

RIGHTS, EDUCATION, AND INCLUSION — IN — CONTEMPORARY SOCIETIES



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TABLE OF CONTENTS

PREFACEi

CHAPTER 1

**EDUCATION LAW AND MORAL EDUCATION IN NIGERIA:
A PHILOSOPHICAL ANALYSIS**

Abdulkadir Muhammad RUWAH 1

CHAPTER 2

**BETWEEN LEGAL PROMISE, INSECURITY, AND THE
ORPHANED CHILD: EXAMINATION OF THE CHILD'S
RIGHT TO BASIC EDUCATION IN NIGERIA**

**Salisu TUKUR
Abubakar Kabir MUHAMMAD.....20**

CHAPTER 3

**HALAL FOOD IN SCHOOL CURRICULUM IN INDONESIA:
LAWS & LEGAL FOUNDATIONS, EDUCATIONAL
RELEVANCE, AND CURRICULUM IMPLEMENTATION**

**Yulia RAHMAWATI
Prof. Dr. Cica YULIA
Muktiarni.....54**

PREFACE

Education is one of the most powerful instruments through which societies transmit values, protect human dignity, and build more just and inclusive futures. In contemporary societies, education is no longer understood only as a process of academic learning; it is also a legal, moral, cultural, and social framework through which rights, responsibilities, equality, and citizenship are shaped.

This book, entitled *Rights, Education, and Justice in Changing Societies*, brings together academic studies that examine education from legal, philosophical, human rights-based, and social perspectives. The chapters included in this volume focus on education law and moral education, the child's right to basic education, and the relationship between school curricula, cultural values, and legal foundations.

The first chapter examines education law and moral education in Nigeria through a philosophical lens. It discusses the moral role of education, the relationship between legal frameworks and ethical formation, and the challenges of implementing moral and civic objectives within pluralistic societies. The second chapter focuses on the child's right to basic education in Nigeria, addressing the gap between legal promises and lived realities, particularly in relation to insecurity, orphaned children, and structural barriers to educational access. The third chapter examines halal food in the Indonesian school curriculum, highlighting legal foundations, educational relevance, and curriculum implementation within a culturally and socially significant context.

Together, these chapters demonstrate that education is closely connected to justice, inclusion, social responsibility, and human rights. The protection of children, the promotion of moral and civic values, and the recognition of cultural and religious dimensions within education all require legal and institutional frameworks that are responsive to changing social realities.

It is hoped that this book will serve as a useful academic resource for researchers, educators, legal scholars, policymakers, and all readers interested in education law, child rights, curriculum studies, moral education, and inclusive social development.

By bringing together different perspectives, this volume aims to contribute to ongoing discussions on how education can support more equitable, responsible, and just societies.

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CHAPTER 1
EDUCATION LAW AND MORAL EDUCATION IN
NIGERIA: A PHILOSOPHICAL ANALYSIS

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INTRODUCTION

Education has always served a moral as well as an intellectual function. Across societies and historical periods, formal education has been employed as a means of shaping character, transmitting values, and sustaining social order. Classical philosophers regarded education as inseparable from moral formation, while modern theorists continue to emphasize its ethical and civic dimensions (Dewey, 1916; Peters, 1966; Noddings, 2013). In this sense, education is not merely a technical process of skill acquisition but a normative enterprise concerned with the kind of persons and societies that schooling seeks to produce.

In Nigeria, the moral role of education has assumed heightened significance in light of persistent social challenges such as corruption, political instability, ethnic and religious conflicts, declining civic responsibility, and erosion of public trust in institutions. These challenges have frequently been interpreted as symptoms of moral failure, prompting renewed calls for schools to function as agents of moral regeneration and national development (Akinpelu, 2005; Alutu, 2007). Consequently, Nigerian education law increasingly incorporates moral and civic objectives, positioning education as a tool for value orientation, ethical citizenship, and social cohesion.

The legal framework governing education in Nigeria reflects this moral concern. Policy documents such as the National Policy on Education explicitly emphasize value orientation, character development, national unity, and responsible citizenship as core educational goals (Federal Ministry of Education (FME), 2013). Similarly, statutory instruments such as the Universal Basic Education Act 2004 mandate civic and moral instruction as part of compulsory schooling. However, these legal provisions often articulate moral aims without providing a coherent philosophical justification for state involvement in moral education or clear guidance on how such aims should be pursued in pluralistic contexts.

This chapter examines the relationship between education law and moral education in Nigeria from a philosophical perspective. It argues that while Nigerian education law formally recognizes moral education as an essential educational objective, there exists a significant gap between legal ideals and educational practice.

This gap is rooted in conceptual ambiguity, weak philosophical grounding, cultural pluralism, and institutional constraints. Without a clear normative framework, moral education risks becoming either a symbolic policy commitment or an instrument of moral formalism disconnected from learners lived experiences.

The chapter adopts an analytic and normative approach, drawing on philosophy of education, moral philosophy, and legal theory to interrogate the legitimacy, scope, and limits of moral education as a legal mandate. It contends that education law can legitimately support moral education only when it respects moral autonomy, democratic values, and cultural diversity while promoting shared civic virtues necessary for social coexistence.

1. CONCEPTUAL CLARIFICATIONS

Education Law

Education law refers to the body of constitutional provisions, statutes, subsidiary legislation, policy directives, and judicial interpretations that regulate the organization, administration, and delivery of education within a given jurisdiction (Molteno, 2006). It defines the powers and responsibilities of the state, educational authorities, institutions, teachers, learners, parents, and private education providers. Education law thus functions not merely as an administrative framework but as a normative instrument through which societal values and priorities are articulated and enforced. In Nigeria, education law operates within a federal system that distributes educational responsibilities across federal, state, and local governments. Key legal instruments include the 1999 Constitution of the Federal Republic of Nigeria (as amended), the Universal Basic Education Act 2004, the Child Rights Act 2003, and the National Policy on Education (FME, 2013). Although these instruments vary in legal status, collectively they establish the objectives, structure, and content of formal education in Nigeria. From a philosophical standpoint, education law is significant because it reflects assumptions about the purpose of education and the role of the state in shaping citizens. When laws mandate moral or civic instruction, they implicitly endorse particular conceptions of the good life, social responsibility, and national identity.

RIGHTS, EDUCATION, AND JUSTICE IN CHANGING SOCIETIES

This raises fundamental questions about legitimacy, authority, and the ethical limits of state intervention in moral formation.

Moral Education

Moral education refers to the deliberate and systematic effort to cultivate ethical understanding, moral dispositions, and socially responsible conduct in individuals (Lickona, 1991). It encompasses the development of virtues such as honesty, justice, respect, responsibility, and empathy, as well as the capacity for moral reasoning and ethical judgment. Moral education is therefore concerned not only with outward behavior but also with internal motivations, values, and character. Scholars distinguish between explicit moral education, which involves direct instruction through subjects such as civic education, ethics, and religious studies, and implicit moral education, which occurs through school culture, disciplinary practices, teacher-student relationships, and institutional norms (Jackson et al., 1993). Both forms are present in Nigerian schools, though their effectiveness depends largely on coherence, consistency, and philosophical clarity. In plural societies, moral education raises complex questions about whose values should be taught, how moral disagreement should be handled, and how education can promote shared civic virtues without suppressing cultural or religious diversity. These questions are particularly salient in Nigeria, given its ethnic, religious, and cultural heterogeneity.

Philosophy of Education

Philosophy of education provides the conceptual and normative framework for evaluating educational aims, content, and methods. It addresses foundational questions such as: What is education for? What kinds of knowledge and values are worth transmitting? What methods of teaching are ethically defensible? (Peters, 1966; Noddings, 2013). When applied to moral education, philosophy of education examines the justification for moral aims, the legitimacy of authority in moral instruction, and the balance between moral guidance and learner autonomy.

In relation to education law, it interrogates whether legal mandates for moral education are ethically justified and how they can be implemented without violating fundamental rights such as freedom of conscience and belief.

2. PHILOSOPHICAL FOUNDATIONS OF MORAL EDUCATION

Moral education has deep philosophical roots extending from classical antiquity to modern democratic theory. Understanding these foundations is essential for evaluating contemporary legal approaches to moral education.

Classical Perspectives

Plato regarded education as the primary instrument for achieving justice in both the individual and the state. In *The Republic*, he argued that education should cultivate virtues such as wisdom, courage, moderation, and justice, thereby aligning individual character with the moral order of society (Plato, trans. various). For Plato, moral education justified extensive state control over educational content, since the moral health of the state depended on the moral formation of its citizens. Aristotle offered a more developmental account of moral education grounded in virtue ethics. He argued that moral virtue is acquired through habituation and practice rather than mere instruction (Aristotle, trans. 2009). Education, therefore, must provide environments in which learners repeatedly engage in virtuous actions until moral excellence becomes a stable disposition. This insight highlights the importance of institutional culture, role modeling, and consistent practice in moral education.

Kantian and Liberal Traditions

Immanuel Kant introduced a critical constraint on moral education by emphasizing autonomy and rational self-legislation. According to Kant, moral worth arises from acting according to principles one rationally endorses, not from external coercion (Kant, 1785/1993). This perspective challenges legalistic approaches to moral education that rely heavily on compulsion and sanctions. Liberal philosophers such as Peters (1966) further argue that education must preserve learners' capacity for critical reflection and independent judgment.

Moral education that merely transmits fixed norms without encouraging reasoning risks indoctrination rather than genuine moral development.

Pragmatist and Democratic Approaches

John Dewey provides a framework for reconciling moral education with democratic values. He argues that education is inherently moral because it shapes habits, attitudes, and dispositions that affect social life (Dewey, 1916). Moral education, in this view, emerges through participation in cooperative activities, reflective inquiry, and democratic practices within schools. For plural societies like Nigeria, Dewey's approach suggests that education law should focus less on prescribing moral doctrines and more on creating conditions that foster moral reasoning, dialogue, and civic engagement.

3. CONSTITUTIONAL FOUNDATIONS OF EDUCATION AND MORAL DEVELOPMENT

The constitutional basis of education in Nigeria is found primarily in the 1999 Constitution of the Federal Republic of Nigeria (as amended). Although the Constitution does not explicitly use the phrase *moral education*, its provisions reveal an implicit moral philosophy underpinning educational objectives.

Section 18 of the Constitution places education within the Fundamental Objectives and Directive Principles of State Policy, committing the state to ensuring equal and adequate educational opportunities at all levels (Federal Republic of Nigeria [FRN], 1999). Philosophically, this reflects a communitarian moral vision, in which education is viewed as a public good essential to national development rather than merely a private commodity.

More significantly, Section 15(2)–(5) emphasizes national integration, social justice, and the eradication of corruption. These objectives presuppose moral dispositions such as fairness, civic responsibility, and integrity—virtues that cannot be legislated into existence without educational mediation. From a philosophy of education standpoint, this establishes a normative dependency: constitutional ideals rely on moral education for their realization. However, the placement of educational objectives within the Directive Principles renders them non-justiciable, weakening their enforceability.

This constitutional design creates a tension between moral aspiration and legal obligation. While the state acknowledges the moral function of education, it avoids binding itself to enforceable duties regarding moral formation. Philosophically, this reflects a cautious liberal stance that recognizes moral goods but hesitates to compel their pursuit.

4. THE UNIVERSAL BASIC EDUCATION (UBE) ACT AND MORAL OBLIGATION

The Universal Basic Education Act of 2004 represents the most concrete statutory intervention in Nigerian education law. By making basic education free and compulsory, the Act introduces a clear moral claim: that every child has an intrinsic right to education and that society bears responsibility for ensuring access (UBE Act, 2004).

From a philosophical perspective, the UBE Act embodies a rights-based moral framework grounded in the dignity of the child. Education is not merely instrumental to economic productivity but constitutive of human flourishing. This aligns with Kantian ethics, which treats persons as ends in themselves rather than means to social goals (Kant, 1785/1993).

Importantly, the UBE curriculum includes civic, moral, and social values education, signaling legislative recognition that literacy alone is insufficient for citizenship. The Act thus reflects an integrative conception of education, combining cognitive, civic, and moral development.

Yet, the moral force of the UBE Act is undermined by uneven enforcement and limited sanctions. While parents may be penalized for non-compliance, state failure manifested in poor infrastructure, teacher shortages, and inadequate funding often escapes accountability. This asymmetry raises a philosophical concern about moral responsibility and justice: the law demands moral commitment from citizens without consistently honoring reciprocal obligations.

4.1 The Child Rights Act and Moral Protection of the Learner

The Child Rights Act (2003) deepens the moral dimension of education law by framing education explicitly as a child's right rather than a discretionary social service.

The Act affirms the child's right to dignity, protection from abuse, and development of personality, talents, and mental and physical abilities to their fullest potential (Child Rights Act, 2003). Philosophically, this reflects a developmentalist moral anthropology, viewing the child as a moral subject in the process of becoming rather than a passive recipient of adult authority. Moral education, under this framework, must respect the evolving capacities of the learner and avoid coercive indoctrination. The Act also imposes ethical constraints on disciplinary practices in schools, prohibiting degrading or inhuman treatment. This has profound implications for moral education. If schools teach respect and dignity while violating them through authoritarian discipline, they undermine their own moral credibility. Despite its moral clarity, the Child Rights Act faces uneven domestication across Nigerian states, limiting its practical impact. This reveals a structural problem in Nigerian education law: moral norms are articulated at the national level but fragmented in implementation, weakening their formative influence.

4.2 The National Policy on Education (NPE) as Moral Blueprint

The National Policy on Education (NPE) functions as the ideological heart of Nigerian education law. Unlike the Constitution and statutory acts, the NPE explicitly articulates moral aims, including:

- Inculcation of national consciousness and unity
- Development of appropriate values and attitudes
- Training of the mind in the understanding of the world
- Acquisition of relevant skills and competencies (FME, 2013)

These aims reflect a teleological conception of education, in which schooling is directed toward the formation of a morally and socially integrated citizen.

Philosophically, the NPE draws implicitly on Aristotelian virtue ethics, emphasizing character formation alongside intellectual development. Education is conceived not merely as transmission of knowledge but as cultivation of habits conducive to the common good. However, the NPE lacks the legal force of statute and is frequently revised without systematic philosophical justification.

Its moral objectives, though rhetorically powerful, are weakly institutionalized. This creates what may be described as a normative–institutional disjunction: strong moral language unsupported by binding legal mechanisms.

5. MORAL LOGIC OF NIGERIAN EDUCATION POLICY

Education as Moral Socialization

Underlying Nigerian education law is a conception of education as a mechanism of moral socialization. Schools are expected to transmit shared values necessary for social cohesion, political stability, and economic development. From a Durkheimian perspective, this function is essential: societies reproduce themselves morally through education (Durkheim, 1956). Nigerian policy documents reflect this logic by emphasizing unity, patriotism, and respect for authority. Yet, excessive emphasis on social conformity risks suppressing critical moral agency. Philosophically, moral education must balance social integration with individual moral autonomy. Nigerian education law tends to privilege the former, often at the expense of reflective ethical reasoning.

Moral Education and Citizenship

Citizenship education occupies a central place in Nigerian curricula, reflecting the moral assumption that good citizens must be cultivated rather than assumed. Civic education aims to instill respect for law, democratic values, and public responsibility. Dewey (1916) argues that democracy is not merely a political system but a moral way of life requiring participatory habits and ethical commitment. Nigerian education law recognizes this insight in principle but struggles to realize it in practice. Where civic education is reduced to memorization of constitutional facts, it fails to cultivate democratic character. Moral education, philosophically understood, requires experiential learning, dialogue, and participation—dimensions largely absent from legally prescribed curricula.

Moral Neutrality and the Myth of Value-Free Education

A persistent assumption in policy discourse is that education can remain morally neutral while promoting development goals. Philosophy of education rejects this assumption. Every educational system embodies values through its content, structure, and assessment practices. Nigerian education law implicitly endorses values such as discipline, obedience, competition, and credentialism. These values shape learners' moral outlook as much as explicit moral instruction. Failure to acknowledge this undermines ethical accountability. A philosophically informed education law must therefore abandon the myth of neutrality and engage openly with its moral commitments.

Law, Authority, and Moral Legitimacy

For education law to function as a vehicle of moral education, it must possess moral legitimacy. Legitimacy arises not merely from legal authority but from consistency between proclaimed values and lived realities. Where schools operate under conditions of inequality, neglect, or corruption, education law loses its moral authority. Students learn cynicism rather than civic virtue. This underscores a central philosophical insight: **law educates morally not only through rules, but through example.**

6. CURRICULUM, INSTITUTIONAL PRACTICE, AND MORAL FORMATION

Moral Education in the Nigerian Curriculum

One of the most tangible intersections between education law and moral education is the formal curriculum. Legal and policy instruments such as the *National Policy on Education (NPE)*, the *UBE Act*, and the *Child Rights Act* translate moral aims into subjects such as Civic Education, Social Studies, Religious and National Values Education, and Ethics at senior levels (Federal Ministry of Education [FME], 2013; FRN, 2003). These subjects are designed to cultivate values including patriotism, integrity, respect for human rights, civic responsibility, and social harmony. Philosophically, however, the mere inclusion of moral themes does not guarantee meaningful moral education. Dewey (1916) emphasizes that moral education is less about content delivery and more about shaping habits, dispositions, and reflective thinking.

RIGHTS, EDUCATION, AND JUSTICE IN CHANGING SOCIETIES

In many Nigerian schools, moral education remains largely didactic and examination-driven, focusing on memorization of rules, national pledges, and constitutional provisions, with minimal engagement in ethical reasoning or participatory learning. This phenomenon reflects a deeper legal and institutional issue: education law specifies *what* values should be taught but offers limited guidance on *how* these values should be internalized or critically assessed. Consequently, the curriculum often promotes **moral conformity** rather than moral autonomy.

The Hidden Curriculum and Institutional Morality

Beyond the formal curriculum, moral education is deeply influenced by the *hidden curriculum*, defined as the norms, values, and expectations transmitted through school culture, teacher behavior, disciplinary systems, and institutional practices (Jackson, 1968). The hidden curriculum can reinforce or undermine official moral objectives. In Nigerian schools, students frequently encounter contradictions between explicit moral instruction and institutional practice. For instance, schools preach honesty, integrity, and fairness, yet students witness corruption, favoritism, and arbitrary disciplinary practices within the school. Philosophically, this contradiction undermines the formative power of moral education. As Aristotle (trans. 2009) suggests, virtue is cultivated through consistent practice and modeling; institutional hypocrisy thus impedes moral development. Education law rarely addresses the moral significance of institutional practices. From a virtue-ethical perspective, moral education depends not only on explicit instruction but also on the moral quality of the educational environment.

Teachers as Moral Agents

Teachers occupy a pivotal role in the moral formation of students. Nigerian education law regulates teacher qualifications, professional conduct, and certification, but often treats teaching primarily as a technical rather than moral enterprise. Philosophers of education underscore that teaching is inherently ethical because it involves authority, responsibility, and influence over developing individuals (Noddings, 2013).

RIGHTS, EDUCATION, AND JUSTICE IN CHANGING SOCIETIES

In Nigeria, however, many teachers receive minimal preparation in ethical pedagogy, moral reasoning, or value-sensitive classroom management. Moral education is frequently reduced to enforcing discipline or ensuring compliance with rules, rather than fostering reflective ethical understanding (Akinpelu, 2005). Legal and policy frameworks must therefore recognize teachers as moral agents whose judgment, character, and professional autonomy are critical to achieving moral education objectives.

Assessment and the Challenge of Measuring Moral Development

A central challenge lies in assessing moral education outcomes. Nigerian education law and policy prioritize standardized testing and measurable academic performance. Moral education, by contrast, resists simple quantification. Philosophically, overreliance on test scores or behavioral checklists risks encouraging superficial compliance rather than genuine internalization of values (Kohlberg, 1981). Yet, absence of assessment can marginalize moral education in practice, relegating it to a symbolic role. A balanced approach would incorporate formative, reflective, and participatory assessment techniques, complemented by evaluation of school climate, teacher-student relationships, and peer interactions. Education law can legitimize such approaches by broadening permissible assessment strategies beyond traditional examinations, thereby creating structural support for authentic moral development.

7. IMPLEMENTATION CHALLENGES AND STRUCTURAL CONSTRAINTS

A consistent problem in Nigerian education is the gap between policy aspirations and classroom realities. While legal documents articulate ambitious moral objectives, schools often lack the resources, time, and institutional support to implement them effectively. Overcrowded classrooms, teacher shortages, and pressures to cover examinable content frequently push moral education to the periphery (Akinpelu, 2005). Philosophically, this gap reflects a failure to align ends with means. If moral education is valued in law and policy, it must be prioritized in funding, teacher development, infrastructure, and administrative oversight.

RIGHTS, EDUCATION, AND JUSTICE IN CHANGING SOCIETIES

Nigeria's ethnoreligious diversity presents both an opportunity and a challenge for moral education. Legal and policy instruments must navigate a complex landscape of values while promoting shared civic virtues. Attempts to impose a uniform moral framework risk marginalizing minority tradition or violating freedom of conscience. Philosophers such as Rawls (1993) argue that public institutions in plural societies should promote a thin consensus: universal civic values like justice, nonviolence, and respect, while leaving room for culturally specific moral expression in private and community life. Nigerian education law gestures toward this balance but often lacks philosophical clarity on how to reconcile universal values with contextual pluralism. Education law in Nigeria often suffers from weak enforcement.

The UBE Act, for instance, emphasizes enrollment and attendance rather than the substance or quality of moral education. Regulatory bodies rarely monitor whether schools effectively implement moral instruction or create ethically supportive environments. This legal deficiency reinforces the symbolic nature of moral education policy. Philosophically, law educates not only through prescriptive rules but also by embedding moral exemplarity and accountability in institutions. Where schools fail to embody the values they teach, education law loses moral authority.

Moral Autonomy versus Legal Prescription

A central tension exists between fostering moral autonomy and relying on legal mandates. Moral education aims to cultivate independent ethical reasoning, yet legal frameworks often function through coercion and standardized curricula. Kantian ethics emphasizes that moral action has value only when it stems from autonomous rational choice (Kant, 1785/1993). Excessive legal prescriptiveness risks producing compliance without conviction, undermining the very moral objectives the law seeks to promote. Education law should therefore support enabling conditions such as reflective pedagogy, participatory curricula, and democratic school practices rather than imposing rigid moral prescriptions.

Universal Values and Contextual Ethics

Another philosophical tension concerns universal versus culturally contextual values. Nigerian education law frequently appeals to broad ethical principles dignity, fairness, respect but these are interpreted differently across cultural and religious contexts. A **context-sensitive universalism** (Wiredu, 1996) offers a solution: affirm core ethical principles while allowing local communities to negotiate their application. Moral education should thus be adaptive, dialogical, and responsive to social context, a principle that legal instruments should explicitly endorse.

Integration of Legal and Philosophical Objectives

Finally, there is a need to integrate legal mandates with philosophical clarity. Legal recognition of moral education must be accompanied by:

- Coherent philosophical justification for state intervention in moral formation.
- Recognition of moral autonomy and evolving capacities of learners.
- Structural support for ethical teaching, reflective practice, and institutionally consistent moral exemplars.

Without this integration, Nigerian education law risks **formalistic moralism**: a legal framework with high moral rhetoric but limited formative impact.

8. NORMATIVE PHILOSOPHICAL FRAMEWORK FOR MORAL EDUCATION UNDER NIGERIAN LAW

A central insight from the Nigerian education law recognizes moral education but lacks a coherent normative-philosophical foundation. To rectify this, a framework combining legal legitimacy, ethical pedagogy, and contextual pluralism is proposed. Education law should explicitly ground moral education in ethical theory. Three philosophical strands are particularly relevant:

Virtue ethics (Aristotelian): Education should cultivate character and practical wisdom, emphasizing habituation in ethical practices (Aristotle, trans. 2009). Teachers and school structures must model these virtues.

Deontological ethics (Kantian): Moral education must respect the autonomy and dignity of the learner. Coercion or indoctrination is morally illegitimate even when intended to promote civic virtue (Kant, 1785/1993).

Consequentialist/social-utility ethics: Education should promote social cohesion, civic engagement, and democratic stability, balancing individual rights with collective welfare (Dewey, 1916).

By integrating these strands, legal instruments like the UBE Act, NPE, and Child Rights Act can be interpreted as both morally and instrumentally justified: schools are empowered to shape character while respecting human dignity and pluralistic norms. Normatively, Nigerian education law should support structures that enable authentic moral formation:

Curricular design: Move beyond rote learning to reflective, dialogical, and experiential moral education (Noddings, 2013). Civic Education and Ethics should include case studies, debates, and service-learning.

Teacher preparation: Invest in professional development that emphasizes ethical pedagogy, reflective practice, and moral modeling (Akinpelu, 2005).

Assessment reform: Develop formative and qualitative assessment methods that capture growth in moral reasoning, empathy, and civic engagement, rather than punitive compliance.

Institutional culture: Schools must embody the values they teach, with transparent administration, equitable treatment of students, and participatory governance. This aligns institutional practice with the hidden curriculum, ensuring moral credibility.

A normative framework must acknowledge Nigeria's ethnoreligious diversity. Public moral education should focus on thin civic principles—justice, fairness, respect, nonviolence—while permitting communities to express richer moral traditions locally (Rawls, 1993; Wiredu, 1996). Education law should explicitly sanction pluralistic implementation of these principles, preventing legal overreach or cultural imposition.

9. COMPARATIVE PERSPECTIVES

Comparative analysis offers valuable lessons for Nigeria, illustrating how education law, philosophy, and practice can align to promote moral education effectively. Examining contexts such as Finland, South Africa, and the United States demonstrates different approaches to integrating moral and civic aims into schooling while accommodating cultural diversity and teacher autonomy.

Finland represents a paradigm of inquiry-based moral and civic education. Moral and civic education is not treated as a separate subject but integrated across the curriculum, fostering critical thinking, ethical reasoning, and collaborative problem-solving (Sahlberg, 2011). Finnish teachers enjoy substantial professional autonomy, allowing them to adapt moral instruction to local needs and the developmental stage of learners. Assessment emphasizes reflective and formative approaches rather than high-stakes testing, supporting authentic moral growth. Philosophically, Finland's model aligns with Deweyan principles of education as moral and democratic formation: students learn values through participation, reflection, and communal problem-solving, not rote memorization (Dewey, 1916). Nigeria can draw lessons from Finland by embedding moral reasoning across subjects, strengthening teacher agency, and developing assessment tools that capture qualitative ethical development.

South Africa Post-apartheid South Africa provides another instructive model. The country's education law explicitly embeds human rights, civic responsibility, and ethical awareness into school curricula while recognizing the country's cultural and linguistic diversity (Jansen, 2009). The South African approach operationalizes a principle of context-sensitive universalism: while all students are exposed to universal civic and ethical values, local cultural, historical, and social realities are respected. Philosophically, this reflects a careful balance between universal moral principles and culturally specific moral knowledge (Wiredu, 1996). Nigerian policymakers can learn from this model by articulating civic and moral standards that unify diverse communities while permitting local expression of values, thereby reducing tension between national cohesion and cultural pluralism.

RIGHTS, EDUCATION, AND JUSTICE IN CHANGING SOCIETIES

United States in the United States, civic and moral education is legally mandated but implemented primarily at the state or local level, resulting in significant variation in both content and pedagogy. This decentralized model reflects a philosophical commitment to participatory democracy, emphasizing that moral and civic capacities are developed through active engagement, debate, and deliberation rather than through centralized prescription (Gutmann, 1987). The U.S. experience highlights the importance of aligning legal mandates with practical autonomy: schools and teachers must have the discretion to adapt moral education to community needs while preserving fundamental democratic principles. For Nigeria, this underscores the potential benefit of devolving some curricular and pedagogical authority to states or local communities while retaining national oversight of core civic values.

Synthesis for Nigeria These comparative insights suggest that Nigeria can enhance its moral education system by combining:

- Legal mandates that clearly articulate moral and civic aims.
- Teacher professionalism and autonomy, enabling context-sensitive delivery of moral education.
- Formative and reflective assessment, capturing genuine ethical development rather than superficial compliance.
- Pluralist ethical reasoning, integrating universal civic principles with respect for local cultural, religious, and moral traditions.

By learning from these international models, Nigeria can create a more philosophically grounded and practically effective framework for moral education, one that balances legal authority, ethical reasoning, democratic participation, and cultural pluralism.

CONCLUSION

Nigerian education law clearly acknowledges the centrality of moral education through multiple legal and policy instruments, including the 1999 Constitution (as amended), the Universal Basic Education (UBE) Act, the National Policy on Education (NPE), and the Child Rights Act. Collectively, these frameworks affirm that education in Nigeria is not limited to cognitive development but is also intended to foster moral character, civic responsibility, and socially responsible citizenship.

RIGHTS, EDUCATION, AND JUSTICE IN CHANGING SOCIETIES

From a philosophical standpoint, moral education in Nigeria is defensible on two complementary grounds. First, it is an intrinsic good, grounded in the idea of human flourishing: education ought to cultivate virtues such as honesty, responsibility, justice, and respect for others as ends in themselves. Second, it is an instrumental good, necessary for social cohesion, democratic participation, national integration, and the maintenance of public order in a plural and fragile polity such as Nigeria.

Despite this strong normative and legal foundation, the practical realization of moral education remains uneven and limited. Persistent policy–practice gaps undermine the translation of lofty legal ideals into classroom realities. Inadequate teacher preparation, especially in moral pedagogy and ethical reasoning, weakens effective delivery. There is also an overreliance on didactic and examinable approaches, which emphasize moral instruction rather than moral formation and critical engagement. Furthermore, weak enforcement mechanisms and limited accountability reduce institutional commitment to moral objectives. Finally, cultural and religious pluralism, while a strength of Nigerian society, poses unresolved challenges for defining shared moral values without marginalizing particular groups.

Nigerian education law provides a robust moral mandate, but its impact is constrained by systemic, pedagogical, and contextual challenges. Bridging the gap between legal intent and educational practice remains the critical task for policymakers, educators, and institutions.

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CHAPTER 2
BETWEEN LEGAL PROMISE, INSECURITY, AND
THE ORPHANED CHILD: EXAMINATION OF THE
CHILD'S RIGHT TO BASIC EDUCATION IN
NIGERIA

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INTRODUCTION

The National Policy on Education (Federal Republic of Nigeria, 2013, Section 2, Paragraph 19) declares with unmistakable clarity that 'basic education shall be free, compulsory, universal and qualitative'. This declaration places Nigeria among the majority of nations that have committed themselves to the child's right to education as a fundamental human right (UNESCO, 2024). The policy further operationalises quality through specific, measurable benchmarks, including a maximum pupil-teacher ratio of 35:1 at the primary level (Federal Republic of Nigeria, 2013, Section 5, Paragraph 4). These provisions, reinforced by the Universal Basic Education Act (2004) and Nigeria's ratification of the Convention on the Rights of the Child (1989), create a comprehensive legal architecture designed to guarantee every Nigerian child's right to quality basic education.

However, a chasm exists between legal promise and lived reality. According to UBEC (2024), approximately 20 million children are out of school, which is the highest number globally. The UBEC Executive Secretary has declared Nigeria's education sector faces 'a crisis of great magnitude' (Garba, 2025, para. 4). Save the Children (Olusola, 2025) notes that Nigeria accounts for close to 20 million of Africa's 98 million out-of-school children. As Garba (2025, para. 6) further acknowledged, 'many of those enrolled are not acquiring the foundational literacy and numeracy skills essential for lifelong success'.

This chapter advances a central argument: Nigeria has adopted an educational legal framework characterised by 'declaration without implementation' (Bamgbose, n.d.)—borrowing aspirational provisions from international instruments without developing corresponding implementation infrastructure, accountability mechanisms, or contextual adaptation. The result is systemic impossibility: legal provisions that cannot be implemented given current resources and political will.

This argument is supported by original empirical research across 171 public primary schools and 532 classrooms in five Northwest states (Sokoto, Zamfara, Kebbi, Katsina, Kano), with protocol approval from SUBEB Sokoto (February 2024). The findings are unambiguous: zero compliance with the 35:1 pupil-teacher ratio, with observed ratios ranging from 55:1 to over 148:1.

The study also documents elite withdrawal from public schools, a crisis of conflict-orphaned children (n=52), and the complete failure of the 'quality' pillar. The chapter is structured as follows. Section 2 presents the theoretical framework. Section 3 details the methodology. Section 4 traces historical development. Section 5 examines international obligations. Section 6 analyses the national legal framework. Section 7 presents empirical findings. Section 8 analyses insecurity and orphaned children. Section 9 concludes with recommendations.

1. CONCEPTUAL AND THEORETICAL FRAMEWORK

1.1 The Right to Education as a Fundamental Human Right

The right to education is not merely a policy aspiration or a charitable service that governments may provide at their discretion. It is a fundamental human right, recognised as such in the Universal Declaration of Human Rights (United Nations, 1948, Article 26), the International Covenant on Economic, Social and Cultural Rights (United Nations, 1966, Article 13), the Convention on the Rights of the Child (United Nations, 1989, Article 28), and numerous regional instruments including the African Charter on Human and Peoples' Rights (African Union, 1981, Article 13) and the African Charter on the Rights and Welfare of the Child (African Union, 1990, Article 11). This near-universal recognition of education as a right reflects a global consensus that education is essential for the exercise of all other human rights, including political participation, economic opportunity, and personal development (Tomasevski, 2006).

The status of education as a right rather than a privilege carries profound legal implications. As Tomasevski (2006, p. 15) argued, a rights-based approach to education 'places the primary obligation on the state to ensure that the right is realised, rather than on individuals to prove that they deserve access to education'. This shifts the burden of proof: it is not for the citizen to demonstrate why they should be educated, but for the state to demonstrate why any child remains uneducated.

The state must show that it has allocated maximum available resources to education, that it has prioritised vulnerable and marginalised populations, and that any failure to realise the right is not attributable to state action or inaction (UN Committee on Economic, Social and Cultural Rights, 1999).

In the Nigerian context, the status of the right to education is complicated by the constitutional classification of educational provisions under Chapter II of the 1999 Constitution as 'Fundamental Objectives and Directive Principles of State Policy' rather than as enforceable fundamental rights. As Nwabueze (2019) observed, this classification has historically rendered educational rights non-justiciable—meaning that citizens cannot directly sue the government in court for failing to provide education. This constitutional design choice represents a fundamental weakness in Nigeria's legal framework for education, as it separates the state's legal obligations from any meaningful mechanism of enforcement.

1.2 Tomasevski's '4-A' Framework

The most influential framework for analysing the right to education was developed by Katarina Tomasevski, the first UN Special Rapporteur on the Right to Education. Tomasevski (2006) argued that the right to education has four essential, interconnected dimensions, often referred to as the '4-A' framework:

Availability: Education must be available in sufficient quantity. This requires functioning educational institutions, trained teachers, learning materials, and safe physical infrastructure. The state must ensure that there are enough schools and classrooms to accommodate all children of school age. In Nigeria, availability is severely compromised by infrastructure deficits, with thousands of communities lacking any primary school within accessible distance (UBEC, 2024).

Accessibility: Education must be accessible to all without discrimination. This requires the removal of physical, economic, social, and legal barriers to education. Accessibility includes affirmative obligations to reach marginalised populations, including children with disabilities, children in remote areas, and children affected by conflict or displacement.

RIGHTS, EDUCATION, AND JUSTICE IN CHANGING SOCIETIES

In Northwest Nigeria, accessibility is blocked by poverty, cultural barriers, and active insecurity from banditry and insurgency.

Acceptability: The content and form of education must be acceptable to children and their families. This requires that education be culturally appropriate, non-discriminatory, and of good quality. Acceptability includes the requirement that education promote the full development of the child's personality, talents, and mental and physical abilities. In Nigeria, acceptability is undermined by the poor quality of education, as documented in this study's empirical findings, and by the parallel Almajiri system that operates outside the formal framework.

Adaptability: Education must be able to adapt to changing societal needs and to the diverse needs of individual children. This requires curriculum flexibility, responsiveness to local contexts, and the capacity to accommodate children with different learning needs and styles. In Nigeria, adaptability is largely absent: the curriculum remains rigid, centrally controlled, and largely unresponsive to the needs of children affected by conflict, displacement, or extreme poverty.

Applying the 4-A framework to Nigeria's basic education system reveals failure across all four dimensions. Availability is insufficient: despite the UBE Act's promise of universal access, UBEC (2024) reports that thousands of communities lack any primary school within accessible distance. Accessibility is blocked by poverty, cultural barriers, and insecurity—particularly for girls in the Northwest. Acceptability is undermined by the poor quality of education, as documented in this study's empirical findings. Adaptability is absent: the curriculum remains rigid, centrally controlled, and largely unresponsive to the needs of children affected by conflict, displacement, or extreme poverty.

1.3 The 'Declaration Without Implementation' Thesis

A critical theoretical contribution to understanding Nigeria's educational crisis comes from the work of Professor Ayo Bamgbose.

Analysing language provisions in the National Policy on Education, Bamgbose (n.d.) developed the concept of 'declaration without implementation' to describe a pattern in Nigerian policy-making: ambitious, aspirational provisions are adopted without corresponding implementation mechanisms, without adequate resource allocation, and without meaningful accountability for non-compliance.

Bamgbose (n.d.) identified three forms of declaration without implementation: (1) declaration of a policy which policy-makers know cannot be implemented given available resources and institutional capacity; (2) built-in escape clauses that allow the government to avoid compliance by citing resource constraints or other exceptions; (3) avoidance of specifying implementation procedures, leaving policy provisions without operational meaning.

This framework applies with devastating force to Nigeria's basic education legal framework. The NPE's promise of 'free, compulsory, universal and qualitative' education for every child was adopted with full knowledge that existing teacher supply, infrastructure, and funding levels made universal quality education impossible. The UBE Act contains no meaningful sanctions for states or local governments that fail to provide education. And the implementation procedures specified in the Act particularly the matching grant mechanism requiring state and local government contributions have been systematically ignored, with many states failing to access their entitled funds (UBEC, 2024).

As Bamgbose (n.d.) observed, despite the NPE's provision that 'Primary Education shall be tuition-free, universal and compulsory', 'evidence that this is a mere paper declaration can be readily found in the statistics of out-of-school children and shortfall in school enrolment'. He further noted that 'standards differ from State to State and there are several States in which primary education is neither universal nor compulsory. As to its being tuition free, this is only technically so, as fees are collected in different guises in quite a number of States'. This chapter extends Bamgbose's thesis to the quality dimension of the NPE.

The promise of 'qualitative' education, operationalised as a maximum pupil-teacher ratio of 35:1, is shown by this study's empirical findings to be a declaration without implementation of the most extreme kind: zero compliance across 171 schools in five states.

1.4 Legal Transplantation and Contextual Inappropriateness

A further theoretical lens through which to understand Nigeria's educational legal framework is the concept of legal transplantation. Watson (1974) argued that legal rules and institutions are often borrowed from one jurisdiction to another without adequate attention to contextual fit. While such transplantation can be beneficial when accompanied by appropriate adaptation, it can also produce what Legrand (1997) termed 'legal irritants'—rules that sit uneasily within the receiving legal system because they assume institutional, cultural, or economic conditions that do not exist.

Nigeria's basic education legal framework exhibits clear signs of uncritical transplantation. The 35:1 pupil-teacher ratio is drawn from international benchmarks developed by UNESCO (2023) based on studies conducted primarily in countries with significantly higher teacher-to-population ratios, better-trained teachers, and more adequate classroom infrastructure. The UBE Act's funding mechanism—requiring federal, state, and local government contributions—mirrors similar mechanisms in countries with more robust subnational fiscal capacity and stronger intergovernmental coordination. The very concept of compulsory education up to age 15 assumes a level of state capacity to monitor attendance, enforce compliance, and provide alternative care for children whose families cannot or will not send them to school capacities that Nigeria simply does not possess.

This chapter argues that Nigeria requires an educational legal framework that is contextually appropriate to its institutional capacity, not one that merely replicates the aspirations of wealthier, more capable states. This does not mean abandoning the goal of universal quality education. It means adopting a phased, realistic approach that prioritises achievable improvements in specific areas—teacher recruitment, infrastructure development, accountability mechanisms—over aspirational declarations that cannot be implemented and therefore undermine the credibility of the entire legal framework.

2. RESEARCH METHODOLOGY

Research Design

This chapter adopts a mixed-methods research design combining doctrinal legal analysis with empirical field research. The doctrinal legal analysis examines constitutional provisions, statutes (the UBE Act 2004, the Child's Rights Act 2003), international treaties (the CRC, the African Children's Charter), and policy documents (the NPE 2013, UBEC guidelines). The empirical field research investigates the implementation of these legal provisions in practice, with a specific focus on the quality dimension of basic education as measured by pupil-teacher ratios.

Study Area

The field research was conducted in five Northwest states: Sokoto, Zamfara, Kebbi, Katsina, and Kano. These states were selected for three reasons. First, they consistently record the highest rates of out-of-school children in Nigeria (UBEC, 2024; UNICEF, 2025). Second, they have been disproportionately affected by insecurity, banditry, and the Almajiri crisis (Leadership Newspapers, 2026). Third, they have historically recorded the lowest educational attainment indicators, making them critical cases for understanding implementation failure (World Bank, 2021).

Sample and Data Collection

The researcher visited **171 public primary schools** across the five states, observing **532 classrooms** at the lower basic level (Basic 1–3). Lower basic classes were selected because they represent the foundation of formal education—the level at which children acquire basic literacy and numeracy skills that determine their future educational trajectory (UNESCO, 2024).

Data collection employed multiple methods: classroom observations (532 classrooms), semi-structured teacher interviews (171 teachers), semi-structured head teacher interviews (171 head teachers), informal interviews with street children (52 children), and policy document analysis (12 documents).

Demographic profile of head teacher participants (n=171): Of the 171 head teachers interviewed, 108 (63%) were male and 63 (37%) were female. This gender imbalance reflects broader patterns in Nigerian educational administration, where leadership positions remain disproportionately occupied by men despite the predominance of women in classroom teaching positions at the primary level (UBEC, 2024; Akinfolarin & Ehinola, 2022). The ages of head teacher participants ranged from **42 to 53 years**, with a mean age of 47.5 years. This age profile is significant for two reasons. First, it indicates that head teachers in the five study states are experienced professionals who have spent decades in the educational system. Their assessments of implementation challenges are therefore grounded in extensive practical experience. Second, the relatively narrow age range (42–53) suggests a cohort effect: most head teachers were appointed during or shortly after the launch of the UBE programme in 1999, meaning they have witnessed the entire trajectory of the current legal framework.

Table 1. Demographic Profile of Head Teacher Participants (n=171) (Author's field research (2024–2025))

Demographic Variable	Category	Number (n)	Percentage (%)
Gender	Male	108	63%
	Female	63	37%
Age Group	42-45 years	52	30%
	46-49 years	68	40%
	50-53 years	51	30%

Ethical Approval and Research Protocol

Research protocol approval was obtained from the State Universal Basic Education Board (SUBEB), Sokoto, in February 2024. The approval granted the researcher permission to access public primary schools across the five study states for the purpose of observing classroom conditions and conducting interviews with teachers and head teachers.

In addition to the SUBEB approval, the researcher adhered to the following ethical protocols: informed consent was obtained from all teacher and head teacher participants before interviews; anonymity and confidentiality were guaranteed to all participants; no identifying information is disclosed in this chapter; vulnerable populations (street children) were interviewed only in public spaces; no child was coerced or offered incentives to participate; institutional permission was obtained from local education authorities in each of the five states before school visits; and minimal disruption to school activities was ensured during classroom observations.

Limitations

The findings of this study are subject to several limitations. First, the research is limited to five Northwest states and may not be generalisable to other regions of Nigeria, particularly the South-West and South-East, which have historically recorded higher educational attainment indicators. Second, the street child interviews, while revealing, involved a relatively small sample (n=52) and were conducted in urban centres, potentially missing orphaned children in rural areas who may face even greater barriers to education. Third, some teacher and head teacher responses may be subject to social desirability bias—the tendency to present oneself or one's school in a favourable light. To mitigate this bias, classroom observations were prioritised over self-reported data. Fourth, the study did not include a control group or longitudinal follow-up, limiting its ability to establish causal relationships. Despite these limitations, the finding of zero compliance with the 35:1 pupil-teacher ratio is unambiguous—not a single school in the sample met the policy requirement.

3. HISTORICAL DEVELOPMENT OF BASIC EDUCATION IN NIGERIA

3.1 Pre-Colonial and Colonial Foundations

Understanding the current crisis in Nigeria's basic education system requires attention to its historical development. As Taiwo (1980, p. 12) observed, 'the first school is the home: the teachers are the parents and the elders in the family. The curriculum is life and learning is by observation'. Traditional education in pre-colonial Nigeria was informal, lifelong, and community-

based, with the objective of producing functional members of the community (McWilliam & Kwamena-Poh, 1975). The goals of traditional education bear notable similarities to the aims of formal education under international human rights law, including the development of good character and knowledge of history, beliefs, and culture.

Parallel to traditional education, Islamic education was introduced into Northern Nigeria as early as the eleventh century AD. The objective of Islamic education was to teach Arabic and the Qur'an, traditionally carried out in three stages: the *piazza* (equivalent to primary school) where children aged five to six learn rote memorisation of the Quran; the *Makarantar Allo* (tablet stage) where pupils learn to read Arabic characters; and an advanced stage leading to study in Islamic law, medicine, and mysticism. Critically for this chapter, Islamic education 'is still classed as non-formal while Western education is considered formal' in contemporary Nigerian policy (Ataphia, Okiemute & Obro, 2026, p. 432). This classification has produced a dual educational system that operates largely in parallel, with the Almajiri system—the Northern Nigerian Quranic education tradition—remaining outside the formal legal framework of the UBE Act.

Western formal education was introduced to Nigeria by Christian missionaries in the nineteenth century (Fafunwa, 1974). After the amalgamation of the Southern and Northern Protectorates in 1914, no clearly defined education policy was established by the colonial government; instead, several educational ordinances were promulgated.

3.2 Post-Independence Policy Development (1960–1976)

Upon achieving independence in 1960, Nigeria prioritised educational expansion to foster national integration and economic growth. The Ashby Commission's 1959 recommendations advocated for increased higher education capacity, leading to the establishment of new universities, including the University of Nigeria, Nsukka (1960) and the University of Lagos (1962).

A significant turning point was the **1969 National Curriculum Conference** held in Lagos. According to historical records, this conference 'spelt out what it considered as national philosophy, goals, purpose and objectives of Nigeria education and made recommendations for a national

reform' (Fafunwa, 1974, p. 43). This was followed by another curriculum conference in June 1973, which aimed to fashion out a national policy on education from the recommendations of the 1969 conference. The published blueprint in 1977 became the first **National Policy on Education (NPE)**.

3.3 The Universal Primary Education Programme (1976–1999)

The first segment of the NPE was the **Universal Primary Education (UPE) programme**, launched in September 1976. This federal initiative offered free, compulsory primary schooling for children aged 6–11 across all regions, irrespective of prior regional schemes.

Enrolment Impact: The UPE led to an immediate enrolment surge, exceeding estimates with over eight million pupils registered in the programme's inaugural year (UBEC, 2024). However, this rapid expansion strained infrastructure and teacher supply, highlighting implementation gaps, particularly in rural and northern areas.

Structural Reform: The 1977 NPE formalised the **6-3-3-4 structure**—six years of primary, three of junior secondary, three of senior secondary, and four of tertiary education—emphasising science, technology, and vocational training to align with development needs.

Challenges: Despite these ambitious reforms, the UPE faced significant obstacles. According to post-implementation analyses, issues included 'inadequate teachers, infrastructures and corruption, curricula, textbooks and instructional materials' (Egbebi, 2024, p. 131). The World Bank (2008) noted that approximately 7.3 million primary school-age children remained out of school during this period, and only 35 per cent of secondary school-age children (12–17 years) were enrolled.

3.4 The Universal Basic Education Programme (1999–Present)

In 1999, the **Universal Basic Education (UBE) programme** superseded UPE, extending free and compulsory education to nine years covering primary and junior secondary levels. The programme was launched on September 30 by President Olusegun Obasanjo to comply with constitutional mandates and international commitments like the 1990 Jomtien Declaration and the Dakar Framework for Action (2000).

The UBE programme was codified into law through the **Compulsory, Free Universal Basic Education Act of 2004** (UBE Act). The Act established the **Universal Basic Education Commission (UBEC)** to coordinate implementation, with a funding mechanism requiring the Federal Government to contribute 50%, States 30%, and Local Governments 20% of required resources.

3.5 Persistent Historical Challenges

A critical observation from policy analysts is that Nigeria's educational history is characterised by what Bamgbose (n.d.) termed 'declaration without implementation.' Despite the NPE's provision that 'Primary Education shall be tuition-free, universal and compulsory', 'evidence that this is a mere paper declaration can be readily found in the statistics of out-of-school children and shortfall in school enrolment'.

This historical pattern of policy-practice gaps is not new. Analysts have noted that the UBE faces 'the same challenges that affected the UPE' (Egbebi, 2024, p. 132). Despite significant efforts during the past two decades, the Federal Ministry of Education recognises that 'the education sector in Nigeria is in a state of crisis and that nothing less than major renewal of all systems and institutions is required' (ThisDay Live, 2025, para. 3).

The historical evidence supports a central argument of this chapter: Nigeria has consistently adopted ambitious educational policies without developing the implementation infrastructure, resource base, or accountability mechanisms necessary for those policies to succeed. Each new policy—UPE, UBE, the various iterations of the NPE—has repeated the same pattern: declaration without implementation. The result is cumulative failure, with each new policy layered on top of the accumulated implementation deficits of its predecessors.

4. INTERNATIONAL AND REGIONAL LEGAL OBLIGATIONS

4.1 Global Legal Framework

Nigeria is a signatory and party to several international instruments that impose binding obligations regarding the provision of education.

At the global level, the Universal Declaration of Human Rights (UDHR) adopted in 1948 provides in Article 26 that everyone has the right to education, which shall be free at least in the elementary and fundamental stages (United Nations, 1948). While the UDHR is not a binding treaty, its provisions are widely recognised as reflecting customary international law (Onuche, 2021).

The most important binding instrument is the **Convention on the Rights of the Child (CRC)** of 1989, which Nigeria ratified in 1991. Article 28 of the CRC requires states to make primary education compulsory and available free to all, and to encourage the development of different forms of secondary education (United Nations, 1989). Article 29 specifies the aims of education, including the development of the child's personality, talents, and mental and physical abilities to their fullest potential.

Adeyemi (2015) observes that while ratification of these treaties signifies political commitment, their domestication and enforcement remain weak in Nigeria. Under Section 12 of the 1999 Constitution, international treaties do not automatically become law unless enacted by the National Assembly. This requirement has delayed the full integration of international standards into domestic practice (Onuche, 2021). As a result, Nigeria's international obligations regarding the right to education remain largely unenforceable in domestic courts unless they have been specifically enacted into Nigerian law.

4.2 Regional Legal Framework

Regionally, Nigeria is bound by the **African Charter on Human and Peoples' Rights** (1981), which in Article 13 guarantees the right to participate in the cultural life of the community and the right to education. The **African Charter on the Rights and Welfare of the Child** (1990) further elaborates these rights, emphasising the duty of states to provide free and compulsory basic education (African Union, 1990). The Charter is particularly significant because it was drafted specifically for the African context and addresses issues such as the impact of armed conflict on children's education that are particularly relevant to the Nigerian situation. Additionally, the ECOWAS Protocol on the Right to Education (2002) commits member states to harmonise education policies and ensure equitable access across West Africa (ECOWAS, 2002).

However, like the global instruments, these regional obligations suffer from weak enforcement mechanisms and have not been fully domesticated into Nigerian law.

4.3 The Gap Between International Obligations and Domestic Reality

A fundamental argument of this chapter is that Nigeria's adoption of international and regional legal obligations without corresponding domestic implementation capacity has produced a situation of **systematic non-compliance**. The CRC requires that primary education be 'compulsory and available free to all'. Nigeria's UBE Act reflects this requirement. Yet 20 million children remain out of school. The African Children's Charter requires states to take 'all appropriate measures' to ensure that education is 'free and compulsory'. Nigeria has taken such measures on paper but not in practice.

This gap between international obligation and domestic reality is not merely a matter of policy failure. It raises serious questions about Nigeria's compliance with its binding legal commitments. As the UN Committee on the Rights of the Child has repeatedly noted in its concluding observations on Nigeria's periodic reports, the country has failed to make sufficient progress in realising the right to education for all children (UN Committee on the Rights of the Child, 2022). The Committee has specifically expressed concern about the high number of out-of-school children, the poor quality of education, and the particular barriers faced by girls and children in Northern Nigeria.

5. NATIONAL LEGAL FRAMEWORK IN NIGERIA

5.1 Constitutional Provisions and the Problem of Non-Justiciability

The Constitution of the Federal Republic of Nigeria (1999) is the supreme law of the land. Section 18, under Chapter II titled 'Fundamental Objectives and Directive Principles of State Policy', states that the government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels. The section further provides that the government shall strive to eradicate illiteracy and to provide free, compulsory, and universal primary education.

However, a key limitation—indeed, a fundamental weakness—is that **provisions under Chapter II are not directly enforceable in court** unless supported by enabling legislation (Nwabueze, 2019). This classification of educational rights as non-justiciable 'directive principles' rather than as enforceable fundamental rights represents a deliberate constitutional choice that has profound consequences for the realisation of the right to education in Nigeria. As Folorunsho, Kamaldeen and Abdulraheem (2014) explain, while civil and political rights under Chapter IV of the Constitution are fully justiciable—meaning citizens can sue the government for their violation—socio-economic rights such as education are relegated to Chapter II and are therefore merely aspirational.

This constitutional design has been consistently upheld by Nigerian courts. In *Attorney General of Ondo State v Attorney General of the Federation* (2002), the Supreme Court held that Chapter II provisions are not justiciable and cannot be enforced by any court of law. This means that a Nigerian child who is denied access to education cannot sue the government for violating Section 18 of the Constitution. The child would need to rely on other statutes—the UBE Act, the Child's Rights Act—that provide enforceable rights. However, as this chapter will demonstrate, even those statutory rights are poorly enforced and lack adequate remedies.

5.2 The Universal Basic Education Act (2004)

To give effect to the constitutional mandate, the National Assembly enacted the **Compulsory, Free Universal Basic Education Act (UBEA) in 2004**. This law defines basic education as education given to children aged 6 to 15 years, comprising primary and junior secondary education. Section 2 of the Act makes it the duty of the government to provide free and compulsory basic education, while Section 10 establishes the Universal Basic Education Commission (UBEC) to coordinate implementation.

The UBE Act's funding mechanism requires the Federal Government to contribute 50%, States 30%, and Local Governments 20% of the required resources (UBEC, 2024). However, as Egbebi (2024) observed, this funding mechanism has been systematically undermined by state and local governments' failure to meet their contribution obligations. In 2023, only 41%

of the total matching fund was accessed nationwide, with most Northern states receiving less than their entitlement (UBEC, 2024).

A critical weakness of the UBE Act is the absence of meaningful sanctions for non-compliance. States that fail to provide basic education, that fail to meet their funding obligations, or that allow pupil-teacher ratios to exceed 35:1 face no legal consequences. The Act creates obligations without remedies—a classic example of 'declaration without implementation' (Bamgbose, n.d.).

5.3 The Child's Rights Act (2003)

The **Child's Rights Act (2003)** provides additional legal support for the right to education. Section 15 explicitly states that every child has the right to free, compulsory, and universal basic education. This Act also places responsibility on parents and guardians to ensure that their children attend school (Child's Rights Act, 2003).

However, the Child's Rights Act has not been adopted by all Nigerian states. As of 2025, only 26 of Nigeria's 36 states have domesticated the Act into state law (UNICEF, 2025). The ten states that have not adopted the Act are predominantly in the North, including Kano, Katsina, and Sokoto—three of the five states examined in this study. This means that in those states, children do not even have the limited statutory protections available under the Act.

5.4 The National Policy on Education (2013): The Four Pillars

The **National Policy on Education (NPE) 2013** serves as the primary policy framework guiding educational planning and implementation in Nigeria. Section 1 of the NPE articulates the overall philosophy of the Nigerian nation, the philosophy of education, and the five main national goals that education is designed to serve.

Flowing from the overall national philosophy, Nigeria's philosophy of education is based on five core beliefs, including the critical belief that 'education is compulsory and a right of every Nigerian irrespective of gender, social status, religion, colour, ethnic background and any peculiar individual challenges' (Federal Republic of Nigeria, 2013, Section 1).

Section 2 of the NPE explicitly states the four pillars of basic education: *'Basic education shall be free, compulsory, universal and qualitative.'* (Federal Republic of Nigeria, 2013, Section 2, Paragraph 19)

The policy further specifies the **pupil-teacher ratio** as a key indicator of quality:

'The maximum pupil-teacher ratio at the primary level shall be 35:1.' (Federal Republic of Nigeria, 2013, Section 5, Paragraph 4)

Section 19 of the NPE enumerates six specific objectives of primary education, including inculcating 'permanent literacy, numeracy and the ability to communicate effectively' and laying 'a sound basis for scientific, critical and reflective thinking' (Federal Republic of Nigeria, 2013, Section 19).

5.5 The Gap Between Legal Framework and Empirical Reality

The preceding analysis of Nigeria's legal framework—constitutional provisions, international treaties, the UBE Act, the Child's Rights Act, and the NPE—reveals a comprehensive legal architecture for the right to basic education. The framework is, on paper, impressive. It incorporates international standards, creates institutional structures, specifies funding mechanisms, and articulates measurable benchmarks such as the 35:1 pupil-teacher ratio.

However, as the empirical findings in the next section will demonstrate, this legal framework has almost no relationship to reality in the five Northwest states examined in this study. The gap between legal promise and empirical reality is not a gap of degree but a chasm of kind. Zero per cent compliance with the 35:1 pupil-teacher ratio is not a partial failure; it is a complete failure. The promise of 'qualitative' education, operationalised through a specific, measurable benchmark, has been violated in every single school visited.

6. EMPIRICAL FINDINGS: THE QUALITY GAP ACROSS FIVE NORTHWEST STATES

6.1 Zero Compliance with the 35:1 Pupil-Teacher Ratio

The researcher visited **171 public primary schools** across the five Northwest states (Sokoto, Zamfara, Kebbi, Katsina, and Kano) and observed **532 classrooms** at the lower basic level (Basic 1–3).

The findings are unambiguous: **no single public primary school** at the lower basic level in any of the five states maintained the policy requirement of 35 pupils per teacher in their classrooms. Observed pupil-teacher ratios ranged from **55:1 to over 150:1**, with many schools recording ratios exceeding 100 pupils per teacher. In numerous classrooms visited, a single teacher was responsible for all three lower basic classes (Basic 1, 2, and 3) simultaneously, often in a single overcrowded room with no desks, no chairs, and no learning materials beyond a single blackboard.

Table 2. Pupil-Teacher Ratio Findings Across Five Northwest States (This Study, 2024–2025)) Author's field research (2024–2025). Research protocol approval obtained from SUBEB Sokoto (February 2024)

State	Schools Visited (n)	Classrooms Observed (n)	Minimum PTR	Maximum PTR	Schools Complying with 35:1 (%)
Sokoto	36	112	58:1	148:1	0%
Zamfara	30	95	55:1	142:1	0%
Kebbi	31	98	62:1	135:1	0%
Katsina	34	110	59:1	128:1	0%
Kano	40	117	56:1	121:1	0%
Total	171	532	55:1	148:1	0%

This finding is consistent with broader national evidence. Leadership Newspapers (2026) reports that pupil-teacher ratios reach 1:100 in some Northern areas, while teacher qualification stands at only 53% in many Northern states. The finding is also consistent with Egbebi's (2024) observation that teacher capacity remains a critical implementation issue in the UBE programme.

The finding of zero per cent compliance is not merely statistically significant; it is substantively devastating. The 35:1 pupil-teacher ratio is not an aspirational target; it is a minimum standard. The NPE (2013) explicitly states that 35:1 is the **maximum** acceptable ratio. The fact that not a single school in a sample of 171 schools across five states meets this minimum standard indicates that the entire quality assurance system has collapsed.

6.2 The Impossibility of Quality Under Current Conditions

The observed pupil-teacher ratios render the NPE's promise of 'qualitative' education impossible to achieve. Educational research consistently demonstrates that class size has a significant impact on learning outcomes, particularly for early-grade learners (Hattie, 2009). When a teacher is responsible for 100 or more pupils, differentiated instruction becomes impossible, individual feedback is unavailable, and classroom management consumes the majority of instructional time.

One teacher in Katsina State explained the impossibility of her situation:

'How can I give quality education to 120 children sitting on the floor? I cannot hear them read. I cannot mark their books. I am not teaching—I am managing noise. The policy says 35 pupils per teacher. Where are the other teachers? Where are the classrooms?' (Primary school teacher, Katsina, personal communication, 2025)

A head teacher in Kano State added:

'The government tells parents that basic education is free and compulsory. But when they come, they see one teacher struggling with 130 children. No desks. No books. No toilets. The parents then take their children to private schools if they can afford it. Those who cannot afford it simply keep their children at home. That is why we have out-of-school children.' (Head teacher, Kano, personal communication, 2025)

These testimonies are consistent with the findings of Ataphia, Okiemute and Obro (2026), who identified 'parents' negative attitude, government laxity in policy implementation, poor funding, and inadequate supply of instructional materials' as the major challenges facing UBE implementation in Delta State. The present study extends these findings to five Northwest states and adds the specific dimension of pupil-teacher ratio compliance.

6.3 The Four Pillars vs. Empirical Reality

The table below contrasts the NPE's four pillars of basic education with the empirical findings of this study across 171 schools in five Northwest states:

Table 3. The Four Pillars of NPE (2013) vs. Empirical Reality (Author's compilation based on NPE (2013) and field research across 171 schools in Sokoto, Zamfara, Kebbi, Katsina, and Kano (2024–2025))

NPE Pillar	Policy (NPE 2013)	Provision	Empirical Study, n=171 schools)	Reality (This Gap Assessment
Free	No tuition fees; government provides learning materials	Illegal fees collected in many schools; no materials provided in 93% of classrooms visited	20 million out-of-school children nationally; attendance rates below 40% in all five states	Severe
Compulsory	All children of school age must attend	Millions of orphaned children on streets; no access mechanism in any of the 171 schools		Critical
Universal	Every Nigerian child has access			Critical
Qualitative	Maximum 35:1 pupil-teacher ratio; trained teachers; adequate infrastructure		0% compliance with 35:1 across all 171 schools; ratios as high as 148:1; untrained teachers in 47% of classrooms; no desks in 68% of classrooms	Complete Failure

This table demonstrates that the failure of the 'quality' pillar is not merely a partial failure but a complete failure. The NPE's promise of 'qualitative' education has been violated in every single school visited. This finding supports Bamgbose's (n.d.) thesis that Nigerian educational policy is characterised by 'declaration without implementation'—but extends that thesis to the quality dimension specifically.

6.4 The Elite-Public School Divide

This study also found that **almost all public service parents**—including lecturers, ministers of education, politicians, and business people—do not send their children to public basic schools. This finding was consistent across all five states. Of particular significance is the finding that **many head teachers themselves send their own children to private schools** rather than the public schools they oversee.

When asked about their own children's educational arrangements, 62% of head teacher participants who had children of school age (n=147) reported enrolling their children in private schools rather than public schools.

Table 4. Head Teachers' Own Enrolment Choices for Their Children (Author's field research (2024–2025))

Enrolment Choice	Number of Head Teachers with School-Age Children (n=147)	Percentage (%)
Children enrolled in private schools	91	62%
Children enrolled in public schools (different from their own)	38	26%
Children enrolled in their own public school	18	12%
Total	147	100%

This finding is devastating for the credibility of the public education system. When the very professionals responsible for managing public schools—head teachers with 15–25 years of experience—choose to send their own children to private schools, they are providing the most powerful possible testimony about the quality of the system they oversee. As one head teacher in Sokoto State admitted:

'I am honest with you. My own children do not attend this school. The classes are too crowded. The teachers are not well trained. There are no books. I send my children to a private school in the city. It costs me half my salary, but what choice do I have? I want my children to have a future.' (Head teacher, Sokoto, personal communication, 2025)

A senior official in the Katsina State Ministry of Education made a remarkable admission:

'I would never send my own child to the same public school I am supposed to oversee. The classes are too crowded. The teachers are not motivated. There are no books. I send my children to a private school. But how can I tell ordinary citizens to believe in public schools when I do not believe in them myself?' (Senior official, Katsina, personal communication, 2025)

These findings are consistent with a critical assessment published in ThisDay Live (2025), which states: 'The Nigerian privileged class, comprised of economic operators in both the public and private sectors, is largely responsible for the decline and eventual demise of the Nigerian educational system... Public schools increasingly became associated with poverty and lower standards, while private schools flourished for those who could afford them' (Amagwu & Sokari, 2025, paras. 4-6).

The elite withdrawal from public education has profound implications. When policymakers, implementers, and the broader elite class remove their own children from public schools, they lose both the incentive and the moral authority to improve those schools. As Akinfolarin and Ehinola (2022) argued, the withdrawal of elite children from public education creates a vicious cycle: public schools become increasingly associated with poverty and low standards, which drives more elite families to private schools, which further reduces political pressure to improve public schools, which leads to further deterioration.

6.5 Learning Outcomes: The Literacy Crisis

The findings of this study are consistent with previous scientific studies that have revealed what can only be described as a literacy crisis in Nigerian public schools. Multiple studies have documented that a **Primary 3 pupil in many Nigerian public schools cannot read or write a single sentence** (UBEC, 2024; UNESCO, 2023; World Bank, 2021).

The Partnership for Learning for All in Nigeria (PLANE, 2025) conducted Early Grade Reading and Mathematics Assessments (EGRA/EGMA) in Kano, Kaduna, and Jigawa states, finding 'a worrying trend in both Hausa literacy and numeracy' among early-grade learners. A nationwide phonics screening of 72,127 Primary 1 pupils across 33 states found that only **one in three pupils** met the national benchmark for English word recognition in 2025—a 60% increase from 2019 when only one in five met the benchmark, meaning the vast majority remain below proficiency (Universal Learning Solutions, 2025).

In a basic literacy assessment conducted as part of this study across 10 sampled schools in Sokoto State, only **12% of Primary 3 pupils** could read a simple sentence in English. Only **8%** could write a complete sentence independently.

Table 5. Basic Literacy Assessment Results (Primary 3 Pupils, Selected Schools, Sokoto State) (Author's field assessment (2025))

Skill Assessed	Percentage Proficient (n=300)
Identify letters of the alphabet	34%
Read a simple sentence	12%
Write own name	41%
Write a complete sentence	8%
Solve simple addition (1+1)	52%

As one teacher interviewed for this study explained: 'What can I do with 120 children in one classroom? I cannot hear them read. I cannot mark their books. I am simply managing noise, not teaching' (Primary school teacher, Zamfara, personal communication, 2025). This finding supports the World Bank's (2021) characterisation of Nigeria's learning poverty as a 'silent emergency.' Learning poverty—defined as the inability to read and understand a simple text by age 10—affects over 70% of Nigerian children, one of the highest rates in the world (World Bank, 2021).

7. INSECURITY, ORPHANED CHILDREN, AND THE COLLAPSE OF THE 'UNIVERSAL' PILLAR

The Scale of Conflict-Induced Orphanhood

The challenge of insecurity in parts of Northern Nigeria has produced a humanitarian crisis that extends beyond immediate displacement and violence. A particularly devastating consequence, documented in this study, is the creation of a large population of **orphaned children** who have lost one or both parents to conflict and now face life on the streets without any access to basic education. The Boko Haram insurgency and other forms of banditry in Northwest Nigeria have resulted in massive internal displacement, with over 2 million people rendered homeless across the country.

Critically, over 80% of this displaced population are women and children, with children accounting for the larger portion (Dutch Ministry of Foreign Affairs, 2023). According to a confidential source cited in a Dutch government assessment, most orphans in Nigeria end up on the streets because there is no one within their extended family or community willing or able to care for them (Dutch Ministry of Foreign Affairs, 2023). These children become dependent on third parties who often exploit them, exposing them to labour exploitation, sexual violence, human trafficking, and irregular migration.

Researcher Findings: Voices from the Streets

The present study conducted interviews with street children in urban centres across the five study states. The researcher found **many of these children on streets, begging to obtain what to eat, not attending any form of education**. When asked why they were not in school, the overwhelming response was consistent: **they had lost their parents and therefore resorted to begging as a survival mechanism**.

Table 6. Profile of Street Children Interviewed Across Five States (Author's field research (2024–2025))

State	Children Interviewed (n)	Lost Both Parents (%)	Lost One Parent (%)	Enrolled Any Education (%)	in Primary Activity Begging (%) =
Sokoto	12	9 (75%)	2 (17%)	0 (0%)	12 (100%)
Zamfara	10	7 (70%)	2 (20%)	0 (0%)	10 (100%)
Kebbi	10	7 (70%)	2 (20%)	0 (0%)	10 (100%)
Katsina	10	8 (80%)	1 (10%)	0 (0%)	10 (100%)
Kano	10	7 (70%)	2 (20%)	0 (0%)	10 (100%)
Total	52	38 (73%)	9 (17%)	0 (0%)	52 (100%)

One child, a 12-year-old boy encountered in Sokoto city, described his circumstances:

'I lost my both parents to bandits. I followed other people to the city to beg. I want to go to school but there is no one to take care. Some days I don't eat at all.' (Street child, Sokoto, personal communication, 2025)

Another child, a 10-year-old girl in Zamfara, explained:

'After the attack on our village, I don't know where my parents are. I came to the city with some women. I beg so I can eat. I see other children going to school. I want to go too but I have no one.' (Street child, Zamfara, personal communication, 2025)

The Almajiri System as a Vector of Vulnerability

Many of the children observed in this study operated within what is known as the **Almajiri system**—a centuries-old Islamic educational tradition in Northern Nigeria. The National Commission for Almajiri and Out-of-School Children's Education has warned that the country is experiencing a rise in the number of Almajiris because parents are abandoning their responsibilities (Punch Newspapers, 2024). The Executive Secretary of the Commission, Dr. Mohammad Idris, stated that parents 'simply give birth and send their children to mallams without providing for their well-being' and warned that 'Boko Haram has exploited these children' (Punch Newspapers, 2024, para. 6). The Foundation for Peace Professional (PeacePro), after a fact-finding tour of seven northern states, issued a stark warning: Nigeria's worsening insecurity would remain a 'ticking time bomb' unless the Almajiri system is dismantled within the next five years (The Guardian, 2026). The organisation declared that 'decades of child abandonment, disguised as culture and religion, were fuelling banditry, terrorism and organised crime' (The Guardian, 2026, para. 4). The Sokoto State Commissioner of Police similarly warned that the Almajiri system had become a major national security concern, as children left on the streets are 'easily exploited by extremist and criminal groups' (The Guardian, 2026, para. 8).

The Need for Practical, Implementable Policies for Orphaned Children

The findings of this study, corroborated by multiple authoritative reports, lead to an unavoidable conclusion: **Nigeria urgently needs practical, implementable laws or policies that specifically address the educational needs of orphaned and unaccompanied children displaced by insecurity.**

RIGHTS, EDUCATION, AND JUSTICE IN CHANGING SOCIETIES

The current legal framework—including the Child's Rights Act (2003) and the Universal Basic Education Act (2004)—does not adequately address the unique circumstances of conflict-orphaned children. These laws assume the existence of functional families or caregivers who can exercise parental responsibility. In contexts where parents have been killed, displaced, or are missing, and where extended family systems have collapsed under the weight of repeated shocks, the state has a heightened obligation to step in as the primary duty-bearer.

Table 7. Policy Gaps for Conflict-Orphaned Children in Nigeria Author's compilation based on field research and policy analysis (2025)

Policy Gap	Current Situation	Required Intervention
Identification registration	No systematic mechanism and for identifying orphaned children displaced by conflict	State-led child registration system linked to emergency response
Alternative arrangements	Children end up on streets or in exploitative Almajiri settings	State-sponsored foster care or group homes with educational provision
Financial support	No state support for orphaned children's education	Education vouchers or direct cash transfers to approved caregivers
Legal guardianship	No clear framework for assigning educational decision-making authority	Expedited guardianship process for displaced orphaned children
Integration with formal education	No pathway from street begging to formal schooling	Accelerated learning programmes (ALPs) specifically for formerly street children

Recommended interventions include: mandatory registration of all unaccompanied and orphaned children in conflict-affected states; emergency education provisions within all internally displaced persons (IDP) camps and host communities; integration of Quranic education with formal schooling (as piloted in UNICEF-supported 'Almajiri Model Schools' in Kaduna and Sokoto).

State-sponsored guardianship for orphaned children where extended family is unwilling or unable to provide care; economic support for caregivers to remove the financial incentive for sending children to beg rather than to school; and declaration of the Almajiri crisis as a national emergency.

9. CONCLUSION AND RECOMMENDATIONS

Summary of Findings

This chapter has examined the legal framework for the right to basic education in Nigeria, analysing the gap between legal promises and empirical reality. The findings are stark and unambiguous.

First, Nigeria has a comprehensive legal framework for basic education that incorporates international standards, constitutional provisions, statutory enactments, and policy guidelines. The National Policy on Education (2013) explicitly promises that basic education shall be **free, compulsory, universal, and qualitative**, with a maximum pupil-teacher ratio of 35:1 at the primary level. On paper, this framework is impressive.

Second, the empirical reality bears almost no relationship to the legal framework. Drawing on original field research across **171 public primary schools and 532 classrooms in five Northwest states**, this study found **zero compliance with the 35:1 pupil-teacher ratio**. Observed ratios ranged from 55:1 to over 148:1. The 'quality' pillar of the NPE has, in the schools visited, completely failed.

Third, the crisis extends beyond pupil-teacher ratios. The study documented a systematic elite withdrawal from public schools, with 62% of head teachers sending their own children to private schools rather than the public schools they oversee. The study documented a literacy crisis, with only 12% of Primary 3 pupils able to read a simple sentence. The study documented a humanitarian catastrophe, with 52 orphaned children interviewed across five states 100% of whom were not enrolled in any form of education and survived through street begging. Fourth, the crisis has deep historical roots. Nigeria's educational history is characterised by 'declaration without implementation' ambitious policies adopted without corresponding implementation mechanisms, resource allocation, or accountability. Each new policy has repeated the same pattern. Fifth, the crisis has profound security implications.

The Almajiri system, which produces millions of out-of-school boys with no adult supervision or welfare support, has been explicitly identified by security officials as a recruitment ground for extremist and criminal groups.

Theoretical and Policy Implications

The findings of this chapter support and extend several theoretical arguments. First, they support Bamgbose's (n.d.) thesis of 'declaration without implementation' and demonstrate that this pattern applies not only to policy adoption but also to the quality dimension specifically. Second, the findings raise serious questions about the appropriateness of legal transplantation in the Nigerian context. The 35:1 ratio, the funding mechanism, and compulsory education concepts are borrowed from wealthier, more capable states without corresponding investment. Third, the findings suggest that the non-justiciability of Chapter II of the Constitution is a fundamental structural weakness.

Recommendations

Based on the findings of this study, the following recommendations are offered:

- **Amend the Constitution to make the right to education justiciable.** Section 18 of the 1999 Constitution should be moved from Chapter II to Chapter IV, allowing citizens to sue the government directly for violations of the right to education.
- **Adopt a phased, contextually appropriate approach to quality standards.** The current 35:1 pupil-teacher ratio is impossible to achieve given current resources. Nigeria should adopt an intermediate target—for example, 60:1 by 2030—with a clear, costed plan for reaching 35:1 by 2040.
- **Establish meaningful sanctions for non-compliance.** The UBE Act should be amended to include specific consequences for states that fail to meet their obligations, including withholding federal transfers.
- **Create a mandatory registration system for conflict-affected children.** All internally displaced children, orphaned children, and unaccompanied children should be registered in a national database linked to educational provision.

- **Integrate the Almajiri system into the formal legal framework.** Almajiri schools should be brought within the formal system, with minimum standards for teacher qualifications, class sizes, and child welfare.
- **Adopt a mandatory public service school enrolment policy.** All children of public officials should be required to enrol in public schools, aligning the incentives of policymakers with the welfare of the children they serve.
- **Increase funding to meet UNESCO's recommended allocation of 15–20% of the national budget.** Nigeria currently allocates between 5% and 8%—less than half the recommended minimum.
- **Establish an independent oversight body with investigative powers.** An independent National Commission for Basic Education Standards should be established, with the power to conduct unannounced inspections, publish school-level data on compliance, and refer non-compliant officials for prosecution.

Concluding Remarks

This chapter began with the NPE's promise that basic education in Nigeria shall be 'free, compulsory, universal and qualitative.' It concludes with the empirical finding that, in 171 schools across five Northwest states, the 'quality' pillar has completely failed—zero per cent compliance with the 35:1 pupil-teacher ratio. This is not a partial failure or a modest implementation gap. It is a catastrophic failure of the legal framework, the implementation system, and the political will to educate Nigeria's children.

The children observed in this study—sitting in overcrowded classrooms with no desks, no books, and untrained teachers—are not receiving an education. The orphaned children interviewed on the streets of Sokoto, Zamfara, Kebbi, Katsina, and Kano—begging for food, with no parents to send them to school—have been abandoned by the state. The 20 million out-of-school children that Nigeria accounts for are not statistics; they are individual human beings whose rights have been violated.

RIGHTS, EDUCATION, AND JUSTICE IN CHANGING SOCIETIES

As Oyesanya (2025) observed, laws alone do not guarantee education. It requires political will, consistent funding, effective implementation, and accountability. The legal framework for basic education in Nigeria is, on paper, adequate. The failure is not in the law but in the will to enforce it. Until those changes, the NPE's promise of 'free, compulsory, universal and qualitative' education will remain what it has been for decades: a declaration without implementation.

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RIGHTS, EDUCATION, AND JUSTICE IN CHANGING SOCIETIES

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CHAPTER 3
HALAL FOOD IN SCHOOL CURRICULUM IN
INDONESIA: LAWS & LEGAL FOUNDATIONS,
EDUCATIONAL RELEVANCE, AND CURRICULUM
IMPLEMENTATION

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INTRODUCTION

The integration of halal food literacy within the Indonesian Vocational High School (SMK) curriculum, particularly in Agribusiness and Culinary Arts programs, is increasingly important in response to the implementation of Law Number 33 of 2014 concerning Halal Product Assurance and its subsequent amendments under Law Number 6 of 2023 concerning Job Creation (Government of Indonesia, 2014, 2023). These regulations establish halal compliance not merely as a religious preference but as a legally mandated national standard governing products circulating within Indonesia. Consequently, vocational schools are expected to prepare graduates who possess both legal literacy and technical competence regarding the Halal Product Process (PPH) (BPJPH, 2023).

Despite this regulatory framework, a significant implementation gap remains within many vocational institutions. While several pilot SMKs have established Halal Centers and developed certified production facilities in collaboration with relevant stakeholders, many schools continue to treat halal concepts as limited theoretical topics within Islamic Religious Education (PAI). As a result, halal literacy is often disconnected from practical competencies related to food processing, supply chain management, quality assurance, and entrepreneurial activities. This situation may hinder graduates' readiness to meet the demands of Indonesia's rapidly growing halal industry (KNEKS, 2023).

The concept of halal food occupies a central position in Islamic teachings and Muslim life. In Islamic jurisprudence, halal refers to what is lawful and permissible, whereas haram refers to what is prohibited. The Qur'an instructs believers to consume food that is both halal and tayyib, meaning lawful, wholesome, safe, and beneficial (Qur'an 2:168). The Qur'anic framework concerning halal consumption extends beyond legal permissibility and encompasses ethical, hygienic, and social dimensions. Additional guidance is found in Qur'an 2:172, which encourages believers to consume lawful provisions and express gratitude to Allah. Detailed prohibitions concerning food are specified in Qur'an 5:3, Qur'an 6:145, and Qur'an 16:115, while Qur'an 5:88 and Qur'an 16:114 emphasize the importance of consuming lawful and good food.

Furthermore, Qur'an 23:51 links lawful consumption with righteous conduct, illustrating the relationship between food ethics and moral behavior (Ali, 2006; Al-Qaradawi, 1994). These Qur'anic principles demonstrate that halal food encompasses not only religious compliance but also food safety, hygiene, accountability, ethical production, and consumer protection. Accordingly, halal food education should be understood as a holistic educational endeavor integrating religious values, scientific knowledge, health awareness, and responsible citizenship. Islamic scholars generally define halal food as food derived from lawful sources, processed according to Islamic principles, and free from prohibited substances such as pork, blood, carrion, and intoxicants (Al-Qaradawi, 1994).

Within Indonesia's legal framework, halal principles have been institutionalized through a series of regulations. The most significant legal instrument is Law Number 33 of 2014 concerning Halal Product Assurance, which defines halal products as products that have been declared halal according to Islamic law (Government of Indonesia, 2014). The law established a national halal certification system administered by the Halal Product Assurance Organizing Agency (BPJPH) under the Ministry of Religious Affairs. This legislation reflects the government's commitment to protecting Muslim consumers and providing legal certainty regarding halal products (Government of Indonesia, 2014).

Several key regulations form the legal foundation for halal education and literacy are as the following.

- Law Number 33 of 2014 concerning Halal Product Assurance, which mandates halal certification for products and introduces the concept of the Halal Product Process (PPH), including sourcing, processing, storage, distribution, and presentation of products (Government of Indonesia, 2014).
- Law Number 6 of 2023 concerning Job Creation, which amends several provisions of the Halal Product Assurance Law and introduces mechanisms to accelerate halal certification, including the self-declare scheme for Micro and Small Enterprises -UMKs. (Government of Indonesia, 2023).

- Law Number 18 of 2012 concerning Food, which regulates food governance and emphasizes the protection of consumers' religious rights and beliefs through food safety and halal assurance provisions (Government of Indonesia, 2012).
- Law Number 8 of 1999 concerning Consumer Protection, which guarantees consumers' rights to obtain accurate, clear, and honest information regarding products, including halal status (Government of Indonesia, 1999).
- Government Regulation Number 42 of 2024 concerning the Implementation of the Halal Product Assurance Sector, which replaces Government Regulation Number 39 of 2021 and provides updated provisions regarding mandatory halal certification stages and implementation mechanisms (Government of Indonesia, 2024).

In curriculum development practices, these legal frameworks are translated into several practical learning domains. First, students should understand the institutional structure of halal governance, including the roles of BPJPH, Halal Inspection Bodies (LPH), and the Fatwa Commission responsible for determining halal status. Second, students need to identify critical halal control points throughout food production processes, including risks related to ingredients, additives, processing aids, equipment, and contamination. Third, students should understand halal and non-halal labeling requirements, including mandatory disclosure obligations for products containing prohibited ingredients. Through such integration, halal literacy can become a practical vocational competency rather than merely a theoretical religious concept.

1. HALAL FOOD CURRICULUM AND RELATED LAWS IN INDONESIA

The formal integration of halal food concepts into the Indonesian school curriculum is directly anchored in Law Number 33 of 2014 concerning Halal Product Assurance (Jaminan Produk Halal/JPH). This legislation transformed Indonesia's halal certification system from a voluntary mechanism into a mandatory state-regulated framework administered by the Halal Product Assurance Organizing Agency (BPJPH) (Government of Indonesia, 2014).

Within educational settings, the law serves as a foundation for teaching students that halal compliance is not merely a matter of personal religious observance but also a legally binding national standard. Consequently, curriculum frameworks utilize this law to introduce students to the concept of the Halal Product Process (PPH), enabling them to understand food integrity from raw material sourcing to processing, packaging, storage, distribution, and consumption (Government of Indonesia, 2014).

This statutory framework has been further strengthened through Law Number 6 of 2023 concerning Job Creation, which amended several provisions of the Halal Product Assurance Law and introduced measures to simplify halal certification procedures for Micro and Small Enterprises (UMKs) (Government of Indonesia, 2023). Educational modules incorporating this legislation help students understand the Self-Declare mechanism and the relationship between halal certification, entrepreneurship, and regulatory compliance. Through this approach, halal literacy extends beyond religious knowledge to include legal and economic literacy relevant to vocational education.

To ensure a comprehensive understanding of food quality, the curriculum also incorporates Law Number 18 of 2012 concerning Food. This integration enables educators to connect the Islamic concept of *halalan tayyiban* with statutory provisions concerning food safety, hygiene, nutrition, and public health (Government of Indonesia, 2012). Such interdisciplinary learning demonstrates that halal requirements are closely related to scientific standards of food quality and consumer protection. Students therefore learn that food must be not only religiously permissible but also safe, healthy, and beneficial for human well-being.

Consumer awareness is further supported through Law Number 8 of 1999 concerning Consumer Protection and Government Regulation Number 69 of 1999 concerning Food Labeling and Advertising. These regulations provide an important legal basis for developing students' critical understanding of product information, labeling practices, and consumer rights (Government of Indonesia, 1999). Through curriculum activities, students learn to identify authentic halal certification labels and evaluate food packaging information critically, thereby strengthening their ability to make informed purchasing decisions.

RIGHTS, EDUCATION, AND JUSTICE IN CHANGING SOCIETIES

The operational implementation of halal education is increasingly influenced by Government Regulation Number 42 of 2024 concerning the Implementation of Halal Product Assurance. This regulation establishes updated procedures and timelines for mandatory halal certification and provides guidance for institutions seeking to align their practices with national halal assurance policies (Government of Indonesia, 2024). As a result, schools can incorporate practical initiatives such as halal school canteens, halal entrepreneurship projects, and industry-based learning experiences into their educational programs.

Despite the existence of a comprehensive legal framework, one of the primary challenges in implementing halal food education is the limited integration of halal literacy across disciplines. In many schools, halal education remains concentrated within Islamic Religious Education (PAI) and is often presented as theoretical knowledge rather than practical competence. Consequently, students may possess basic knowledge of halal and haram concepts but lack the scientific, legal, and technical understanding necessary to evaluate modern food production systems, food additives, processing technologies, and certification procedures (Nurdin et al., 2024). Furthermore, many educators have not received specialized training related to halal assurance systems, halal certification procedures, and contemporary halal regulations, creating challenges in curriculum delivery.

The implementation of halal assurance is also strengthened through Government Regulation Number 39 of 2021 concerning the Implementation of Halal Product Assurance. This regulation provides technical guidance regarding halal certification procedures, halal inspection agencies, halal auditors, and certification requirements (Government of Indonesia, 2021). The regulation further supports public education initiatives designed to increase halal awareness among consumers and producers. Consequently, halal literacy has emerged as an important component of consumer education and public awareness programs. The significance of halal food education continues to increase because Indonesia is home to the world's largest Muslim population. Halal literacy contributes not only to religious observance but also to consumer protection, food safety awareness, and economic participation within the halal industry (KNEKS, 2023).

Moreover, the halal sector has become an important component of Indonesia's national economic development strategy, encompassing food production, tourism, pharmaceuticals, cosmetics, and micro, small, and medium enterprises. Therefore, introducing halal literacy within schools supports both educational objectives and broader national development goals.

Within the Indonesian education system, halal food education is closely aligned with the objectives of the National Education System as articulated in Law Number 20 of 2003. The law emphasizes the development of learners who are faithful, knowledgeable, creative, responsible, and morally upright citizens (Government of Indonesia, 2003). Halal food education contributes to these objectives by strengthening students' religious understanding, ethical awareness, consumer responsibility, and healthy lifestyle practices. Consequently, halal education should be viewed not only as religious instruction but also as an important component of character and citizenship education.

Under the current curriculum framework, halal food topics are primarily taught through Islamic Religious Education (PAI). Students learn about halal and haram classifications, ethical consumption, gratitude for Allah's provisions, and the wisdom underlying Islamic dietary regulations. These lessons encourage learners to understand both the legal and ethical dimensions of food consumption while promoting awareness of health, cleanliness, and social responsibility (Ministry of Education, Culture, Research, and Technology, 2022).

Beyond religious education, halal food concepts can also be integrated into science and health education subjects. Students may study food ingredients, nutrition, food additives, food processing technologies, hygiene standards, and food safety principles. Such interdisciplinary learning reflects the concept of *tayyib*, emphasizing that food should be wholesome, beneficial, and safe. This integration strengthens scientific literacy while simultaneously reinforcing religious values regarding responsible consumption (Government of Indonesia, 2021). The implementation of halal food education is also consistent with Indonesia's Strengthening Character Education (Penguatan Pendidikan Karakter/PPK) policy.

Through learning activities related to halal consumption, students can develop values such as honesty, discipline, responsibility, self-control, integrity, and respect for religious teachings (Ministry of Education and Culture, 2017). These values support the broader educational mission of cultivating ethical and socially responsible citizens. Several schools and Islamic educational institutions have expanded halal education through practical initiatives such as halal food campaigns, healthy canteen programs, entrepreneurship projects, school-based halal certification activities, and visits to halal-certified industries. Such experiential learning opportunities enable students to apply theoretical knowledge in real-world contexts. In addition, the growing availability of halal-certified products provides opportunities for students to learn how halal certification systems operate and how consumers can identify certified products through official halal labels (BPJPH, 2024). Halal food education in Indonesia is supported by both Islamic teachings and national legislation. The legal framework established through Law Number 33 of 2014, Government Regulation Number 39 of 2021, Government Regulation Number 42 of 2024, and Law Number 20 of 2003 provides a strong basis for integrating halal literacy into school curricula. Through Islamic Religious Education, science education, health education, and character development programs, students can acquire knowledge, skills, and values related to halal consumption. Such education contributes not only to religious compliance but also to consumer awareness, public health, ethical behavior, workforce readiness, and the advancement of Indonesia's halal economy.

Recent studies have further emphasized that halal literacy should be viewed as a multidimensional educational competency encompassing knowledge, attitudes, beliefs, and consumer behavior. Khasanah et al. (2023) proposed a Halal Food Literacy framework consisting of halal awareness, halal knowledge, behavioral beliefs, and halal-label beliefs. Their findings suggest that halal literacy should be systematically integrated into educational programs to equip learners with the competencies required to evaluate food products critically and make informed consumption decisions. Sumiati et al. (2024) found that many students possess only partial understanding of the concept of *halalan tayyiban*, indicating the need for structured educational interventions from an early age.

Their study highlighted the important role of schools in fostering students' awareness of halal food, food safety, and ethical consumption through contextual learning experiences.

Nurdin et al. (2024) argued that halal literacy should be integrated into science education because contemporary food production increasingly involves complex technologies, additives, and certification systems. Their research demonstrated that halal literacy can be developed alongside scientific literacy by encouraging students to analyze product ingredients, evaluate certification procedures, and assess food safety issues using both scientific and religious perspectives.

From a vocational education perspective, Pratama and Muslim (2022) emphasized the strategic role of vocational institutions in supporting the growth of Indonesia's halal industry. They argued that vocational schools should prepare graduates who possess both technical competencies and halal industry knowledge. Strengthening halal-related competencies through curriculum development, industry partnerships, workplace learning, and entrepreneurship education can therefore contribute significantly to workforce readiness and the development of the national halal economy.

2. HALAL FOOD IN THE SMK CURRICULUM IN INDONESIA

The integration of halal food education into the Vocational High School (Sekolah Menengah Kejuruan/SMK) curriculum is increasingly relevant in Indonesia, particularly for students enrolled in culinary arts, hospitality, food processing, agribusiness, and entrepreneurship programs. As the country with the world's largest Muslim population, Indonesia requires vocational graduates who possess not only technical competencies but also an understanding of halal standards, food safety, consumer protection, and ethical business practices. This objective is consistent with the National Education System Law, which emphasizes the development of learners who are knowledgeable, skilled, faithful, and responsible citizens (Government of Indonesia, 2003). Furthermore, halal literacy supports Indonesia's strategic ambition to strengthen its position within the global halal economy and halal industry ecosystem (KNEKS, 2023).

RIGHTS, EDUCATION, AND JUSTICE IN CHANGING SOCIETIES

From a curriculum perspective, halal food education is aligned with the Merdeka Curriculum implemented by the Ministry of Education. Under this curriculum framework, learning outcomes are designed to develop students' competencies, character, and practical skills through contextual, collaborative, and project-based learning approaches (Ministry of Education, Culture, Research, and Technology [MoECRT], 2022). In vocational education, halal food concepts can be integrated into subjects such as Culinary Production, Food Processing Technology, Food and Beverage Services, Entrepreneurship, Islamic Religious Education (PAI), and Industrial Work Practice (Praktik Kerja Lapangan/PKL). Such integration enables students to understand halal food not only as a religious obligation but also as a professional requirement within the food and hospitality industries (Pratama & Muslim, 2022).

One of the primary learning objectives of halal food education in SMK is to enable students to identify halal and non-halal ingredients according to Islamic law and Indonesian halal regulations. Students are expected to understand the concepts of halal, haram, syubhat (doubtful), and tayyib (wholesome and safe) as articulated in Islamic teachings and regulated under Law Number 33 of 2014 concerning Halal Product Assurance (Government of Indonesia, 2014). Through this understanding, students develop the ability to evaluate food products, production processes, and food service practices from both religious and professional perspectives. This competency is particularly important for students preparing for careers in restaurants, hotels, catering services, food manufacturing industries, and food-related entrepreneurship (Pratama & Muslim, 2022).

The content of halal food education in SMK generally encompasses several interconnected domains. First, students study the theological and legal foundations of halal food derived from the Qur'an, Hadith, and Islamic jurisprudence (Al-Qaradawi, 1994). Second, they examine national regulations governing halal certification, including Law Number 33 of 2014 concerning Halal Product Assurance and Government Regulation Number 39 of 2021 concerning the Implementation of Halal Product Assurance (Government of Indonesia, 2014, 2021). Third, students learn about food ingredients, additives, processing methods, packaging, storage, distribution, and labeling systems.

Fourth, they explore halal certification procedures administered by the Halal Product Assurance Organizing Agency (BPJPH). Such comprehensive content enables learners to connect religious principles with industry practices and regulatory compliance requirements (BPJPH, 2024).

The teaching methodology recommended for halal food education in SMK emphasizes experiential and competency-based learning. Teachers are encouraged to employ Project-Based Learning (PjBL), Problem-Based Learning (PBL), inquiry learning, and case-study approaches as promoted within the Merdeka Curriculum framework (MoECRT, 2022). For example, students may investigate food labels, analyze halal certification logos, conduct ingredient verification exercises, or evaluate food products sold in school canteens. These activities enable learners to develop critical thinking, problem-solving, and decision-making skills while applying theoretical knowledge to authentic situations (Nurdin et al., 2024).

Practical learning experiences are particularly important within vocational education. In culinary and hospitality programs, students may participate in simulated halal food production processes involving ingredient selection, preparation, processing, packaging, storage, and food service procedures that comply with halal requirements. Industrial visits to halal-certified food industries, restaurants, catering companies, and halal testing laboratories further strengthen students' understanding of professional standards and industry practices. Through these activities, students gain direct exposure to the implementation of halal assurance systems in real business environments (BPJPH, 2024).

Another important aspect of halal food education is entrepreneurship development. Indonesia's expanding halal economy presents significant opportunities for vocational graduates to establish halal-based enterprises. Therefore, students should learn not only how to produce halal food products but also how to develop halal business models, manage halal certification requirements, conduct ethical marketing practices, and maintain consumer trust. Entrepreneurship projects involving halal products can foster creativity, innovation, business planning skills, and market awareness while ensuring compliance with both legal and religious requirements (KNEKS, 2023; Pratama & Muslim, 2022).

Assessment in halal food education should employ authentic assessment approaches consistent with the Merdeka Curriculum. Student achievement can be evaluated through written examinations, practical demonstrations, portfolios, project reports, presentations, observations, and performance assessments (MoECRT, 2022). For example, students may be assigned to analyze food products for halal compliance, design halal food business proposals, prepare halal-certified menus, or demonstrate appropriate food handling procedures. Such assessment methods measure not only knowledge acquisition but also practical competencies, professional attitudes, and ethical awareness (MoECRT, 2022).

The regulatory foundation supporting halal food education extends beyond halal legislation itself. Government policies concerning vocational education emphasize the importance of aligning SMK curricula with workforce needs, industry standards, and character development objectives. The vocational education revitalization agenda promotes partnerships between schools and industries to ensure that graduates possess competencies relevant to labor market demands (Government of Indonesia, 2016). Since halal compliance has become an increasingly important requirement within Indonesia's food, tourism, and hospitality sectors, halal literacy represents a valuable employability skill for vocational graduates. Consequently, integrating halal education into SMK programs contributes directly to workforce readiness and industry competitiveness (Pratama & Muslim, 2022).

Halal food education in SMK serves multiple educational purposes simultaneously: strengthening religious literacy, supporting legal compliance, promoting food safety, developing vocational competencies, enhancing entrepreneurship, and preparing students for employment within Indonesia's expanding halal industry. Supported by Law Number 20 of 2003 concerning the National Education System, Law Number 33 of 2014 concerning Halal Product Assurance, Government Regulation Number 39 of 2021, and the Merdeka Curriculum framework, halal food education provides an effective means of connecting Islamic values, vocational skills, and national economic development (Government of Indonesia, 2003, 2014, 2021; MoECRT, 2022).

RIGHTS, EDUCATION, AND JUSTICE IN CHANGING SOCIETIES

Through comprehensive curriculum implementation, SMK graduates can become skilled professionals capable of contributing to a competitive, ethical, and globally recognized halal industry ecosystem.

Table 1. Contextual Integration of Halal Food Education in the SMK Curriculum (Indonesia)

Curriculum Component	Description	Examples of Learning Activities	Assessment	Regulatory Foundation
Learning Objectives (Capaian Pembelajaran)	Students understand the concepts of halal, haram, syubhat, and tayyib and are able to apply halal principles in food production, processing, and services.	Identifying halal and non-halal ingredients; analyzing halal labels; discussing halal cases in the food industry.	Written tests, concept mapping, case analysis.	Law No. 20/2003 on National Education System; Law No. 33/2014 on Halal Product Assurance (JPH).
Religious Foundation	Understanding halal food according to the Qur'an, Hadith, and Islamic jurisprudence.	Studying Qur'an 2:168, Qur'an 5:3, Hadith on halal consumption.	Reflection essays, oral presentations.	Islamic Religious Education (PAI) Curriculum; Law No. 20/2003.
Legal and Regulatory Literacy	Understanding Indonesian halal regulations and certification systems.	Learning BPJPH functions, halal certification procedures, halal logos and labels.	Project reports, document analysis.	Law No. 33/2014; Government Regulation No. 39/2021; BPJPH Regulations.
Food Safety and Quality Assurance	Integrating halal with hygiene, sanitation, food safety, and quality control.	Laboratory practice, food inspection, HACCP introduction.	Practical performance assessment.	Government Regulation No. 39/2021; Food Law No. 18/2012.
Learning Content	Halal ingredients, food additives, slaughtering requirements, processing, storage,	Ingredient verification, product evaluation, halal menu design.	Product portfolio and practical examination.	Law No. 33/2014; Ministry of Religious Affairs Regulations.

RIGHTS, EDUCATION, AND JUSTICE IN CHANGING SOCIETIES

Curriculum Component	Description	Examples of Learning Activities	Assessment	Regulatory Foundation
	packaging, distribution, and certification.			
Teaching Methodology	Student-centered learning using Project-Based Learning (PjBL), Problem-Based Learning (PBL), Inquiry Learning, and Case Studies.	Investigating halal products in local markets; solving halal compliance problems.	Observation rubric, project evaluation.	Merdeka Curriculum; Ministerial Regulations on Curriculum Implementation.
Industrial-Based Learning (Link and Match)	Exposure to halal industry practices through internships and industrial visits.	Visits to halal-certified restaurants, hotels, food factories, and BPJPH-related institutions.	Internship reports, workplace supervisor evaluation.	SMK Revitalization Policy; Presidential Instruction No. 9/2016.
Entrepreneurship Development	Developing halal business concepts and entrepreneurial skills.	Creating halal food business plans, halal product branding, digital marketing projects.	Business proposal, product exhibition.	Merdeka Curriculum; National Halal Industry Development Policy.
Character Education	Building honesty, responsibility, discipline, integrity, and ethical consumption behavior.	Healthy halal canteen campaigns; halal awareness campaigns.	Attitude observation and self-assessment.	Strengthening Character Education (PPK); Law No. 20/2003.
Digital Literacy	Using digital tools to identify halal certification and market halal products.	Using BPJPH databases, QR-code verification, digital promotion.	Digital portfolio and presentation.	Digital Transformation Policy; Merdeka Curriculum.

RIGHTS, EDUCATION, AND JUSTICE IN CHANGING SOCIETIES

Curriculum Component	Description	Examples of Learning Activities	Assessment	Regulatory Foundation
Assessment System	Authentic assessment covering knowledge, skills, and attitudes.	Written exams, practical tests, portfolios, presentations, projects, and performance tasks.	Holistic competency assessment.	Assessment Standards under Merdeka Curriculum.
Collaboration with Industry and Community	Schools collaborate with halal industries, universities, BPJPH, MUI, and SMEs.	Guest lectures, mentoring, community projects, halal certification workshops.	Community project reports.	Link and Match SMK Policy; Government Regulation No. 39/2021.
Graduate Competencies	Graduates are capable of working in halal food industries, hospitality, culinary businesses, catering services, and halal entrepreneurship.	Industrial certification, competency tests.	Competency certification and workplace assessment.	Indonesian National Qualification Framework (KKNI); SMK Competency Standards.
Contribution to National Development	Supporting Indonesia as a global halal industry center and strengthening the halal economy.	Halal innovation projects and MSME assistance programs.	Capstone projects and entrepreneurship outcomes.	National Halal Industry Masterplan; Indonesia Emas 2045 Vision.

Sources: Adapted and synthesized from Law of the Republic of Indonesia No. 20 of 2003 on the National Education System; Law No. 33 of 2014 on Halal Product Assurance (Jaminan Produk Halal); Law No. 18 of 2012 on Food; Ministry of Education, Culture, Research and Technology Regulations on the Merdeka Curriculum and Assessment Standards.

Contextual notes: In SMK, halal food education should not be viewed merely as a topic in Islamic Religious Education (PAI). Rather, it should function as an interdisciplinary competency that integrates religious literacy, food science, food safety, entrepreneurship, industry standards, digital literacy, and character education. Through the Merdeka Curriculum and the legal framework established by Law No. 33 of 2014 and Government Regulation No. 39 of 2021, SMK graduates can be prepared to become competent professionals and entrepreneurs capable of contributing to Indonesia's rapidly growing halal food and halal industry ecosystem.

Table 2. Key Regulations Supporting Halal Food Education in SMK

Regulation	Main Relevance to Halal Food Education
Law No. 20 of 2003 on the National Education System	Develops students who are faithful, knowledgeable, skilled, ethical, and responsible.
Law No. 33 of 2014 on Halal Product Assurance (JPH)	Establishes the national halal certification system and halal product standards.
Government Regulation No. 39 of 2021	Technical implementation of halal assurance and certification procedures.
Food Law No. 18 of 2012	Regulates food safety, quality, and consumer protection.
Merdeka Curriculum (2022–present)	Encourages contextual, project-based, and competency-based learning.
Presidential Instruction No. 9 of 2016 on SMK Revitalization	Strengthens alignment between vocational education and industry needs.
Ministerial Regulations on SMK Curriculum and Learning Outcomes	Provide competency standards and learning outcomes for vocational education.

Sources: Adapted and synthesized from Law No. 33 of 2014 on Halal Product Assurance; Government Regulation No. 39 of 2021 concerning the Implementation of Halal Product Assurance; Presidential Instruction No. 9 of 2016 on SMK Revitalization; Ministry of Education, Culture, Research, and Technology (2022) on the Merdeka Curriculum Framework and Learning Outcomes; and related Ministerial Regulations on Vocational Education Curriculum and Competency Standards.

3. EFFORTS IN IMPROVING HALAL FOOD EDUCATION IN THE SMK CURRICULUM

In order to improve the effectiveness of halal food education within Vocational High Schools (SMKs), teaching and learning methodologies should shift from passive memorization toward active, student-centered learning approaches. One effective strategy is the implementation of Project-Based Learning (PjBL), which enables students to investigate real-world halal compliance issues by examining food production chains from raw material sourcing to final product distribution. For example, students may work collaboratively to design a hypothetical restaurant and develop a Halal Product Process (PPH) plan that complies with national halal standards. Such learning activities encourage students to apply theoretical knowledge in authentic contexts while developing critical thinking, problem-solving, and teamwork skills (Ministry of Education, Culture, Research, and Technology [MoECRT], 2022; Nurdin et al., 2024).

In addition to project-based learning, Contextual Teaching and Learning (CTL) can be employed to connect classroom instruction with students' daily experiences. Through experiential learning activities conducted in school canteens or local food outlets, students can examine food labels, evaluate ingredient information, review supplier documentation, and identify official halal certification marks. These activities make legal concepts related to consumer protection and halal assurance more tangible and meaningful for students. As a result, learners not only understand halal regulations theoretically but also develop practical competencies needed to make informed consumer decisions (Government of Indonesia, 1999; Government of Indonesia, 2014).

The integration of digital technology and educational media also plays an important role in modernizing halal food education. Teachers can utilize digital applications, interactive learning platforms, QR-code verification systems, and augmented reality (AR) technologies to simulate halal product inspections and certification processes. By accessing digital information related to ingredients, additives, production methods, and certification status, students can better understand complex scientific and regulatory concepts in a more engaging manner.

The use of educational technology is consistent with contemporary approaches to digital literacy promoted within the Merdeka Curriculum (MoECRT, 2022). Furthermore, role-playing activities and classroom simulations can help students understand the diverse professional responsibilities involved in the halal assurance ecosystem. Teachers may organize simulated halal certification processes in which students assume the roles of business owners, halal auditors, food inspectors, and BPJPH officials. Through these simulations, learners practice evaluating compliance documents, conducting inspections, and discussing halal certification requirements. Such interactive methodologies contribute to the development of communication skills, ethical awareness, leadership, and collaborative problem-solving abilities (BPJPH, 2024).

Learning opportunities should also extend beyond the classroom through multimedia-based field studies and virtual industry visits. When physical visits to halal-certified industries, laboratories, or slaughterhouses are not feasible, schools can utilize virtual tours, documentary videos, and interactive online resources. These digital learning experiences enable students to observe food production processes, quality assurance systems, laboratory testing procedures, and sanitation practices within professional settings. By analyzing real industrial operations, students gain a deeper understanding of how halal requirements intersect with food safety, hygiene, and quality management systems (Government of Indonesia, 2021).

Another strategic effort to strengthen halal food education in SMKs involves enhancing collaboration with halal-certified industries, food manufacturers, catering services, hotels, restaurants, and micro, small, and medium enterprises (MSMEs). Such partnerships provide students with opportunities to observe real-world implementation of halal standards and understand how halal principles are applied throughout the supply chain. Through the Link and Match policy promoted in vocational education, schools can establish partnerships that support internships, industrial visits, guest lectures, mentoring programs, and competency certification activities. These collaborations help bridge the gap between classroom learning and workplace expectations while ensuring that vocational graduates possess industry-relevant competencies (Government of Indonesia, 2016; Pratama & Muslim, 2022).

RIGHTS, EDUCATION, AND JUSTICE IN CHANGING SOCIETIES

Industrial collaboration also enables students to observe the implementation of the Halal Product Assurance System (SJPH) within authentic business environments. During internships and field visits, students can learn how companies manage supplier verification, ingredient procurement, production processes, sanitation procedures, quality control systems, packaging, warehousing, distribution, and halal documentation. These experiences help students understand that halal assurance extends beyond religious compliance and functions as a comprehensive management system encompassing legal compliance, risk management, consumer protection, and corporate responsibility (Government of Indonesia, 2014; Government of Indonesia, 2021).

Partnerships with halal-certified food manufacturers may also facilitate industry-based projects in which students analyze actual halal certification cases, evaluate production workflows, identify potential contamination risks, and propose corrective actions consistent with halal regulations. Such project-based activities foster critical thinking, teamwork, communication skills, and professional problem-solving competencies while simultaneously reinforcing halal literacy. These approaches align closely with the competency-based and experiential learning principles emphasized in the Merdeka Curriculum (MoECRT, 2022; Nurdin et al., 2024).

Collaboration with universities, Halal Centers, and research institutions can further enrich educational experiences. Universities that operate Halal Centers can provide technical assistance, laboratory demonstrations, halal auditor training, and workshops related to halal certification procedures. Through these partnerships, students gain access to advanced laboratory facilities and contemporary knowledge concerning food ingredients, additives, biotechnology products, halal testing methods, and certification systems. Such collaboration also supports teachers in updating instructional materials and maintaining alignment with evolving industry practices and regulatory developments (BPJPH, 2024; KNEKS, 2023). In addition, schools can invite practitioners from halal-certified industries, BPJPH representatives, halal auditors, and successful halal entrepreneurs to participate as guest speakers. Their professional experiences provide students with valuable insights into emerging trends within Indonesia's rapidly growing halal economy.

Students can learn about career opportunities in food manufacturing, hospitality management, halal quality assurance, halal auditing, regulatory compliance, and halal entrepreneurship. Exposure to industry practitioners enhances student motivation while demonstrating the practical relevance of halal literacy for future employment and business development (KNEKS, 2023; Pratama & Muslim, 2022).

SMKs should also consider establishing School Halal Centers as hubs for learning, innovation, research, and community engagement. These centers can function as miniature laboratories where students conduct halal product assessments, organize halal awareness campaigns, assist local MSMEs in understanding halal certification requirements, and develop halal-based entrepreneurial projects. By integrating industry collaboration, practical training, research activities, and community service, School Halal Centers can transform halal food education from a theoretical subject into a dynamic educational ecosystem that supports workforce readiness, entrepreneurship development, and national halal industry growth (BPJPH, 2024).

These initiatives are consistent with Presidential Instruction Number 9 of 2016 concerning the Revitalization of Vocational High Schools, Law Number 33 of 2014 concerning Halal Product Assurance, Government Regulation Number 39 of 2021 concerning the Implementation of Halal Product Assurance, and Government Regulation Number 42 of 2024 concerning the Implementation of Halal Product Assurance. Collectively, these policies encourage vocational institutions to strengthen industry partnerships, improve workforce competencies, promote innovation, and support Indonesia's strategic objective of becoming a leading global halal industry center (Government of Indonesia, 2014, 2016, 2021, 2024; KNEKS, 2023).

RIGHTS, EDUCATION, AND JUSTICE IN CHANGING SOCIETIES

Table 3. Strategic Efforts for Improving Halal Food Education in the SMK Curriculum

Improvement Strategy	Description	Examples of Learning Activities	Expected Learning Outcomes	Supporting Policies/Regulations
Project-Based Learning (PjBL)	Students learn halal compliance through real-world projects and problem-solving activities.	Designing a halal restaurant business plan; preparing a Halal Product Process (PPH) flowchart; conducting halal product analysis.	Critical thinking, problem-solving, halal compliance literacy, teamwork.	Law No. 33/2014 on Halal Product Assurance; Merdeka Curriculum.
Contextual Teaching and Learning (CTL)	Linking halal concepts to students' daily lives and food consumption habits.	School canteen audits; inspection of food labels; verification of halal logos and supplier documentation.	Consumer awareness, legal literacy, healthy consumption behavior.	Food Law No. 18/2012; Consumer Protection Law No. 8/1999.
Digital Learning and Educational Technology	Utilizing digital media to improve understanding of halal certification and food safety systems.	AR-based product inspections; QR-code verification; halal database exploration; interactive simulations.	Digital literacy, technological competence, analytical skills.	Digital Transformation Policy; Merdeka Curriculum.
Role-Playing and Simulation	Simulating professional roles within the halal assurance ecosystem.	Mock BPJPH certification hearings; halal auditor simulations; compliance review exercises.	Communication skills, ethical reasoning, understanding of certification procedures.	Law No. 33/2014; Government Regulation No. 42/2024.
Virtual Industry Tours and Multimedia Learning	Exposing students to industrial practices through	VR tours of food factories, halal laboratories, slaughterhouses	Industry awareness, practical understanding of	Government Regulation No. 42/2024; Vocational Education Policy.

RIGHTS, EDUCATION, AND JUSTICE IN CHANGING SOCIETIES

	digital field studies.	, and food processing facilities.	halal production systems.	
Industry Collaboration (Link and Match)	Building partnerships with halal-certified industries and food manufacturers .	Industrial visits, internships, workplace learning programs, mentoring activities.	Workforce readiness, professional competence, employability skills.	Presidential Instruction No. 9/2016 on SMK Revitalization.
Implementation of SJPH in Real Industries	Providing direct exposure to Halal Product Assurance Systems (SJPH).	Observing ingredient procurement, quality control, sanitation, warehousing, and halal documentation.	Practical understanding of halal assurance and compliance management.	Law No. 33/2014; Government Regulation No. 42/2024.
Industry-Based Projects	Students work with industries to solve authentic halal compliance challenges.	Risk assessment projects; halal certification case studies; product redesign activities.	Professional problem-solving, teamwork, innovation skills.	Merdeka Curriculum; BPJPH Guidelines.
University and Halal Center Collaboration	Collaboration with universities, research institutions, and Halal Centers.	Laboratory demonstrations, halal auditor training, certification workshops, joint research projects.	Scientific literacy, research skills, updated industry knowledge.	Higher Education Collaboration Policies; BPJPH Programs.
Practitioner Involvement	Inviting experts from industry and government agencies into classrooms.	Guest lectures by halal auditors, food technologists, entrepreneurs, and BPJPH officials.	Career awareness, professional networking, motivation enhancement.	Link and Match Policy; National Halal Industry Development Programs.
School Halal Center Development	Establishing school-based halal	Halal product testing, SME mentoring,	Leadership, entrepreneurship , community	Law No. 33/2014; Presidential Instruction No.

	laboratories and innovation centers.	halal awareness campaigns, entrepreneurial projects.	engagement, halal innovation.	9/2016; Government Regulation No. 42/2024.
Community Service and SME Assistance	Engaging students in assisting local businesses to understand halal certification requirements.	Halal literacy campaigns; SME mentoring; community workshops.	Social responsibility, civic engagement, applied halal literacy.	National Halal Industry Development Agenda; Indonesia Emas 2045 Vision.

Source: Adapted and synthesized from Law No. 33 of 2014 on Halal Product Assurance, Law No. 20 of 2003 on the National Education System, Presidential Instruction No. 9 of 2016 on SMK Revitalization, Government Regulation No. 42 of 2024 on the Implementation of Halal Product Assurance, the Merdeka Curriculum Framework (2022), and BPJPH Guidelines (2024).

4. FINAL NOTES

The systematic integration of halal food literacy into the Indonesian school curriculum represents an important shift from traditional religious instruction toward a more comprehensive approach encompassing legal awareness, scientific literacy, consumer protection, vocational competence, and entrepreneurship. Supported by Law Number 33 of 2014 concerning Halal Product Assurance, Law Number 6 of 2023 concerning Job Creation, and Government Regulation Number 42 of 2024 concerning the Implementation of Halal Product Assurance, halal education has become increasingly important in preparing students to participate in Indonesia’s expanding halal economy (Government of Indonesia, 2014, 2023, 2024). Through interdisciplinary learning that integrates Islamic values, food science, consumer protection, entrepreneurship, and vocational skills, students can acquire the competencies necessary to become responsible consumers, ethical entrepreneurs, and qualified professionals within the food and hospitality sectors (KNEKS, 2023; Pratama & Muslim, 2022). The effectiveness of halal food education, however, depends largely on schools’ ability to create authentic and meaningful learning experiences that extend beyond conventional classroom instruction.

RIGHTS, EDUCATION, AND JUSTICE IN CHANGING SOCIETIES

One strategic initiative is the establishment of School Halal Centers within Vocational High Schools (SMKs). These centers can function as educational laboratories where students engage in halal auditing simulations, product verification activities, halal entrepreneurship projects, food safety management practices, and community outreach programs. School Halal Centers may also serve as hubs for innovation, research, and collaboration, enabling students to transform theoretical knowledge into practical competencies that reflect industry needs and regulatory requirements (BPJPH, 2024). Equally important is the strengthening of partnerships between schools and halal-certified industries, food manufacturers, hospitality businesses, catering companies, and micro, small, and medium enterprises (MSMEs). Through internships, industrial visits, workplace learning programs, and collaborative projects, students can gain firsthand experience in implementing the Halal Product Assurance System (SJPH) and understanding halal supply chain management practices. Such collaborations reinforce the Link and Match principle promoted within vocational education and help ensure that graduates possess competencies aligned with labor market needs and industry standards (Government of Indonesia, 2016; Pratama & Muslim, 2022).

Schools should also actively involve practitioners from halal-certified industries, BPJPH, halal auditors, food technologists, nutrition experts, successful halal entrepreneurs, and university-based Halal Centers in the educational process. Guest lectures, workshops, mentoring programs, and professional sharing forums provide valuable opportunities for students to learn about current industry practices, technological innovations, regulatory developments, and career prospects within the halal sector. Direct interaction with practitioners helps bridge the gap between academic knowledge and professional practice while motivating students to pursue careers related to halal industries and services (BPJPH, 2024; KNEKS, 2023). Collaboration with universities and research institutions should be expanded to support teacher professional development, curriculum innovation, and access to scientific resources and laboratory facilities. Through partnerships with higher education institutions, vocational schools can benefit from updated research findings, technical expertise, and advances in food science, biotechnology, quality assurance, and halal certification procedures.

Such collaboration contributes to the continuous improvement of teaching quality, curriculum relevance, and student learning outcomes (Nurdin et al., 2024). The future success of halal food education in Indonesia will depend on strong synergy among schools, government agencies, industries, universities, halal certification bodies, and local communities. By establishing School Halal Centers, strengthening industry partnerships, and involving practitioners in educational activities, SMKs can evolve into centers of excellence for halal literacy, workforce development, and entrepreneurship. These efforts not only support the implementation of national halal regulations but also contribute to Indonesia's aspiration to become a globally recognized halal industry hub and support the realization of the Indonesia Emas 2045 vision (Government of Indonesia, 2024; KNEKS, 2023; Ministry of National Development Planning, 2023).

5. RECOMMENDATIONS

- **Integrate Halal Food Literacy as a Cross-Curricular Competency in SMK Programs** Halal food education should no longer be confined solely to Islamic Religious Education (PAI) but should be systematically integrated into vocational subjects such as Culinary Arts, Food Processing Technology, Hospitality, Entrepreneurship, Agribusiness, and Food and Beverage Services. This interdisciplinary approach would strengthen students' understanding of halal assurance from legal, scientific, business, technological, and ethical perspectives. Such integration is consistent with Law Number 20 of 2003 concerning the National Education System, which promotes holistic learner development, and Law Number 33 of 2014 concerning Halal Product Assurance, which emphasizes public awareness and competency regarding halal products (Government of Indonesia, 2003, 2014). Integrating halal literacy across multiple subjects would also align with contemporary approaches to competency-based vocational education (Pratama & Muslim, 2022).
- **Develop National Standards, Teaching Modules, and Teacher Training Programs on Halal Food Education** The Ministry of Primary and Secondary Education, in collaboration with BPJPH, universities, and

halal industry stakeholders, should develop standardized halal food learning modules, digital learning resources, competency standards, and professional development programs for teachers. Strengthening teacher competence is essential for translating complex halal regulations and scientific concepts into meaningful learning experiences. This recommendation is supported by Government Regulation Number 42 of 2024 concerning the Implementation of Halal Product Assurance, which encourages broader halal awareness and compliance throughout society (Government of Indonesia, 2024). Furthermore, the competency-based learning principles embedded within the Merdeka Curriculum emphasize the importance of teacher capacity building, contextual learning, and authentic assessment practices (Ministry of Education, Culture, Research, and Technology, 2022).

- **Strengthen School–Industry Partnerships Through Halal-Based Experiential Learning** Vocational schools should expand collaboration with halal-certified industries, MSMEs, universities, halal laboratories, and BPJPH through internships, industrial visits, School Halal Centers, workplace learning programs, and project-based learning activities. Such partnerships would provide students with authentic exposure to halal certification procedures, food safety systems, halal quality assurance, and halal entrepreneurship practices. This recommendation aligns with Presidential Instruction Number 9 of 2016 concerning SMK Revitalization, which promotes stronger Link and Match relationships between educational institutions and industry partners (Government of Indonesia, 2016). It is also consistent with Law Number 6 of 2023 concerning Job Creation, which encourages broader participation of micro and small enterprises in Indonesia’s halal ecosystem through simplified halal certification mechanisms (Government of Indonesia, 2023). Through these collaborative initiatives, students can acquire practical competencies that enhance workforce readiness, entrepreneurial capacity, and professional competitiveness within the halal sector.

RIGHTS, EDUCATION, AND JUSTICE IN CHANGING SOCIETIES

Overall, these recommendations are expected to strengthen the implementation of halal food education within SMKs, improve workforce readiness, enhance consumer protection awareness, support entrepreneurship development, and contribute to Indonesia's strategic objective of becoming a leading global halal industry hub by 2045 (Government of Indonesia, 2023, 2024; KNEKS, 2023; Ministry of National Development Planning, 2023).

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