

THE ROLE OF INTERNATIONAL LAW IN ENSURING THE RIGHT TO EDUCATION IN DEVELOPING COUNTRIES

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ABSTRACT; International law has guaranteed the right to education through various legal instruments; however, its implementation in developing countries still faces serious obstacles due to economic, social, political, and cultural factors, leading to significant disparities in access to and quality of education. This study aims to examine the role of international law in ensuring the right to education in developing countries. A qualitative approach using literature review is employed to analyze the effectiveness of international law in guaranteeing the right to education in these countries. A descriptive-analytical analysis and a comparative study with Thailand are used to identify gaps and solutions for implementing education policies. The findings indicate that the role of international law includes affirming the right to education through various legal instruments, despite persistent challenges in developing countries, such as budget constraints and unequal access. International organizations play a crucial role in supporting global education policies, while Thailand serves as an example of a more progressive country in aligning its policies with international standards. To enhance the effectiveness of international law, stricter monitoring, sanctions for non-compliant states, and global cooperation in providing educational resources are necessary.

Keywords: International Law; Right to Education.

INTRODUCTION

Education is a fundamental right universally recognized and guaranteed by various international legal instruments. This right is articulated in Article 26 of the Universal Declaration of Human Rights (UDHR) and reinforced by international conventions such as the Convention on the Rights of the Child (CRC) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). However, despite the normative assurance of the right to education in international law, its implementation in developing countries continues to face numerous challenges. Economic, social, political, and cultural factors often hinder the realization of inclusive and high-quality education for all individuals.

The existing reality shows that many developing countries still struggle to provide equal access to education in terms of infrastructure, teaching staff, and quality curricula. Ideally, based on international legal standards, states should fulfill the right to education for all citizens without discrimination. The gap between *dassein* and *dassolen* highlights a significant discrepancy between international legal norms and the reality on the ground.

Recent data indicates that approximately 244 million children and adolescents worldwide remained out of school in 2024, with the majority coming from developing countries in Africa and South Asia. UNESCO also reported that around 40% of children in developing countries fail to complete primary education due to poverty, conflict, and weak national education systems. This percentage underscores that despite the existence of an international legal

framework mandating states to ensure the right to education, its implementation in developing countries remains far from ideal.

One case that reflects this issue is the education crisis in South Sudan in 2024. Prolonged conflict and political instability have resulted in more than 70% of school-aged children being unable to access education. A UNICEF report highlights that many schools have been closed due to armed violence, while access to educational resources remains severely limited. This case illustrates how, despite international legal provisions protecting the right to education, effective implementation remains a challenge in crisis-affected states.

In comparison, Thailand, a developing country with a more stable education system, demonstrates a significant gap in educational accessibility. Thailand has adopted various policies aligned with international education standards, such as 12 years of free education and inclusive policies for vulnerable groups, including refugee children from Myanmar. Meanwhile, many other developing countries, particularly in Africa and South Asia, continue to lag in terms of access and quality due to budget constraints and prolonged political conflicts.

The urgency of this research lies in the need to understand how international law can be optimized to address educational disparities in developing countries. Without concrete measures to enforce international norms, the right to education will remain a normative right without tangible implementation. Therefore, an in-depth study is needed to explore international legal strategies that can enhance educational access and quality in developing countries.

This study employs a comparative approach to assess the effectiveness of international law in ensuring the right to education in developing countries. Beyond the normative aspects, it will analyze best practices from countries that have successfully implemented international education standards. Thus, this research is expected to contribute to designing more effective strategies for upholding the right to education globally.

Furthermore, this study will explore the role of international actors such as UNESCO, UNICEF, and the World Bank in supporting the implementation of the right to education in developing countries. Evaluating the effectiveness of international aid and policies will be a crucial aspect of this research. By understanding how international law is applied in the education sector, this study can provide insights for governments and international organizations in formulating more targeted policies.

Overall, this research aims to answer the fundamental question of how effectively international law functions as a tool in ensuring the right to education in developing countries. Analyzing the various challenges and solutions offered by the international legal system is expected to yield policy recommendations applicable to developing nations striving to improve educational access for their populations.

Through this research, new perspectives may emerge in understanding the relationship between international law and the implementation of the right to education. This study could serve as a foundation for improving educational policies at both national and global levels, ensuring that the right to education, as guaranteed by various international legal instruments, is genuinely realized for all individuals without exception.

Problem

Based on the background outlined above, the research problem is formulated as follows: How does international law play a role in ensuring the right to education in developing countries.

Research Methods

This study employs a literature review method with a qualitative approach to analyze the role of international law in guaranteeing the right to education in developing countries. The sources examined include international treaties, reports from global organizations, and relevant academic research. A descriptive-analytical approach is used to identify the gap between international legal norms and their actual implementation. Additionally, a comparative study with Thailand is conducted to understand differences in the application of educational policies. The research findings are expected to provide insights into the challenges and solutions for enforcing the right to education in developing countries.

Discussion

Education is a fundamental right universally recognized and serves as one of the main pillars of social, economic, and political development in a country. In the realm of international law, the right to education has been guaranteed through various legal instruments, such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and the Convention on the Rights of the Child (CRC). These three instruments affirm that every individual has the right to receive proper education without discrimination and urge states to take progressive measures to ensure access to education for all citizens. However, despite the existence of international regulations guaranteeing the right to education, many developing countries still face numerous challenges in implementation. Factors such as budget constraints, political instability, armed conflicts, and inadequate educational infrastructure serve as major obstacles, leading to significant disparities in access to education in these countries.

The Universal Declaration of Human Rights (UDHR) was the first document to explicitly mention education as a fundamental human right. Article 26 of the UDHR states that every individual has the right to education, with primary education being compulsory and free. Furthermore, education should aim to develop individual personality and promote respect for human rights and fundamental freedoms. The UDHR establishes global standards on the importance of education as a tool for social well-being and fostering tolerance and understanding among nations. However, in developing countries, disparities in educational access remain a serious challenge, particularly in rural areas and conflict zones. Many states struggle to meet UDHR provisions due to economic and social constraints that hinder the full realization of the right to education.

Apart from the UDHR, the International Covenant on Economic, Social, and Cultural Rights (ICESCR) serves as another crucial legal instrument reinforcing the right to education. Article 13 of ICESCR emphasizes that education must be available, accessible, acceptable, and adaptable to the needs of individuals and society. Countries that ratify this covenant are obligated to take progressive measures to ensure quality education for all citizens. However, in practice, many developing countries struggle to fulfill this obligation. Limited financial resources often hinder the construction of schools, the improvement of teacher quality, and the provision of adequate learning facilities. As a result, many children in developing countries are forced to drop out of school or receive substandard education due to poor teaching quality and insufficient educational facilities.

The Convention on the Rights of the Child (CRC) further strengthens the notion that the right to education is an integral part of child protection and must be fulfilled by states without discrimination. Articles 28 and 29 of the CRC state that every child has the right to free and compulsory primary education and that states must promote access to secondary and higher

education for all children. The CRC also mandates that education should aim to maximize a child's potential, respect human rights, and foster social responsibility. However, in many developing countries, children's education still faces multiple challenges, such as child marriage, child labor, and gender inequality that hinder girls' access to education. Armed conflicts also remain one of the primary factors depriving millions of children of schooling opportunities.

Beyond international legal instruments, international organizations such as UNESCO, UNICEF, and the World Bank play a crucial role in supporting the implementation of the right to education in developing countries. UNESCO, for example, is responsible for formulating global education policies, providing technical assistance, and monitoring progress toward Sustainable Development Goal 4 (SDG 4), which focuses on quality education. UNICEF provides financial and technical aid to improve educational access for vulnerable children, including refugees and conflict victims. Meanwhile, the World Bank supports educational infrastructure development through loan and grant programs aimed at improving education quality in developing nations. Collaboration between states and international organizations is essential to ensuring that every individual, especially in developing countries, receives proper educational opportunities.

Thailand serves as a notable example of a developing country that has successfully implemented education policies aligned with international legal standards. The country has adopted a policy of 12 years of free education and has introduced assistance programs for vulnerable groups, including refugee children from Myanmar. Unlike many other developing nations still grappling with educational access and quality issues, Thailand demonstrates a stronger commitment to aligning its national policies with international standards. This contrast highlights significant disparities in the implementation of education laws across different developing nations, influenced by economic conditions, political stability, and governmental awareness of the importance of investing in education.

Efforts to further strengthen Thailand's education system include increasing education budgets, enhancing teacher training programs, and expanding access to education for vulnerable groups such as migrant and refugee children. Additionally, Thailand can continue improving its curriculum to align with global developments and ensure that education policies focus not only on access but also on the quality of learning. Compared to developing countries such as Nigeria or Bangladesh, Thailand benefits from greater political stability and a better allocation of resources to the education sector. While many developing nations still struggle with budget constraints and ineffective policies, Thailand has taken progressive steps toward improving its education system with a more inclusive and sustainable policy approach. By adopting best practices from other nations and strengthening international cooperation, Thailand can continue enhancing its education quality to be more equitable and inclusive for all citizens.

To reinforce the role of international law in promoting education, more binding mechanisms should be established for countries that have ratified international education treaties. One potential initiative is the development of a stricter monitoring system with clearer sanctions for states that fail to fulfill their obligations in providing quality education for all citizens. Additionally, establishing a global education fund managed transparently by international organizations could help support countries facing budget constraints in developing their education sectors. Another strategy is to enhance cross-border cooperation in teacher training, educator exchange programs, and the adoption of educational technologies to improve learning systems in developing nations. By implementing such measures, international law can play a greater role in ensuring that the right to education is genuinely realized for all individuals without exception.

Conclusion

The role of international law includes affirming the right to education as a fundamental right that must be guaranteed by states, as outlined in various legal instruments such as the UDHR, ICESCR, and CRC. Although international regulations provide a strong legal foundation, the implementation of the right to education in developing countries still faces challenges, including budget constraints, conflicts, and unequal access. International organizations such as UNESCO, UNICEF, and the World Bank also play a role in supporting global education policies through technical and financial assistance. Thailand serves as an example of a developing country that has been more progressive in adapting its education policies to align with international standards, although further steps are needed to improve the quality and inclusivity of its education system. To enhance the effectiveness of international law in guaranteeing the right to education, stricter monitoring mechanisms, sanctions for non-compliant states, and global cooperation in providing educational resources are necessary to ensure that every individual has access to quality education.

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