# TA’LIM MUNOSABATLARIDA JAVOBGARLIKNING YO‘QLIGI: HUQUQIY ANIQLIK TAMOYILI NUQTAI NAZARIDAN

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***Annotatsiya.*** *Tezisda mustaqil ish bajarilmaganda qo'llangan choralar yuridik javobgarlikdan farqlanuvchi institutsional sanksiya sifatida tahlil qilinadi. Majburlov manbai, choraning asosi, tartib-taomil va himoya vositasi mezonlari bo'yicha bu choralar oliy ta'lim muassasasining ichki tartibiga tegishli ekani, shartnomaviy munosabat, aniq majburiyat va davlat boshqaruvi elementi yo'qligi sababli yuridik javobgarlik yuzaga kelmagani asoslanadi.*

***Kalit so‘zlar:*** *institutsional sanksiya, yuridik javobgarlik, huquqiy aniqlik tamoyili, ichki tartib-qoidalar, ta'lim xizmati, ma'muriy javobgarlik, intizomiy chora, himoya vositasi.*

***Аннотация.*** *В тезисах меры, применявшиеся при невыполнении самостоятельной работы, анализируются как институциональные санкции, отличные от юридической ответственности. По критериям источника принуждения, основания меры, процедуры и средства защиты обосновывается, что эти меры относились к внутреннему порядку вуза, а юридическая ответственность не возникала из-за отсутствия договорных отношений, определённой обязанности и элемента публичного управления.*

***Ключевые слова:*** *институциональная санкция, юридическая ответственность, принцип правовой определённости, внутренние правила, образовательная услуга, административная ответственность, дисциплинарная мера, средство защиты.*

***Abstract.*** *The thesis analyses the measures applied when independent work was not performed as institutional sanctions distinct from legal liability. Using the criteria of the source of coercion, the basis of the measure, procedure and remedy, it argues that these measures belonged to the internal order of the higher education institution, and that legal liability did not arise because of the absence of a contractual relationship, a defined duty and an element of public administration.*

***Keywords:*** *institutional sanction, legal liability, principle of legal certainty, internal rules, educational service, administrative liability, disciplinary measure, remedy.*

**Introduction.** It is natural for a student who fails to complete an assignment to suffer some adverse result. Yet not every adverse result amounts to legal liability. A measure that an educational institution applies under its own internal order differs in legal nature from liability backed by the coercive power of the state. For independent work the difference has particular weight, because for most of the twentieth century the consequences of not performing it stayed entirely within the academic sphere.

The purpose of this study is to establish the legal nature of the measures applied in that period and to explain why legal liability did not arise. For this purpose four features distinguishing the two phenomena were used: the source of coercion (the state or the institution); the basis of the measure (a rule of law or an internal rule); procedure; and the means of protection. Its tasks are to determine the types of measures, to systematise the reasons why liability did not take shape, and to compare them with today's legal environment.

**Main part. The nature of the measures.** The consequences of failing to perform independent work were limited to a low grade, academic debt or expulsion. These measures were not legal liability but institutional sanctions grounded in the institution's own rules of procedure [1, p. 98]. Two of their features matter. First, they were applied not through the coercive force of the state but within the institution's own administrative authority. Second, they affected the student's academic status and carried no proprietary or personal legal consequence. On three of the four features, namely source, basis and procedure, these measures can therefore be separated from liability.

**First reason: no contractual relationship.** In the Soviet period education was regarded not as a "service" but as a social function of the state. No contractual relationship resting on mutual obligations therefore existed between the parties. From the standpoint of civil law, liability ordinarily arises from improper performance of an obligation [2, pp. 415–417]. Where the obligation itself did not exist, non-performance of independent work was not treated as a violation of contractual terms and produced no civil-law consequence.

**Second reason: the content of the duty was undefined.** The content, volume and assessment criteria of independent work were nowhere set out in a document. To hold a person liable for not performing a duty that is not legally defined contradicts the principle of legal certainty, since a person must be able to know in

advance what legal consequence his conduct will have. By that principle, liability could not arise under conditions of a "legal gap".

**Third reason: no element of public administration.** Administrative liability arises for breaching rules laid down by bodies of public administration. Whether a student performed independent work was treated as part of the institution's internal teaching and upbringing process, not as a matter of public administration. For that reason administrative measures such as fines were not provided for in this field.

**The question of remedies.** On the fourth feature, the means of protection, an institutional sanction differs from legal liability most sharply: liability as a rule presupposes a proper procedure and the possibility of appeal, whereas for an internal measure that possibility is limited by the institution's own rules. The difference matters because the absence of a protective mechanism weakened the student's legal position in respect of his academic work.

**Comparison with the present environment.** Contractual elements exist in current education law. The law provides, for example, that secondary vocational education may be delivered under a state order or a fee-paying contract, that non-state general secondary and secondary specialised education may be provided on a fee-paying contract basis, and that citizens may obtain a second and further higher education under a contract [3, Arts. 9–11]. Liability for violating education legislation is set out in a separate article of the Law (Article 71) [3]. The legal environment thus differs radically from the first stage: a contract, a liability norm and a legal definition of the institution's activity now exist.

**Conclusion for the research.** The joint presence of the three reasons shows that the conditions necessary for legal liability, namely a clearly defined duty, a legal basis and a relationship regulated by the state, were absent in the first stage. It is therefore correct to describe the measures of that period not as "mild liability" but as "institutional measures outside liability".

**Academic and disciplinary measures.** In substance the measures of the first period fall into two groups. A low grade and academic debt were academic measures tied to the student's learning result, while expulsion took on a disciplinary character and directly affected the student's opportunity to study. Because the second group brought heavier consequences, its legal basis and procedure were especially important. Even so, these measures also remained within the institution's internal competence and were not governed by a separate normative basis for failure to perform independent work. As the consequence grew heavier, the legal guarantees did not grow stronger.

**The content of the principle of legal certainty.** The principle contains several requirements: the duty must be known in advance; its content and volume must be intelligible; and the consequence of a breach must be foreseeable. In the first period independent work fully met none of the three. A student usually learned the size of the task, the deadline and the assessment criterion from the personal demand of the teacher. If liability were applied in such conditions it would rest on discretion rather than legality. For this reason the non-arising of legal liability under the certainty principle is legally correct; the defect lay not in the absence of liability but in the fact that the duty was not defined.

**Two-sided absence of liability.** The absence of liability did not concern only the student. If a teacher or an institution organised independent work poorly, no legal liability arose for them either, since their duty in this area was also undefined and no contractual relationship existed. The liability mechanism was thus empty on both sides: neither the measures laid on the student nor the demands placed on the other parties were legally formed. This shows that later stages needed to balance the obligations of the parties.

**Practical value of the distinction.** Determining the legal nature of a measure remains practically important today. If a measure rests on a rule of law, it can be reviewed for legality and challenged before a higher body or a court. If it rests only on an internal rule, review takes place mainly within the institution and consists in checking that the internal rule itself does not contradict the law. In present-day legal analysis it is therefore useful to test each measure by the question: at what level of rule does it rest, and what route of appeal exists against it.

**The function of the measures.** An institutional sanction and legal liability also differ in function. The former is directed mainly at an educational and academic aim, that is, at encouraging the student to meet study requirements. Legal liability, as a rule, performs such functions as restoring a violated right, compensating loss or punishing the offender. For non-performance of independent work no compensation for loss to any party was demanded, so the compensatory function did not operate at all. This too confirms that the measures were a means of securing internal order, not liability.

**The difference for today's student.** The 2026 Regulation on Higher Education entitles a student to contest decisions taken by the institution's leadership [4]. Unlike in the first period, this widens the student's opportunity to bring even an internal measure into a protective process. How the right is to be exercised in practice, the time limit for a complaint and the procedure of review require separate analysis.

**Conclusion.** First, the consequences of not performing independent work were institutional sanctions resting on the internal order of the institution, not state coercion. Second, the absence of legal liability is explained by three reasons: no contractual relationship, no clearly defined duty and no element of public administration. Third, for the study of today's norms on self-directed learning the lesson is that the legal nature of each measure must be clearly identified, and that an institutional sanction must not be mistaken for liability.

## References

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