связанных с обеспечением права на получение высшего образования в условиях цифровизации в Узбекистане.

Научная новизна исследования заключается в следующем:

- в целях обеспечения равных возможностей для качественного образования лиц с особыми образовательными потребностями обосновано, что норма об обеспечении государством инклюзивного образования и обучения этих лиц в образовательных организациях должна быть усилена на уровне Конституции;

- обоснована необходимость конституционно гарантировать развитие государственной системы непрерывного образования, её различных видов и форм, государственных и негосударственных образовательных организаций в целях эффективной реализации права каждого человека на получение качественного высшего образования;

- в целях обеспечения свободного развития личности научно доказано, что дистанционное образование должно создавать равные возможности для получения студентами образования в любом регионе страны и за её пределами;

- обосновано, что продолжительность обучения в дистанционном режиме не может быть меньше продолжительности обучения, установленной для очной формы обучения по соответствующему направлению подготовки бакалавриата и специальности магистратуры.

Внедрение результатов исследований. На основании научных результатов исследований в области совершенствования обеспечения права человека на образование, в том числе высшего, в условиях цифровизации:

предложение о необходимости обеспечения государством инклюзивного образования и воспитания детей с особыми образовательными потребностями в образовательных организациях было учтено при разработке части шестой статьи 50 Конституции Республики Узбекистан, утверждённой в новой редакции Конституционным законом «О Конституции Республики Узбекистан» от 1 мая 2023 года № 837 (Акт Законодательной палаты Олий Мажлиса Республики Узбекистан от 1 декабря 2023 года № 02/6-09-29). Реализация данного предложения послужит созданию инклюзивного образования в государственных образовательных учреждениях для лиц с особыми образовательными потребностями;

предложение о необходимости обеспечения развития государственной системы непрерывного образования, её различных видов и форм, государственных и негосударственных образовательных организаций в целях расширения предоставления права на высшее образование учтено при

разработке части второй статьи 50 Конституции Республики Узбекистан, утверждённой в новой редакции Конституционным законом «О Конституции Республики Узбекистан» от 1 мая 2023 года № 837 (Акт Законодательной палаты Олий Мажлиса Республики Узбекистан от 1 декабря 2023 года № 02/6-09-29). Реализация данного предложения послужит обеспечению уделения государством особого внимания развитию всех видов образования, в частности высшего образования и, как следствие, обеспечению права человека на получение высшего образования;

предложение о дистанционном обучении, обеспечивающем учащимся равные возможности для получения образования в любом регионе страны и за её пределами, учтено при разработке абзаца пятого пункта 7 Положения о порядке организации дистанционного обучения в высших образовательных организациях, утверждённого постановлением Кабинета Министров Республики Узбекистан от 3 октября 2022 года № 559 (Акт Управления юридического обеспечения Кабинета Министров Республики Узбекистан от 14 марта 2024 года № 09-09-11). Реализация этого предложения послужила предоставлению возможностей дистанционного обучения учащимся как внутри страны, так и за рубежом;

предложение по вопросу продолжительности дистанционного обучения, которая не может быть меньше продолжительности обучения, установленной для очной формы обучения по соответствующему направлению бакалавриата и специальности магистратуры, учтено при разработке пункта 17 Положения о порядке организации дистанционного обучения в высших образовательных организациях, утверждённого постановлением Кабинета Министров Республики Узбекистан от 3 октября 2022 года № 559 (Акт Управления юридического обеспечения Кабинета Министров Республики Узбекистан от 14 марта 2024 года № 09-09-11). Данное предложение, исходя из специфики дистанционной формы обучения, послужило установлению чёткого правила относительно минимальной продолжительности обучения.

Структура и объём диссертации. Диссертация состоит из введения, трёх глав, девяти параграфов, заключения, списка использованной литературы и приложений. Объём диссертации составляет 132 страниц.

E'LON QILINGAN ISHLAR RO'YXATI
СПИСОК ОПУБЛИКОВАННЫХ РАБОТ
LIST OF PUBLISHED WORKS

I bo'lim (I часть; I part)

1. Бокиев Ж. Алоҳида таълим эҳтиёжлари бўлган шахсларнинг олий таълим олиш ҳуқуқини таъминлашнинг ташкилий-ҳуқуқий масалалари //Ижтимоий-гуманитар фанларнинг долзарб муаммолари/Актуальные проблемы социально-гуманитарных наук/Actual Problems of Humanities and Social Sciences. – 2023. – Т. 3. – №. S/5.

2. Бокиев Ж. (2022) «Полномочия государственных органов в области высшего образования по обеспечению права на образование», Общество и инновации, 3(7/S), сс. 130–137. doi: 10.47689/2181-1415-vol3-iss7/S, pp. 130–137.

3. Bokiyev J. “Masofaviy ta’limni takomillashtirish orqali fuqarolarning oliy ta’lim olish huquqini ta’minlash masalalari”. “Yurisprudensiya” huquqiy ilmiy-amaliy jurnali. Volume 3 / Issue 1 / 2023.

4. Jakhongir B. Issues of implementation of the rights of persons with limited freedom to receive higher education //World Bulletin of Management and Law. – 2023. – Т. 19. – С. 79–81.

5. Jakhongir B. Issues of constitutional protection of individual rights to education in Uzbekistan and developed countries //World Bulletin of Management and Law. – 2022. – Т. 12. – С. 126–129.

6. Right to Inclusive Education. AMERICAN Journal of Language, Literacy and Learning in STEM Education Volume 01, Issue 06, 2023 ISSN (E): 2993-2769

7. The Essence of the Concept of the Right to Education and Legal Nature. American Journal of Science on Integration and Human Development. Vol. 2 No. 2 (2024):

8. Bokiyev J. “Sun’iy intellektni ta’lim olish jarayoniga tatbiq etishning ayrim jihatlari”. Yurisprudensiya” huquqiy ilmiy-amaliy jurnali. 2024-yil 1-son

II bo'lim (II часть; II part)

9. Bokiev J. "RIGHTS TO EDUCATION IN DEVELOPED COUNTRIES' CONSTITUTIONS." Conferencea (2022): xalqaro koferensiyalar to'plami. 176-179-b.

10. Бокиев Ж. “Жазоларни ижро этиш муассасаларида жиноий жазоларни ижро этаётган шахсларнинг олий таълим олишга бўлган ҳуқуқларини амалга ошириш масалалари”. Ўзбекистонда замонавий конституционализмни шакллантириш: ютуқлар, муаммолар ва истиқбол мавзусидаги халқаро илмий-амалий конференция тўплами. 2022 й. 193-198-б.

11. Бокиев Ж. “Рақамли технологиялар ва рақамли таълим олиш шакллари”. “Yangi O‘zbekiston Konstitutsiyasi — inson va uning manfaatlarini ta’minlashning mustahkam poydevori” nomli respublika ilmiy-amaliy

konferensiyasi. 266-274-b.

12. Бокиев Ж. “Рақамли таълим олиш ҳуқуқининг вужудга келиши ва ривожланиш тенденциялари”. “Илм-фан ва innovatsiya” Respublika ilmiy-amaliy konferensiyasi. Наука и инновация, 2(6), 4–11. извлечено от <https://in-academy.uz/index.php/si/article/view/27596>

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