

# Development of Paid Educational Services in The Republic of Tajikistan: Pros and Cons

Nigora Ismatulloeva

Department of Entrepreneurial Law  
Russian-Tajik (Slavonic) University  
Republic of Tajikistan, Dushanbe  
nigoraku@mail.ru

**Abstract—**In recent decades the problem of paid educational services in the Republic of Tajikistan has become ever more relevant. The development of paid educational services in Tajikistan has its pros and cons. The country's focus towards commercialization of the educational system also has its advantages and drawbacks. Education cannot purely rely on the market self-regulatory mechanism and cannot be perceived as one of the sectors of economy having exclusive market nature. At the same time, it is impossible to flatly state that paid educational services are harmful to the stability of civil society. The introduction of market relations into the educational system shall not downgrade the leading role of the state in regulating the education, including the control over educational institutions and individual entrepreneurs providing paid educational services. The principle of combination of state and contractual regulations in the sphere of educational services shall be ensured through the uniform quality assessment criteria of educational services.

**Keywords**—paid educational services; commercialization of education; educational institutions; quality assessment criteria of educational services

## I. INTRODUCTION

In many respects the development of any society depends on the level of education of its members, therefore the fundamental social task of the modern state is to create legal, social and economic conditions for the development of the educational system thus ensuring ensuring targeted education and training for the benefit of the mankind and the society at large. This is clearly defined in Article 3 of the RT Law "On Education" No. 1095 of 6 March 2013 (further to be referred to as the RT Law "On Education") [1] where the state policy in the sphere of education is declared as one of the priority areas of the social policy of the Republic of Tajikistan.

In modern conditions the problem of education plays an exclusive role in life of modern society and is considered a priority factor of its stability and sustainable social and economic development. Being a strategic development resource, education ensures dynamic improvement of the society. In particular, this idea is reflected in the Message of the President of the Republic of Tatarstan of 23 April 2014 where Emomali Rahmon states that "within the social policy of the state the sphere of science and education will remain one of the key spheres, and every year the government will substantially increase financing of this area using all

opportunities for its development". In this regard, the social focus of the state budget remained the same over the last seven years, where the volume of expenses on social spheres, including science and education has on average increased by 35 percent, which in total made 23 billion somoni [2].

Despite considerable state financing of education, the market relations determined the involvement of educational institutions into material, commodity and monetary turnover thus initiating the appearance of such concept as "paid educational service".

Today the Republic of Tajikistan is characterized by widespread commercialization of the education system and formation of the market of paid educational services at all levels – preschool, general education (elementary, basic general, general secondary education), initial vocational, vocational secondary and higher education. In this case the commercialization of education is understood as the expansion of the scope and volume of income-generating activities of educational institutions and introduction of market elements and market relations into the sphere of educational services.

## II. RESULTS AND DISCUSSION

The main reason of the strong presence of paid educational services in the sphere of civil circulation in the Republic of Tajikistan was its refusal of monopoly in the educational sector and declaration of the principle of freedom and pluralism in education.

For-profit education represents the implementation of the principles of freedom of economic activity and equality of all forms of ownership, including private, as well as the rights of everyone for free use of abilities and property for entrepreneurial and other economic activity not prohibited by the legislation and stipulated in the Constitution of the Republic of Tajikistan.

However, for-profit education and, especially, its development cannot evolve through a mere declaration of the principle of freedom of economic activity. There is a need for demand for paid educational activity to develop. This results from the objective economic law on supply and demand. The demand for paid educational services, being the query of a citizen to receive education for a fee, on the one hand reflects his need for certain types of paid educational services, on the other hand, an opportunity to pay for education at an

“affordable” price. In other words, the development of paid education is always caused by a specific social need. Further commercialization of the educational sector is only possible if this requirement is satisfied.

Paid educational services gained their development with the Republic of Tajikistan joining the Bologna Process aimed at comprehensive development of academic mobility of the subjects of educational legal relations. The country’s focus towards commercialization of the educational system is confirmed by the National Development Strategy on Education of the Republic of Tajikistan until 2020 approved by the Resolution of the RT Government No. 334 of 30 June 2012. According to the National Development Strategy, “Over five years (2005-2010) the volume of paid educational services has increased more than 3 times (in nominal terms) thus demonstrating the growth of demand for education, its perception as a personal resource, and readiness to invest into the future” [3].

Defining the priority areas of the educational policy within the National Strategy, the country intends to modernize the educational system at all levels and to develop the commercialization system of educational services. In particular, such measures include the improvement of financial mechanisms in professional education based on labor market analysis and wider participation of its subjects in financing of professional education; diversification of sources of financing and intensive use of resource base available within the educational system; transition to various forms of financing of higher education, including state scholarships, grants and loans in key educational areas and many others.

As a result of such modernization of the educational system the paid education at all its levels – from kindergartens to universities is being developed alongside with the system of free education. Various participants of civil circulation such as individual entrepreneurs, commercial organizations and state educational institutions are now involved in the market of paid educational services.

A similar situation is observed almost in all countries of the former Soviet Union where in the conditions of the market economy the countries are headed for commercialization of many spheres of social activity traditionally supported by the state during the Soviet period (education, healthcare, art, culture, etc.).

The commercialization (commoditization) of the educational system triggered a lot of debates within the scientific community particularly highlighting the advantages and drawbacks related to legalization of paid educational services. The analysis shows that the researchers do not share an unambiguous opinion on the matter. Some authors call the commercialization of education a negative trend, which adversely affects the quality of educational services and the level of training. Thus, E.M. Kolesnikova believes that the “weakening of the state role is manifested in the destruction of a uniform and monolithic system of values thus destroying the basis for existence and functioning of a uniform educational space. This becomes a distinctive feature of a new stage of development within the educational system, which we can legally call “the market of educational services”” [4].

According to O.M. Baykova, during market transformations the state refused to perform some of its obligations in the sphere of education, therefore from public the education gradually shifted to quasi-public benefit, which reduces its availability and quality [5].

The negative impact of legalization of paid educational services is connected with the fact that in the conditions of fierce competition in the market of educational services the non-state educational institutions are sometimes forced to employ not quite competent specialists, persons without academic degrees and academic status. It is also marked that the faculty staff of state universities typically have several jobs and do not put their heart and soul into students any more as it was 20-30 years ago [6].

Moreover, not all educational organizations prefer to invest into the educational process, acquisition and publication of courseware, purchase of hardware, reconstruction of classrooms thus justifying the opinion of scientists talking about the danger of commercialization of education. As V.I. Baydenko writes, “The Bologna Process similar to the entire education development program cannot be restrained by economic interests of yet socially weak domestic business” [7]. Otherwise, on its way to become more a corporation-like organization, an educational institution gets more efficient in terms of its functioning and management, but loses its qualitative distinctness as a development center of personality, culture and traditions [8].

Besides quality reduction of education, the scientific literature refers to other negative consequences of commercialization of educational relations such as the rise in citizens’ inequality and social injustice of education, which strongly violates the stability of a civil society [9].

In turn, the supporters of commercialization of education consider the introduction of market elements and market relations as important means of social mobility expanding the possibilities of education [10]. It is fairly noted in literature that the transformation of aims and values of higher education determines the introduction of market relations into higher education, and the academic efficiency (accumulation of professional and public reputation) is replaced with the economic aspect [11].

We believe that the country’s focus towards commercialization of the educational system has its advantages and drawbacks. In our opinion, it is impossible to declare the risk of paid educational services for the stability of the civil society.

According to its Constitution, the Republic of Tajikistan is a social state, which policy is aimed to create the conditions ensuring decent life and free personal development (Article 1 of the RT Constitution) [12]. Hence, every person has the right for education and the state guarantees basic general compulsory free education at state educational institutions. Within the statutory frameworks everyone can receive free basic elementary, secondary, professional, vocational secondary and higher education at state educational institutions (Article 41 of the RT Constitution).

In addition to such state guarantees the President of the Republic of Tajikistan, paying special attention to the development of the educational system and implementation of education reform programs, fairly notes that "... we shall consider one important fact: in the modern world a country, which pays much attention to the increase of the level of education in the society and introduces new equipment and modern technology into everyday life, will make the greatest progress..." [13]. Thus, education cannot purely rely on the market self-regulatory mechanism and cannot be perceived as one of the sectors of economy having exclusive market nature.

Unfortunately, the today's realities make the state unable to cope with the scope of obligations it guarantees. Today, the state lacks enough resources to fulfill many social tasks, including in the education sector. The above National Development Strategy on Education of the Republic of Tajikistan directly reflects such issues. At the same time, it shall be noted that these days all countries, including the developed ones, face the same problems of budget and resources. In this regard, the entire variety of educational services cannot be rendered at no charge. The introduction of market relations into the education sector gives ample financial opportunities thus ensuring financial stability of educational institutions and expanding their economic independence in the property sector. Therefore, it would be wrong to underestimate the development of entrepreneurship in education.

It is another matter that in this case the primary focus shall be not only the profit earning, but also social responsibility of educational organizations within the market of paid educational services. In other words, the commercialization of education shall not lead to the replacement of free services with paid ones and contradict the provisions of the RT Constitution.

The growing commercialization of educational activity and the advent of the private sector in education require the protection of civil rights regarding the quality of educational services. The legalization of paid educational services shall not negatively affect the public access to free education and lead to disregard of educational needs by the low-income class.

Paid educational services is regulated by the provisions of the RT Law "On Education". This Law does not directly give the legal definition of the concept "paid educational service", however the possibility of rendering such services follows from the semantic content of its provisions. Thus, the concept of an educational institution, which is understood as a state and non-state educational organization irrespective of its legal form ensuring continuous training and education, implementing one or several educational programs, directly provides commercial organizations with an opportunity to perform educational activity for the purpose of profit-earning (Article 1 of the RT Law "On Education"). Moreover, this article of the Law defines the concept "individual teaching activity", which is understood as the teaching activity performed in an educational institution beyond working hours or outside the educational institution on contractual basis,

which indicates a possibility of rendering educational services without company formation in the form of proprietorship.

Non-state educational institutions are established by natural and legal entities on the basis of the decision of their founders according to the legislation of the Republic of Tajikistan and undergo state registration in compliance with the established procedure. Such organizations may also be reorganized or liquidated according to the current legislation of the Republic of Tajikistan (Article 11 of the Law of RT Law "On Education").

According to the provisions of the RT Law "On Education", the delivery of paid educational services is not an exclusive prerogative of non-state educational institutions. State educational institutions can also perform educational activity on a fee basis on equal terms with non-state educational institutions. This opportunity is implied by the legal status of state educational institutions that are created in the form established by the civil legislation for non-profit organizations. According to Article 50 of the RT Civil code, the legal form of non-profit organizations through does not imply the generation of profit as a main objective and does not give an opportunity to distribute such profit between its participants, allows performing entrepreneurial activity under authorized conditions established for non-profit organizations.

In view of such legal characteristic of non-profit organizations, the state educational institutions may render paid educational services provided that for-profit education is not the main objective and the profit earned is not distributed between participants but is allocated for the initial purpose.

Moreover, the right of state educational institutions to render paid educational services is directly stipulated by separate articles of the RT Law "On Education". Thus, according to Paragraph 8, Article 16 of the RT Law "On Education", similar to free education, the state educational institutions of general secondary education may render their services for fee at the request of student's parents (persons replacing them) on the basis of a bilateral contract. Such right is provided concerning general and elementary vocational (Article 17), secondary vocational (Article 18) and higher professional (Article 19) education. The provisions of Article 19 of the RT Law "On Education" directly distinguish between state-funded and fee-based education. This Article states: "Similar to free education, the state general secondary educational institutions may render their services for fee at the request of student's parents (persons replacing them) on the basis of a bilateral contract".

According to Article 55 of the RT Law "On Education" any educational institution can raise extra-budgetary resources, including currency, by providing additional paid services and implementing other activities implied by its charter. At the same time, the following serve the additional sources of financing of educational institutions: 1) income from sale of products, performance of works, rendering services by production-and-training institutions; 2) income from performance of works and rendering research and scientific services; 3) paid education, professional development and retraining of personnel at state educational institutions on a contractual basis; 4) operational and

commercial activity in process of training and other types of activity not forbidden by the legislation of the Republic of Tajikistan if such do not damage the core activity of an educational institution.

According to Article 14 of the RT Law "On Education", the charter of an educational institution shall include types of paid educational services, procedures for the provision of services, as well as types of entrepreneurial and paid activity.

The amount of a tuition fee, including paid education is defined by an authorized public agency on education, which functions are fulfilled by the Ministry of Education and Science of the Republic of Tajikistan (Article 33 of the RT Law "On Education").

In contemporary reality the educational system is developed following the combination of state and contract-based regulations. However, the development of private education within the educational sector shall not downplay the value of nationwide and public interests, and realization of civil rights and interests for education guaranteed by the Constitution shall remain one of the main priority tasks of the state, which it cannot pass on to the private sector. Even Aristotle called education and training of a person not private but public business and recognized these two spheres of social activity as a powerful tool of economic, social and political prosperity of the state [14]. Therefore, the growing commercialization of education shall not undermine the responsibility of the state for education.

By this we mean that the shift of educational activity towards entrepreneurial shall not downplay the leading role of the state in regulation of education, which shall be expressed by the control over educational institutions and individual entrepreneurs providing paid educational services.

The combination of state and contract-based regulations in the sphere of educational services shall be based on uniform quality assessment criteria of educational services. Any education, including paid education, shall be complex and comprehensive and be focused on the creation of the necessary conditions to achieve the objectives proclaimed in the Constitution. Irrespective of the legal form of an educational institution, its main task is to realize the right for high-quality education, which conforms to modern international standards and technologies and is guaranteed by the Constitution.

### III. CONCLUSIONS

In our opinion, such approach to the development of the educational system combining market mechanisms with the leading regulating role of the state will justify the introduction of the market into the educational sector and will lead to economic and social efficiency of its commercialization.

The commercialization of the educational system caused by the civil need for certain types of paid educational services and their opportunity to pay affordable price for education was the main prerequisite to introduce the elements of civil regulation into the sphere of educational activity.

With the introduction of market elements, the educational relations, earlier being purely administrative and legal, changed their legal status thus acquiring the features of contractual relations caused by paid educational services. Therefore, once acting beyond the civil law, today besides the norms of public law the educational relations are also regulated by the civil law standards.

All of the aforesaid confirms the need of certain amendments to the current legislation regarding the legal nature of educational relations, normative consolidation of legal forms of educational organizations, features of their management and the legal order of contractual relations. Besides, it is necessary to create a legal basis in order to introduce new mechanisms and sources of financing of educational organizations, to establish liabilities for the violation of legislation in the field of education, to make an active use of civil and mainly contractual regulation methods of educational services.

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