

Analysis of legislative problems in the field of education during a pandemic

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Abstract. In this article, the author is analysing legislation in the field of education under conditions of the pandemic and is investigating the extent to which the pandemic has affected the quality of education along with the measures taken by the Republic of Uzbekistan to eliminating obstacles and providing access to education during the quarantine measures. The author is considering certain research of foreign scientists, and is analysing the legislation impositions, regarding education. Considering the complications of online education, the author is comparing results of various research regarding the complications. Based on the result of the analytical work, the author concludes that legislative base during the pandemic was under a reform and hence transformed into a constructive field for development in the future.

Keywords: Pandemic, education, online teaching, lecturer, lecturer status, information technologies, motivation, legislation, quality.

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INTRODUCTION

On March 11th of 2020, the Director General of World Health Organisation Tedros Ghebreyesus declared the pandemic due to continuous spread of the COVID19 around the globe. "We can conclude that the situation with the COVID19 can be characterised as the pandemic" – he said during the press conference in Genève. The new reality was challenging for the entire world. Due to the quarantine measures, the production halted same way as the economic interrelations were damaged. However, the area of education has suffered the most, since education in the modern world is *one of the most optimal and intensive methods for humans of entering the world of culture and knowledge*. During the process of education specifically, people appreciate the importance of cultural values. The syllabus of education takes its roots and is being constantly replenished by heritage of different countries and nations, from different sectors of constantly developing science and finally from general life of human beings.

The education environment, formed in a high school or a university, influences the choice the communication style and behaviour of a human being in a social group. This choice will in the future determine the manner of speech and the style of behaviour in personal and professional contacts of the adult person.

Enclosing schools and universities has a similar effect regardless of a country, time and culture. Another problem occurring is the matter of being able to look after the children, whose parents must be working. The easiest and most obvious solution of hiring a nanny may not work, in light of the risk of the virus being transmitted.

Since universities are being closed, the dorms are also being closed. Henceforth, problems with students housing are observed globally, because for some reasons they are not able to travel back home. Students that are employed part time are experiencing problems with work and nutrition as well, since the majority of employers are also closing down due to the quarantine restrictions. This work is dedicated not only to exploring the complexities of education but also experience.

MATERIALS AND METHODS OF RESEARCH

In carrying out the research, the author used the method of comparative analysis, presents other researchers results. The author also studies information from a variety of sources. Considering the specifics of the subject of this article, the author relies on the information of legal acts. In the current situation of a pandemic, the author collects data by directly studying the phenomenon in its normal, natural conditions.

The main problem occurring when educational institutions are closed is the difficulty in providing equal access to education, especially under the conditions of restricted resources available to certain households. It is wrong to assume that all students have equal access to remote studying resources and equal opportunities for those in the current period when the educational institutions are closed. In fact, such a crisis has a negative impact, mainly on socially vulnerable students, most of whom, live in remote regions and do not have access to electronic devices (computers, tablets, phones) and the Internet. Due to the current situation, educational institutions have switched to remote learning.

According to experts, in Uzbekistan, the population is still having hardship with access in the world wide web. About a third of the population still does not have access to the Internet. At the same time, almost 50% of the country's citizens live in rural areas (World Bank, 2018). As of March 2020, the country ranks 133rd in the world for mobile internet speed and 95th for fixed broadband speeds. For these reasons the Ministry of Public Education recognizes that online learning does not provide equal access to educational resources for all students in the country. However, with full coverage of the territory of Uzbekistan with digital use of television broadcasting, it is possible to use it for mass distance learning.

According to media reports, methods of distance learning for primary and secondary education vary greatly across groups of countries with different income levels. For example, 75% of high-income countries offer online learning platforms (YouTube video tutorials, resource websites, online classes, etc.). Education through television and online platforms is almost equally popular among lower- and upper-middle-income countries. Of particular note, only 40% of low-income countries have organized any type of distance learning. It is significant that, despite the prevalence of other types of education, approximately 10% of all countries deliver printed teaching materials home to their students[1].

There have been changes in the education system, and at the same time, all educational and other related processes were transferred to online modules. Lecturers and teachers had to familiarise with new technologies and learn how to use it. This put a serious load on the infrastructure, and the question that was before the pandemic about the quality of Internet connections surfaced.

During the pandemic, the government of the country (the Republic of Uzbekistan) took many measures aimed at overcoming the negative consequences of the spread of coronavirus among youngsters, continuing the educational process, including certain regulations being imposed.

Many countries prepared their own technical solutions in response to the pandemic in a fast and efficient way. Among the most interesting: the governments of South Korea, Japan and Lebanon have distributed interactive software to teach subjects ranging from calculus to fitness.

More than 100 million students in China are gaining knowledge through special TV channels. Curriculums began to be published much more often on social media and messengers, for example, in WhatsApp.

In order to digitize all the necessary educational materials in the shortest time frame possible, cooperation is being organized between government institutions, media, technology companies, publishing businesses and the entertainment industry.

As in most other sectors, the pandemic exposes the problems and limitations of remote management of such complex enterprises as universities. However, it must also become a catalyst for positive changes. If the pace of digitalization of learning and student assessment accelerates, so will the supporting education infrastructure[2].

According to a research of certain institutions, education during a pandemic, leads to the following:

- **Learning interruptions:** students are deprived of opportunities for growth and development. This is mainly affecting students from disadvantaged backgrounds who do not have access to education outside of school.
- **Nutrition:** many children receive free or reduced price meals provided in schools.
- **Childcare problems:** in the absence of alternative options, employed parents are forced to leave their children alone, which can be dangerous to their life and health.
- **High economic costs:** working parents are forced to skip work to take care of their children, which in many cases results in lost wages and negatively affects productivity.
- **Additional burden on the health care system:** women make up the majority of health workers and are often unable to attend work due to the need for childcare. This means that many healthcare workers are not in the facilities where they are most needed during the health crisis.
- **Increased pressure on schools that remain open:** localized closure of some schools burdens other schools as parents and officials redirect children to open schools, etc[3].

As countries prepare their responses, international collaboration is vital to sharing the most effective approaches to support schoolchildren, students, teachers and families.

UNESCO is stepping up its efforts to ensure that this crisis fosters innovation and inclusiveness, rather than exacerbating educational inequalities.

On March 10th 2020, UNESCO hosted a global video conference for policy-makers in education aimed at accelerating emergency responses and sharing information on strategies to minimize potential disruption to educational processes around the world[3]

THE RESULTS OF THE RESEARCH AND DISCUSSION

Will the 2020 pandemic have an impact on the education system in Uzbekistan? In our opinion, yes, of course. Certain experts in the Russian Federation claim that traditional classroom teaching will also hold its ground. For example, Elena Rogova notes, "Thanks to modern technologies and a developed digital environment, there is not much difference whether you read lectures in Russia or abroad, and the experience is colossal. We have many joint projects with foreign colleagues and ideas that we have not yet implemented. The share of online education will grow, but the traditional teaching format will still retain its positions, because, no matter what, the interaction between a teacher and a student is crucial"[4].

During the pandemic, lecturers and teachers in secondary schools have both mastered certain skills and abilities to work online through the use of Internet platforms. However, most of them are unaware of how to use digital technologies, they experience technical difficulties in the independent use of digital tools in the educational process, and are often conservative about the use of those.

Undoubtedly, the role of a teacher in the educational process is invaluable. A. A. Bogatkina's opinion is correct that in the age of technological development, a teacher must keep pace with this progress, since now almost all the necessary and useful information for learning is available on the Internet, and in order to use it, one need be familiarised with basic computer skills. One can visually illustrate students the material using a multimedia installation for better assimilation of the material [5].

Coming back to the judgment, pedagogical activity is an independent human activity through which the transition of social experience and spiritual culture is realized from generation to generation. In the presidential decree "On approval of the Concept for the development of the public education system of the Republic of Uzbekistan until 2030", the main concept outlines the definition of "priority tasks of systemic reform of general secondary and out-of-school education."

According to this decree, new horizons appear in the education system of Uzbekistan:

- Excelling teaching methods, phased implementation of the individualization principles of the educational process;
- Implementation of modern information and communication technologies and innovative projects in the field of public education.
- Strengthening the material and technical base of public education institutions and increasing the efficiency of providing budget funds.
- Introduction of modern methods and directions of out-of-school education in the upbringing of young people and ensuring their employment.
- Expanding the competitive environment in the public education system through the development of public-private partnerships.
- Implementation of five initiatives into practice, including a set of measures aimed at creating additional conditions for teaching and raising young people.
- A gradual increase in wages, material incentives and social protection of employees of secondary educational institutions in order to increase the attractiveness of activities in the public education system, etc.

On September 23rd, 2020, the Law of the Republic of Uzbekistan "On Education" was adopted. On the basis of this law, the basic principles of education were put forward, such as: recognition of the priority of education, freedom to choose the form of obtaining education, inadmissibility of discrimination in the field of education, ensuring equal opportunities for education, the introduction of national and universal values in education and upbringing, humanistic and democratic nature of education and upbringing, continuity and continuity of education, compulsory eleven-year education and one-year preparation for general secondary education for children from six to seven years of age, general accessibility of education within the state educational standards and state educational requirements, unity and differentiation of the approach to the choice of curriculum, education throughout a person's life, guarantee of social protection of teachers in society, the secular nature of the education system, the promotion of education, giftedness and talent, the combination of state and public administration in the education system, openness and transparency in the field of educational activities.

Considering the fact that the law was adopted during the pandemic, the extent to which the role of teachers and pedagogical skills have increased, can once again be appreciated. What is the uniqueness of

the teachers' skill? All activities of A.S. Makarenko was characterized by a fighting spirit of innovation, a consistent and irreconcilable struggle against formalism, primitivism in pedagogy, a materialistic orientation in search of the objective scientific foundations of pedagogical skills, the most effective methods of influencing the "educated". And he managed to achieve a lot in this direction [6].

We agree with the opinion of Sheranov, M.B. that professional knowledge is the foundation of the formation of pedagogical skills. The content of professional knowledge is knowledge of the taught subject, its methodology, pedagogy and psychology. The teacher's knowledge in the field of developmental, pedagogical, general psychology and pedagogy determines the scientific solution of complex problems of theory and practice of the younger generation, equips teachers with the laws of the process of mastering knowledge, skills and abilities in school, the formation of the student's personality, makes it possible to determine the most effective foundations and methods for further improving educational - educational process. Psychological and pedagogical erudition provides the correct choice of influence based on an accurate psychological analysis of an act, fact or phenomenon. Underestimating or neglecting these roots of high professionalism (psychological and pedagogical knowledge) leads some teachers to craft, cliches, primitivism, routine [7].

Information Technologies

There are different opinions about whether information technology will replace teachers. According to Dara Melnik, head of the research group at the Center of Education Transformation at the Skolkovo Moscow School of Management, distance learning at universities is not only a challenge, but also a new opportunity. So, most universities in the world operate intuitively. A number of universities provide training sessions for teachers. For example, Zhejiang University, one of the top Chinese universities, conducted trainings for 3,670 teachers in February. At Oxford and many other universities, vacations were used to prepare for the transition. At the same time, English-speaking teachers around the world are gathering in spontaneous, fast-growing online communities like Online Teaching Tips for the Plague-Averse, and emergency guides are being released. After the quarantine, both teachers and students will return as different people. The forced transition to distance learning will force the principles and approaches in higher education pedagogy to be reconsidered. It would be a big mistake to teach the same material now and in the same ways that were planned earlier, and generally perceive online classes as a version of the standard ones. They are just different, with different rules, etiquette and dynamics. The first and most important thing is to avoid chaos and fine-tune the work. University professors in those countries that switched to distance learning earlier than Russia advise starting with a letter with a work plan, online etiquette rules and a list of online tools that will be used. The technical means should be minimalistic. It is best to reach out to those that are already in use (for example, social media) without creating additional barriers in the form of new platforms [8]. According to the results of a survey of specialists in October 2020 among 1200 students of Russian schools in all districts of the Russian Federation, ".....the majority of schoolchildren (47%) believe that digital tools cannot completely replace teachers; 39% of those surveyed answered that after significant improvements, various platforms and services will be able to provide education at a decent level without the participation of a teacher [9]."

It is important, along with the skill of pedagogy, to note the need and motivation of teachers in the educational system. The current need occurred during the pandemic almost all over the world.

According to the research conducted by Khadija Alhumaid, One distinctive feature of face to face teaching is collectivism and collaboration whilst the most distinctive feature of technology-based teaching is the lack of any feeling of collectivism or togetherness. The psychoanalytic theory defines isolation as a defense mechanism undertaken by the mind when individuals are caught in a context that they find threatening or unpleasant. This is the reason why students who frequently use technology gradually develop a feeling of safety and security when "wired" to their gadgets, and start keeping away from all forms of social connections which may get them disconnected. In 2001, Paul & Brier coined the word "friend sickness" to refer to the isolation students feel when moving to college and leaving old school friendships behind. They pretend that technology bridges that gap in relationships and provides those young students with the impression that those friendships have not faded away [10].

Farideh Hamidi, Maryam Meshkat, Maryam Rezaee, Mehdi Jafari share a different opinion in their research, in particular they note that using information technologies and their tools, especially computer ones, and planning modern training programs, such as a virtual training program, the possibility of accelerating the distribution process information, various recognizable and repeatable learning sources, more flexible structure, information retrieval, and the possibility of metacognitive understanding are provided for students, and they can use this device as a tool for their learning activities, so this issue has significantly increased the speed and quality of learning.

High flexibility is manifested when students and teachers perform their duties [11].

Motivation

It is also possible to cite examples the measures taken by the state to create a solid legal framework to promote teachers. Beneficially for teachers, in order to raise the prestige of the teaching profession as a whole, today the draft law of the Republic of Uzbekistan "On the status of a pedagogical worker" is being under consideration. The draft law is under discussion, undoubtedly with the participation of the public, on the state portal www.regulations.uz.

The draft law refers to the definition of the status of teachers and the principles of pedagogical activity, as well as a system of advancing teachers qualifications. The document will enshrine the guarantees of protecting the honour and dignity of the teacher. In particular, it is prohibited to make deductions from teachers' salaries, including subscriptions to periodicals, as well as other deductions not provided for by law. According to the draft law, it is not allowed to exploit teachers of educational institutions, including work on landscaping districts and cities, collecting scrap metal and waste paper, as well as seasonal work in agriculture and other similar work.

Parents of students do not have the right to unreasonable interference in issues that by their nature are part of the teacher's professional responsibilities. At the same time, the draft law proposes to consolidate the rights of teachers to social security and individual teaching activities. Social, legal and material support of teachers and the creation of the necessary conditions for them are of particular importance in improving the quality of the education and upbringing process. In developed foreign countries, the legal status and social protection of a teacher is also established at the level of law.

A vital area during the pandemic, according to the law, is the free vaccination of teachers against infectious diseases during the period of their professional activity.

The issues of motivation of teaching staff are considered by many researchers. For example, O.I. Novikova, V.B. Remennikov rightly point out that in any team, including pedagogical, employees have different needs, depending on working conditions, age, education, and personal characteristics. Nowadays, it is very difficult to effectively manage an educational organization without achieving the involvement of a teacher, which, in turn, is unattainable without motivation. Henceforth, the time comes for people who are capable not only of motivation on the part of leaders, but also to a greater extent of self-motivation. One need to just find the right internal factor, to strive for [12].

CONCLUSION

In conclusion, it is evident that education during a pandemic globally has extracted some opportunities for development, using information technology, innovation. A type of stress test indicated that improving education is necessary. Despite those difficulties for pupils, students, teachers and leaders, stability, the desire for self-improvement and self-development have remained as they are. At the beginning of the pandemic, teachers aged 50 and above were not skilled enough to be able to work with innovative training programs. In contrast, today they have overcome these barriers. Work in universities, schools, colleges and lyceums did not stop, and one might say changed. When talking about the quality of education in remote mode, then the possibilities of using new and new programs students with a more motivating aspect should be noted. Information technologies, same as science, do not stop and develop for the better. The present time can be regarded as a transitional period, with some experience and practice, but still, in the context of a pandemic, legislation in education is being improved, the goals and objectives set for the state are being intensively implemented.

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