

## THE RIGHT TO EDUCATION AS A NATURAL HUMAN RIGHT

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**Abstract:** The starting base of this paper is human life as a highest human value and the right to life as top inherent and natural right of the man. According the theory of natural rights all other human rights are in the function of the right to life. In line with that those rights are natural rights. The right to education is in the function of the qualification of the man for life and for maintenance of his life in the natural and socioeconomic conditions which are enforced to man by his natural environment. In the moment of birth the man is „tabula rasa“– the being without any knowledge for objective reality. The life enforce the man, in the very beginning of his life some needs which, by his age and development as a human being, become a numerous. For supplying those needs the man learns.

During the process of learning or studying the man acquire the know ledges and abilities to which he has a natural right because those know ledges and abilities are necessary for supplying of his living necessities and for maintenance of his life. Having in view those facts, the right to acquire knowledge, as a right to education is a natural right of the man. This right is directly and indirectly in function of the right to life, and it is achieved through number of forms of informal or spontaneous learning and formal, by society organized studying.

The right to education, as a natural right, is the subject of the regulation of the more international legal acts which are based on the theory of the natural right. Among those acts the most important are: The Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, Declaration on the Right of the Child, Convention on the Rights of the Child, Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention of human rights) and other international acts. The provisions on education contained in these acts are incorporated into the constitutional provisions of the states and their national legislations on education.

In the paper is analyzed the right to education, as a natural human right, in the international legal acts and as an informal and formal education. The analysis is based on the theory of natural law.

**Keywords:** man, right, natural, learning, education,

### 1. INTRODUCTION

Man is a creation of nature. He is born, lives and dies in nature. With birth, man enters life. Action of life is living. Without living there is no life. Living is reduced to sustaining life, as opposed to death as its dialectical opposite. It is a function of life. At the basis of living as a function of human life is the satisfaction of numerous needs that are directly or indirectly related to living, as an action, and to life, as a human existence. In order to satisfy those needs, a person must be able to perform the activities related to their satisfaction. Empowerment represents a dialectical unity of knowledge about certain phenomena in nature and society memorized in the human brain and the possession of the skill to practically realize that knowledge. For example, a person can theoretically know very well how to drive a motor vehicle, but if, through practice in the practical application of theoretical knowledge, he has not acquired skill in driving the vehicle, he is not qualified to drive it.

Being able to live means being able to perform numerous activities in the function of life as existence, because living as an action is in the function of life as existence. Human life as an existence is filled with numerous activities to satisfy human existential needs. Those needs, as existential, are at the same time natural needs, because man exists in nature, as its creation. Man's ability to satisfy them is a natural category. It as a whole is a dialectical unity of numerous knowledge and skills for the performance of human activities aimed at satisfying his needs.

Man acquires knowledge and skills through the learning process. This process is a natural process which, in addition to man, is practiced by all more complex animal species. In nature, learning phenomena have been observed in birds, then in mammals. So for example, dogs learn from their mothers and from other dogs numerous procedures to get food, by fighting with each other they learn how to fight with other animals, kittens learn from their mothers how to hunt mice, birds and other animals. They, just like dogs, learn to fight with other animals by often playing with each other or playing with their mother. Chimpanzees and other great apes learn by observing their parents how to use various aids to reach fruits or open the fruit's nut (Gould JL., 2004).

From the above, it can be concluded, without a doubt, that learning is not only a characteristic of man in the function of his training for life, but is also present in animals, in the same function and with the same ultimate goal - maintaining life. Through learning, the young animal being is trained for life, it is transformed, from an

inexperienced and life-incapable creation of nature, into an experienced being capable of dealing with all the challenges of the struggle for survival in the harsh environment. Through the process of learning from the young animal, an adult, capable individual is formed which is able to manage and sustain itself in all possible situations imposed by the need to sustain life.

Unlike animals, whose needs are reduced to the maintenance of bare life and the continuation of the species, man has numerous other needs that are directly or indirectly related to the maintenance of his life. Directly related to the maintenance of human life are the basic physiological needs: the need for food, the need for water or other drinkable liquid to quench thirst, the need for defecation in order to remove the waste products of metabolism in the body, the need for clothing to protect against the cold, the need from sleep and rest. Satisfying these needs, by a hygienic and humane way, man learns in the earliest stages of his life (Darwin, 1977).

After the physiological needs, the second global group of needs consists of the physical needs of man, such as: the need for movement due to a change the location in space, the need for self-protection to defend against attacks by other hostile creatures (people, animals) ) and for protection in case of various accidents. To meet these needs, a person is trained starting from the first year of life and then throughout his life. Thus, to satisfy the need for movement, a person begins to learn to walk in the first year of life. At the age of eight to ten, in order to satisfy the need for faster movement, he can learn to ride a bicycle. For the same purpose, later, upon reaching the age of majority, he can learn to drive a motor vehicle, etc. After he is well trained to walk, the small child is trained to defend himself against attacks by other children or animals and to protect himself from the accidental dangers lurking in his immediate surroundings (Grupa autora,1966).

The third global group of needs is the social-existential needs of man. Among them, of course, the most significant are the need for communication with other people, the need for self-continuation, that is, the continuation of the species, the need for work in order to provide means of living in the social environment, the need for a culture of behavior in the social environment. Man begins to learn to satisfy these needs from the earliest stages of his life. Thus, the child learns to satisfy the need for communication with facial expressions and then with speech in the first, second, and third year of life. Later he learns to communicate with other people using technical means: telephone, e-mail, etc. Within the framework of satisfying this need is the learning of foreign languages, which a person usually begins during primary education. To satisfy the need for the continuation of the species, man begins to learn when he enters puberty. He later satisfies this need by getting married or having an extramarital relationship with people of the opposite sex. In order to satisfy the need for work in order to provide means of living, a person begins to be educated, usually, with the beginning of primary education. The culture of behavior in the social environment includes the application of numerous ethical (moral) and aesthetic norms by man. The acquisition of this culture begins with the phase of training for spoken communication. At the same time, parents and other adults from the family circle teach the child to apply the basic moral and aesthetic norms of behavior in the family circle and outside it. In further development, man learns to apply more complex ethical and aesthetic norms (etiquette, culture of speech, culture of dress, etc.). Man learns through the process of education (Rousau,1996).

Like any human activity, education is regulated by appropriate normative regulation. Thus, at the level of the international community, human education is regulated by a series of international legal acts on human rights. Among them, of course, the most significant are: the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Rights of the Child, the Convention on the Rights of the Child, the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on human rights) and others (Collection HRID, 2000).

The training, i.e. the education, of man to satisfy all the above-mentioned and other needs at the national level is regulated by the constitutions, as well as, by numerous laws and by-laws of the states which are basically based on the international legal acts on human rights.

## **2. THE RIGHT TO EDUCATION AS A NATURAL HUMAN RIGHT IN THE INTERNATIONAL LEGAL ACTS**

The theory of natural law is most consistently implemented in international legal acts on human freedoms and rights. There is no doubt that the Universal Declaration of Human Rights is the basic and, therefore, the most significant international legal act for human freedoms and rights. It is, among other things, based on the right to inherent human dignity. That right implies the humanization of man, which means separating him from animals and living a life worthy of a man. Such a life implies the satisfaction of life's needs with activities based on knowledge, and not on innate instincts and conditioned reflexes, as animals do. In order for a person to live such a life, he needs to be educated. That is why the Declaration guarantees man, a citizen of the world, the right to education. According to the Declaration, education should be free, at least at the level of primary education. Primary education should be

compulsory. Secondary and technical education should be universally available. Access to higher education should be available to all, based on merited grades.

According to the Declaration, education should be aimed at the full development of the human personality and at strengthening and respecting human rights and basic freedoms. It should promote understanding, tolerance and friendship between all peoples, racial and religious groups and advance the activities of the United Nations to maintain peace (Collection HRID, 2000).

The International Covenant on Economic, Social and Cultural Rights is based on the legal-philosophical basis and the provisions of the Universal Declaration of Human Rights. It actually refines the provisions of the Declaration on the right to education.

In the Covenant (Article 13, paragraph 1.), it is especially emphasized that education should enable each person to play a useful role in a free society, which is in accordance with the natural law of the struggle for the survival of the individual, and of society as a community of individuals (Collection HRID, 2000).

The Declaration of the Rights of the Child, in relation to the right to education, specifies the provisions of the Universal Declaration of Human Rights in relation to the right to education of children.

The Declaration guarantees the child the right to education, which should be "free and compulsory, at least at the basic level". Education should advance his general culture and enable him, under equal conditions for all, to develop his abilities, his personal judgment, his sense of morality and social responsibility and become a useful member of society. All persons who participate in the process of raising and educating children as a guiding principle in their educational work should have the greatest benefit for the child.

The Convention on the Rights of the Child contains very precise provisions on the right to education. Those provisions actually refine the provisions of the Declaration on the Rights of the Child, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights on which the Convention is based.

According to Article 28 of the Convention, member states recognize the child's right to education and in order to gradually realize that right on the basis of equal opportunities. They are obliged to declare primary education compulsory and free for all; to encourage the development of various forms of secondary education, including general and vocational education that is accessible to all children and take appropriate measures such as introducing free education and providing financial assistance in case of need; to enable all to obtain higher education on the basis of ability, using appropriate means; to make educational and professional information and services for professional orientation available to all children; to take measures to encourage regular school attendance and reduce the number of school dropouts.

According to Article 29 of the Convention, education should be aimed at: development of the child's personality, development of giftedness and mental and physical abilities to the limit; development of respect for human rights and fundamental freedoms, as well as respect for the principles contained in the Charter of the United Nations; development of respect for the child's parents, his cultural identity, language, values, national values of the country he lives in and the country he comes from, as well as civilizations that are different from his own; preparing the child for a responsible life in a free society in a spirit of understanding, peace, tolerance, gender equality and friendship between all peoples, ethnic, national and religious groups and persons of indigenous origin and development of respect for the natural environment (Collection HRID, 2000).

The Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) devotes a prohibitive-declarative provision to the right to education in Article 2 of the Protocol adopted on September 16, 1963. According to this provision, "no one can be deprived of the right to education. In performing the functions it undertakes with regard to education and teaching, the state shall respect the right of parents to provide such education and teaching as are in accordance with their religious and philosophical convictions." (Collection HRID, 2000). It is clear that the drafters of the Convention, bearing in mind that the right to education at the international level is sufficiently regulated by the aforementioned UN acts whose provisions on education are mandatory for the countries of Europe, did not find it necessary to enter into a more detailed regulation of the right to education. For them, the provision according to which no one can be denied the right to education, which means that right and to the extent regulated by UN acts, was sufficient for protection the human right to education in Europe.

### **3. INFORMAL LEARNING AS A FUNCTION OF EDUCATION AS A NATURAL HUMAN RIGHT**

Complete informal learning practically does not exist due to the fact that all social activities in an organized society are regulated by regulations (Laws and by-laws based on the Constitution of the state).

The legal foundations of informal learning in the Republic of North Macedonia are prescribed by the Law on the Protection of Children and the Law on the Family (the provisions on parental and guardianship (Laws, Off.G.RM, 80/1992, 23/2013)

There is no doubt that the most responsible for non-formal learning, in the early stages of human life, are parents. They teach children in a humane and human dignified way to satisfy physiological needs such as: the need to satisfy hunger, thirst, the need to dress, the need to sleep and rest, etc.

From the group of physical needs, through informal learning, children are taught to satisfy: the need to move by walking and using simple technical means (rollers, bicycles, etc.) and the need for self-protection.

Finally, from the group of social-existential needs, through informal learning, children learn to satisfy the need for communication with other people through speech in their mother language, and to a certain extent in a foreign language, then communication using technical means such as the telephone, the Internet and, to a considerable extent, the need for a culture of behavior in the social environment. Learning to satisfy these needs is carried out spontaneously and continuously or from case to case.

The naturalness of learning comes to the fore in spontaneity. Learning spontaneously, the young man learns what his current needs require at the given moment. For example, when the child gets enough leg muscle strength to be able to stand on it, he continuously tries to change the position of his body and thus learns to walk. Or if, walking, he approaches the overheated stove, the parent will take him away and teach him, in a way that he can understand, that if he touches it he can get burned. If the parent did not notice its approach in time, due to which it already touched the stove and got burned, it will receive an even better lesson not to touch it in the future. Here we have an obvious example of learning from nature about nature, about the need to survive in the environment in accordance with the innate instinct to maintain life, that is, with the innate, and therefore the natural right to life.

Spontaneity in learning comes to the fore most in the learning of spoken communication in the native language as a natural need of homo sapiens. The young child first begins to name objects with monosyllabic and then with polysyllabic "words" that are very different from the words of the native language. Later, with the passage of time, the first insufficiently formed words are formed, so that, at the end of the third, and at the latest in the fourth year of life, they are formed into clear, well-spoken words, logically connected in short sentences with which the small child expresses them his demands towards his parents and other family members and his perceptions of the objects and subjects in the environment that surrounds him.

"Speech" - voice communication is also present in animals (birds, mammals). So, for example, zoologists have observed about 70 ways of meowing and growling, i.e. differences in the tone of the cat's meow - growling ([www.tportal.hr](http://www.tportal.hr)). Such differences are also evident in other animals – dogs, cows, horses, etc. This is an obvious proof that the need for communication is a natural – innate need of humans and animals. Satisfying this need is an innate human right. Learning to communicate is a function of satisfying this need. If so, then that learning is also a natural right of man. In this regard, we can say that the obviousness of learning as a natural human right is perhaps nowhere more evident than in the case of learning to speak one's native language, that is, spoken communication in that language.

It is understood that the non-formal education function of training a person for work and other activities necessary for a person's life continues even after a person's childhood through self-education, through various trainings, courses and other forms of education. The fact that through these forms of education a person is able to live and survive in the environment, confirms the thesis of education as a natural human right (Eshach, H. 2007, Grupa autora, 1966).

#### **4. FORMAL EDUCATION AS A NATURAL HUMAN RIGHT**

If informal learning with its spontaneity is the most natural way of learning, through which its innateness is confirmed in the function of satisfying human natural needs, formal learning, i.e. learning regulated by formal regulations - laws and by-laws, is learning in which the socialization of the learning process. The process of socialization is reduced to the formation of special state bodies (ministries and other bodies responsible for the field of education as an area of social life of the national society within the national state, organization of special social institutions: schools, faculties, universities, etc. which are authorized to implement the process of learning - education: setting learning goals, planning learning with appropriate plans and programs, control and monitoring of education, control and evaluation of what has been learned, monitoring and control of the educational process by the competent state organs etc (Eshach, H. 2007)..

From a legal point of view, the socialization of education means the formation of an organized system of organs, organizations and institutions for the implementation of education as a social activity regulated by law and by-laws in the function of enabling man to live in nature and society as an integral part of it.

Given the fact that human society is an integral part of nature and formal education, as a socialized and organized activity of training people for life is a natural activity of man. As a natural activity of man in the function of life as his inherent natural right, from the aspect of the theory of natural law, it is a human natural right.

Formal education in every modern country is carried out through three main phases. They are: primary education phase, secondary education phase and higher education phase. The educational process through these phases is carried out continuously, and with the completion of the first phase, which is mandatory in all countries, the young person, at his own request or by force of law, moves to the next, second phase - secondary education. Finally, after completing this phase, he, if he wishes, moves to the phase of higher education, which has three or four sub-phases: general higher education, specialization, master's studies and doctoral studies (Buckner, E.,2019).

Each of the phases of the educational process is regulated by an appropriate law. In the Republic of North Macedonia, these are the Law on Primary Education, the Law on Secondary Education and the Law on Higher Education (Laws Of.G.RM 161/2019, 44/1996, 82/2018).

## 5. CONCLUSION

Education (learning) is a function of life as an innate natural right of man. Man through education learns to satisfy numerous life needs, starting from physiological, through physical, to social existential needs. The ways and means of satisfying these needs, over time, are perfected thanks to the ability of man to think, to combine the acquired knowledge through thought and to come to new knowledge about objective reality, which he then applies in perfecting these ways and assets. Nowhere is the evolutionary progress of man as homo sapiens seen so clearly as through the refinement of ways and means of satisfying his needs. The application of new improved ways and means of satisfying human needs creates new needs, for the satisfaction of which new, compatible ways and means of satisfaction are created. Thus, man creates, creates new values, and develops and improves as a thinking and creative being.

The development of man as a thinking and creative being cannot be imagined without the acquisition of knowledge, without education. The acquisition of knowledge, from the aspect of the theory of systems, represents the accumulation of information energy, as a kind of informational input which, through the process of creative thinking, will be transformed into new knowledge on which new ideas for more efficient and effective satisfaction of human needs will be based. Placing those ideas in the public, or putting them at the service of society through new creations, in the form of ways and means for efficient and effective satisfaction of human needs, represents the output of the received information, that is, the knowledge acquired through education.

The well-organized and high-quality input of knowledge about objective reality, in conditions of a rationally well-structured human personality, with a thought structure based on the knowledge and experiences of logical opinion and reasoning, will undoubtedly give a high-quality output of new useful ideas for improving the quality of human life through efficient and effective satisfaction of human life needs. It is precisely in this that the naturalness of education can be seen in the function of improving the quality of human life as a human's supreme natural right. If education is natural, because it is a function of human life as a creation of nature, then the right to education is also a natural human right.

Education for the acquisition of knowledge for efficient and effective satisfaction of human needs is productive education. It will be as productive as the knowledge gained is productive. Seen at the global level, at the level of a national society or state, the productivity of knowledge in the function of creating ways and means for efficient and effective satisfaction of human needs is materialized through the efficiency of the national economy and the efficiency of the performance of services performed by the public institutions and services for the needs of citizens. The more efficient they are, the faster the society and the state will develop. Developed national societies and states, in the East and West, rest on a highly developed and efficient economy and on a highly developed and sophisticated performance of services for the needs of citizens. At the basis of the highly developed economy and the highly developed system of performing public services are highly developed and efficient educational systems. There is no progress without education, without learning. The human race thrives thanks to the ability of man, as homo sapiens, to learn and think creatively based on acquired knowledge. Animals do not have that quality. That is why they have been fumbling for tens and hundreds of millennia in evolutionary development in terms of satisfying their life needs. This fact also confirms the naturalness of man's education and the right to education as his natural right.

There is no doubt that the normative regulation for the education of the Republic of North Macedonia is fully harmonized with the provisions on education contained in the international legal acts. The legal-philosophical basis of those acts is based on the theory of natural law. Accordingly, the education laws of the Republic of North Macedonia and the bylaws, adopted for their consistent implementation, are based on that theory. After all, it cannot be otherwise when we keep in mind the obvious fact that the right to education is a natural human right.

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