

# The Intension of Students on Strengthening Rule of Law through Education: A Study on Tertiary Level

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**Abstract:**-The concept of rule of law is that the state is governed by the law, not by any particular government. This paper displays the present condition of the rule of law in curriculum and students' intention in getting a course or a training program on the rule of law in their curriculum. In this study, 23 in-depth interviews with different university going students of different disciplines—science, social science, medical and engineering, 2 key-informant interviews, and 3 focus group discussions (FGDs), along with intensive studies from various secondary sources, were conducted.

**Keywords:** Supremacy of law, Fundamental rights, Absence of knowledge, Shared responsibility, Inclusive decision

## I. INTRODUCTION

Rule of law remains a constant theme in development policy and practice, and in recent policy discourse and international commitments it has gained new levels of prominence. Of course, rule of law and justice are concepts that have been bandied around for many decades, gaining ground at different times, for different reasons, and following (more or less) shifting normative orientations and goals across a range of development policy agendas (Kirby, 1980).

Rule of law embodies the doctrine of supremacy of law. It is basic and fundamental necessity for a disciplined and organized society. If a government acts according to the principle of rule of law then individual liberty and right can be protected in better way. The principle implicit in the rule of law that executive must act under the law, and not by its own decree or fiat, is still a cardinal principle of the common law system (“Всеобщая Декларация прав человека: роль и значение в условиях миропорядка на основе господства права Rule of law.” 2008). At its core, the rule of law is a means of ordering society – including the state-citizen relationship. It includes systems of rules and regulations, the norms that infuse them, and the means of adjudicating and enforcing them. While older policy conceptions of the rule of law in development emphasized security and property rights, a broader understanding opens up space for new thinking about the rule of law in the context of the post-2015 agenda (Summary, 2015). Concepts such as “justice”, “the rule of law” and “transitional justice” are essential to understanding the international community’s efforts to enhance human rights, protect persons from fear and want, address property disputes, encourage economic development, promote accountable governance and peacefully resolve conflict (Nations, 2004).

The Rule of law envisages law operating as a relatively stable set of norms available as public knowledge. It requires that laws be public and that they be promulgated well in advance of individuals' being held responsible for complying with them.<sup>1</sup> There is no doubt that the rule of law pervades every Constitution as an underlying principle. But a majority of countries worldwide is declining in the areas of human rights, checks on government powers, and civil and criminal justice. The greatest decline is seen in Fundamental Rights (71 countries dropped out of 113), which measures absence of discrimination, right to life and security, due process, freedom of expression and religion, right to privacy, freedom of association, and labour rights (World Justice Project, 2019).

To ensure the mass people to be known about Rule of law and engaged in works to ensure it throughout the country, young people from 12-30 years old should be taught to be informed, resourceful, and self-reliant leaders who are able to shape a peaceful world (Fedotov & Azoulay, 2019). But this is the most necessary to find out the intensions of the students to get the rule of law in their formal curriculum specially who are studying science, medical and engineering. This study intended to find out their intensions and thinking for the concept ‘Educating for the Rule of Law’.

### 1.1. What is the rule of law?

The rule of law is the subject of competing theories.<sup>2</sup> The Venice Commission analysed the definitions proposed by various authors coming from different systems of law and State organisation, as well as diverse legal cultures. The Commission considered that the notion of the Rule of Law requires a system of certain and foreseeable law, where

<sup>1</sup><https://plato.stanford.edu/entries/rule-of-law/>

<sup>2</sup>A concise summary of the competing approaches is provided by Paul Craig, *Formal and Substantive Conceptions of the Rule of Law* (1997): “Formal conceptions of the rule of law address the manner in which the law was promulgated (was it by a properly authorized person . . .); the clarity of the ensuing norm (was it sufficiently clear to guide an individual’s conduct so as to enable a person to plan his or her life, etc.); and the temporal dimension of the enacted norm (was it prospective . . .). Formal conceptions of the rule of law do not however seek to pass judgment upon the actual content of the law itself. They are not concerned with whether the law was in that sense a good law or a bad law, provided that the formal precepts of the rule of law were themselves met. Those who espouse substantive conceptions of the rule of law seek to go beyond this. They accept that the rule of law has the formal attributes mentioned above, but they wish to take the doctrine further. Certain substantive rights are said to be based on, or derived from, the rule of law. The concept is used as the foundation for these rights, which are then used to distinguish between “good” laws, which comply with such rights, and “bad” laws which do not.”

everyone has the right to be treated by all decision-makers with dignity, equality and rationality and in accordance with the laws, and to have the opportunity to challenge decisions before independent and impartial courts through fair procedures. The Commission warned against the risks of a purely formalistic concept of the Rule of Law, merely requiring that any action of a public official be authorised by law. “Rule by Law”, or “Rule by the Law”, or even “Law by Rules” are distorted interpretations of the Rule of Law.<sup>3</sup>

As defined by the United Nations Secretary General, the rule of law is ‘a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards’ (United Nations, 2004, p. 4).

The rule of law is a concept that describes the supreme authority of the law over governmental action and individual behaviour. It corresponds to a situation where both the government and individuals are bound by the law and comply with it. It is the antithesis of tyrannical or arbitrary rule (Valcke, 2016).

The rule of law provides a mechanism of accountability that safeguard against the abuse of state power. It ensures the population is not at the mercy of those who seize power and wield it to oppress with arbitrary and unjust rules and processes. A society that supports the rule of law is not one composed of uncritical and obedient citizens; rather it is one whose citizens understand and respect just laws, are aware of their function, know how to engage with them constructively and how to challenge them, as needed, within the appropriate mechanisms and institutions (Nations, 2004).

### 1.2. What is the role of education in promoting the rule of law?

Education can promote the rule of law and culture of lawfulness by Encouraging learners to value and apply the principles of the rule of law in their daily lives, allowing them to make decisions that are ethically responsible.

The role of education becomes more important when it comes about equipping learners with the appropriate knowledge, values, attitudes, and behaviours they need to contribute to the continued improvement and regeneration of the rule of law in society more broadly (Nations, 2004).

<sup>3</sup>See Parliamentary Assembly of the Council of Europe, Motion for a resolution presented by Mr Holovaty and others, The principle of the rule of law, Doc. 10180, § 10. In this context, see also the Copenhagen document of the CSCE, para. 2: “[participating States] consider that the rule of law does not mean merely a formal legality which assures regularity and consistency in the achievement and enforcement of democratic order, but justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression.”

### 1.3 What can education do to strengthen the rule of law?

It is only education which can ensure the development and acquisition of key knowledge, values, attitudes and behaviours related to rule of law. The educational institutions will support learners to move from ‘learning about’ the rule of law and the different forms of risks of crime to ‘learning to’ act – by committing to values and responsibilities based on human rights, being compelled to make informed decisions, feeling empowered to ward off threats to the rule of law as well as being able to act and engage in change processes that support the rule of law. Moreover it, certainly, must ensure learning speaks to the real issues and dilemmas of young people facing challenges to the rule of law (Nations, 2004).

If schools or any other educational setting are to play a meaningful role in the strengthening of the RoL, they should be governed by, and strive to apply, the principles of the RoL. This means ensuring all aspects of school management and school life, including teacher-teacher relations, learner-teacher relations, and school-family relations, are guided by a culture of fairness, rights, accountability and transparency, consistent with international human rights norms and standards (Nations, 2004).

## II. RESULTS AND DISCUSSIONS

The precondition to maintain the rule of law is to be known about the concept. But the study visualizes that a majority (56.5%) students don’t get any course on Rule of law so that an astonishing number of university going students (65.5%), some even completed graduation, lack proper knowledge about Rule of law **Table 01**. This result indicates that the gradual decline of the Rule of law from most of the countries is the absence of knowledge on it (David Agrast et al., 2019).

In order to ensure the rule of law throughout the country and let everyone know about it the inclusion of Rule of law in the formal curriculum is important as more than 80% participants, including the students from engineering, medical and science discipline, believe that they must get a course on Rule of Law which would allow them to know and apply it in their life **Table 01**. Educating for the Rule of law is necessary to nurture trust. Education systems that uphold and promote respect for the rule of law, in adherence with international human rights and fundamental freedoms, nurture trust between learners and public institutions (*Global Citizenship Education for the Rule of law : Doing the right thing*, n.d.).

Education institutions have an important role to play in forging Rule of law in cultivating a sense of shared responsibility for our common future. This is why a key pillar of global citizenship education is learning about the Rule of law.<sup>4</sup> The study also indicates that more than 80% of students believe that Rule of law can be ensured throughout the country by educating for the Rule of law.

Promoting the rule of law through education also helps

<sup>4</sup><https://en.unesco.org/news/how-education-can-strengthen-rule-law>

learners acquire the knowledge, skills, values and attitudes they need to contribute constructively to society. It allows them to positively shape public institutions and their policies, thereby encouraging non-violent and peaceful avenues of civic engagement.<sup>5</sup> The students desire to play their role to ensure Rule of law in the society after getting known and understood it by maintaining Rule of law in their own life (30%), promoting Rule of law before everyone (22%), standing against unlawful behaviour and raising awareness (17%) and encouraging others (12%) **Figure 01**.

In spite of having an astonishing desire of most of the students in learning rule of law and playing their role in establishing it throughout the society there could be a number of obstacles to be implemented—the mode of introducing it can be one of the most challenging to set out. It can be a great deal to measure and think of the trainer or teacher to teach the students if military members would be the best one or the trained faculties. But the issues can be solved taking a considerable and inclusive decision.

#### *The role of students in strengthening rule of law*

The shift toward younger populations is a global phenomenon, but nowhere is the phenomenon—and the accompanying youth bulge—more pronounced or has the growth been faster than in the world. In many developing and post-conflict countries, the youth population constitutes over 60-70% of the population, yet more needs to be done in the rule of law and legal empowerment sectors to address unlawful issues.

All groups in society, specially the students, need to learn about, identify with and respect human rights, democracy and the rule of law (Europe, 2018). The youth, specially, who are students, have the most possibility to be an ambassador of rule of law. Students can better understand the importance of the rule of law in a democracy by investigating how it is valued and challenged in different countries around the world.

The students, generally, struggle to access their rights and are often prevented from enjoying the autonomy required to participate in and fully contribute to society. Long-considered to be an essential building block for the health of democracies, youth participation must be protected from threats to participatory democracy in the form of laws, tax regulations and other measures that restrict, inter alia, youth organizations' activity and their right to freedom of assembly and association (Europe, 2018).

The students are holding the light of power to influence a decision of government. Over the past history, youth has proven their capability to uphold laws and human rights throughout the world. When students will learn substantive information about their rights and responsibilities and practice cooperative learning and positive interaction with adults and each other, they can take action when unlawful things which will take place in the country, just as importantly, they will be

able to respond to individuals who view the law as something that is remote, impersonal, or punitive.

#### *Inclusion of training programme on rule of law in the curriculum*

Issues regarding quality education and corruption can only be effectively addressed if all relevant sections of society commit fully to fundamental ethical principles for public and professional life, rather than relying only on top-down regulatory measures (Europe, 2018). The corrupted persons, generally, lack a big picture of the consequences of their deeds—how it damages government policies and crackdowns the dreams of millions. The terrorists are, ironically, brainwashed, not having proper knowledge of religion and not being thought of the sufferings of the affected people and their families, they commit terrorist activities. Here, the education institutions have an important role to play in forging the new engagement model with young people and in cultivating a sense of shared responsibility for our common future (UNESCO, 2019).

Schooling can play a potential role in resolving deeply entrenched problems such as corruption, organized crime or drug trafficking, educational programmes need to be immediately relevant to the real-life contexts of learners in order to deliver meaningful learning with long-term impact. This implies placing learners in the active role of problem solvers – i.e. those who can understand and find solutions to realistic dilemmas and conflicts. Learning about abstract notions of the RoL will not lead to sustainable change, especially if there are discrepancies between the RoL values taught in the classroom and those that prevail in the school environment, families or society at large. In such contexts, it is notably important that education programmes inspire and sustain learners' motivation, confidence and creative abilities to strive to improve their situation.

To avoid cultivating cynicism or indifference, education personnel and teachers need to help learners deal with the frustrations, anger, and possible disillusionment that result from this discrepancy, and develop hope and constructive responses. Well-guided educational programmes can foster personal transformations that empower learners to play a constructive role in society and re-build the RoL (and its institutions) where necessary, provided they take into account the social environment of learners, and in particular, the degree of dissonance between norms and values taught in schools and those that prevail outside (Nations, 2004).

The effectiveness of training programs is well acknowledged all over the world. To ensure the rule of law through education, the undergraduate education curriculum should introduce a periodical academic residential/ non-residential training on the rule of law in the first semester. The training program should be made mandatory for the students of the undergraduate level of every subject and course. The program will cover the consequences that come into existence for the absence of the rule of law. The real and heart-thriving stories

<sup>5</sup><https://en.unesco.org/news/how-education-can-strengthen-rule-law>

of the victims, who are the sufferers of the absence of the rule of law, can be added to make every student know about the importance of the rule of law. A student of physics, biotechnology or business must have that training so that they can also figure out the consequences of the unlawful decision anyone takes, and make them aware of it.

The military figures can take the responsibility to train the youth, including the faculty members and staff in every institution. The training program can be designed by the experts of the specific fields of rule of law—integrity and ethics, anti-corruption, crime prevention and criminal justice, trafficking in persons/smuggling of migrant, wildlife, forest and fisheries crime counter-terrorism etc.

As the students are getting only academic and discipline bounded education, they don't have a big picture of the rule of law and its application in real life. Compulsory training program is the best way to teach every student, regardless of their subject or course, in hand about the rule of law. The unique and compulsory three-month residential education— Training and Resource Centre (TARC), made BRAC University of Bangladesh unique. The students who have gone TARC expressed that the opportunity makes students very disciplined and hard-working that it helps them lead their lives in a very systematic way <sup>6</sup>This is the effectiveness of training. It helps a student get what the authority is eagerly trying to provide. The concept can be applied for letting every student aware of the rule of law and the role of them to establish it throughout the country.

Once the training will be accomplished, it can be assessed and measured throughout a student's academic years in various ways. For example, to assess students' anti-corruption mindset, the students can be given a small fund at the final year/semester level and can be asked to ensure the proper utilization of the fund where the successful utilizers will be rewarded. This process will allow the authority to teach and practice anti-corruption in their real lives. The authority will also find out a way to inject the idea that this is how they must ensure the proper utilization of government or non-government funds throughout their careers.

Here comes the role of youth in ensuring the rule of law. The trained youth can train the other community people voluntarily by running projects in every area of the country. The strong and successful introduction and continuation of the training project can let every citizen aware of the rule of law. But the most important factor is the training program with its design should be sustainable and useful. Though this will be a long process to train every citizen about the rule of law, this is the best way to ensure the rule of law through education.

Immediately, when the youth can stand against corruption, unlawful decision and terrorism, it pays off. Many has

<sup>6</sup>Amin, Sabita, S. "TARC- My own experience." *Star Campus*, vol. 1, no. 9, 2006, retrieved from [www.thedailystar.net/campus/2006/10/01/experience.htm](http://www.thedailystar.net/campus/2006/10/01/experience.htm)

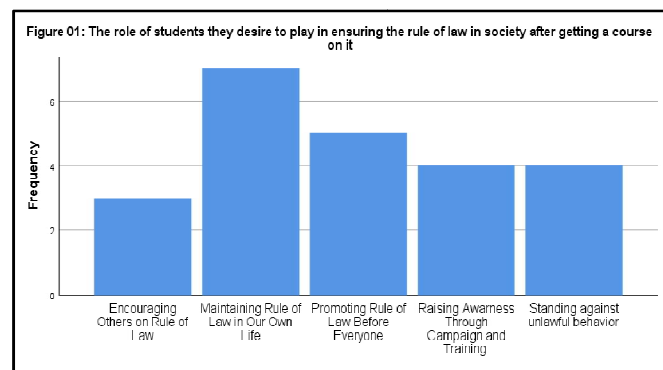
witnessed the immediate reformation of the government traffic policy, when a tragic traffic accident has triggered mass protests by students who have taken to the streets of Bangladesh's capital to demand that authorities improve road safety (Pokharel, Ahmed and Wilkinson, 2018). The incident proves that if youth stands and speaks out, every injustice can be turned into justice within a very small period of time.

While universally agreed human rights, norms and standards provide its normative foundation, the rule of law must be anchored in a national context, including its culture, history and politics. States, therefore, do have different national experiences in the development of their systems of the rule of law (UN). The plans will also be made in accordance with the socio-economic condition of a country.

Table 01: Salient features of the selected characteristics of the respondents

Variables	n=23
	Percentage
<b>Subject</b>	
Engineering	13.0
Medical	17.4
Science	17.4
Social Science	52.2
<b>Gender</b>	
Male	30.4
Female	69.6
<b>Finding a course on Rule of Law</b>	
1= Yes	43.5
0= No	56.5
<b>Knowledge on Rule of Law</b>	
1= Yes	34.8
0= No	65.2
<b>Importance of inclusion of Rule of Law in curriculum</b>	
1= important	91.3
0= not important	8.7

Source: Data collected through the field work and analysed by the researcher



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### III. CONCLUSION

It is really appreciable that students from different disciplines have a deep desire to have knowledge about the rule of law. The policymakers of the countries should focus on the introduction of the rule of law in education. As the study covered students from all discipline, it can clearly be stated that the initiative will be a fruitful and successful one to establish rule of law in all spheres of the society. The continuous decrease of the rule of law in every country impules the initiative to be implemented and spread as soon as possible.

The 2030 Agenda's ambition to tackle inequalities through the "leave no one behind" pledge provides the international community with a key opportunity to address discrimination and advance human rights, including children's rights, and to establish more inclusive and equitable societies. It is essential to seize this opportunity to ensure that respecting, protecting and fulfilling children's rights, in accordance with the UN Convention on the Rights of the Child (UNCRC) and its Optional Protocols, is central to the implementation of the 2030 Agenda.

Students were actively involved in shaping the 2030 Agenda and need to be given the space to actively participate in implementation and in holding States to account to their SDG and human rights commitments. States have the obligation to encourage and enable children to participate in the preparation of the State reports to the CRC Committee, and therefore their role has been recognized as key for the monitoring of the implementation of the CRC.

The capacity of students to influence public decision-making on their own terms is largely dependent on the extent to which their civil rights and freedoms are met. It is also linked to the value and support provided by the State to the human development of children and their transition from childhood to adulthood. In many countries, children and youth voices continue to be marginalized in decision-making processes on issues concerning them and their opinions are less valued than those of adults. This is particularly the case for children and youth who are vulnerable and excluded, including, amongst others, girls and young women, children

and youth with disabilities, children and youth from minorities or children on the move.

Appearing to listen to students is relatively unchallenging, but giving due weight to their views requires real change. It is therefore important to ensure that adults, including actors in civil society and decision-makers, are sensitized, prepared, trained and supported about children's rights, including children's right to participate in decision-making.

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