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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