

**ENSURING CHILDREN'S RIGHT TO EDUCATION
BALANCING LEGAL RESPONSIBILITY AND PARENTAL AUTHORITY
ARBITRARINESS**

*GARANTIR O DIREITO DAS CRIANÇAS À EDUCAÇÃO
EQUILÍBRIO ENTRE RESPONSABILIDADE LEGAL E A ARBITRARIEDADE DA
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ABSTRACT

In Saudi Arabia, the right to education for children is considered of utmost importance through the official education system, which provides a legal framework to protect them. This system mandates the provision of basic education for all children without any discrimination. and it is essential for parents to actively participate in this field by cooperating with educational authorities and providing a supportive environment for children's learning. Despite these legal guarantees, there remain challenges related to effectively implementing these policies, and there may be instances of arbitrariness or negligence in providing education by parents. Therefore, establishing effective mechanisms for monitoring implementation and holding responsible parties accountable is necessary. Additionally, emphasis is placed on raising awareness about children's rights and the importance of obtaining a good education within society. Consequently, ensuring this right requires integrated efforts between the government and civil society to improve the quality of education and its provision.

Keywords: Right to education for children, legal responsibility, Arbitrary authority, Parents.

RESUMO

Na Arábia Saudita, o direito à educação das crianças é considerado da maior importância através do sistema de ensino oficial, que proporciona um quadro jurídico para as proteger. Este sistema obriga à oferta de ensino básico a todas as crianças sem qualquer discriminação e é essencial que os pais participem ativamente neste domínio, cooperando com as autoridades educativas e proporcionando um ambiente favorável à aprendizagem das crianças. Apesar destas garantias legais, continuam a existir desafios relacionados com a aplicação efectiva destas políticas, podendo haver casos de arbitrariedade ou negligência na prestação de educação por parte dos pais. Por conseguinte, é necessário estabelecer mecanismos eficazes de controle da aplicação e de responsabilização dos responsáveis. Além disso, a tônica é colocada na sensibilização para os direitos das crianças e para a importância de obter uma boa educação na sociedade. Consequentemente, a garantia deste direito

exige esforços integrados entre o governo e a sociedade civil para melhorar a qualidade do ensino e a sua oferta.

Palavras-chave: Direito à educação das crianças, responsabilidade legal, autoridade arbitrária, país.

Introduction

In a world witnessing rapid changes and technological advancements, ensuring the right to education for children becomes increasingly crucial as a foundation for achieving progress and stability (Arroio, 2019, 315) in societies. This right is considered a fundamental essence (Wang & Navarro Nicoletti, 2023), with significant emphasis placed on it in the Kingdom of Saudi Arabia, where education is viewed as a gateway to building a sustainable future and empowering future generations (Abdullah Alharbi, 2017).

The right to education for children is considered one of the key pillars for achieving sustainable development and socio-economic progress. Quality education plays a vital role in shaping individuals' mindset and developing their capabilities, thus contributing to building an advanced future society (Sripati & Thiruvengadam, 2004).

Education provides children with opportunities to develop their skills, acquire necessary knowledge to achieve their personal aspirations (Silva, 2017), and contribute to the advancement of society (Ubaydullayev, 2021).

The issue of the right to education for children in the Kingdom of Saudi Arabia is a vital focal point in light of recent developments. The importance of the right to education as a fundamental element in building an advanced society based on progress and stability is emphasized, and securing this fundamental right for children is of paramount importance as it contributes to the development of their personalities and their participation in achieving sustainable development. Defining research objectives is an essential part of understanding the impact of education on individual and social development. The research also seeks to analyze the obstacles hindering the achievement of the right to education aiming to adopt effective measures to enhance the quality of education and ensure its provision for children.

The problem surrounding the research addresses the challenges facing the realization of the right to education, with disparities in the quality of education and gaps in educational opportunities faced by some students being highlighted. It also discusses the cultural and economic obstacles that represent additional challenges to achieving this fundamental right. The ultimate goal is to identify and achieve an effective balance between understanding the legal responsibility of parents and analyzing the arbitrary exercise of authority, with the aim of ensuring the right to education for children (Prokop, 2003).

Theoretical framework

This study is underpinned by the framework of the Universal Right to Education, which posits that education is a fundamental human right essential for exercising all other human rights (UNESCO, 2021). It aligns with theories of social justice and equity in education, which argue that ensuring equal educational opportunities is crucial for mitigating socio-economic disparities (Rawls, 1971). This framework incorporates sociological perspectives on education, emphasizing its role in socialization and cultural transmission (Durkheim, 1956). Additionally, the concept of legal paternalism, which supports the enforcement of laws to protect individuals' interests (Dworkin, 1972), is relevant in discussing the enforcement of children's educational rights against parental arbitrariness.

Literature review

The right to education for children in Saudi Arabia has been extensively documented as both a legal obligation and a societal priority. Al-Ahmadi (2019) discusses how educational policy in Saudi Arabia is infused with citizenship values, aiming to prepare children to fulfill their roles in society. Similarly, Prokop (2003) describes the political dynamics influencing educational reform in the region, highlighting the government's role in shaping educational outcomes.

Internationally, the significance of children's right to education is well-established. Spring (2000) offers a global perspective on the universal right to education, providing a comparative analysis that helps situate the Saudi context within broader international educational policies. This global perspective is crucial as it shows the varying degrees of implementation and challenges across different legal and cultural environments.

The literature also reveals a significant focus on the barriers to education. Al-Mukhtar and Abdul Sada (2023) explore the constitutional protections for education in Saudi Arabia and identify gaps in their practical application, particularly in cases where parental decisions impede children's access to education. This issue is echoed in the findings of Al-Zubaidi (2006), who addresses the legal and social ramifications of educational neglect under Saudi law.

In discussing the disparities in education quality and access, Barry (2021) examines the progress and remaining challenges in achieving equal educational opportunities in Saudi Arabia. The study highlights economic and cultural factors that contribute to educational inequity, which is a critical aspect of understanding the broader implications of educational policy.

Furthermore, international models are considered to provide a comparative insight into how different regions address similar challenges. For instance, McCowan (2010) reframes the universal right to education by arguing for a model that accommodates diverse cultural and economic contexts, suggesting applicability to the Saudi scenario.

The discussion on parental authority and its impact on education is also significant. Rajab and Wright (2020) study the interplay between child autonomy and parental control in educational settings, which is pertinent to analyzing how Saudi laws balance these factors.

In conclusion, the reviewed literature underscores the complexity of ensuring children's right to education within the interplay of legal, cultural, and economic frameworks. This study builds on these insights to analyze the specific challenges in Saudi Arabia, aiming to contribute to the discourse on enhancing

educational access and quality while respecting parental roles and legal responsibilities.

Methodology

The methodology of this study is rooted in a qualitative literature review approach aimed at understanding the critical aspects of the right to education and the various challenges that may impede its fulfillment. To achieve a nuanced comprehension of these elements, the research focuses on a wide array of concepts and theoretical constructs. The approach involves an exhaustive examination of existing literature, including scholarly articles, authoritative books, and relevant reports that delve into the subject matter of education rights. This literature review is not just a collection of existing knowledge but also a critical analysis where the ideas and concepts from the literature are systematically summarized and assessed. Through this process, the research aims to construct a robust theoretical base that underpins the understanding of the right to education and supports the identification of barriers to its implementation, especially within the context of Saudi Arabia. The ultimate objective is to gather and synthesize knowledge that can inform effective strategies to overcome these barriers and strengthen the realization of educational rights.

Right to Education in Saudi Law: State Commitment and Challenges of Parents' Practice of Children's Rights

The Kingdom of Saudi Arabia ensures social welfare for all its citizens equally and enforces the legality and protection of the right to education. Article 10 of the Basic Law of Governance emphasizes the importance of reinforcing family bonds, preserving Arab and Islamic values, providing comprehensive care for all members of society, and creating conducive environments for their development. The law guarantees comprehensive care and protection for all members of society, with a particular focus on children's rights (McMellon & Tisdall, 2020).

The Kingdom places great emphasis on providing comprehensive social care for its citizens (Alghamdi, 2022), as evidenced by the commitment of the Basic Law of Governance to promoting family values and preserving Arab and Islamic heritage. The law guarantees care for all members of society, with a focus on providing a suitable environment for the growth and development of individuals. Additionally, the Kingdom pays special attention to children's rights and strives to achieve sustainable development and enhance social justice while preserving the cultural and religious identity of society.

Article 31 of the Basic Law of Governance in the Kingdom states that "education is a right for citizens, and the state ensures its provision in accordance with the systems and regulations." Article 10 of the Education System also states that "education is a right for all citizens, and the state works to provide it free of charge to Saudi citizens in general education stages."

Based on these legal texts, the Saudi state is responsible for providing education to Saudi citizens and ensuring their right to education. This responsibility entails providing government schools, funding them, providing qualified teachers, developing curricula, and organizing the education process.

However, sometimes parents may exceed their boundaries in exercising their right to raise their children. They may impose arbitrary restrictions on their children or resort to using violence against them, which can negatively affect their right to education.

Here are some examples of parents' arbitrary actions in exercising their right to raise their children:

Some parents may prevent their children from going to school for various reasons, such as a desire to send them to work or fear of bullying.

Some may impose arbitrary restrictions on their children, such as preventing them from leaving the house or interacting with others.

Ensuring Children's Right to Education: Legal Responsibility and Societal Engagement in Confronting Parental Arbitrariness

The legal responsibility of parents in providing educational opportunities for their children requires compliance with local laws (Kotzmann, 2018) and regulations concerning children's rights to education (Hurtley, 2014).

The right to access education is legally guaranteed, hence parents must ensure the provision of necessary educational opportunities for their children (Hrabynskyi & Hrushko, 2023).

Legal responsibility also includes providing adequate guidance and support to ensure academic success, by understanding students' needs and offering appropriate guidance in choosing suitable educational paths.

Additionally, parents' role involves continuous interaction with their children's schools and effective collaboration with teachers. Through this regular communication, student progress can be monitored, and any issues or challenges they may face in learning can be identified, contributing to effective solutions and improving student performance (Alharthi, 2022).

In summary, parents' legal responsibility in education requires compliance with local laws and regulations, including providing guidance and support to children and maintaining continuous interaction with schools to ensure the provision of effective and successful educational opportunities (Harel Ben-Shahar, 2015).

Parental abuse in education can pose a challenge to children's rights to quality education, leading to various negative consequences, including:

Preventing children from attending school deprives them of their right to education, negatively affecting their future (Rina El Maza et al., 2022).

Parental abuse can negatively impact children's mental well-being, leading to psychological problems such as anxiety and depression.

Parental abuse can contribute to the spread of crime, as children may resort to committing crimes in response to parental abuse (Suryana et al., 2023), To address this issue, strict laws and procedures must be established to protect children from parental abuse. Furthermore, families and communities must collaborate in raising children and promoting values of tolerance and respect (McDonagh, 2013).

Results and Discussion

- A. **The necessity of imposing stricter oversight on parents' actions that involve preventing their children from accessing education, through the enactment of stringent laws protecting children's rights to education and imposing penalties for any parental abuse.**

Discussion:

Education is considered a fundamental right among human rights, as it represents the cornerstone of comprehensive development for individuals and society. Therefore, depriving children of education is deemed a violation of their basic rights, with negative repercussions on their future. The question here is whether there might be motives prompting some parents to prevent their children from receiving education. These motives may include challenging economic conditions, where some parents become unable to afford the costs of education or are compelled to work long hours to provide for their families, leaving them with little time to care for their children (Kalantry et al., 2010).

However, regardless of the motives, preventing children from education carries severe consequences for their future, including:

Limiting their opportunities to secure employment and achieve personal success, as education is linked to higher living standards and lower unemployment rates.

Increasing crime rates, as children lacking sufficient education are more susceptible to deviation and criminal activities.

Therefore, stricter oversight should be imposed on parents' actions that hinder their children's access to education, aiming to protect children's rights and ensure their and society's future. It is necessary to conduct awareness campaigns for parents highlighting the importance of education and its impact on their children's future, as well as enforcing laws that criminalize preventing children from education and imposing appropriate penalties on violators. Moreover, social and economic support should be provided to assist parents in bearing the costs of

education, thus avoiding the need to prevent their children from receiving education (McCowan, 2010).

B. Launching awareness campaigns that highlight the importance of children's right to education and the impact of parental arbitrariness on their future, while enhancing societal awareness about the imperative to fully protect children's rights in the field of education.

Discussion:

Awareness campaigns rely on providing the community with opportunities to understand children's rights to education as a fundamental right and clarifying how these right impacts their future. Media and digital campaigns can be utilized to widely disseminate this information and shed light on the arbitrariness exercised by some parents through preventing their children from accessing education. Success stories and challenges faced by children subjected to such arbitrariness can be used to illustrate this impact (Arts, 2014), Various media outlets, including social media, should be used to enhance awareness, ensuring the message reaches wide segments of society. Organizing events and workshops that encourage active interaction and exchange of opinions on children's rights to education is essential. Linking awareness campaigns to other social issues related to education, such as the economic challenges faced by families or the social repercussions of lack of education, can also be beneficial (ALMedlij & Rubinstein-Ávila, 2019).

C. Encouraging effective collaboration between the government, schools, and the community to ensure the provision of a safe and supportive educational environment for children, along with developing mechanisms for information exchange and coordination among relevant stakeholders to address cases of abuse and protect children's rights.

Discussion:

Cooperation between the government, schools, and the community requires effective mechanisms for exchanging information and coordinating among relevant

entities. Specific mechanisms should be developed to monitor the implementation of policies and measures that protect children's rights to education (Wang, 2020).

Both the government and schools must ensure the safety of the educational environment for children by providing safe buildings and establishing procedures to address cases of bullying or abuse. Collaboration between the government and the community involves organizing awareness programs targeting parents and the local community, aiming to raise awareness about the importance of children's rights in education and prevention of abuse. Additionally, the government and schools should monitor the implementation of educational policies and analyze data to ensure there are no cases of abuse or disregard for children's rights in education. Periodic reports can be used to assess the situation and take necessary measures (MacKenzie et al., 2020), Teachers play a crucial role in providing a supportive learning environment, and appropriate training should be provided to them on children's rights and how to handle cases of abuse (Tarrow, 2001).

Effective collaboration also requires providing psychological and social support services to families to understand the importance of education and enhance the role of parents in supporting their children's education. Effective mechanisms for rapid intervention in cases of abuse or violations in education should be developed, including the establishment of specialized investigation teams (Jongin Baek, 2007).

Conclusion:

Safeguarding children's rights in education requires collaborative efforts, including stricter oversight on parents, implementing stringent laws, and raising awareness through campaigns. Collaboration between government, schools, and communities is crucial for creating a supportive educational environment. Providing psychological and social support to families and developing parenting guidance programs are essential. Achieving a balance between children's rights and quality education is a shared responsibility, pivotal for sustainable development and social justice (Rajab & Wright, 2018).

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