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REGULACJE PRAWNE DOTYCZĄCE SYSTEMU SZKOLNICTWA WYŻSZEGO REPUBLICI KOREI I UKRAINY

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Adnotacja. W artykule autor przeanalizował podstawowe dokumenty regulujące sferę szkolnictwa wyższego – ustawę „O szkolnictwie wyższym” Republiki Korei i podobną Ustawę ukraińską, podkreślając organizacyjne i prawne, finansowe i zarządcze zasady funkcjonowania systemu szkolnictwa wyższego obu krajów. Porównano i podkreślono cechy wspólne i wyróżniające, które kształtują politykę w szkolnictwie wyższym, na podstawie której utworzono tabelę porównawczą.

Wyjaśniono i wymieniono podstawowe elementy tworzące system szkolnictwa wyższego zgodnie z dokumentami legislacyjnymi. Omówiono główne typy instytucji edukacyjnych, cele i zadania ich funkcjonowania. Również w ramach artykułu wiele uwagi poświęcono zagadnieniu procesu edukacyjnego i strukturze roku szkolnego. Wyróżniono i przeanalizowano wiodące formy nauczania, a także formy organizacji procesu uczenia się. Pytanie o uczestnikach procesu edukacyjnego jest dość szeroko zarysowane. Podkreślono prawa i obowiązki wszystkich podmiotów procesu edukacyjnego szkolnictwa wyższego. Przedstawiono stopniowanie nauczycieli w systemie szkolnictwa wyższego oraz mechanizm pracy. Omówiono zagadnienia związane z kształceniem studentów w instytucjach szkolnictwa wyższego. Poruszono kwestie poziomów szkolnictwa wyższego i specyfiki nauczania na każdym z nich.

Osobny punkt badawczy poświęcony jest finansowaniu zakładów szkolnictwa wyższego. Opisano mechanizm finansowania, opracowanie planu dotowania instytucji szkolnictwa wyższego. Wskazano organ odpowiedzialny za opracowanie strategicznych planów finansowania, gromadzenie i przetwarzanie danych statystycznych oraz przedstawienie gotowego raportu. Określono funkcję kierownika instytucji szkolnictwa wyższego, jako kluczowy element w prowadzeniu w niej działalności zarządczej, organizacyjnej i gospodarczej. Rozważono kwestie jakości szkolnictwa wyższego, państwowych organów kolegialnych, które zajmują się tą kwestią, nakreślono ich funkcje i zadania.

Słowa kluczowe. Szkolnictwo wyższe, Ustawa „O szkolnictwie wyższym”, ramy prawne, dokumenty regulacyjne, instytucja szkolnictwa wyższego, system szkolnictwa wyższego, Ukraina, Republika Korei.

LAW REGULATION OF HIGHER EDUCATION SYSTEM IN THE REPUBLIC OF KOREA AND IN UKRAINE

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Abstract. The author has analyzed the fundamental documents governing the area of higher education, the Law “On higher education” of the Republic of Korea and the equivalent Ukrainian law, described the organizational and legal, financial and managerial bases of the higher education systems in both countries. The article compares and highlights both the similarities and the differences shaping the policy in the higher education area. Based on the above, a comparative table has been designed.

The key elements of the higher education system stated in the regulatory documents have been identified and listed hereunder. Attention is paid to the main types of educational institutions as well as their purposes and objectives. In addition, the article is primarily focused on the educational process and the academic year structure, identifies and analyzes the core teaching methods and the educational process organization forms. The educational process participants have been studied in detail. The author has described the rights and obligations of all participants of the educational process in the higher education. The higher education teachers and the principles of their work have been depicted at all graduation levels. Academic credits, transfer of some separate components of the educational program, as well as other issues associated with studies in the higher education institutions have been disclosed by the author. The higher education levels and the specifics of education at each of the above have been discussed.

Funding of the higher education institutions is a separate area of research in the paper. The author has addressed the funding procedure and the higher education subsidy plans. The article identifies the authority responsible for completion of the strategic financing plans, collection and processing of the statistical data, and submission of the final reports. The author exhibits the function of the head of a higher education institution as the key element in the managerial, organizational and economic activity of the above. The quality of higher education, the state collegiate bodies engaged in this area, their primary functions and objectives are in the focus of the study.

Key words: higher education, Law on Higher Education, legal framework, normative legal documents, institution of higher education, system of higher education, Ukraine, Republic of Korea.

НОРМАТИВНО-ПРАВОВЕ РЕГУЛЮВАННЯ СИСТЕМИ ВИЩОЇ ОСВІТИ РЕСПУБЛІКИ КОРЕЯ ТА УКРАЇНИ

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Анотація. У статті автором проаналізовано базові документи, які регулюють сферу вищої освіти, – Закон «Про вищу освіту» Республіки Корея та аналогічний український Закон, викладено організаційно-правові, фінансові й управлінські засади функціонування системи вищої освіти обох країн. Зіставлено й виокремлено спільні й відмінні риси, які формують політику у сфері вищої освіти, на основі чого створено порівняльну таблицю.

З'ясовано й перелічено основні елементи, що утворюють систему вищої освіти відповідно до законодавчих документів. Розглянуто основні типи навчальних закладів, цілі й завдання їх функціонування. Також у межах статті велику увагу приділено питанню освітнього процесу й структурі навчального року. Виділено й проаналізовано провідні форми навчання, а також форми організації навчального процесу. Досить широко окреслено питання про учасників освітнього процесу. Викладено права й обов'язки всіх суб'єктів освітнього процесу вищої освіти. Представлено градацію викладачів у системі вищої освіти й механізм роботи. Розглянуто питання навчальних кредитів, порядку перезарахування окремих компонентів освітньої програми, а також інших питань, які пов'язані з навчанням студентів у закладах вищої освіти. Порушено питання рівнів вищої освіти й особливостей навчання на кожному з них.

Окремий пункт дослідження присвячено фінансуванню закладів вищої освіти. Описано механізм фінансування, розробку плану для субсидіювання закладів вищої освіти. Зазначено відповідальний орган за розробку стратегічних планів фінансування, збору й опрацювання статистичних даних і представлення готового звіту. Окреслена функція керівника закладу вищої освіти як ключового елемента в здійсненні управлінської, організаторської та господарської діяльності в ньому. Розглянуто питання якості вищої освіти, державних колегіальних органів, які опікуються цим питанням, окреслено їх функції та задачі.

Ключові слова: вища освіта, Закон «Про вищу освіту», законодавча база, нормативно-правові документи, заклад вищої освіти, система вищої освіти, Україна, Республіка Корея.

Introduction. Reformation of education is growing more compelling in the context of rapid world changes in the economic, cultural and social areas of life. Given that every country has its own views and landmarks approved by the regulatory acts and documents, it is advisable to study the legislative policy in the higher education area of the most powerful countries of the world.

According to the World Bank, South Korea maintains the 12 position in the economic growth rankings (World Bank, 2020) and is one of the most developed countries of the world. The government of the country pays much attention to education, science, innovations and technologies by means of funding and creating favorable legislative framework for the intellectual development.

For Ukraine the higher education of which is still undergoing transformative changes it is not only important to study the theoretical bases of the legislation in the leading countries, but also to compare it with our regulatory documents governing the education to draw the analogy between the above. Therefore, to discover the best experience of the developed foreign countries, upgrade the quality of higher education in Ukraine, and synchronize it with the world leaders of higher education, it is desirable to research the legislative policy of both countries relying on the Laws “On higher education” of the Republic of Korea (1998) and Ukraine (2014).

The purpose of our research is comparative analysis of the Laws “On higher education” of the Republic of Korea (1998) and Ukraine (2014), with further identification of the differences and similarities in terms of the legal regulation of the higher education and introduction of the leading South Korean practices to the national higher education.

Within this article, we have set the two key objectives: to analyze the Law “On higher education” of the Republic of Korea (1998) and to compare it with the equivalent Ukrainian law, providing the findings in the table.

In course of gathering the materials and writing this article, we have utilized a number of general scientific and specific scientific methods, including theoretical, comparative, generalization and specialization, predictive research methods, etc.

Findings and discussion. South Korea’s legislative policy in the area of education stands out among the rest because it adopts both the Law and the document regulating any specific measures of its implementation at the same time, unlike the Anglo-Saxon system. Accordingly, this is a good way to avoid adoption of any statutory regulations that may be difficult or impossible to implement in the certain educational practice of South Korea. Alignment of the policies in adoption of South Korea’s statutory regulations enables a more gradual and systematic implementation of the above. In addition, another factor facilitating high achievements in all and any cases of innovation is that the state and local self-government bodies ensure execution of this legislative regulation taking into account the actual situation in any specific region of the country. This regulation is governed by provision 2, section 4 of the general (framework) Law “On education” of the Republic of Korea (1998) (Белова, 2015).

Education, including higher education, is governed by the relevant Ministry of Education of the Republic of Korea. Unlike Ukraine where the jurisdiction of the equivalent Ministry extends to science as well, South Korean system maintains a standalone institution, Ministry of Science and Information and Communication Technologies.

Another thing the legislative system of South Korea is notable for is that any legislative documents may be easily updated or amended, if necessary. Thus, the effective Law “On higher education” has been changed up to five times in the year 2020 only. This means that the system is built in a way that any issue may be settled or resolved at the legislative level in case of necessity.

The primary Law that states all rights and obligations of every citizen of South Korea to receive the basic education is the Constitution of the Republic of Korea (1987) (대한민국헌법, 1987). The main Laws granting the right to education, higher education, specialized education, governing autonomy of the educational institutions and establishments, as well as determining the legal aspects of their functioning include the following: the primary or the framework Law “On education” (1998) (고등교육법, 1998), the Law “On higher education” (1998) (교육기본법, 1998).

One of the key legislative acts governing the higher education in the country is the Law “On higher education” (1998). This Law was adopted by the Parliament on December 13, 1997 along with the framework Law “On education” (1998), but became effective in the following year. After that, it was partially amended about 50 times, and in 2011, it was revised and some provisions were updated. Latest amendments were made on December 22, 2020, with the expected effective date being June 23, 2021.

The Law “On higher education” (1998) is the primary document applicable to any kind of issues associated with higher education. It consists of the 4 main parts comprising multiple chapters filled with sections. In total, this Law includes 64 sections.

As per section 2 of the effective Law “On higher education” (1998) of the Republic of Korea, the higher education system includes the following types of educational institutions:

- Universities;
- Industrial colleges;
- Pedagogical colleges;
- Colleges (higher education institutions of the lower accreditation level offering the two or four year-long educational program);
- Telecommunication colleges (television and radiobroadcasting) and distance education colleges (distance or cyber colleges);
- Technical colleges;
- Other higher education institutions (교육기본법, 1998).

As per section 3 of the abovementioned Law, all of the higher education institutions are divided into the national, state (both municipal and provincial), and private ones. A person intending to open a private higher education institution should file the relevant documents confirming fulfillment of all the necessary requirements and get approval signed by the Minister of education.

By the Decree of the President dated March 23, 2013, all the higher education institutions shall be subordinated to the relevant Ministry (고등교육법 시행령, 2013) that exercises control and supervision in the area of university education. Also, the Ministry may, in case of necessity, request the documents and materials from the head of the higher education institution in order to assess the work of such institution.

Funding of the higher education is described in section 7 of the Law “On higher education” (1998). Namely, the state shall provide subsidy and financial resources necessary for the higher education institutions to maintain the quality of education or achieve some other respective goal. However, as per provision 3, the Minister of education of the Republic of Korea assumes the obligation to design a 5 year-long basic plan of increasing the share of the state budget given to the state education support, with the following annual plan drafted on the basis of the above and submitted for review to the National assembly.

It should be mentioned that in course of designing the plan as aforementioned, the Minister of education shall consult and consider the opinion of the head of the relevant central administrative body (고등교육법 시행령, 2013). In addition, the Minister of education may, in case it is necessary for completion of the basic plan, request all the necessary documents confirming the actual financial standing, the needs, and the disadvantages of any particular higher education institution or region as a whole.

This principle of financial distribution proves absence of any imbalances in the higher education system among the institutions of various types or specializations in terms of financial support granted by the government. The government assistance is aimed at tackling the certain problems, which is more efficient in our opinion than funding the education system as a whole or dividing the funds equally among all of the higher education institutions.

It is noteworthy that the government facilitates exchange of the teachers and other scientific and pedagogical staff, encourages various scientific institutions to work in order to carry out the fundamental researches covering all expenses.

To make the educational policy efficient, the Minister of education annually collects the statistical data on the students, teachers, employees of the higher education institutions and administration necessary to monitor the higher education area and discloses the results.

Chapter 2 of the Law is dedicated to the higher education students and scientific – pedagogical staff. In particular, it lists the requirements to the students in terms of their academic autonomy and discipline.

Based on the Law, we can single out the key rights and obligations of the students studying in the higher education system of South Korea:

- receive the education meeting the modern standards of science, technologies and innovations;
- attend all kinds of classes;
- receive additional educational services (including paid ones under the contract);
- take part in discussion and settlement of the most important matters in the activity of the higher education institution;
- choose the optional (non-mandatory courses for the particular specialty) and the electives (mandatory courses) at own discretion of the student;
- participate in formation of the personal education content subject to abidance by all state educational standards prescribed by the higher vocational education;
- participate in all kinds of scientific research work, conferences, symposiums, provide the student's own research papers for publication, including by the university publisher;
- enjoy freedom of expression, provided that other people's rights and human dignity are respected, etc. (고등교육법, 1998).

The primary student obligations include:

- abidance by the internal laws and regulations of the higher education institutions;
- completion of the educational program curriculum in the chosen specialty;
- fulfillment of the orders given by the administrative bodies of the educational institutions;
- reasonable care in use of the property and financial responsibility in case of any damages caused to the latter or otherwise (고등교육법, 1998).

It should be mentioned that almost all the specified provisions are generally present in the Law of Ukraine “On higher education” (2014), as well as duly mentioned in the charters of many higher education institutions on the territory of Ukraine.

Gradation of the higher education teachers is truly unique. Thus, based on the criteria and employment procedures, hours of instruction, workload and salary, a teacher may be employed in his or her capacity for the period of time of at least 1 year. However, if the teacher meets one of the following criteria, the employment term may be even less:

- 1) The teacher works in the distance learning educational institutions (except cyber universities);
- 2) The instructor immediately substitutes for a teacher in connection with the sick leave, pregnancy and childbirth, vacation, researches (less than 6 months), retirement or removal from office.

As for the teaching staff duties, those are narrowed down to teaching their subjects and delivering the scientific research findings. All other obligations are assumed by the administration, heads of the institutions, and administrative staff.

The South Korean university system differs from the Ukrainian one in a way that the academic year structure in Korea is determined independently by each institution, but the start and the end of the academic process are determined by the above-mentioned Law. The academic year starts on the 1st of March and ends on the last working day of February in the following year. Consequently, the first term starts early in the spring and lasts almost until the middle of summer, and the second term extends from fall to the end of winter (고등교육법 시행령, 2013).

The classes may be day, evening and season ones based on the internal rules of each institution and may be conducted by means of multimedia and internet. The provision listing such types of classes as abovementioned prescribed by the Law has largely reduced the load in the higher education system during the 2020 pandemic.

Other sections of the 2 chapter of the Law “On higher education” (1998) are devoted to academic credits, procedure of crediting of some individual subjects, specific provisions on suspension of attendance by the students, etc.

Chapter 3 of the Law is entirely dedicated to the general principles of functioning of the higher education by types. Thus, sections 18-22 exhibit the rules of education activity organization applicable to all types of institutions, any matters associated with the educational programs and classes, as well as managerial activity. Other sections deal with specifics of educational and scientific activity at any particular educational institution, including, a university, college, higher education institution of distance learning, engineering colleges and other types of higher education schools.

Speaking about qualification, we can say that South Korea boasts all the education levels we know. Section 31 states the duration of study at each of the above, namely:

- Bachelor Degree: 4 years (but no more than 6 years).
- Combined Bachelor and Master Degree program: 6 years.
- Master and postgraduate programs: at least 2 years each.
- Integrated course between the Master and the postgraduate education program: 4 years (고등교육법, 1998).

Having studied the law «On higher education» of the Republic of Korea, we can conclude that it discloses a large variety of topics directly connected with the activity of all South Korean higher education institutions, education and scientific work of the pedagogical staff, rights and obligations of the students, procedure of funding and autonomy.

The legislation of Ukraine on higher education is based on the Constitution of Ukraine (1996) (Конституція України, 1996) and includes the Law of Ukraine “On education” (2017) (Закон України «Про освіту», 2017), the Law of Ukraine “On higher education” (2014) (Закон України «Про вищу освіту», 2014), other regulatory acts, international treaties of Ukraine signed following the procedure prescribed by the laws.

Under the current law of Ukraine “On higher education” (2014), this document is remarkable in course of formation of the policy governing the higher education, it conveys the key legislative, organizational and managerial aspects in the work of the higher education institutions, oversees financial assistance, outlines the principles of combinations of the educational and scientific components by highlighting important role of this process in the advanced development of the country and training of the qualified experts in various fields (Закон України «Про вищу освіту», 2014).

This Law includes 15 chapters; the primary text of the Law is set forth in the 14 chapters comprising 79 sections in total.

Unlike the equivalent Law of the Republic of Korea, section 1 of the Law of Ukraine “On higher education” (2014) (Закон України «Про вищу освіту», 2014) introduces and interprets the key terms and definitions used in this document, which is important for clear understanding and exclusion of misinterpretation. The key terms include: higher education, autonomy of the higher education institution, academic freedom and mobility, higher education institutions, competence, educational activity, higher education quality and others.

Section 2 addresses the important issue of government regulation and implementation of the policy in the higher education area. According to the above, the Verkhovna Rada of Ukraine is the authority that identifies the strategic benchmarks of the branch development, while the Cabinet of Ministers of Ukraine jointly with the central public authorities in the area of higher education and science fulfill the above. The major principles of the state policy in the higher education include: availability and independence of the higher education, integration into the world space of higher education through conformity of the educational programs and focus on the best foreign experience, government support of the leading branches in education, science and technologies, etc.

Sections 5–8, chapter 2 convey the specifics of the expert education in compliance with the higher education levels. Today, such levels are as follows in Ukraine:

- primary level (short cycle) of higher education;
- first (Bachelor) level;
- second (Master) level;
- third (educational and scientific / educational and artistic) level;
- scientific level (Закон України «Про вищу освіту», 2014).

Based on the above, upon successful completion of the educational, vocational educational, scientific educational or scientific component of the program, the corresponding level of higher education is achieved and the relevant document of higher education or scientific degree is conferred. As per the abovementioned Law, the following higher education degrees are present in Ukraine: Junior Bachelor, Bachelor, Master, Doctor of Philosophy, Doctor of Sciences. This system is in conformity with the National Qualifications Framework in which the first level corresponds to the fifth qualification level, and the last (scientific) one to the ninth (Закон України «Про вищу освіту», 2014). Accordingly, this means that anyone may choose his or her own educational path at his or her own discretion. Master’s degree, for example, is not necessary for delivery of quality professional services (under the laws).

At the same time, this chapter addresses operation of the Unified State Electronic Database on Education designed to collect and process the data on the state-recognized education documents. Remarkably, operation of this database has contributed to decrease of bribery and education document forgery. The system makes it impossible to submit incorrect or falsified data.

Chapter 4 of the Law of Ukraine “On higher education” (2014) addresses administration of the higher education area. As per section 11, the higher education system consists of the following components: higher education institutions of all kinds of ownership; higher education levels and degrees; fields and specialties; education and science programs; governing bodies and all participants of the education process. Ultimately, we can say that this system is functioning not only due to the higher education institutions engaged in the educational services, but also thanks to the students and the teachers who make a valuable contribution into its functioning.

Establishment of the National Agency for Higher Education Quality Assurance has become an important component in reformation of the higher education in Ukraine. This is addressed in chapter 5 of the Law. The agency is open and independent, aimed at offering recommendations and assistance to the higher education institutions in terms of overseeing the quality assurance system governing the quality of the educational services rendered by such institutions. Sections 19–21 are detailing the specifics of work of the institution and its staff, the powers and objectives assumed by the National Agency for Higher Education Quality Assurance. In addition, the specified chapter addresses accreditation and licensing as well as their procedure, purpose and principles.

As per section 28, chapter 6 of the effective Law, the higher education institution types existing in Ukraine are as follows:

- university;
- academy, institute (branch related);
- college (Закон України «Про вищу освіту», 2014).

It is worth mentioning that the status of the national institution of higher education may be awarded solely to the university, academy or institute of any form of ownership according to section 29 of the Law. Further, the said Law prescribes the procedure of and the grounds for opening, reorganizing or winding up of the higher education institutions.

The specified chapter also introduces and characterizes the principles of operation, rights and obligations of the higher education institutions, the structure of the institution, and the key components. The Law explains

the terms of “department” and “chair”, in particular, a department should include at least three chairs and/or laboratories offering educational and scientific activity and teaching at least 200 full-time students.

Management of a higher education institution is reviewed in chapter 7 of the effective Law of Ukraine “On higher education” (2014). Unlike the Law of the Republic of Korea, this document pays attention to all managerial process participants. The goals and objective of each element are clearly set. Under section 34, the direct manager is the head of the higher education institution. The primary job duties of the above include managing the institution’s activity, solving financial, administrative and economic issues, appointing staff and establishing their duties, issuing orders within the boundaries permitted by the legislation, supervising the pedagogical, scientific-pedagogical experts and scientific researchers, as well as overseeing their activities, etc. In addition, this chapter represents other authorities influencing the institution’s activities, in particular, Scientific Council, Supervisory Board, working and advisory bodies, public self-government bodies of the higher education institutions and others. Their functions, rights and obligations are described hereunder. We believe that such management system really meets the international requirements and is fair, given that the head of the institution is fully responsible for his or her decisions, but no decisions are made without the due negotiation and support of the advisory bodies of the higher education institution.

Chapter 9 features organization of the educational process. The teaching and learning process maintained in the relevant higher education institution, as well as the intellectual and creative activity of the teachers exercised through the system of pedagogical techniques and measures is governed by the Regulations on organization of educational process and approved by the Academic Council of the higher education institution under the current laws. As per section 48, the language of instruction is the official language of the country, that is Ukrainian, but in certain cases foreign language is permitted (Закон України «Про вищу освіту», 2014). Notably, the use of the English language in course of the educational activities means that the higher education of Ukraine is getting more available for the foreign students, and that our scientific and pedagogical staff may take part in the international studies as well as engage in scientific researches meeting the world standards.

Table

Comparative characteristics of the Laws “On Higher Education” of the Republic of Korea and Ukraine

Criteria	Law “On Higher Education” of the Republic of Korea	Law of Ukraine “On Higher Education”
<i>Basic principles</i>	openness; independence; autonomy; focus on world best practices	openness; independence; promoting sustainable development of society; accessibility; international integration and integration of the higher education system of Ukraine into the European Higher Education Area; continuity; state support for training of specialists with higher education for priority areas of economic activity, areas of basic and applied research, scientific and pedagogical, artistic and pedagogical activities; promoting public and private partnerships in higher education
<i>Forms of higher education institutions</i>	national; state (municipal and provincial); private	national; state (communal); private
<i>Types of higher education institutions</i>	universities; industrial college; pedagogical college; college; College of Communication (TV and Radio) and College of Distance Learning (distance or cyber college); technical college; other institutions of higher education	university; academy, institute (according to areas); college
<i>Form of study</i>	internal study; evening study; seasonal	institutional (full-time (internal study, evening study), correspondence, distance, network); dual
<i>Subordination</i>	The line Ministry is the Ministry of Education of the Republic of Korea	The Cabinet of Ministry of Ukraine and central authorities in the sphere of higher education and science
<i>Financing</i>	The state budget is based on a five-year plan	National budget
<i>Qualifications</i>	Bachelor; Master’s degree; Doctor of Philosophy (obtained within graduate study, or otherwise defined by the Legislation of the Republic of Korea)	Bachelor; Master’s degree; Doctor of Philosophy (equated to a candidate of sciences); Doctor of science

Higher education in Ukraine is available as follows in terms of the mode of attendance: institutional (full time (day, evening), part time, distance learning, peer-to-peer learning) and dual. Unlike in the majority of other countries of the world, one can study at several educational programs or work within the limits permitted by the laws. The provision on dual education added to the Law was a great breakthrough in the reformation process. As per provision 6, section 49, dual education is mentioned as a means of receiving higher education by the full time students following the ratio of 25% to 60% of the total educational program under the contract. In this case, the higher education student enjoys the opportunity to combine work (practice) and study in order to gain the respective qualification.

The major forms of educational process organization include: classes, self-directed study, practical training and control. In addition, according to section 50, the main types of classes include lectures, laboratory classes, practice and workshops, as well as consultations.

One of the most important topics exhibited in chapter 12 of the specified Law is financial support of the higher education area in Ukraine. Under section 71, the higher education institutions of state ownership are funded at the government cost, the public institutions receive the funding from the local budgets (Закон України «Про вищу освіту», 2014). According to the Law, all private institutions of higher education are funded by their founders and may get support from other sources that are not prohibited by the laws of Ukraine. All of the funds shall be disposed of by the heads of the higher education institutions as prescribed by the charter of the institution following the procedure and the terms established by the laws. However, to receive additional funding, the state and public institutions of higher education may offer additional paid services within the limits established by the Law.

As per section 72, the state order on expert education is completed by the central executive authority ensuring formation and implementing the state policy in the economic development area, consistently with the higher education levels and specialties, with due regards to the medium-term forecast of demand for employees in the labor market. But as evidenced in practice, such system is not efficient because a huge gap is made between the branches of science.

Having thoroughly studied the Law of Ukraine “On higher education” (2014), we can say that it touches upon the most important issues associated with functioning of the higher education system, details the principles and objectives of the above, as well as determines the strategic direction in its development. In addition, it encompasses many other issues related to the higher education accessibility, admissions, expulsions, renewals and transfers of the persons studying at the higher education institutions; identifies the educational process participants and describes their rights and obligations; dwells on the scientific, scientific and technical, innovative activities of the higher education institutions; narrates about control over the higher education area and international cooperation.

Based on the research findings, we have completed a comparative table of the Laws “On higher education” of both countries. Based on the data specified in the table, we can conclude that both similarities and differences may be tracked down at the legislative level. This proves that the systems of higher education of South Korea and Ukraine are not isolated and are in line with the world practice.

Conclusions. In view of the above, we can definitely say that the higher education in both countries functions due to the developed legal framework establishing the legal, organizational, financial and other bases for functioning of the higher education system, creates the conditions for meeting the needs of the society and the state for the qualified experts. It contains the fundamental principles of the state policy in the higher education area.

It should be noted that the legislation in the area of higher education in both countries is undergoing transformation tailored to the needs of the countries. In the context of globalization and cooperation of the countries in the higher education system, we can notice synchronization of the higher education concept vision, which is reflected in the legislative acts.

According to the material referenced in the article, the South Korean higher education tends to increase the educational opportunities, upgrade the education quality, and balance autonomy and subordination. Further, the national higher education is focused on extension of the autonomy of the higher education institutions as well as quality upgrade. This is the duty assumed by the National Agency for Higher Education Quality Assurance.

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MIĘDZYKULTUROWE BŁĘDY PRAGMATYCZNE MIĘDZY JĘZYKAMI ETYKIETY W JĘZYKU CHIŃSKIM I ANGIELSKIM

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Adnotacja. Ten artykuł przedstawia historię badań nad komunikacją międzykulturową w Chinach i krajach anglojęzycznych od lat 80. do lat 90. i bada niektóre pragmatyczne błędy Chińczyków w stosowaniu angielskiej etykiety. W głównym rozdziale artykułu autor najpierw wymienia zasady angielskich terminów etykiety, a następnie porównuje niektóre przyziemne rozmowy Chińczyków i Anglików, aby spróbować przeanalizować przyczyny pragmatycznych błędów.

Głównymi metodami badawczymi tego artykułu są metoda dokumentacji i metoda badawcza, w tym analiza tekstu i badania porównawcze. Metodą argumentu logicznego jest indukcja. W tym artykule zobaczymy, że aby poprawić umiejętności komunikacyjne i bardziej poprawnie wyrażać myśli, musisz nie tylko nauczyć się prawidłowego używania słów etykiety w języku, ale także zrozumieć różnice kulturowe między tymi dwoma językami.

Słowa kluczowe: pragmatyczny błąd komunikacji, język etykiety, komunikacja międzykulturowa, zasady etykiety, język chiński, język angielski.

CROSS-CULTURAL PRAGMATIC FAILURE BETWEEN CHINESE AND ENGLISH POLITE LANGUAGE

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Abstract. This article introduces the history from the 1980s to the 1990s of cross-cultural communication studies in China and English-speaking countries and explores some of the Chinese people's pragmatic failure in using English polite language. In the main chapter of the article, the author first lists the principles of English politeness terms and then