LEGAL ISSUES IN HIGHER EDUCATION IN THE REPUBLIC OF NORTH MACEDONIA

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Abstract

Since education, is the basic of any society, its legal regulation is also of special importance. In our society, there are three levels of education; the primary, secondary and tertiary. The focus of our work will be on legal issues of higher education. In our country, directly related to the changes that are made in the legal aspect on higher education, the government that is in powerhas influence. Thus, the changes that the law on higher education undergoes in the Republic of Northern Macedonia are actually brought by the government that holds power. Over the years, the law on higher education has undergone many changes. Sometimes, the legal rules of this law have been strengthened by becoming more strict and other times the same articles have been less strict, always the government adapting perhaps to their professionals who also support them. Therefore, analyzing the legal rules in general over the years, in this paper we will highlight the strengths and weaknesses of these rules. We will also highlight the fact that some legal rules should not be as they are, due to the fact that they leave room for manipulation in practice. All this, because, there are legal gaps which must be filled with fair legal rules. On the other hand, we will highlight the aspect of how much these legal rules are applied in higher education by higher education institutions and whether there is political pressure on how to apply the legal rules on those who apply them. And, finally we will bring our thoughts on what needs to be changed in terms of legal rules on higher education in our state, based on the practical aspect so far.

Keywords: *Legal Regulation, higher education, the influence of government, legal gaps, Changes to be made on the aspect of legal rules.*

1. Legal regulation of higher education in the Republic of Northern Macedonia

Higher education in the Republic of Northern Macedonia is regulated by the Law on Higher Education which regulates the autonomy of the university, academic freedom, conditions and procedures for the establishment of higher education institutions, status changes and termination of higher education institutions, their activity, security and assessment system the quality of higher education, the basics of organization, management, development and financing of higher education, the rights and obligations of students, as well as teaching and associate staff, recognition of foreign higher education qualifications and supervision of the work of higher

education institutions[1]. Article 4 of the Law on Higher Education defines the goals of higher education, as follows: Raising the general educational and scientific-research level as well as the level of artistic creation in North Republic of Macedonia, creating protection and transfer of scientific, professional and artistic knowledge and skills, providing scientific, professional and artistic youth, enabling every individual to obtain higher education and be educated throughout life under equal conditions. Furthermore, the goals of higher education describe the development of free, critical and creative personalities, strengthening the employability, competitiveness and competitiveness of young people and adults as well as the development of civic responsibility in the academic community. These goals of higher education are achieved by organizing studies according to accredited study programs, conducting fundamental, developmental and applied research and performing applied activity and artistic creation, continuous improvement of the quality and relevance of teaching and learning, providing sufficient and sustainable financial support for safe and the smooth running of the educational, scientific-research and artisticprocess[2]. The goals of higher education are achieved, among other things, by ensuring student participation in management and decision-making, enabling and promoting the mobility ofmembers of the academic community in foreign higher education institutions and developing international cooperation with foreign higher education institutions. According to the above, in the changed years, higher education in the Republic of Northern Macedonia has undergone several changes in the legislation, as well as statutory changes in their bylaws, which sought to improve the quality of services provided to higher education institutions and overcome obstacles and the difficulties faced by the academic community in the country. These changes in the legislation are most often in the part of the system for providing and evaluating the quality of higher education in higher education institutions, the rights and obligations of students as well as the teaching-scientific and associate staff in higher education institutions.

Through the implemented reforms in higher education, the Ministry of Education and Science, sought to bring higher education closer to students for their more successful development as an academic citizen of this country. However, this goal was not always achieved due to the fact that higher education institutions faced various obstacles and shortcomings (lack of sufficient space, lack of trained and experienced staff and lack of sufficient resources to ensure the goal for which all stakeholders in the state aspired to achieve it). The Ministry of Education and Science, during all this time, during the implementation of these reforms in higher education, supervised their implementation in higher education institutions. Through the State Education Inspectorate, inspections were carried out in the higher education institutions for implementation of the legislation and observance of the same. In addition, the inspections concluded that in certain higher education institutions these amendments to the law on higher education have not always been implemented, and in such cases the State Education Inspectorate has taken appropriate legal measures to eliminate such omissions and irregularities in the operation of higher education institutions. The most common such omissions and irregularities in the operation are as follows:

- (Un) Conducted self-evolution of the Higher Education Institution

[1] Law on higher education of the Republic of Northern Macedonia, article 1.
[2] Ibid, article 4.

- (No) Conducting classes in the Higher Education Institution for at least two study programs for the first cycle of academic and professional studies, to be conducted in English
- (Non) Teaching in the Higher Education Institution for at least four study programs in the second cycle of academic and professional studies, to be conducted in English
- Non-compliance with the legislation during the selection of teaching-scientific titles of teaching-scientific and associate staff as well as during the selection in the procedure for early selection
- Failure to perform the pedagogical obligations of the persons selected for teaching-scientific, teaching or associate title
- Inequalities in the conducted procedures for the election of deans of certain faculties
- Irregularity in completing the files of the teaching-scientific and associate staff with the necessary documentation (master's degrees, doctorate, concluded contracts, decisions on nostrification of those documents etc.)
- Defects and irregularities in keeping the registers of enrolled students and the general books of graduates
- Irregularity in taking exams of students in higher education institutions
- Irregularity in the part of not concluding at least two agreements with foreign universities from the 500 ranked universities from the Shanghai list.[1]

From the above-mentioned irregularities which have been ascertained by the state inspectorate of education, we can see that although there are still irregularities in the education system, i.e., in higher education; such irregularities are eliminated through the work of inspectorswho follow the legal procedures and apply the law on higher education to eliminate irregularities in practice in higher education. In the context of vocational (professional) education, the potential of higher education should also be considered. In this regard, a special type of bidder may be higher education institutions, ie universities and independent and higher vocational schools. In fact, even in accordance with Article 4 of the Law on Higher Education[2], one of the goals of higher education is to strengthen the employment, competitiveness and competitiveness of young people and adults. But, in addition to formal higher education, higher educationinstitutions have a great potential to commit to other forms of vocational education, as well as to establish special cooperation with the business community, taking into account the opportunities provided in Article 85 of the Law of Higher Education[3], and in particular paragraph (4)[4] according to which, the university, may have other internal organizational units with which practice, knowledge, art and higher education are related and in the work of which students can participate (student cultural centers, engineering bureaus, workshops, centers for legal and business advice, centers for social work and other assistance to citizens, production production centers, galleries, radio and TV stations and technology parks). In the framework of conducted research related to this issue, it has been concluded that vocational education is realized "according to inertia", without enthusiasm, motivation, innovation. Strong political influence of

[1] Based on official data and reports and data in them, shown by the Chief Inspector at the Higher Education Inspectorate in the Republic of Northern Macedonia.
[2] Law on higher education of the Republic of Northern Macedonia, article 4.
[3] Ibid, article 85.
[4] Ibid, article 85, paragraph 4.

quotas for student enrollment, opening profiles according to ethnic key, employment by party line, etc.[1] It is also worth noting that, in accordance with Article 141 of the Law on Higher Education,[2] universities and higher vocational schools can organize various programs of expert development, i.e. professional development taking into account the concept of lifelong learning. These programs are organized due to the perfection, completion, deepening and modernization ofknowledge and are not considered as studies in the sense of this law. After the completion of the programs for expert, i.e. professional perfection, a certificate is obtained, i.e. a certificate issued by the university, is the independent higher professional school. Participants in the forms for expert, i.e. professional perfection do not have the status of students. Also, in accordance withthe article 141, paragraph (5) of the LHE[3], various forms of non-formal learning can be organized, such as courses, summer and winter universities, schools, workshops and the like. Upon completion of the relevant form of non-formal education, a certificate is obtained, i.e., a certificate issued by the university or university unit, i.e. an independent vocational school[4].

2. How to achieve a higher quality higher education in the Republic of Northern Macedonia ?

Initially, in order to have a high-quality education in the Republic of Northern Macedonia, certain conditions must be met. The first condition is the existence of an experiencedprofessional staff and overloaded with knowledge, in order for students to be able to absorb sufficient knowledge, which knowledge will prepare them for the labor market. The second pointto have the highest quality education in our country, is to avoid and remove corruption[5] from educational institutions, especially higher education. Corruption in the ranks of university professors has become an integral part of their daily lives, and especially in our country is practiced the sale of "high grades". In the Republic of Northern Macedonia, we have many real cases of conviction of university professors who as a practice have taken bribes, but which cases we would not have talked about in this scientific paper. As a reason for the corruption presented in the higher education of the Republic of Northern Macedonia, initially is the low economic standard in this country. Usually, if we have a low economic standard in a society, the chances ofcorruption occurring are extremely high. Then as another reason can be mentioned the transition of a state, or more specifically decentralization. One of the other reasons is the change in the trend on higher education.

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[1] Misho Dokmanovic PhD, Darko Spasevski, PhD, Katerina Shapkova Kocevska, PhD & Sanja Giçevska, M.A. - Legal framework, resources and other processes and competencies in the formal education and training system in the Republic of Northern Macedonia (situation in 2018) - Project of the Swiss Agency for Development and Cooperation implemented by the Macedonian Center for Civic Education and Chamber Economic Development of Macedonia.

[2] Law on higher education of the Republic of Northern Macedonia, article 141.

[3] Law on Higher Education of North Republic of Macedonia, article 141, paragraph 5.

[4] Misho Dokmanovic PhD, Darko Spasevski, PhD, Katerina Shapkova Kocevska, PhD & Sanja Giçevska, M.A. - Legal framework, resources and other processes and competencies in the formal education and training system in the Republic of Northern Macedonia (situation in 2018), page 62 - Project of the Swiss Agency for Development and Cooperation implemented by the Macedonian Center for Civic Education and Chamber Economic Development of Macedonia.

[5] Aleksandra Zivkovic; Consultants: Prof. Dr. Dimitar Gelev - Corruption in Higher Education, Analysis with special reference to the work of the University "St. Cyril and Methodius" - The publication is supported by: Foundation Open Society Macedonia and USAID, 2016.

Namely, in our country we have the privatization of many universities as well as the opening of many new universities, which increases the competition between universities and reduces the quality of higher education; which increases the quantity of graduate students. Then, it is worth mentioning the fact that, in order to have a higher quality education, politics should not be included in the autonomy of universities. This, in our state, happens in state universities, ie the autonomy of the university is not respected; and this reduces the quality of highereducation. And, another way of raising the quality of higher education in our state is through the harmonization of educational policies and the labor market. Thus, in our state in addition to possessing a university degree, to be employed in a company; that is, in order to be part of the labor market, knowledge of a foreign language is also required, and of particular importance is the previous work experience or the ability to perform the job in which you compete. In addition to the traditional requirements for language skills, work experience and computer skills, agrowing number of companies emphasize the role of having certain personal characteristics (so- called soft-skills) that are relevant to the workplace. These are primarily the good interpersonal skills (communication, negotiation) of the candidates, which are listed in 15% of the totalnumber of advertisements (or 25% of the advertisements in which personal characteristics are listed). They are most prominent as important features for candidates in the IT, financial / economic and legal sectors. For the former it is almost equally important to be responsible, flexible and motivated. For employees in the finance / economics, law and public administration sectors, the next important feature is the ability to work in a team[6]. Therefore, to conclude this research, we can say that; in order to have the highest quality education, all the above conditions must first be met. Also, higher education institutions should pay special attention to training students on the practice of the field they are studying and there should be no stagnation only in the theoretical aspect of knowledge on the field they are studying. Also, for a high-quality education, university professors should also focus on developing students' practical skills as well as critical thinking skills. That is, higher education will be qualitative only if students are trained to be worthy of confidently joining the labor market.

CONCLUSION

Regarding higher education in the Republic of Northern Macedonia, we have the law on higher education which law regulates all legal and procedural aspects of this level of education. But, in our state this law often undergoes changes, thus changing the articles within it. Not infrequently the legal rules within this law become extremely flexible and less strict than before. But, from the analyzes made; we see that the biggest problem is not the legal rules that regulate this level of education, but their practice. Namely, in our country we have many irregularities which we found above from the official reports of the education inspectorate, which irregularities

[6] Ana Mickovska-Raleva (project coordinator), Researchers: Sanja Kostovska, Driton Nebiu and Dimitar Nikolovski - How to get a higher quality education, p.44, 2008.

are often not even regulated by higher education institutions even though there is an official order to improve serious irregularities in these institutions.

Another shortcoming of the university education system is the lack of quality of teaching. Namely, with the increase of competition between the many universities that exist in the country, the level of quality of studies for students decreases, which makes it impossible raising the level of their professionalism in the field where they study, which makes young people less prepared to enter the labor market, after completing their studies. Another shortcoming in higher education in our country is the existence of corruption in the ranks of academic staff, which is directly related to the socio-economic standard that exists in our country.

Additionally, the lack of readiness of state and private institutions, including higher education institutions, as well as the lack of readiness of various companies to have a strong and good cooperation, in order for students to prepare the practical aspect of their fields which they also study, which would make higher education in Northern Macedonia more qualitative, as well as students who would graduate would be better prepared and better able to perform their jobs in their future professions. Therefore, I share the opinion that, in the regulations of universities, this possibility should be foreseen as a necessity in order to increase the quality of this educational level in our country.

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