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Comparative models of education legislation: an analytical overview

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Abstract: Legislation is a living organism: it develops and adapts over time. Its effectiveness is determined not merely by the number of enacted provisions but by their quality, internal coherence, and fitness for purpose. Among fundamental human rights entrenched in nearly all constitutions and statutory systems is the right to education. Yet comparative practice shows that the improvement of education law admits no single, universal template. Each State calibrates legal design to its socio-economic trajectory and its political-legal traditions and values.

Introduction: Within this study we consider several ideal-typical models of education legislation that have crystallized in advanced jurisdictions.

I. A Decentralized (Anglo-Saxon) Model

This model is characteristic of the United States, the United Kingdom, Canada, and—partly—other countries influenced by English educational traditions. In the United States, the constitutional baseline is the Tenth Amendment, which reserves to the States powers not delegated to the federal government; education governance is not an enumerated federal function.

Accordingly, federal education statutes tend to be sector-specific, creating national frameworks while leaving primary regulatory authority to the States. Illustratively:

- The Every Student Succeeds Act of 2015 (ESSA)—Pub. L. 114-95—recast federal K-12 accountability while expressly providing States wide latitude to design standards and support systems.
- Students with disabilities are protected under the Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446), which reauthorized and amended IDEA.
- Career and technical education is structured under the Strengthening Career and Technical Education for the 21st Century Act (Perkins V), 2018, reauthorizing the Carl D. Perkins Act.

Compulsory schooling requirements are set by State law, producing variation in starting/ending ages and exemptions. Authoritative compilations by the Education Commission of the States and NCES document these divergences.

In the United Kingdom, the Department for Education (DfE) steers the sector through Acts of Parliament (e.g., the Education Act 1996) and statutory guidance, to which schools and local authorities must “have regard.” Recent examples include statutory guidance on RSE (issued under the Education Acts 1996/2002) and on safeguarding (“Keeping children safe in education”).

Synthesis. The distinctiveness of this model lies in its legislative agility and multi-layered governance: core principles are set federally (or centrally) where appropriate, while detailed regulatory choices and implementation rest with States (US) or are operationalized through ministerial statutory guidance (UK).

II. A Strategic (Nordic/Scandinavian) Model

In this approach, framework statutes articulate general principles and strategic objectives; detailed pedagogical and organizational decisions are largely entrusted to education providers. Finland is exemplary. Section 16 of the Constitution of Finland guarantees equal educational opportunity and mandates that publicly provided basic education be free of charge; sectoral statutes then structure each level of education.

Schools and universities enjoy a high degree of institutional autonomy in organizing instruction, while the State assures quality through external evaluation and oversight mechanisms. In short, law is strategic and principled; governance is trust-and-evaluation based.

III. A Learner-Centric (East Asian) Model

In Japan, the Basic Act on Education (Act No. 120 of 2006) functions as a foundational charter, setting aims of education, types of education, and governance principles; curricular reform is then pursued through national programs and iterative “Course of Study” updates. Reform priorities emphasize (i) participation and use of competencies in daily life, (ii) acquisition of knowledge and technical skills, and (iii) capacities for thinking, judgment, and self-expression.

Singapore likewise configures education around the learner within a highly coherent statutory framework—the Education Act 1957 (Cap. 87)—and a policy vision often summarized as “student-centric, values-driven” education, reflected in MOE curriculum philosophy and reform phases.

Synthesis. This model sets firm principles and guarantees in statute, while substantive innovations are staged through national programs and policy frameworks that consistently center the learner.

IV. A Codification (French) Model

France offers the paradigmatic instance of codification. The Code de l'éducation was constituted by Ordonnance n° 2000-549 du 15 juin 2000, consolidating dispersed legislation into a comprehensive code. Subsequent reforms are effected either by amending relevant code provisions or, where appropriate, by decrees consistent with the Code. The notable LMD alignment (Licence-Master-Doctorat) was implemented through Décrets n° 2002-481 et n° 2002-482 and later Décrets n° 2005-1037 et n° 2005-1038, adapting higher education qualifications to Bologna process parameters.

A movement toward codification has also appeared in the CIS space. The Model Education Code for CIS member States was adopted by the Interparliamentary Assembly at its 27th plenary session (2006), providing a structured template for national lawmakers.

Synthesis. Codification secures systematicity, legal certainty, and ease of amendment within an integrated corpus.

V. Uzbekistan: Current Trends and the Case for Codification

Over the past decade Uzbekistan's education legislation has expanded significantly; yet many changes have been quantitative rather than qualitative. Fragmentation, occasional normative inconsistency, and under-specified implementation mechanisms suggest scope for systemic improvement.

Three discernible trends in broader legislative policy are especially relevant to education law reform:

1. Consolidation (enlargement) of legislation—merging proximate acts into higher-order instruments.

2. Preference for self-executing (direct-effect) statutes, reducing excessive reliance on blanket or referral norms.

3. Regulatory impact assessment—evaluating draft and enacted instruments for effectiveness and externalities.

These directions are consonant with national policy documents. The Concept for Improving Rule-Making Activity, approved by Presidential Decree PF-5505 of 8 August 2018, explicitly prioritizes reduction of agency-level norms and codification to enhance legislative stability.

In practice, the absence of codification contributes to proliferation of sub-statutory amendments. For example, Cabinet resolutions in the education domain have undergone numerous revisions over short

periods—an indicator of regulatory volatility.

A coherent Education Code of the Republic of Uzbekistan would:

- **Ensure systemic consistency**, eliminating overlaps and conflicts (e.g., aligning rules on academic leave across academic lyceums/technical colleges and higher education institutions).
- **Integrate substantively similar norms**, streamlining duplications across ministerial orders and government resolutions.
- **Enhance stability and parliamentary oversight**, as large-scale codification entails thorough analysis, inclusive debate, and clearer accountability for implementation.
- **Reduce reliance on continuous sub-legal amendments**, as core matters would be settled at code level after rigorous deliberation.

This direction has also surfaced in rights-policy discourse: strategic documents on human rights reform through 2030 have emphasized legal systematization and quality of norm-making; adopting an Education Code would be consistent with those priorities.

Concluding Observations

Comparative experience reveals multiple, equally legitimate legislative architectures—decentralized, strategic, learner-centric, and codified—each capable of realizing the right to education under different institutional conditions. For Uzbekistan, codification appears the most proportionate response to current challenges of fragmentation and frequent sub-legal change. Properly designed, an Education Code would provide a durable backbone for policy, improve regulatory quality, and facilitate comprehensive, human-rights-compliant governance of the education sector.

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