

Experience of Developed Countries in Regulating Employment Contracts of Academic Staff in Higher Education Institutions

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Abstract

This article examines the experience of developed countries - the United States, Germany, the United Kingdom, France, and Japan - in regulating employment contracts of academic staff in higher education institutions through a comparative legal analysis. The study covers reforms implemented in 2024-2026, including the adoption of the Employment Rights Act 2025 in the United Kingdom, the 2024 amendment of the Wissenschaftszeitvertragsgesetz (WissZeitVG) in Germany, the intensification of political threats to the tenure system in the United States, and the consolidation of the 10-year permanent contract conversion mechanism in Japan. France's stable civil servant model is also assessed comparatively. The existing legal framework in Uzbekistan is critically evaluated and, based on the comparative analysis, six scientifically grounded recommendations are developed to improve the labor-legal status of higher education teaching staff. The findings substantiate the necessity of introducing an "academic employment contract" institution as a distinct legal category in Uzbekistan.

Keywords: Employment contract, higher education, academic staff, tenure, WissZeitVG, Employment Rights Act 2025, comparative law, academic freedom, KPI system.

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1. Introduction

In the context of globalization, the knowledge economy, and digital transformation, the effectiveness of higher education institutions is directly dependent on the quality of their academic staff. One of the principal legal guarantees for achieving this objective is the content, legal nature, and implementation of employment contracts concluded with academic personnel. From this perspective, the analysis of relevant practices in developed countries and the formulation of practical conclusions for the legal system of Uzbekistan are of particular importance.

The Uzbekistan–2030 Strategy (Presidential Decree No. PF–158, dated September 11, 2023) identifies the development of higher education in accordance with international standards, the enhancement of social protection for academic personnel, and the improvement of educational quality as key national priorities. In December 2025, the Ministry of Higher Education, Science and Innovation prepared a draft of the new Regulation on Higher Education. Although this document aims to redefine the rights and obligations of academic staff, it does not yet incorporate such legal mechanisms commonly found in developed jurisdictions as guarantees of academic freedom, long-term

employment arrangements similar to the tenure system, and statutory limitations on the excessive use of fixed-term contracts.

The research problem addressed in this study arises from the fact that the legal regulation of academic employment contracts has not yet been sufficiently developed as a distinct legal institution within the higher education law of Uzbekistan. Both scholarly research and the normative legal framework in this area remain limited. This article seeks to contribute to filling this gap in the existing literature.

The purpose of the article is to conduct a comparative legal analysis of the regulatory frameworks governing academic employment contracts in the United States, Germany, the United Kingdom, France, and Japan during the period 2024–2026, and to formulate practical recommendations for improving the legal regulation of academic employment relations in Uzbekistan.

2. Literature Review

The issue of employment relations and academic contracts in higher education has been extensively examined in international legal scholarship. Finkelstein, Conley, and Schuster (2016) analyzed the changing trends in the U.S. academic labor market, particularly the growing prevalence of non-tenure-track positions. Boyer (1990) provided a theoretical foundation for understanding the multifaceted nature of academic work. In the European context, the German Education Union (GEW) (2024) and the Leibniz PostDoc Network (2023) prepared comprehensive reports highlighting the shortcomings of Germany's Wissenschaftszeitvertragsgesetz (WissZeitVG). Furthermore, the UNESCO Recommendations of 2022 established international standards concerning the legal status of higher education teaching personnel.

With regard to Uzbekistan, Imomov and Umirova (2025) examined challenges in managing human resource capacity within higher education institutions based on empirical data and conducted a comparative analysis with international practices. Nevertheless, fundamental research dedicated specifically to the regulation of academic employment contracts as an independent legal institution within the higher education law of Uzbekistan remains limited. This gap underscores both the scientific relevance and the originality of the present study.

3. Methodology

The study employs comparative legal analysis as its principal methodological approach. It compares the normative legal frameworks governing academic employment relations in the United States, Germany, the United Kingdom, France, and Japan, as well as legislative reforms implemented in these countries during the period 2024–2026. The research design is descriptive-analytical in nature and is aimed at systematizing existing institutional models and legal norms.

The selection of these five countries for comparison is based on the following criteria: (1) the advanced development of their higher education systems and their strong positions in international rankings; (2) their representation of different legal traditions, including the common law system (United States and United Kingdom), the civil law tradition (Germany and France), and the Asian legal model (Japan); and (3) the implementation of significant legislative reforms during the period 2024–2026.

To collect and systematize empirical data, the study utilizes the content analysis method. The analysis draws upon materials from international organizations, including the American Association of University Professors, UNESCO, German Education Union (GEW), PEN America, and Eurydice, as well as official legislative texts, arbitration reports, and scholarly articles published in 2025. The principal dimensions of comparison include: (1) the type of employment contract and legal status of academic personnel; (2) statutory limitations on fixed-term contracts; (3) guarantees of academic freedom; and (4) legislative developments introduced between 2024 and 2026.

4. Results

4.1. The United States: Political Challenges to the Tenure System and Institutional Erosion (2024–2026)

In the United States, academic employment relations have traditionally been structured around two principal categories: tenure (permanent academic appointments) and non-tenure (fixed-term appointments). The tenure system grants professors a permanent academic position following a six-year probationary period, thereby providing protection against political interference and safeguarding academic freedom. However, according to data from the American Association of University Professors, while 39 percent of all faculty members held tenure or tenure-track positions in 1987, this figure had

declined to 24 percent by 2021. At present, more than 60 percent of academic staff in the United States are employed under non-tenure, fixed-term contracts.

In 2025, more than sixty legislative proposals aimed at restricting the tenure system were introduced and debated in state legislatures across the United States, according to PEN America (2025). Under proposed legislation in the state of Tennessee, professors holding permanent appointments could be dismissed based solely on an administrative decision, effectively undermining the procedural and protective functions of tenure. Similarly, Kentucky's House Bill 424 granted individual universities the authority to determine their own tenure policies independently. Such developments have raised significant concerns regarding the protection of academic freedom.

Consequently, since 2004, the number of fixed-term academic appointments at four-year universities has increased threefold relative to tenure positions. Faculty members employed under fixed-term contracts often lack adequate institutional safeguards against political or administrative pressure, thereby limiting the effective exercise of academic freedom and independent scholarly inquiry.

4.2. Germany: The 2024 Revision of the WissZeitVG and Growing Demands for Permanent Positions

In Germany, academic employment contracts are primarily regulated by the Wissenschaftszeitvertragsgesetz (WissZeitVG), the Act on Fixed-Term Academic Employment Contracts, which was enacted in 2007. In March 2024, a significant revision of the Act was adopted. Under the amended provisions, doctoral researchers must generally be offered contracts of at least three years in duration (compared to the previous practice of one- to two-year contracts), while postdoctoral researchers must receive contracts of at least two years. Furthermore, the maximum cumulative duration of fixed-term academic employment was reaffirmed at twelve years (fifteen years in medicine).

Nevertheless, the German Education Union (GEW) considered these reforms insufficient. According to GEW Chairperson Andreas Keller, approximately nine out of ten academics in Germany continue to work under fixed-term contracts, while 42 percent of such contracts are concluded for periods shorter than one year. GEW's principal legislative demand is the incorporation of the

principle of "permanent positions for permanent tasks" (Dauerstellen für Daueraufgaben) into statutory law. The organization also advocates the removal of existing barriers to collective bargaining and the introduction of compensation mechanisms for academics with disabilities or significant family-care responsibilities.

According to the 2025 report of Eurydice, no major federal legislative reforms were adopted in Germany during 2025. However, several federal states (Bundesländer) have considered establishing quotas for permanent academic positions, and the current version of the WissZeitVG continues to be the subject of extensive academic and political debate.

4.3. The United Kingdom: The Employment Rights Act 2025 and a Fundamental Transformation of Labour Law

In 2025, the United Kingdom Parliament enacted the Employment Rights Act 2025, representing the most significant reform of employment law affecting the higher education sector in recent decades. The Act introduced several major changes with direct implications for universities and academic employment relations.

First, beginning on 1 January 2027, employees will acquire the right to bring claims for unfair dismissal after only six months of service, rather than the previous two-year qualifying period. In addition, the statutory cap on compensation for unfair dismissal claims will be removed. These changes are expected to require universities to reassess and restructure their probationary employment procedures.

Second, the Act introduced new provisions governing zero-hours contracts and fixed-term employment arrangements. Temporary academic personnel, including visiting lecturers and examination invigilators, are now entitled to request guaranteed working hours and to receive compensation when scheduled teaching activities are cancelled. These measures significantly strengthen employment protections for individuals engaged in precarious forms of academic work.

Third, from October 2026, universities became subject to a statutory duty to take "all reasonable steps" to prevent sexual harassment in the workplace. This obligation imposes enhanced compliance responsibilities on higher education institutions and requires the adoption of proactive preventive measures.

The reform also substantially expanded the rights of the University and College Union (UCU), the principal trade union representing academic staff in higher education. The membership threshold required for the formal recognition of trade unions may now be reduced below 10 percent under certain circumstances. As noted by legal experts from Pennington Manches Cooper (2026) and VWV Solicitors (2026), higher education institutions must therefore undertake comprehensive audits of their portfolios of fixed-term and temporary employment contracts to ensure compliance with the new legislative requirements.

4.4. France: The Civil Service Model under the Code de l'éducation and Institutional Stability

In France, employment relations of academic staff in higher education are regulated primarily through the Code de l'éducation (Education Code). Academic personnel generally hold the status of civil servants and are classified within categories such as maître de conférences (associate professor/lecturer) and professeur des universités (full professor). Salary scales, working conditions, and standards of academic responsibility are determined through a nationally standardized framework.

This model is widely regarded as an institutional guarantee of academic stability. Compared with other developed countries, France maintains one of the lowest proportions of academic staff employed under fixed-term contracts. The civil service status of academics provides a high degree of employment security and contributes to the protection of academic independence.

According to reports published by Eurydice (2024–2025), no major legislative reforms affecting academic employment relations were introduced in France during 2024–2025. Nevertheless, active policy discussions continue regarding the possibility of granting universities greater financial autonomy and allowing them to conclude more individualized employment contracts with academic personnel.

Trade unions and professional associations of professors have generally opposed such proposals, advocating the preservation of civil service status as a cornerstone of academic employment. The principal strength of the French model lies in its ability to provide structural protection for academic freedom through centralized salary regulations, nationally standardized employment conditions, and strong guarantees of permanent academic

appointments.

4.5. Japan: The Strengthening of the Ten-Year Rule and the Transition Mechanism to Permanent Employment (2024)

As a result of the 2004 higher education reform in Japan, national universities were transformed into independent corporate entities, and the employment relationships of academic staff became subject to the general provisions of Japanese labor law. Under the so-called “five-year rule,” introduced in 2013, employees who have worked under fixed-term contracts for five consecutive years are entitled to request conversion to permanent employment. For universities and research institutions, however, this threshold was extended to ten years, reflecting the distinctive characteristics of academic employment.

Legislative amendments that entered into force in April 2024 further strengthened employee protections by requiring employers to provide workers with clear, comprehensive, and written information regarding all essential employment conditions. These reforms were intended to enhance transparency in employment relations and reduce uncertainty associated with fixed-term academic appointments.

According to a study published in 2025 by MDPI, the expansion of fixed-term employment and the increasing administrative burden placed on academic staff have significantly affected research productivity in Japanese universities. The proportion of working time devoted to research declined from 46.5 percent in 2002 to 37.2 percent in 2018, indicating a substantial shift in academic workload allocation. The study further notes that foreign academics frequently encounter institutional and linguistic barriers when seeking access to permanent employment opportunities and long-term career advancement within Japanese higher education institutions.

Despite these challenges, Japan's regulatory framework remains noteworthy for its legally established mechanism allowing conversion from fixed-term to permanent employment after a specified period of service. This model offers an important example of how labor legislation can balance institutional flexibility with employment security, while promoting greater stability in academic careers.

5. Comparative Analysis Table

The table below presents a comparison of higher

education employment contract systems in the United States, Germany, the United Kingdom, France, Japan, and Uzbekistan based on key indicators (Table 1).

Table 1. Comparative Analysis of Higher Education Employment Contract Systems in Developed Countries and Uzbekistan (2024–2026)

Country	Type of Contract	2024–2026 Reforms	Key Challenges	Relevance for Uzbekistan	Source
United States	Tenure (permanent) and non-tenure (fixed-term)	More than 60 legislative proposals sought to restrict the tenure system; the states of Tennessee and Kentucky weakened tenure protections.	The share of non-tenure staff exceeds 60%; academic freedom faces political pressures.	Provide a legal foundation for the tenure institution and establish statutory guarantees for permanent academic positions.	AAUP 2025; PEN America 2025
Germany	Civil servant status (professors) and fixed-term contracts under WissZeitVG	WissZeitVG 2024: minimum 3 years for doctoral candidates and minimum 2 years for postdoctoral researchers; maximum limit of 12 years.	Approximately 90% of academics are employed on fixed-term contracts; 42% of contracts are shorter than one year.	Introduce statutory minimum durations for fixed-term academic contracts.	GEW 2024; Eurydice 2025
United Kingdom	Permanent, fixed-term, and zero-hour contracts (visiting lecturers)	Employment Rights Act 2025: right to bring claims after six months of service; guaranteed hours for zero-hour workers; expanded rights supported by UCU.	Institutions are required to audit portfolios of fixed-term and zero-hour contracts.	Develop special legal protection mechanisms for part-time and visiting academic staff.	Pennington 2026; Wonkhe 2026
France	Civil service status under the Code de l'éducation	No major legislative changes during 2024–2025; individual contract arrangements remain under discussion.	The centralized pay-scale system limits institutional flexibility.	Useful model of civil service status and centralized remuneration mechanisms.	Eurydice 2024–2025
Japan	Fixed-term contracts (10-year rule); corporate governance structure since 2004	From April 2024, employment conditions must be specified in writing; the right to convert to a permanent contract after 10 years has been strengthened.	Time devoted to research declined from 46.5% to 37.2% (MDPI, 2025).	Introduce mechanisms for conversion to permanent employment after a specified period and strengthen written contract standards.	MDPI 2025; Monolith 2024

Uzbekistan	Fixed-term contracts (1–5 years, subject to re-election procedures); governed by general provisions of the Labor Code	Uzbekistan–2030 Strategy (2023); draft Regulation on Higher Education (2025); introduction of the my.mehnat.uz system.	No special legal provisions for academic contracts; academic freedom guarantees are not fully codified.	Adopt international best practices and establish a separate institution of ‘academic employment contracts’.	Labor Code of the Republic of Uzbekistan; kun.uz 2025; BIPO 2025
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Source: Compiled by the author based on data from the American Association of University Professors (2025), German Education Union (GEW) (2024), Pennington Manches Cooper (2026), Code de l'éducation (2023), MDPI (2025), the Labor Code of the Republic of Uzbekistan, and reports published by Kun.uz (2025).

6. Discussion

A comparative analysis of developed countries during the period 2024–2026 reveals three major institutional trends.

The first trend is the growing necessity of legally guaranteeing academic freedom. In all countries examined, it has been repeatedly emphasized that employment contracts must incorporate explicit safeguards for academic freedom. Legislative initiatives aimed at weakening the tenure system in the United States and the increasing unpredictability of academic career pathways in Germany demonstrate the political and legal significance of this issue. As noted by the Hechinger Report in 2026, the weakening of tenure protections at the legislative level may effectively undermine the substantive exercise of academic freedom and independent scholarly inquiry.

The second trend is the increasing prevalence of fixed-term contracts and their adverse impact on academic careers. In the United States, more than 60 percent of academic personnel are employed outside the tenure track; in Germany, approximately 90 percent of academics work under fixed-term contracts; and in Japan, the mechanism allowing conversion to permanent employment after ten years of service has not yet achieved its intended effectiveness. This phenomenon contributes to the emergence of academic precarity, reducing both the research productivity and teaching effectiveness of academic staff.

The third trend is the expansion of legal protections for employees engaged in temporary forms of employment. The United Kingdom's Employment Rights Act 2025 provides a clear institutional example of this approach. The Act introduced guaranteed working hours and cancellation compensation for some of the most vulnerable categories of academic personnel, including

visiting lecturers and part-time instructors. This model may be regarded as a progressive approach to promoting fairness and equity in higher education employment relations.

In the Republic of Uzbekistan, employment relations in higher education are currently regulated by the general provisions of the Labor Code and the Law “On Education.” The existing legal framework does not contain special provisions recognizing academic employment contracts as an independent legal institution. Although the draft Regulation on Higher Education, prepared in December 2025, introduces revised provisions concerning the rights and obligations of academic staff, it does not yet fully incorporate legal guarantees commonly found in developed jurisdictions, such as protections for academic freedom, long-term employment mechanisms comparable to tenure, and statutory restrictions on the use of fixed-term contracts.

The introduction of the My.mehnat.uz Unified National Labor System in 2025 represents an important institutional step by requiring the electronic registration of all employment contracts. However, the system has not established separate categories specifically designed for higher education employment contracts, nor does it distinguish between different forms of academic appointments. Consequently, the unique characteristics of academic employment relations remain insufficiently reflected within the existing digital labor administration framework.

7. Conclusion and Recommendations

Based on a comparative legal analysis of the experiences of developed countries during the period 2024–2026, the following evidence-based recommendations have been formulated.

1. **Introduce a separate chapter on academic employment contracts into the Law on Higher**

Education. This chapter should clearly define guarantees of academic freedom, workload standards, contract durations, and academic career pathways. Such a framework may draw upon the tenure system in the United States and the Framework Agreement model in the United Kingdom.

2. Utilize the experience of Germany's 2024 revision of the WissZeitVG. Fixed-term academic contracts for early-career researchers should be established for a minimum duration of three years, while postdoctoral contracts should be granted for at least two years. The overall duration of fixed-term academic employment should be limited to a maximum of twelve years, with legal provisions regulating contract extensions.

3. Adopt legal protections for part-time and fixed-term academic staff based on the United Kingdom's Employment Rights Act 2025. Specific safeguards should be introduced for part-time lecturers and visiting academics, including guaranteed working hours and compensation for cancelled teaching assignments. These provisions should be incorporated into the Labor Code of Uzbekistan.

4. Draw upon the Japanese experience by legally guaranteeing that academic employees who have worked under fixed-term contracts for a specified period (for example, ten years) are entitled either to transition to permanent employment or to continue their employment under preferential conditions.

5. Implement a transparent evaluation system based on Key Performance Indicators (KPIs). Decisions regarding the renewal or termination of academic contracts should be based on clear and publicly available criteria, including teaching quality, research output, and student engagement outcomes.

6. Create a separate category of "academic employment contracts" within the My.mehnat.uz digital platform. This category should enable the digital monitoring of contract type (permanent, fixed-term, or visiting), workload allocation, academic rank, and KPI scores. Such a system would strengthen the practical protection of academic staff rights and improve transparency in employment relations.

In conclusion, the experiences of 2024–2026 once again demonstrate the necessity of continuous reform of the institution of academic employment contracts. By drawing upon international best practices, the Republic

of Uzbekistan has significant legal opportunities to elevate the labor-law status of higher education faculty members to a new level and to align its regulatory framework with internationally recognized standards.

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