



IN DEVELOPED COUNTRIES PRIVILEGES FOR HIGHER EDUCATION AND THEIR LEGAL ASPECTS

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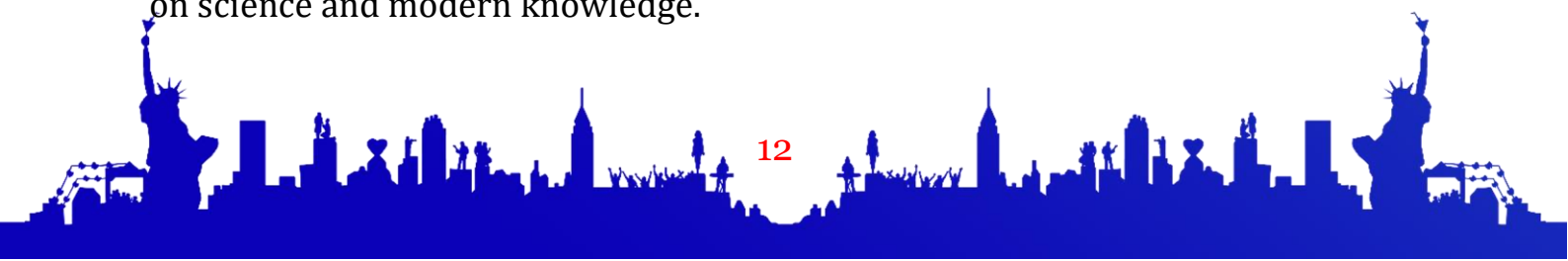
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Today, a deep and systematic legal analysis of the privileges granted in ensuring the right to higher education is closely linked with the study of the experience of developed countries. Foreign practice not only creates an opportunity to compare international standards but also necessitates the improvement of national legislation and its adaptation to the socio-economic conditions and legal system of our country. Through this, constitutional rights in the field of higher education are effectively implemented, legal mechanisms are developed, and all citizens' right to education on the basis of equal opportunities is ensured.

According to statistical data, at the beginning of the 20th century, free education was guaranteed in the constitutions of 58 percent of the world's countries, whereas today this figure exceeds 76 percent. An analysis of the legislative acts on education in foreign countries shows that in many states, the right to education is enshrined at the constitutional level.

Social privileges in ensuring the right to higher education are recognized as an important factor in developing human potential and ensuring stability in society. In particular, the experiences of the United States, Germany, Russia, the United Kingdom, Italy, and Japan are of special interest. In these countries, educational privileges are clearly defined in legislation, based on the principles of social justice, applied according to transparent criteria, and secured with strong legal guarantees.

According to I.B. Djurayev, the provisions established in the constitutions of foreign countries regarding the right to education are primarily aimed at training competitive specialists who, by obtaining higher education, can actively contribute to the development of society and meet international standards. These norms take into account not only personal interests in the field of education but also social needs, envisaging the formation of human capital based on science and modern knowledge.



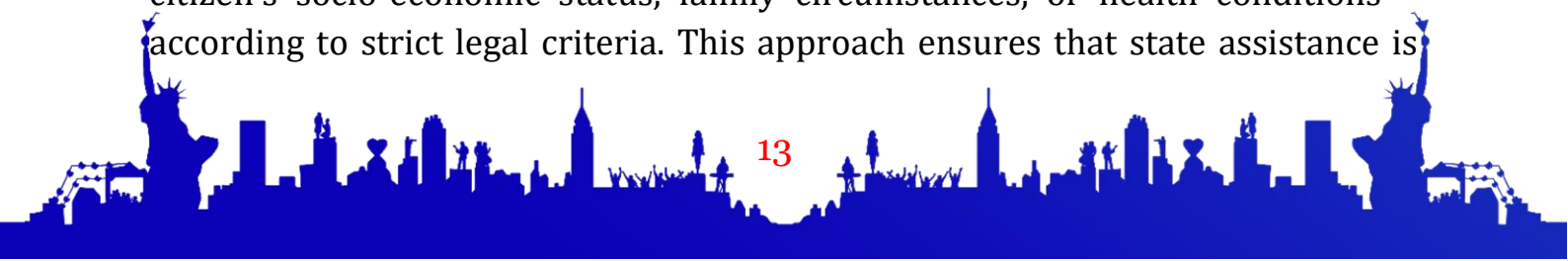


“In particular, in the Federal Republic of Germany, the right to higher education is enshrined in constitutional norms, and ensuring equal access to it is considered one of the priority directions of state policy. The Constitution, that is, the Basic Law of the Federal Republic of Germany, guarantees every citizen the right to freely acquire knowledge, choose a profession, and master it. Through these provisions, the right to higher education finds its indirect expression. Moreover, the principles of social equality and non-discrimination are given special importance as fundamental principles of state policy. Article 3 of the German Constitution strictly prohibits discrimination and inequality among citizens based on any form of social distinction. It stipulates the following: ‘All people are equal before the law. No one may be discriminated against or given preferential treatment because of their sex, descent, race, language, nationality, origin, faith, religious or political opinions.’”

In Germany, unlike in many other European countries, there is an opportunity to obtain higher education free of charge, as public universities do not charge tuition fees for bachelor’s programs and most master’s programs. Students only pay a small amount called a “semester fee” (Semesterbeitrag), which covers service costs such as libraries, dormitories, and transportation. At the same time, in order to ensure social equality in higher education in practice, a system of social benefits has been developed by the state. The legal basis for this system is the Bundesausbildungsförderungsgesetz (BAföG), or the Federal Law on the Promotion of Education. Under this law, students are entitled to receive financial aid in the form of half-grant, half-interest-free loan. This support is especially intended for those from low-income families, single parents, students with disabilities, as well as foreign students residing permanently in Germany.

For students with disabilities, special assistance is provided on the basis of the “Law on Rehabilitation and Participation of Persons with Disabilities,” which came into force in 2018. This includes specialized equipment for classes, adjustments in class schedules, individualized pedagogical approaches, and grants. Through these measures, the principle of inclusiveness has been implemented in higher education.

The German experience demonstrates several strategic directions that could serve as a model for Uzbekistan. First of all, in Germany, educational privileges are granted solely on the basis of need—that is, depending on a citizen’s socio-economic status, family circumstances, or health conditions—according to strict legal criteria. This approach ensures that state assistance is





distributed fairly, not through subjective decisions, but on a legal foundation supported by transparent standards.

This important stage in Germany's higher education system has also been recognized by the well-known scholar Klaus Hurrelmann. In his view, the field of education is not only about knowledge but also an institution that shapes civic consciousness. Equality of opportunity is the key to social mobility. Indeed, a system of open access to higher education through privileges guarantees not only the right to acquire knowledge but also equal social participation of citizens.

The German model is a successful example of realizing social justice in the field of education and can provide Uzbekistan with important directions for improving its system of educational privileges. In particular, by strengthening the legal framework, adopting a needs-based approach, implementing a centralized support system, and widely applying the principles of inclusiveness, the possibilities for the real implementation of citizens' constitutional rights are significantly expanded. In turn, this strengthens social justice in the sphere of education and creates a solid foundation for trust and progress in society.

In the United Kingdom, higher education institutions have the right to independently decide on the admission and selection of students. This process is usually based on the applicant's academic achievements, letters of recommendation, personal statements, and other criteria. There are no uniform state-mandated standards; however, universities are expected to conduct their admissions policies in a fair and transparent manner. Depending on students' financial circumstances, some universities may provide scholarships or other types of financial assistance. Such support usually depends on the institution's own policies and is considered on a case-by-case basis.

In the United States, the higher education admissions process is also generally based on the applicant's qualifications and knowledge, regardless of their citizenship or residency status. There are no state educational standards that determine the content and essence of higher education, and the state has very limited interference in the activities of higher education institutions. To support the functions implemented by the Department of Education, the U.S. Congress annually approves various programs funded from the state budget, among which the program providing financial assistance to students plays a particularly important role.

Turning to the experience of the Italian Republic, higher education is enshrined as one of the constitutional rights of citizens. Article 34 of the





Constitution of this state recognizes education as an inalienable right of every citizen and stipulates the following:

“Schools are open to everyone. At least eight years of primary education shall be compulsory and free of charge. Capable and deserving persons, even if lacking financial resources, have the right to attain higher education. Such social benefits are determined on the basis of merit and are guaranteed through scholarships and grants, opportunities provided to families, and other forms of assistance.”

This provision not only defines the general approach but also clearly indicates the state’s responsibility in providing social opportunities for higher education.

Furthermore, on the basis of these constitutional principles, specific normative acts have been developed. One such act is the ISEE (Indicatore della Situazione Economica Equivalente) regulation, established by Presidential Decree No. 159 of December 5, 2013. This system provides the mechanism for granting educational benefits in higher education by assessing the economic situation of the applicant or their family. It ensures a comprehensive evaluation based on annual income, family property, and living conditions. As a result, social justice and equal opportunities are established in the process of accessing higher education.

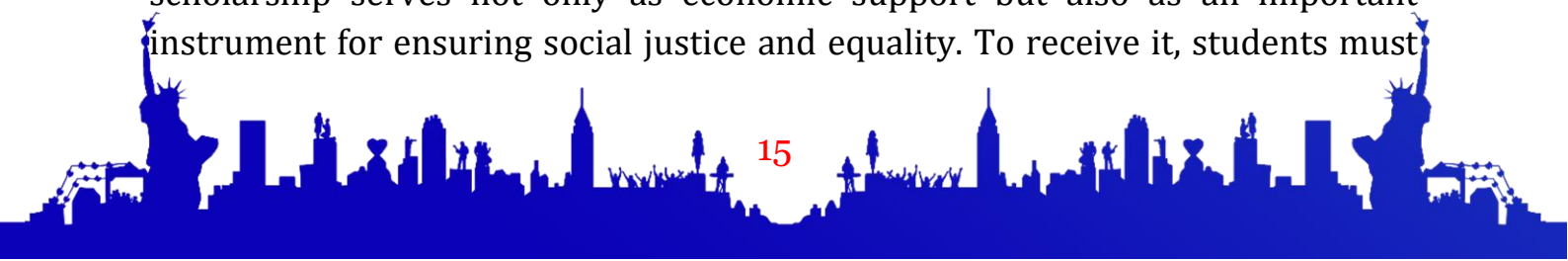
In Italy’s higher education system, special grants are provided for socially vulnerable groups, primarily orphans, persons with disabilities, and children from low-income families. These grants cover tuition fees, accommodation, and food expenses. In addition, there is a significant form of state-provided social assistance known as the DSU scholarship (Diritto allo Studio Universitario), intended for students with limited financial resources. This scholarship is designed to cover the following main expenses:

Accommodation costs – the student is provided with low-cost or free housing in a university dormitory or at a facility designated by the university.

Food expenses – students are given access to free or subsidized meals in university cafeterias.

Educational materials – financial assistance is provided for purchasing books, textbooks, and other study resources.

Through the DSU scholarship, children from low-income families gain the right to continue their education without facing financial barriers. This scholarship serves not only as economic support but also as an important instrument for ensuring social justice and equality. To receive it, students must





apply each year and submit relevant documents confirming their family circumstances and income.

By analyzing the experience of developed foreign countries, a number of proposals can be put forward to improve the system of privileges applied in admission to higher education institutions in Uzbekistan.

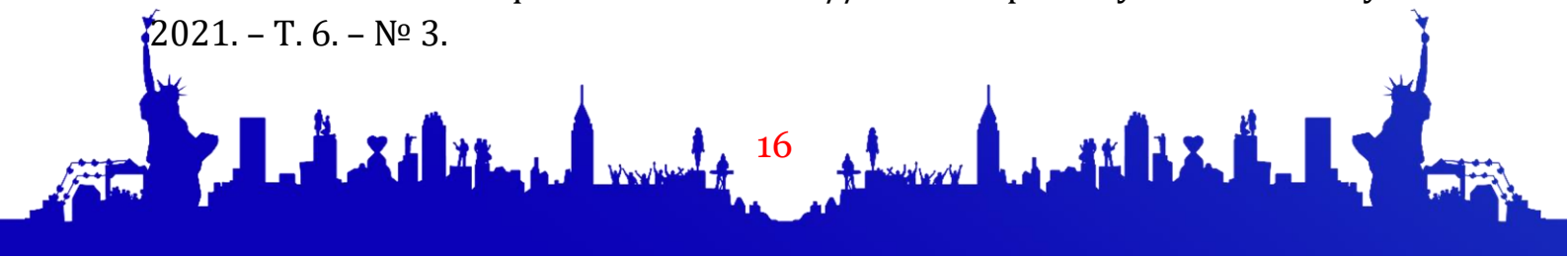
First of all, referring to the German experience, in this country privileges are mainly directed toward fields where there is a shortage of specialists in the labor market. From this perspective, it would be expedient for Uzbekistan to also introduce privileges for admission to higher education in accordance with the urgent needs of the economy. For example, if there is a shortage of specialists in the field of medicine, granting privileges specifically in this area would serve to meet the demand for personnel in that sector.

The ISEE system introduced in Italy not only regulates the provision of financial assistance but also expands citizens' access to higher education. Principles such as social equality, a fair mechanism of access to education, and the rational use of state financial resources are practically implemented through the ISEE system. Therefore, in the Republic of Uzbekistan, it is of current importance to introduce the "FIHBI" – Indicator for Assessing Citizens' Economic Situation, based on a comprehensive analysis of citizens' socio-economic conditions. Through this system, privileges, grants, and other forms of assistance in higher education will be determined with greater precision and fairness. With the help of the FIHBI system, the doors of education will open wider for young people with limited economic opportunities but a strong desire to learn, which in turn will become one of the main factors of social justice, human capital development, and long-term sustainable progress in the country.

In addition, in the United States and the United Kingdom, the main criterion for admission to higher education institutions is the applicant's level of knowledge and qualifications. This approach is considered a priority principle not only in the admission process but also throughout the entire education system. Therefore, in Uzbekistan, apart from socially vulnerable groups, the knowledge and qualification level of candidates should be established as the main criterion for admission to higher education.

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