

LEGAL REFORM OF EDUCATION IN RUSSIA AT THE BEGINNING OF THE 19TH CENTURY

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Abstract

The article is devoted to the period of liberal reforms carried out in Russia in the beginning of the 19th century. Many areas of public life, including education, have been reformed. On the path of significant state reforms in Russia, there was a need to make significant changes in the legislation. The legal regulation of the sphere of education that existed before the reforms formed a system of legal relations, the instant reconstruction of which was impossible. Taking into account the scale of the affected area, a phased reform was required. The beginning was made by the creation of the central executive body of state power in the field of education, which became a common feature of many reforms of the early 19th century. The reform of education continued with the establishment of a new hierarchy of educational organizations, their structure, subordination, the basics of economic activity, the rights and duties of public officials responsible for the organization and functioning of institutions at various levels. The article substantiates the discrepancy between the legal validity of the thesis about the existence of a unified University Charter of 1804, as a general act for all universities, by referring to the primary source of constituent documents of higher educational institutions of the Russian Empire. Various aspects of the legal status and regulation of the activities of educational institutions are disclosed. In particular, for each level of education, with the exception of higher education, the division into classes and courses, the duration of training and the amount of academic hours in one academic week, the purpose of the activity of the educational organization is indicated. The governing bodies within the university, their hierarchy, interdependence, the order of formation and delimitation of competence are named. The requirements for the teaching of school subjects, information about the necessary means of training, conducting training tests, the status of the head of an educational organization are analyzed. Special attention is paid to the order of creation and operation of private educational institutions - boarding schools. The mechanisms of control over their activity by officials of state educational institutions, the peculiarities of the content of education and the stay of students in them have been revealed. Based on the analysis of the entire body of legal norms, a conclusion is drawn on the level of elaboration and legal technique of legal acts of the education reform in Russia at the beginning of the 19th century.

Keywords: legal reform, history of law, education, education system, legal regulation

1 INTRODUCTION

Entering the XIX century, Russia had the education system that gave her the school reform of Catherine II, conducted in the 80s of the 18th century. The Charter of National Schools, approved on August 5, 1786, was in effect.

This Charter was a fairly large legislative act, having the proper depth of legislative regulation of many aspects of the subject matter - educational legal relations in public schools. The charter was strictly structured, consisted of chapters, each of which was divided into several parts, and each part contained paragraphs that had, along with the chapters, a through numbering throughout the Charter. In addition, this act contained many applications. Different aspects were subjected to regulation: two-level system of schools (main and minor); division by classes, subjects taught in the corresponding classes; standards of teaching foreign languages; the status of teachers, their rights and responsibilities; special teaching positions; a system for assessing and encouraging students; the status of the director and the ranger in the colleges; the order of economic activity; subordination of public schools. Proceeding from this, it can be argued that the Charter of public schools was of great importance, occupying a central place in the legal regulation of educational legal relations.

Nevertheless, at that time the university education in Russia was not sufficiently settled. Therefore, it was required not only to issue a normative act that would cover the activity of educational institutions of all kinds, but also reform the entire legal basis of education.

2 RESULTS

The first step in the way of reforms was the publication of the manifesto "On the Establishment of Ministries", which, among others, created the Ministry of Public Education. This ministry became a centralized executive body, having in the subordination all the institutions of education, science and education that existed in the state.

The second step was the publication of a general system-forming law, which introduced the basic terminology and legal basis for the publication of subsequent more narrow normative acts.

Such a law became the "Preliminary Rules for Public Education", approved by the Decree of Alexander I on January 24, 1803 "On the Organization of Schools". The preliminary rules were structured according to chapters and articles that had a through numbering.

The first article of the Preliminary Rules defined the popular education in the Russian Empire. The second article established four types of schools. So, now there were the following levels of educational institutions: 1) parochial schools; 2) county schools; 3) provincial gymnasiums; 4) universities.

The provisional rules of public education also established certain requirements for education for the employment of government posts. A citizen could not claim a civil position requiring legal and other knowledge without completing his studies at a public or state school.

In addition to general provisions on the system, the status and structure of educational institutions, the subject of regulation of the Preliminary Rules were: the order of economic activity; status and production of graduates and scientific staff of universities - candidates, masters, doctors, adjuncts, duties of officials in the field of educational legal relations and ensuring the activity of educational institutions.

The division of Russia into six educational districts, each headed by the university, was organized by decree of January 24, 1803 "On the establishment of study districts". Thus, the following study districts were created: Moscow, Vilnius, Dorpat, St. Petersburg, Kharkov and Kazan.

The next step was the publication of the first in the history of Russia University Charter of 1804. From the point of view of law, the charter is a legal act that is a constituent document of an educational organization. Indeed, there was no single university charter regulating the activities of all universities. Each university had its own charter. The charters of three universities (Moscow, Kharkov and Kazan) were adopted on November 5 (17), 1804. Both in structure and content, these statutes had minor differences, which gave rise to the wrong opinion about the existence of some kind of a standard university charter in the Russian educational law of the first half of the XIX century.

The goal of the universities was to teach science and prepare young people for admission to various civil service ranks. The university was a large organization, having its own structure with a lot of units not only administrative and educational, but also economic. The university completely provided its own needs, having, for example, its own printing house.

The university was subordinate to the trustee of the relevant educational district of the Ministry of Public Education, but had quite a certain autonomy. The bodies of collegial management established - the University Council, the collection of departments (faculties) and the Board. The university council, which was in charge of all the affairs of the university and consisted of a professors' staff, elected a rector from among its members. The executive body of the university authority was the Board, which consisted of the rector, the deans of the faculties, and a special indispensable assessor appointed from the professorship by the curator of the educational district. The Board was responsible not only for the entire economic and accounting part, but exercised jurisdiction over civil suits against members of the university, and in criminal cases carried out preliminary investigation.

Following the adoption of university regulations, also on November 5 (17), 1804, the Charter of educational institutions subordinated to universities was approved. This category of educational institutions included: all gymnasiums, schools, boarding schools with the exception of those under the authority of the church authorities.

Based on the Provisional Rules of Public Education, the Charter of educational institutions established requirements for the teaching of school subjects, the rank of teachers, the necessary means of education, contained information on the private duties of teachers and students, conducting training tests, and regulated the status of the head of an educational organization.

The charter of educational institutions subordinate to universities included chapters on a certain level of education, beginning with gymnasiums. In accordance with the charter, in the provincial city there must be at least one gymnasium. The goal of the establishment of the gymnasiums was the preparation of the youth for university education and the young people getting the knowledge necessary for a well-educated person. There is a similarity with the current concept of education as a process of upbringing and education.

Training in the gymnasium was carried out for four years, corresponding to four classes. It was established that the teaching is conducted for thirty hours a week.

In each provincial and district town it was envisaged the creation of at least one district school, and in large cities - at least two schools. The purpose of the activity was to prepare students for training in the gymnasium and to open up to the children of various classes the necessary knowledge.

The training in the county schools consisted of two courses, each lasting a year. Teaching was conducted for twenty-eight hours a week.

In every provincial and district town, in every church parish or in two, depending on the number of parishioners and the remoteness of their residence, at least one parish school was created. Parish schools were also established with a dual purpose. Firstly, to prepare the youth for training in the county schools. Secondly, for the acquisition by farmers and representatives of other classes of knowledge necessary for their moral and physical perfection, the eradication of prejudices and superstitions, by conveying accurate concepts about the phenomena of nature.

The number of subjects that are subject to mastering in the parish school was reduced to a minimum, but their list was not exhaustive, which made it possible, in the presence of a material base, to expand the content of education in individual parochial schools.

It is important to note that unlike other levels of education, parish schools accepted children of any gender and age, which allowed the right to education to be realized for all free peasant children.

The organization of training in parochial schools was dependent on the completion of field work and was one class. With a large number of students, it was planned to divide into two branches, trained for three hours a day, nine hours a week.

A separate part of the Charter of educational institutions, subordinate to universities, is devoted to private educational organizations - boarding schools. The stage-by-stage procedure for obtaining permission to open a private institution, a list of necessary documents, minimum requirements for the content of education and requirements for teachers, and the limits of the autonomy of a private educational institution are described.

The applicant - the person who wishes to open the boarding schools, applied to the director of the provincial grammar school, applying the plan for organizing the teaching of sciences, information about future teachers, documents confirming the existence of their proper education, indicated the expected amount of payment charged to students for the educational services provided, training hours. The director sent the application to a higher university in accordance with the school district. The competence of the university was to permit or

prohibit the opening of an educational institution. The reason for the refusal was the inadequacy of the evidence presented.

Permission to open a boarding school limited his activities to those documents that were submitted upon authorization. For the teaching of other sciences it was required to obtain permission from the university to present all the necessary documents.

Despite the relative freedom of choice of educational subjects by the owner of the boarding school, the Russian language was compulsory for teaching. The teaching of religious subjects was carried out according to the faith that the trained children belonged to.

To teach a certain subject in the boarding school, it was necessary to obtain a certificate of ability to teach in the provincial gymnasium. The owner of the boarding school was obliged to notify the director of the provincial grammar school about the employed teachers. Thus, a mechanism was provided to control the competence of teachers of private educational organizations.

Teachers were quite free in the choice of educational literature. Attention was paid to the continuity of the educational process in the boarding school. Temporarily retired teacher should be immediately replaced by another, logs attendance training sessions.

In accordance with the tuition fee, students were supplied with clothes, shoes and food. The supply organization was entrusted to the educational institution's custodian. The regime of the day was separately established. The students went up at six in the morning and went to bed at ten o'clock in the evening.

It was forbidden to create boarding schools for students of different sexes. Annual tests were introduced in the presence of officials of the provincial gymnasiums. The director of the provincial grammar school had the right to inspect - checking the activities of the boarding school.

3 CONCLUSIONS

Legal reform of education in the early 19th century was carried out in stages. There are three stages of reform. The first stage was the creation of the central executive authority in the sphere of education - the Ministry of Education. The second stage was the publication of a regulatory act that allowed a transition from the rule of law that was in force earlier to a new education system. The third stage was the establishment of educational organizations at all levels simultaneously with the publication of their constituent acts, which more closely regulate the organization of education, the requirements for the content of education and other aspects of educational legal relations.

REFERENCE LIST

- Bondarevsky, A.E. (2012) Development of the human right to education in political and legal thought: from antiquity to the beginning of the twentieth century. Proceedings of the Institute of State and Law of the Russian Academy of Sciences. 4.
- Kodan, S.V. (2007) Code of laws of the Russian Empire. Place and role in the development of legal technology and the systematization of legislation in Russia in the XIX - early XX century. Legal technology. 1
- Smirnova, M.V. (2007) Formation of the constitutional right to education in non-state general educational institutions of Russia. Lawyer of the university. 5.
- Shabalina, O.L. (2015) The right to education in the retrospective of world and domestic legal thought. Mari legal Herald. 2 (13).
- Shabalina, O.L., Shabalin, G.Y. (2016) Legal regulation of education in pre-revolutionary Russia. Bulletin of the Mari State University. Series: Historical Sciences. Juridical sciences. 5.