YOSHLARDA HUQUQIY QADRIYATLARNI SHAKLLANTIRISH MASALASINING NAZARIY-METODOLOGIK ASOSLARI

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Annotatsiya. *Maqolada yoshlarda huquqiy qadriyatlarni shakllantirish masalasining nazariy-metodologik asoslari tahlil qilingan. “Huquqiy qadriyat”, “huquqiy ong”, “huquqiy madaniyat” va “huquqiy sotsializatsiya” tushunchalarining mazmuni hamda o‘zaro nisbati falsafiy, huquqiy, sotsiologik va psixologik yondashuvlar asosida ochib berilgan. Aksiologik, tizimli, sinergetik, kompetensiyaviy va shaxsga yo‘naltirilgan yondashuvlarning tadqiqot predmetiga tatbiq etilish imkoniyatlari asoslangan. Huquqiy qadriyatlar shakllanishining bilish, emotsional-baholash va xulq-atvor komponentlaridan iborat uch bosqichli modeli taklif etilgan. Yangi O‘zbekiston sharoitida yoshlar huquqiy tarbiyasini takomillashtirishga doir ilmiy xulosa va amaliy takliflar ishlab chiqilgan.*

Kalit so‘zlar: *huquqiy qadriyat, huquqiy ong, huquqiy madaniyat, huquqiy sotsializatsiya, yoshlar, aksiologik yondashuv, qonun ustuvorligi, huquqiy tarbiya, huquqiy nigilizm.*

Аннотация. *В статье анализируются теоретико-методологические основы формирования правовых ценностей у молодёжи. На основе философского, юридического, социологического и психологического подходов раскрыто содержание и соотношение понятий «правовая ценность», «правовое сознание», «правовая культура» и «правовая социализация». Обоснованы возможности применения аксиологического, системного, синергетического, компетентностного и личностно-ориентированного подходов к предмету исследования. Предложена трёхэтапная модель формирования правовых ценностей, включающая когнитивный, эмоционально-оценочный и поведенческий компоненты. Разработаны научные выводы и практические предложения по совершенствованию правового воспитания молодёжи в условиях Нового Узбекистана.*

Ключевые слова: *правовая ценность, правовое сознание, правовая культура, правовая социализация, молодёжь, аксиологический подход, верховенство закона, правовое воспитание, правовой нигилизм.*

Abstract. *The article analyzes the theoretical and methodological foundations of forming legal values among youth. Drawing on philosophical, legal, sociological and psychological approaches, it clarifies the content of and relationship between the concepts of "legal value", "legal consciousness", "legal culture" and "legal socialization". The applicability of axiological, systemic, synergetic, competency-based and person-centered approaches to the research subject is substantiated. A three-stage model of legal value formation comprising cognitive, emotional-evaluative and behavioral components is proposed. Scientific conclusions and practical recommendations for improving the legal education of youth in the context of New Uzbekistan are developed.*

Keywords: *legal value, legal consciousness, legal culture, legal socialization, youth, axiological approach, rule of law, legal education, legal nihilism.*

KIRISH

Huquqiy demokratik davlat va fuqarolik jamiyati qurilishi jarayonida yoshlar ongida huquqiy qadriyatlarni barqaror shakllantirish davlat siyosatining ustuvor yo‘nalishlaridan biriga aylandi. 2023-yilda yangi tahrirda qabul qilingan O‘zbekiston Respublikasi Konstitutsiyasida inson, uning hayoti, erkinligi, sha’ni va qadr-qimmati oliy qadriyat ekani mustahkamlangan [1]. Mazkur konstitutsiyaviy qoida huquqni jamiyat a’zolari, avvalo yoshlar tomonidan ichki ishonch darajasida qabul qilinadigan qadriyat sifatida qaror toptirishni taqozo etadi.

Davlat siyosati darajasida bu vazifa bir qator me’yoriy hujjatlarda aniq ifodalangan. O‘zbekiston Respublikasi Prezidentining 2019-yil 9-yanvardagi PF-5618-son Farmoni bilan jamiyatda huquqiy ong va huquqiy madaniyatni yuksaltirish tizimini tubdan takomillashtirish vazifalari belgilandi [2]. “Yoshlarga oid davlat siyosati to‘g‘risida”gi Qonun yoshlarni vatanparvarlik, fuqarolik tuyg‘usi va qonunlarga hurmat ruhida tarbiyalashni davlat siyosatining asosiy yo‘nalishi sifatida qayd etadi [3]. 2022–2026 yillarga mo‘ljallangan Yangi O‘zbekistonning taraqqiyot strategiyasi [4] va “O‘zbekiston – 2030” strategiyasi [5] qonun ustuvorligini ta’minlash hamda aholining huquqiy madaniyatini oshirishni ustuvor maqsad sifatida belgilagan. Davlat rahbari ham huquqiy madaniyatni oshirishni jamiyat taraqqiyotining muhim sharti deb ta’kidlaydi [6].

Shu bilan birga, globallashuv, axborot oqimining keskin ortishi va virtual makonda turli mafkuraviy ta’sirlarning kuchayishi yoshlar ongida huquqiy nigilizm, huquqiy infantilizm va huquqqa formal munosabat kabi salbiy holatlarning yuzaga kelish xavfini oshirmoqda. Bu esa huquqiy qadriyatlarni shakllantirish jarayonini faqat huquqiy bilim berish bilan cheklamasdan, uni yaxlit nazariy-metodologik asosda tadqiq etish zaruratini keltirib chiqaradi.

Tadqiqotning maqsadi — yoshlarda huquqiy qadriyatlarni shakllantirish masalasining nazariy-metodologik asoslarini tizimli tahlil qilish va ularni shakllantirish modelini asoslash.

Tadqiqot vazifalari:

1. “Huquqiy qadriyat” tushunchasining mazmuni va uning turdosh tushunchalar bilan nisbatini aniqlash.
2. Mavzuga oid falsafiy, huquqiy, sotsiologik va psixologik yondashuvlarni qiyosiy tahlil qilish.
3. Tadqiqot predmetiga mos metodologik yondashuvlar tizimini asoslash.
4. Yoshlarda huquqiy qadriyatlarni shakllantirish modelini ishlab chiqish va amaliy takliflar berish.

MAVZUGA OID ADABIYOTLAR TAHLILI

Huquqiy qadriyatlar muammosi ilmiy adabiyotlarda to‘rt asosiy yo‘nalishda — falsafiy, huquqiy, aksiologik-sotsiologik va psixologik yo‘nalishlarda o‘rganilgan.

Falsafiy yo‘nalish. Sharq tafakkurida adolat, qonun va fazilatli jamiyat g‘oyalari Abu Nasr Forobiyning “Fozil odamlar shahri” asarida izchil talqin etilgan bo‘lib, unda fuqarolarning axloqiy va huquqiy kamoloti adolatli jamiyatning sharti sifatida qaraladi [7]. G.V.F. Gegel huquqni erkinlikning voqelikdagi ifodasi deb talqin qilgan [8]. I.A. Ilin huquqiy ongni shaxsning huquqqa ichki, vijdoniy munosabati sifatida tavsiflab, huquqni anglash va qadrlashning ma’naviy asoslarini ochib bergan [9]. G. Radbrux huquqni adolat, maqsadga muvofiqlik va huquqiy aniqlik qadriyatlariga xizmat qiluvchi hodisa sifatida baholagan [10].

Huquqiy yo‘nalish. S.S. Alekseev huquqni insonparvarlik qadriyatlariga asoslangan, shaxs erkinligini kafolatlovchi tizim sifatida talqin qiladi [11]. N.I. Matuzov huquqiy tizim va shaxs o‘rtasidagi munosabatni tahlil qilib, shaxsning huquqiy maqomi va huquqiy faolligini huquqiy ong bilan bog‘laydi [12]. O‘zbek huquqshunosligida A.X. Saidov va U.T. Tadjixanov huquqiy ong va huquqiy madaniyatni davlat va huquq nazariyasining asosiy kategoriyalari sifatida tizimlashtirgan [13]. H.L.A. Xart esa huquqiy normalarga “ichki nuqtai nazar”dan — ularni xulq-atvor uchun asos sifatida qabul qilishdan iborat munosabatni ajratib ko‘rsatgan [14]. Bu yondashuv huquqiy qadriyat tushunchasi uchun muhim nazariy tayanch hisoblanadi.

Aksiologik-sotsiologik yo‘nalish. M. Rokich qadriyatlarni shaxs xulq-atvorini yo‘naltiruvchi barqaror e’tiqodlar sifatida ta’riflab, terminal va instrumental qadriyatlarni ajratgan [15]. Sh. Shvarts qadriyatlarning universal tuzilmasini empirik jihatdan asoslagan [16]. Ushbu tasniflar huquqiy qadriyatlarni (adolat, tenglik,

erkinlik, qonuniylik) shaxsning umumiy qadriyatlar tizimi tarkibida ko‘rish imkonini beradi.

Psixologik yo‘nalish va huquqiy sotsializatsiya nazariyasi. L. Kolberg axloqiy rivojlanishning konvensiyagacha, konvensional va konvensiyadan keyingi darajalarini asoslagan [17]. J. Tapp va F. Levin bu g‘oyani huquq sohasiga tatbiq etib, “huquqiy sotsializatsiya” konsepsiyasini ishlab chiqqan [18]. T. Tayler odamlarning qonunga bo‘ysunishi jazodan qo‘rqishdan ko‘ra ko‘proq huquqiy institutlarning legitimligi va adolatli jarayonga ishonchga bog‘liq ekanini ko‘rsatgan [19]. Keyingi tadqiqotlarda bolalar va o‘smirlarda huquqiy sotsializatsiya [20], uning ijtimoiy tabiati [21] hamda bolalikdan boshlab legitimlik tuyg‘usining shakllanishi [22] chuqur o‘rganilgan.

Tahlil shuni ko‘rsatadiki, mavjud tadqiqotlarda huquqiy qadriyatlar ko‘pincha yoki falsafiy-nazariy, yoki psixologik-empirik jihatdan alohida o‘rganilgan. Yoshlar huquqiy qadriyatlarini shakllantirishni yaxlit metodologik asosda, milliy huquqiy tizim va ma’naviy meros bilan uyg‘unlikda tadqiq etish ilmiy jihatdan yetarli darajada hal etilmagan masala bo‘lib qolmoqda.

TADQIQOT METODOLOGIYASI

Tadqiqotda umumilmiy va xususiy-ilmiy metodlar uyg‘unligidan foydalanildi. Tarixiy-mantiqiy metod huquqiy qadriyatlar haqidagi qarashlar evolyutsiyasini, qiyosiy-huquqiy metod milliy va xorijiy yondashuvlarni solishtirishni, tizimli-strukturaviy tahlil esa huquqiy qadriyatlar tarkibi va ularning o‘zaro bog‘liqligini aniqlashni ta’minladi. Shuningdek, analiz va sintez, induksiya va deduksiya, abstraksiyalash hamda me’yoriy-huquqiy hujjatlarni kontent-tahlil qilish metodlari qo‘llanildi.

Tadqiqotning metodologik asosini quyidagi yondashuvlar tashkil etadi (1-jadval).

1-jadval

Tadqiqotning metodologik yondashuvlari

Yondashuv	Mazmuni	Tadqiqotdagi o‘rni
Aksiologik	Huquqni qadriyat sifatida baholash	Huquqiy qadriyatlar ierarxiyasini aniqlash
Tizimli	Hodisani o‘zaro bog‘liq elementlar yaxlitligi sifatida o‘rganish	Oila, ta’lim, OAV, mahalla va davlat institutlari ta’sirini yaxlit ko‘rish
Sinergetik	Ochiq tizimlarning o‘z-o‘zini tashkil etishini tahlil qilish	Axborot makonidagi noaniq va ko‘p omilli ta’sirlarni hisobga olish
Kompetensiyaviy	Bilim, ko‘nikma va amaliy tayyorgarlik birligi	Huquqiy bilimni amaliy huquqiy faollikka aylantirish

Yondashuv	Mazmuni	Tadqiqotdagi o‘rni
Shaxsga yo‘naltirilgan	Shaxsning individual xususiyatlari va ehtiyojlarini inobatga olish	Yosh davrlari va ijtimoiy guruhlar bo‘yicha tabaqalashtirish
Huquqiy sotsializatsiya	Huquqiy me’yorlarning shaxs tomonidan o‘zlashtirilish jarayoni	Huquqiy qadriyatlar shakllanish bosqichlarini asoslash

Mazkur yondashuvlar bir-birini to‘ldiradi: aksiologik yondashuv tadqiqotning qadriyatiy mazmunini, tizimli va sinergetik yondashuvlar uning tashkiliy-ijtimoiy muhitini, kompetensiyaviy va shaxsga yo‘naltirilgan yondashuvlar esa amaliy-pedagogik jihatini belgilaydi.

TAHLIL VA NATIJALAR

1. “Huquqiy qadriyat” tushunchasining mazmuni. Adabiyotlar tahlili asosida muallif tomonidan quyidagi ishchi ta’rif taklif etiladi: *huquqiy qadriyat — shaxs va jamiyat tomonidan ahamiyatli deb e’tirof etilgan, huquq orqali ifodalanadigan va kafolatlanadigan, kishilarning huquqiy xulq-atvorini ichki ishonch darajasida yo‘naltiruvchi ideallar, tamoyillar va ne’matlar majmui.* Bu ta’rif huquqiy qadriyatni huquqiy bilimdan farqlaydi: bilim “nima qonuniy” degan savolga, qadriyat esa “nima uchun qonunga amal qilish kerak” degan savolga javob beradi.

Huquqiy qadriyatlarni uch guruhga ajratish maqsadga muvofiq:

– **umuminsoniy huquqiy qadriyatlar** — inson qadr-qimmati, erkinlik, tenglik, adolat;

– **institutsional huquqiy qadriyatlar** — qonun ustuvorligi, odil sudlov, huquqiy aniqlik, hokimiyatlar bo‘linishi;

– **shaxsiy-xulqiy huquqiy qadriyatlar** — qonunga hurmat, huquqiy mas’uliyat, o‘zgalar huquqini hurmat qilish, huquqiy faollik.

2. Turdosh tushunchalar nisbati. Huquqiy ong — huquqiy hodisalarga munosabatni ifodalovchi g‘oya, qarash va his-tuyg‘ular majmui; huquqiy qadriyatlar uning yadrosini tashkil etadi. Huquqiy madaniyat esa huquqiy ong va huquqiy xulq-atvorning amaldagi birligi bo‘lib, qadriyatlarning hayotda namoyon bo‘lish darajasini ko‘rsatadi. Huquqiy sotsializatsiya bu qadriyatlarning shaxs tomonidan o‘zlashtirilish jarayonini anglatadi. Demak, huquqiy qadriyat — huquqiy ongning mazmuni, huquqiy sotsializatsiyaning natijasi va huquqiy madaniyatning asosi.

3. Huquqiy qadriyatlarni shakllantirish modeli. Tadqiqot natijasida huquqiy qadriyatlar shakllanishining uch bosqichli modeli asoslandi (2-jadval).

2-jadval

Yoshlarda huquqiy qadriyatlarni shakllantirishning uch bosqichli modeli

Bosqich	Komponent	Mazmuni	Natija ko‘rsatkichi
1. Bilish	Kognitiv	Huquqiy me’yorlar, huquq va burchlar, ularning ijtimoiy mazmunini bilish	Huquqiy savodxonlik
2. Baholash	Emotsional-baholash	Huquqiy me’yorlarni adolatli va zarur deb ichdan qabul qilish, institutlarga ishonch	Huquqqa ijobiy munosabat, legitimlik tuyg‘usi
3. Amal qilish	Xulq-atvor	Qonunga ixtiyoriy rioya qilish, huquqlarni himoya qilish, huquqiy faollik	Barqaror qonunga itoatkor va faol huquqiy xulq

Modelning asosiy xulosasi shundaki, birinchi bosqichda to‘xtab qolgan huquqiy ta’lim faqat formal bilim beradi. Bilim qadriyatga aylanishi uchun ikkinchi — baholash bosqichi hal qiluvchi ahamiyatga ega. T. Tayler tadqiqotlari ham qonunga ixtiyoriy rioya qilish adolatli jarayon va institutlar legitimligiga ishonch bilan bog‘liqligini tasdiqlaydi [19; 22].

4. Shakllantirish omillari. Yoshlarda huquqiy qadriyatlar shakllanishiga ta’sir etuvchi omillar ikki guruhga bo‘linadi. *Ichki omillar* — shaxsning yosh xususiyatlari, axloqiy rivojlanish darajasi [17], qadriyatlar tizimi va ijtimoiy tajribasi. *Tashqi omillar* — oila, ta’lim muassasalari, mahalla, ommaviy axborot vositalari, raqamli muhit hamda davlat organlarining faoliyatidagi adolat va shaffoflik. Ayniqsa, davlat organlari amaliyotining adolatliligi yoshlar uchun huquqiy qadriyatlarning eng ta’sirchan “amaliy darsi” hisoblanadi.

5. Salbiy holatlar. Huquqiy qadriyatlar shakllanishiga to‘sqinlik qiluvchi asosiy holatlar sifatida huquqiy nigilizm (huquqni inkor etish), huquqiy infantilizm (huquqiy bilimlarning yuzakiligi) va huquqiy idealizm (huquq imkoniyatlarini haddan tashqari oshirib baholash) ajratildi. Ularni bartaraf etish faqat bilim berish emas, balki yoshlarning huquqiy tajribasini boyitish orqali mumkin.

XULOSA VA TAKLIFLAR

Tadqiqot natijalari asosida quyidagi xulosalarga kelindi:

1. Huquqiy qadriyat huquqiy ongning yadrosi, huquqiy sotsializatsiyaning natijasi va huquqiy madaniyatning asosi bo‘lib, u huquqiy bilimdan ichki ishonch va ixtiyoriy amal qilish darajasi bilan farqlanadi.

2. Yoshlarda huquqiy qadriyatlarni shakllantirish masalasini aksiologik, tizimli, sinergetik, kompetensiyaviy va shaxsga yo‘naltirilgan yondashuvlar hamda huquqiy sotsializatsiya nazariyasi uyg‘unligida tadqiq etish ilmiy jihatdan samarali.

3. Huquqiy qadriyatlar bilish, baholash va amal qilish bosqichlaridan o‘tib shakllanadi; bunda emotsional-baholash bosqichi bilimni qadriyatga aylantiruvchi hal qiluvchi bo‘g‘in hisoblanadi.

4. Huquqiy institutlar faoliyatining adolatliligi va shaffofligi yoshlar huquqiy qadriyatlariga ta’lim jarayoni bilan teng darajada ta’sir ko‘rsatadi.

Amaliy takliflar:

–ta’lim muassasalarida huquqiy fanlarni o‘qitishda faqat bilim berishga emas, balki keys-stadi, imitatsion sud jarayonlari (moot court), munozara va loyiha usullari orqali baholash va amaliy ko‘nikmalarni shakllantirishga e’tibor qaratish;

–yoshlarning huquqiy qadriyatlari darajasini bilish, baholash va xulq-atvor ko‘rsatkichlari bo‘yicha muntazam sotsiologik monitoring qilish metodikasini ishlab chiqish;

–raqamli makonda huquqiy nigilizmga qarshi yoshlar tilida tayyorlangan huquqiy-ma’rifiy kontent yaratishni kengaytirish;

–mahalla, oila va ta’lim muassasalari hamkorligida yoshlarning huquqiy tajribasini boyituvchi ijtimoiy loyihalarni amalga oshirish;

–huquqiy tarbiya mazmuniga milliy ma’naviy merosdagi adolat va qonunga hurmat g‘oyalarini tizimli kiritish.

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HUQUQ VA MAJBURIYATLAR MUVOZANATINING BUZILISHI: MUSTAQIL TA'LIM MISOLIDA

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Annotatsiya. *Tezisda an'anaviy ta'lim modelida talaba, professor-o'qituvchi va oliy ta'lim muassasasi o'rtasida huquq va majburiyatlar muvozanatining buzilishi mustaqil ta'lim misolida tahlil qilinadi. Talaba yordam talab qilish huquqisiz majburiyat tashuvchisi, o'qituvchi va muassasa esa sifat uchun majburiyatsiz vakolat egasi bo'lgani ko'rsatilib, muvozanatni baholashning uch mezoni va asimmetriyaning qoldiq ko'rinishlari aniqlanadi.*

Kalit so'zlar: *huquq va majburiyatlar muvozanati, huquqiy asimmetriya, talaba, professor-o'qituvchi, oliy ta'lim muassasasi, mustaqil ta'lim, himoya vositasi, paradigma almashuvi.*

Аннотация. *В тезисах на примере самостоятельного обучения анализируется нарушение баланса прав и обязанностей между студентом, преподавателем и высшим учебным заведением в традиционной модели образования. Показано, что студент был носителем обязанности без права требовать помощи, а преподаватель и вуз обладали полномочием без обязанности за качество; выделяются три критерия оценки баланса и остаточные проявления асимметрии.*

Ключевые слова: *баланс прав и обязанностей, правовая асимметрия, студент, профессорско-преподавательский состав, высшее учебное заведение, самостоятельное обучение, средство защиты, смена парадигмы.*

Abstract. *Taking self-directed learning as its example, the thesis analyses the disruption of the balance between rights and obligations among the student, the faculty member and the higher education institution in the traditional model of education. It shows that the student carried an obligation without a right to demand support, while the teacher and the institution held authority without an obligation as to quality, and it identifies three criteria for assessing the balance and the residual forms of the asymmetry.*

Keywords: *balance of rights and obligations, legal asymmetry, student, faculty member, higher education institution, self-directed learning, remedy, paradigm shift.*

Introduction. In any legal relationship the rights and the obligations of the parties are expected to be linked: the obligation of one side answers to the right of the other. In the traditional model of the educational process, independent work shows this balance being broken with particular clarity. The student was charged with the duty to complete the assignment, yet the entitlement to require the conditions needed to fulfil that duty was never clearly set out.

The aim of the thesis is to identify the make-up of the historical asymmetry between the parties and to show its effect on the quality of self-directed learning. The objectives are to analyse the legal position of the student, to analyse the position of the teacher and the institution, and to single out the modern instruments directed at removing the asymmetry.

Main part. The position of the student. Within the old model the student bore an actual (de facto) obligation to carry out assignments. There was, however, no right to demand the resources and methodological help necessary for doing so. Consultation hours were not included in the teacher's workload, and the material base was limited. As a result the student remained a passive performer rather than an active subject of the educational process, and no systematic conditions were created for forming the skill of learning independently [1, p. 6].

The position of the teacher and the institution. Faculty members and the institution had the authority to assign independent work. Yet neither a legal obligation nor an economic incentive existed to organise it well. Because the teacher's workload and the institution's rating rested solely on lecture-room hours, supervising independent work became an activity without interest and without obligation [2, p. 85]. In other words, there was authority, but no matching responsibility was set.

The form the asymmetry took. The parties thus stood in two opposite positions. The student was the side "with obligation but without right", and the teacher and the institution were the side "with authority but without obligation". Such a structure contradicts a general rule of legal theory: right and obligation must correspond. The distinctive feature of the problem is that the asymmetry was not openly fixed in any document; it arose through silence, that is, through the fact that documents said nothing.

Effect on quality. Under this imbalance the quality of independent work hung on a teacher's personal initiative rather than on any structural safeguard. An active

teacher could create the conditions, but doing so was his private choice and not his duty. In such a system a student who moved to another teacher or another subject could lose the opportunities he had enjoyed.

Modern instruments. The credit-module regulation introduced after 2020 contains a number of instruments aimed at reducing this asymmetry. First, it provides that students are given consultation and explanations [3, cl. 8]. Second, teachers must ensure consistency among learning outcomes, teaching and assessment [3, cl. 10]. Third, the institution must publish its catalogue of educational programmes on its website before the academic year begins, so that the student can learn the conditions of study in advance [3, cl. 9]. Fourth, the student forms a personal learning trajectory with the help of a group mentor, which strengthens his active role in choosing his own learning activity [3].

Assessment. These instruments widen the student's opportunity to obtain information and consultation and to shape his own trajectory, and thereby reduce the "passive performer" position. At the same time, the documents analysed show no norms that guarantee the performance of these instruments or fix a separate consequence for their violation. It is therefore more accurate to speak of a partial reduction of the asymmetry than of its complete removal.

The principle of correspondence between right and obligation. In legal theory a right corresponds to an obligation: one person's entitlement to demand equals another's duty to perform. For a student to have a "right to demand help", somebody must be bound to give it. In the traditional model no such obligation was laid on the teacher or the institution, and for that reason the student had no matching right. It is more exact to describe this situation not as mere "neglect" but as a disruption of the balance between right and obligation: there is a duty on one side, and the other side of it, the corresponding duty of another person, is missing.

The institution's resource obligation. Another dimension of the asymmetry concerns resources. Independent study requires a library, information sources, laboratories or study rooms. In the traditional model the provision of these conditions was treated as the institution's voluntary activity, and the student's entitlement to use them was not separately secured. The student was bound to complete the task, but his right to use the resources necessary for it was unclear. Giving the resource obligation legal expression is an important condition for reducing the asymmetry at later stages.

The control aspect. The asymmetry also appears in the control mechanisms. The result of a student's independent work is checked and graded, whereas the quality with which the teacher organised it and the institution's creation of conditions were not indicators subject to regular control. When one party is an object of control

and the others remain outside it, the balance of obligations is not maintained in practice either. In assessing modern regulation, attention must therefore be paid not only to the list of rights and obligations but also to the mechanism for supervising their performance.

Questions for further research. To test whether the historical asymmetry has diminished, several questions need an answer. To which body can a student turn if his right to obtain help is violated? In what document, and with what precision, is the teacher's duty to consult fixed? What consequence is provided if the institution fails to supply resources? The answers will show the actual level of the balance, not only its level on paper.

The origin of the asymmetry. The root of the imbalance lay in the view of education itself. In the centralised model the student was regarded as an object of educational influence: a fixed amount of knowledge was to be given to him and assignments were to be completed by him. An obligation can be laid on an object, but giving it rights is not logical. Once the student is recognised as a subject of the educational process, a need arises to define his rights, including the right to help and to use resources. In this sense legal asymmetry is also the legal reflection of a change of paradigm in education.

Criteria for testing the balance. Three criteria are proposed for assessing the balance between the parties: the existence of the right; the definition of the corresponding obligation; and the existence of a remedy when the right is violated. If any one of the three is missing, the balance is judged incomplete. In the first period a shortfall was observed on all three, whereas in the present regulations the first two are partly met and the third requires separate analysis.

Three pairs of relations. The analysis cannot be confined to the tie between student and teacher. Three pairs can be distinguished: student and teacher, student and institution, teacher and institution. In the first pair the student performs the task, and the teacher assigns and assesses it. In the second the student is included in the institution's educational process, but the way of demanding that it create conditions is unclear. In the third the teacher is in an employment relationship with the institution, but his workload does not clearly show hours for managing independent work. In all three pairs one party holds authority and the corresponding obligation of the other is vague.

Residual forms. Modern regulation has not removed the asymmetry altogether. The credit-module regulation does not apply to all higher education institutions: its first clause leaves aside institutions within some ministries, military institutions, non-state institutions and foreign ones [3, cl. 1]. For these categories the student's access to the guarantees above depends on other documents or on the

institution's own rules. Under the 2026 Regulation on Higher Education the student may use libraries and information sources without charge and may challenge leadership decisions [4]. This shows that two elements missing in the first period, access to resources and a remedy, have to some extent been supplied.

Conclusion. First, under the traditional model the student was bound but not entitled, whereas the teacher and the institution were empowered but not bound. Second, this imbalance deprived the quality of independent work of a systemic guarantee and tied it to personal initiative. Third, the credit-module regulation reduced the asymmetry through instruments of information openness, consultation and personal trajectory, but the question of consequences for failing to perform these instruments requires separate study.

References

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