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Legal Regulation for Ensuring the Integrity of the Russian Scientific Certification System / Правовое обеспечение целостности российской системы научной аттестации

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Аннотация: Статья посвящена вопросу о сохранении целостности российской государственной системы научной аттестации в условиях роста многообразия нормативных и правовых актов, а также практик присуждения ученых степеней. Произошедшее в недавние годы расширение автономии целого ряда научных и образовательных организаций вызывает целый ряд сомнений, в первую очередь связанных со способностью обеспечивать равные права и возможности для соискателей ученых степеней в разных частях системы. В рамках статьи проводится сравнительный анализ государственных актов, а также нормативных актов организаций, которые осуществляют процедуры самостоятельного присуждения ученых степеней. В ходе исследования было выделено три подсистемы, действующие по сопоставимым правилам,

но предоставляющим отличающиеся права и возможности. Первая подсистема – диссертационные советы под руководством ВАК и Минобрнауки России. Там особое место занимают специальные диссертационные советы, защита в которых позволяет избежать публикацию статей и текста диссертации, а также иные требования публичности. Вторая подсистема образована научными и образовательными организациями, включенными в специальный перечень. В рамках их локальных нормативных актов действуют схожие нормы и требования, однако есть и заметные отличия. В их числе сокращение численного состава диссертационных советов, включение в них кандидатов наук, возможность защиты кандидатской диссертации в форме научного доклада и т.д. Третья подсистема включает духовные образовательные организации, присуждающие богословские степени. На уровне федерального законодательства сохраняется неоднозначность отношения к подобным степеням. Богословские степени наравне с другими учеными степенями признаются при проведении процедур государственного лицензирования и аккредитации, однако их обладателям не гарантированы обязательные доплаты, проставление апостиля и т.д. Проведенный анализ позволил выделить показатели, важные для проверки целостности системы и определения направлений ее совершенствования.

Ключевые слова:

ученые степени, научная аттестация, диссертационный совет, государственная политика, высшее образование, диссертация, научный доклад, богословские степени, доктор философии, PhD

The question of the integrity of the Russian system of scientific certification has been debatable for many years. At the legislative level, the unity and equality of the rights and obligations of all participants are declared, but the actual compliance with the state causes a number of doubts [\[43\]](#). This issue has become particularly relevant after eliminating the Higher Attestation Commission's (HAC) long-standing monopoly of controlling the awarding of academic degrees [\[54\]](#). Does this system maintain its integrity and ensure equal rights to all those who pass scientific certification? In most of the discussions, the focus is shifted toward assessing the importance of the business reputation of educational and scientific organizations based on which dissertation councils are created [\[47\]](#). This is, of course, an important factor influencing the development of the system, but the problems of its legal support are no less significant [\[40\]](#). Are the existing regulations and legal acts capable of maintaining the system's integrity in the face of the growing diversity of rules and practices? The search for answers to these questions is important for understanding the existing realities and improving the principles of their regulation [\[41\]](#).

For a careful consideration of these issues in the framework of this study, a systematic approach will be applied, as well as methods of studying documents, tools for collecting, processing, and interpreting data, a formal legal method, modeling, and typing. Of great importance will be the theoretical basis formed by the participants of the relevant professional discussions during active discussions of profile and related topics. General issues of regulatory and legal regulation of scientific certification in the Russian Federation are considered by A. V. Bekin [\[37\]](#), S. A. Vasiliev [\[38\]](#), A. V. Gabov [\[42\]](#), V. V. Kondakov [\[49\]](#), I. M. Matskevich [\[50\]](#), and many other specialists. The features of innovations in the existing certification system attract the attention of A. A. Venediktov [\[39\]](#), E. V. Mikhalkina [\[51\]](#), S. V.

Narutto [52], S. I. Pakhomov [53], M. E. Khalizeva [55], and their colleagues. The world's leading experience in conducting dissertation defense procedures for academic degrees is of interest to S. N. Bailey [56], M. Castello [58], B. M. Kem [57], M. Nerad [59], F. F. Padro [60], and other authors. All this provides this study with the sufficient methodological and empirical basis necessary to find answers to the problematic questions posed.

The relevant state normative and legal acts, local normative acts of organizations that award academic degrees, as well as working documents and materials of dissertation defenses, will be considered sources of study. To ensure the representativeness of the source base, it is necessary to determine the list of organizations whose documents should be analyzed. Firstly, we are talking about Russia's Ministry of Education and Science and the Higher Attestation Commission [11], the most significant Russian certification system regulators. Secondly, organizations that have received the right to independently award academic degrees based on a special Decree of the Government of the Russian Federation deserve attention [15]. Initially, it was only about Lomonosov Moscow State University and St. Petersburg State University, but later the list was significantly expanded [30]. And finally, thirdly, it is important to consider the documents and experience of organizations that have the right to award degrees, which are taken into account when passing state licensing procedures [17] and accreditation of educational programs [18]. In modern Russia, this opportunity is mainly used by spiritual education organizations created by Orthodoxy, Protestantism, and Islam representatives. Understanding the research framework makes it possible to see the system under consideration as fully as possible.

1. Regulation at the level of regulatory and legal acts

The most significant normative legal acts in the framework of this study are two federal laws: "On Education in the Russian Federation" [35] and "On Science and State Scientific and Technical Policy" [33].

They describe the main components of the scientific certification system and a general approach to its development. Other acts in this area are created on the basis of the provisions of these laws and should not contradict them. Consideration of the current Russian legislation makes it possible to distinguish three existing subsystems within the framework of the general certification system that function according to their own rules. These include a common subsystem under the leadership of the Higher Attestation Commission and the Ministry of Education and Science of Russia [11], a subsystem represented by a set of organizations that independently award academic degrees [15], as well as a subsystem in which theological degrees are awarded [44]. The norms contained in the laws make it possible to create segments in the listed subsystems with special conditions for defending dissertations, which causes a constant increase in the variety of rules and practices of certification. Each segment should be considered in more detail to determine their specifics and mechanisms for ensuring the entire system's integrity.

The activities of organizations operating under the Higher Attestation Commission's control are regulated by several acts. Firstly, the Regulation of the HAC [20] plays an important role in defining its powers and the schemes of various organizational interactions. Secondly, it is worth pointing out the provision for awarding academic degrees [19] on the basis of which the majority of participants in the system under consideration operate. Thirdly, it is necessary to pay attention to a similar provision created for the consideration of

dissertations containing information constituting a state secret [\[16\]](#). The totality of the provisions of these documents forms a subsystem in which there are two conditionally equal segments. The first is the most discussed because it covers the bulk of the participants in the scientific certification. The second segment provides a similar procedure for awarding academic degrees, which, however, provides for special rules. The legislation on state secrets protects the procedure and materials for defending such dissertations [\[2\]](#), which significantly limits the publicity inherent in the entire certification system. For example, classified reports on research and development work are equated to publications [\[16\]](#). At the same time, in both segments, applicants are awarded equivalent academic degrees according to the general list of scientific specialties.

In the second of these subsystems, the number of segments is equal to the number of organizations that have received the right to independently award academic degrees based on their own local regulations [\[1\]](#). Common to all of them is the previously mentioned federal laws, as well as the regulation on the formation of a list of relevant scientific and educational organizations [\[15\]](#), the list of these organizations itself [\[30\]](#), as well as the list of branches of science within which they are allowed to create dissertation councils and conduct dissertation defenses [\[22\]](#). The first two segments in this subsystem were built by Lomonosov Moscow State University and St. Petersburg State University, which received the right to create their dissertation councils on September 1, 2016, while other organizations had a similar opportunity only a year later—from September 1, 2017 [\[32\]](#). As a result, four scientific and 19 higher education institutions have created their own segments in addition to the two named. In subsequent years, their number gradually increased due to the inclusion of new organizations capable of meeting the established criteria for entry into the profile list.

The least studied is the subsystem formed by spiritual education organizations. The Federal Law "On Education" in articles 91 and 92 introduces the concept of the "theological degree," used by analogy with the "academic degree." Article 87 of this law defines the dependence of theological education in centralized religious organizations [\[35\]](#). Article 19 of the Federal Law "On Freedom of Conscience and Religious Associations" strengthens this connection, and its description is detailed. In the same act, Article 15 fixes the right of spiritual education organizations to act in accordance with their internal regulations [\[34\]](#). Greater clarity is provided by the Federal State Educational Standards (FSES) for postgraduate studies in theology, where, for example, Paragraph 7.2.3 states the following: "The scientific supervisor appointed to the student must have an academic degree (including an academic degree awarded abroad and recognized in the Russian Federation), including theological degrees awarded and (or) recognized in the territory of the Russian Federation" [\[27\]](#). Similar provisions are present in other parts of the document and in the Federal State Educational Standard for bachelor's degrees [\[23\]](#) and master's degrees [\[24\]](#).

The considered normative legal acts allow us to formulate several conclusions about the current state of the Russian system of scientific certification [\[41\]](#). In the first of these subsystems, only two interconnected segments are open and protected by state secrets. The decisions of the Government of the Russian Federation determine the number of segments in the second subsystem. As for the third of these subsystems, the number of its segments depends on the initiative of centralized religious organizations officially registered in Russia [\[44\]](#). In other words, the modern certification system is focused on the growth of a variety of rules and practices [\[43\]](#). Despite the declared equality of all

subsystems, the rights and opportunities existing in them may differ in the direction of expansion and the opposite direction. Even segments within the same subsystem differ in the degree of autonomy and other parameters [53]. All this increases doubts about the ability of the system as a whole to ensure equality for applicants applying for dissertations in a particular dissertation council [46]. The study of local regulations of relevant organizations can help to understand this.

2. Requirements of local regulations

In the three subsystems highlighted earlier, the situation with the development and actual impact of local regulations looks different.

In the first case, they are, in fact, almost not required, as all relevant activities are regulated at the federal legislation level [19]. The exceptions are mainly individual conditions for the defense of dissertations containing state secrets [16]. The second subsystem is almost completely regulated by acts of organizations that have received the right to independently award academic degrees. Each of them creates its own conditions and procedures [48]. In the third subsystem, the role of such documents is performed by the internal regulations of centralized religious organizations and related spiritual education organizations [45]. In the second and third cases, the number of sets of profile regulations is approximately equal to the number of organizations based on which dissertation councils are created and function. To a large extent, all the designated official texts are close to each other in their structure and content. Nevertheless, many differences between them cause the growth of intra-system diversity, which calls into question the integrity of the scientific certification system [53].

In addition to the previously mentioned acts, the Regulations on the Dissertation Defense Council [26] and the Regulations on the Special Dissertation Council [29] play a decisive role in the first subsystem. They determine the procedure for the work of the relevant councils created on the basis of educational and scientific organizations. For a more open segment, administrative regulations on issuing permits to create dissertation councils were adopted [25]. Other issues are regulated by other acts of the Higher Attestation Commission, Russia's Ministry of Education and Science, and local regulations. The latter, for example, can determine the powers and working procedures of structural units coordinating the implementation of scientific certification procedures directly in a particular organization [1]. The second segment has similar rules and its own acts, the content of which, for one reason or another, is not publicly available. Special dissertation councils operate significantly less publicly due to working with information that constitutes a state secret. Such councils are created only in organizations that have a state license to work with information classified as "secret," "top secret," or "of special importance" [29].

In the most recent subsystem, in terms of time of occurrence, local regulations are created by analogy with those mentioned earlier. Almost every relevant educational and scientific organization has its own regulations on awarding academic degrees [6] and regulations for the dissertation council [12]. The protection procedures may differ from each other to a greater or lesser extent. However, in all such documents, it is noted that the awarded academic degrees are part of the Russian certification system [37]. Dissertation councils can act almost completely independently [11] or play a role similar to the expert councils of the Higher Attestation Commission. For example, at the HSE, the main examination of

dissertations is carried out by specially appointed Dissertation Committees, after which the defense materials are transferred to the permanent council [9]. In universities, for the same purpose, a separate Attestation Commission can be created, as, say, in the RUDN [13]. In addition, local regulations fix the regulations for the examination of the quality of dissertations [31], the powers of International Expert Councils [5], lists of recommended publications and publishing houses [9], as well as other requirements and recommendations [8].

Spiritual education organizations belong to different faiths, so their internal institutions have limited influence. Within the framework of the ROC, there are three main provisions: "On the Candidate Dissertation Councils of the ROC" [4], "On the Doctoral Dissertation Councils of the ROC" [3], "On the General Church Doctoral Dissertation Council" [14], containing, among other things, the procedure for defending dissertations. The awarding of theological degrees in these documents is carried out by direct analogy with the rules of the first subsystem. In Protestant and Islamic associations, dissertations are regulated at the level of educational organizations. In the Higher School of Theology, the main one is the "Regulation on Awarding Theological Degrees (academic degrees)" [7], similar in content to the regulations of the second subsystem. On its basis, Protestant defenses are conducted by temporary dissertation councils created by leading experts on the problems of specific dissertations. The Bulgarian Islamic Academy has approved its "Regulations on the Council for the Defense of Dissertations for the theological degree of Doctor of Islamic Sciences" [10], according to which a single-stage certification system has been introduced. Thanks to this, both doctors and candidates of sciences can enter the Islamic councils.

Based on the studied acts, it is possible to trace several similarities and differences between the designated segments of the certification system. In all cases, academic degrees are awarded based on the results of the dissertation defense by the authorized council. The composition of the councils is at least 19 people in the first subsystem [26], in most segments of the second subsystem, and within the ROC. In Islamic dissertation councils, the permissible minimum is 10 people [10]. In several universities of the second subsystem and among Protestants, the number of council members is within 7 people [7]. Everywhere, except for the Islamic segment, there is a two-stage model of scientific certification. The dissertation defense is always submitted in writing, accompanied by a set number of publications in peer-reviewed publications included in special lists. At the same time, in the first subsystem, it is possible to defend a doctoral dissertation in the form of a scientific report containing 50 publications in leading journals [19]. In the second subsystem and among Protestants, such protection is available both at the candidate level (from 3 to 10) and at the doctoral level (from 7 to 18 publications) [9].

3. Rights and opportunities of holders of academic degrees

Awarding academic degrees involves granting their holders a certain number of academic and professional rights.

The selection of the most significant of them can serve as a basis for comparing different segments of the scientific certification system to find answers to the thesis question of this study. First, the right to participate in implementing educational activities should be indicated. Its implementation is connected, among other things, with licensing [17] and accreditation of educational programs [18]. Secondly, surcharges and allowances for the

presence of an academic degree are of interest due to employees of various organizations, primarily educational ones [35]. Thirdly, it is worth paying attention to the trajectories for continuing education and advanced training that open up after defending a dissertation. Fourth, it is important to note the right to join various expert councils, including those under Russia's Ministry of Education and Science and the Higher Attestation Commission [28]. And finally, fifthly, it is impossible not to consider the possibility of official confirmation of the status of the diploma for its international use [39]. In addition to these, other rights can be distinguished, but the current list is sufficient for conducting comparative analysis and obtaining the desired conclusions.

Applicants can obtain all of these academic and professional rights in all segments of the first subsystem. Teaching at all levels of higher education becomes available to everyone who has been awarded an academic degree, including in special dissertation councils, both in military sciences and in other scientific branches and specialties [16]. The situation is similar in matters of obtaining surcharges and allowances. Universal academic degree diplomas provide access to all possible payment options established at the level of state requirements [35]. Holders of the degree of Candidate of Sciences acquire the possibility of further training in doctoral studies to obtain a doctoral degree in both the first and the other two subsystems [50]. Judging by the lists of the Higher Attestation Commission expert councils, most of its members have been certified within the first subsystem or in its previous analogs [36]. All relevant documents in the general order can be certified by an apostille for subsequent use outside the Russian Federation [21]. It is worth noting that the first subsystem's rights set is a guideline for the entire system.

The second subsystem is organized so applicants who have passed through it after scientific certification receive all the same rights as after passing the first subsystem. In terms of teaching within the educational programs of secondary vocational, higher, and additional vocational education, no restrictions have been introduced for holders of relevant diplomas [30]. All surcharges cannot be reduced or excluded, as the second subsystem is repeatedly marked as equivalent to the first [32]. If desired, after defending the candidate's dissertation, applicants can prepare a doctoral dissertation and defend it in any dissertation council [26]. Restrictions are present only in connection with the specifics of the scientific specialty and confessional requirements, but not because of the place of obtaining an academic degree. It is worth clarifying that similar limits apply to the first subsystem. Entry into expert councils is also not restricted here for similar reasons [36]. The same can be said about the apostille affixing on diplomas [21], even though their appearance may differ significantly.

The set of rights provided by the third subsystem differs markedly from the two preceding ones. The right to teach is granted to holders of theological degrees in three cases. Firstly, if they teach within the framework of educational programs of any profile in spiritual education organizations [35]. Secondly, if they implement the religious component of programs in private educational organizations established by religious organizations [17]. Thirdly, when teaching within the framework of programs in the "Theology" specialty [27]. Surcharges and wage surcharges are regulated directly by employers due to the lack of a sufficiently clear definition of theological degrees in Russian legislation. Continuing studies after defending a dissertation at the first stage of scientific certification is possible only within the same segment if it provides a two-stage model. Holders of such degrees are also

not marked in the lists of expert councils [36]. Since theological degrees are not explicitly specified in the Rules for Confirming Documents [21], affixing an apostille to them in the current legal realities seems impossible. A similar incompleteness can be traced in relation to other academic and professional rights of holders of theological degrees.

The comparison allows us to formulate the following description of the current situation. In general, all three subsystems ensure that applicants receive basic entitlements. The first and second subsystems are provided in full, and in the third, with a set of restrictions and additional conditions [45]. In the most advantageous situation are those whose dissertations contain information constituting a state secret. Control over the quality of their work is minimal, and the content of the dissertations is as close as possible to the main professional activity [16]. Organizations that independently award academic degrees, as a rule, set the most difficult conditions for applicants [9]. At the same time, there are no fundamental differences with the first subsystem at the level of rights. The difference lies mainly in reputational aspects [38]. The least well-off are those who defend their dissertations in spiritual education organizations. They are less subject to external control. However, they also receive subsequent rights in an abbreviated form [44]. Each of these aspects requires a separate study. However, at the most general level, it is possible to state the relative integrity of the Russian system of scientific certification.

Conclusion

The conducted research made it possible to analyze the current Russian system of scientific certification and identify several key conclusions.

In general, this system maintains its own integrity. All options for awarding academic degrees, directly indicated in regulatory and legal acts, are comparable. In addition to them, there are private initiatives to introduce Ph.D. degrees and professional doctorates, but so far, they are outside the general system. The main problem is the uneven distribution of rights between holders of different academic degrees. So, for example, an applicant for the degree of candidate of chemical sciences for defense in a special dissertation council must perform fewer complex actions than with a regular defense in the same group of specialties. The situation could be corrected by introducing separate titles for academic degrees related to state secrets. Clarifying the status of theological degrees at the level of federal laws can also improve the provision of rights. The existing distribution of descriptions according to different acts creates a situation in which theological degrees called equivalents cannot provide their holders with the fullness of academic and professional rights.

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23. Приказ Министерства науки и высшего образования Российской Федерации от 25.08.2020 № 1110 «Об утверждении федерального государственного образовательного стандарта высшего образования – бакалавриат по направлению подготовки 48.03.01 Теология».
24. Приказ Министерства науки и высшего образования Российской Федерации от 25.08.2020 № 1108 «Об утверждении федерального государственного образовательного стандарта высшего образования – магистратура по направлению подготовки 48.04.01 Теология».
25. Приказ Министерства науки и высшего образования Российской Федерации от 13.01.2021 № 5 «Об утверждении Административного регламента Министерства науки и высшего образования Российской Федерации по предоставлению государственной услуги по выдаче по ходатайствам образовательных организаций высшего образования, образовательных организаций дополнительного профессионального образования и научных организаций разрешений на создание на их базе советов по защите диссертаций на соискание ученой степени кандидата наук, на соискание ученой степени доктора наук, определению и изменению составов этих советов, определению перечня научных специальностей, по которым этим советам предоставляется право приема диссертаций для защиты».
26. Приказ Министерства образования и науки Российской Федерации от 10.11.2017 № 1093 «Об утверждении Положения о совете по защите диссертаций на соискание ученой степени кандидата наук, на соискание ученой степени доктора наук».
27. Приказ Министерства образования и науки Российской Федерации от 15.04.2014 № 317 «Об утверждении федерального государственного образовательного стандарта высшего образования по направлению подготовки 48.06.01 Теология (уровень подготовки кадров высшей квалификации)».
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Результаты процедуры рецензирования статьи

Рецензия скрыта по просьбе автора