



Research Article

POTENTIAL TYPICAL SITUATIONS OF CONFLICT OF INTEREST IN HIGHER EDUCATION

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ABSTRACT

In this research, the author considers the legal nature of the conflict of interest, its varieties, and also gives variety of potential typical situations of conflict of interest that may arise in the field of educational relations between a student and a teacher at any stages of training

KEYWORDS

Corruption, conflict of interest, education, university, typical situations of conflict of interest.

INTRODUCTION

The Law of the Republic of Uzbekistan "On combating corruption" [1] as one of the preventive measures to combat corruption in the duty of employees of state bodies provides for the obligation to take measures to prevent and resolve conflicts of interest. The Law

defines a "conflict of interest" as a situation in which personal interest (direct or indirect) affects or may affect the proper performance of official or official duties by a person and in which a contradiction arises or may arise between personal interest and the rights

and legitimate interests of citizens, organizations, society or the state. The above definition highlights the following signs of a conflict of interest:

- 1) The situation (legal fact), manifested relations between specific subjects;
- 2) This is a situation in which personal interest (direct or indirect) affects or may affect the proper performance of a person's official or official duties;
- 3) The contradiction between the personal interest (of a particular person) with the rights and legitimate interests of citizens, organizations, society or the state.

It should be noted that "personal interest" always means the possibility of direct or indirect receipt of any personal benefits [2].

In the legal literature are distinguished the following types of conflicts of interest [3]:

- 1) «a situation of a real conflict of interest is a situation in which the existence of any personal interest and its real impact on how a given person performs his professional and official duties»;
- 2) «a situation of possible conflict of interest is a situation in which the personal interest of the person holding the position of the head of the organization is not sufficient at the moment because there is still no connection between the official duties of the person and his personal interests. But hypothetically (potentially) personal interest can manifest itself and affect the proper, objective and impartial performance of official duties, especially in situations of their evolution or change»;
- 3) «a situation of apparent conflict of interest is a situation in which the personal interest of the person filling the position does not exist in reality or the facts available about it are unreliable, since

there is only the appearance that this person has some personal interest that can affect the proper, objective and impartial performance of his official duties».

Another classification distinguishes static and dynamic conflicts of interest. [4] In the first case, it is implied that a conflict of interest is a specific situation in which the personal interest of an authorized person may affect (but has not yet affected!) on the objective performance of their official duties and lead to harm to the legitimate interests of citizens, organizations, society and the state. The second is dynamic, it means the using of official powers in personal interests. That is, the conflict of interests affected the employee and moved into a specific active action in order to obtain benefits.

Based on the above types of conflicts of interest, we can draw parallels with higher educational organizations. Higher educational organizations are the place to arise many typical situations of conflict of interests between a student and a teacher. There are many reasons and conditions for the occurrence of a conflict of interests, often they are not related to the improper behavior of the subjects of these relations. Conflicts of interest are manifested from institutional realities, in which subjects necessarily fall into potentially dangerous typical situations. A good example is the expert commission for assessing the degree of study of the manuscript of students, masters or doctoral students during their "official defense". When an applicant submits the conducted research for expert evaluation, examiners are required to adhere to the principles of impartiality and objectivity in the preparation of reviews. The aim is to ensure thorough academic verification and compliance of the full text of a scientific study with widely accepted academic standards. However, due to the objective conditions



created in the past, the scientists most suitable for reviewing the applicant's research could cooperate with the supervisor and/or student.

Another case, due to the examiner's employment (for example, teaching, scientific research, conferences, work elsewhere, etc.), he may refuse to participate in reviewing or evaluation, since this is a volunteer work. The priority of reviewing or evaluating the applicant's manuscript is lower for him compared to his main activity. Which leads to a situation where the examiner asks for a favor from the applicant himself, so that he prepares a review of the manuscript and submits it to the sitting expert commission (scientific council). Also, a conflict of interest in the field of educational relations may also arise in the following typical situations:

- a) Performing professional duties in relation to relatives and/or other persons with whom the employee maintains relations based on moral obligations. For example, taking exams or tests, participating in the work of the attestation commission;
- b) Performance of paid work (provision of property-related services). For example, tutoring from their own students or forcing students to acquire their own scientific works;
- c) Receiving material benefits (including money), gifts and services;
- d) Property obligations of the teacher and/or his relatives. For example, a teacher and/or his relatives create property obligations on preferential terms, in particular, interest-free loans, purchase and sale transactions at a reduced cost, preferential rent or contract, etc.;
- e) Situations related to the teacher's clear violation of the established prohibitions;
- f) Use of confidential information. The above problems in the field of educational relations are a

small part of the potential typical conflict of interest situations.

If such situations are not handled properly, there may be unfair assessment of students' knowledge, which can then undermine the credibility of the process and put under risk the academic authority and reputation of the educational institution.

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