

The right to education in the global social system

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Abstract: *The contemporary reality reveals a global social system, structured by a complex dimension and self-regulating in the field of education, culture, economy, administration and politics. Approaching the contemporary society from the perspective of systems theory, we find that it has become a global social system, capable of providing functional mechanisms in time and space, through education and for its beneficiaries.*

Keywords: *the right to education; mechanisms; global social system.*

Framing subdomain: *Human Rights and Humanitarian Law*

I. Introduction. Conceptual Delimitations

The system concept is frequently used in all areas of human actions, associated with a specific feature of the studied field and can be defined as the combination of elements that interact with each other and with the outside, in compliance with rules, laws and principles, in order to achieve a meaning, objective, purpose [1].

In our case it is about the global social system which represents a system of social activity, capable of modifying its own rules in order to achieve the objective followed [2, p. 185].

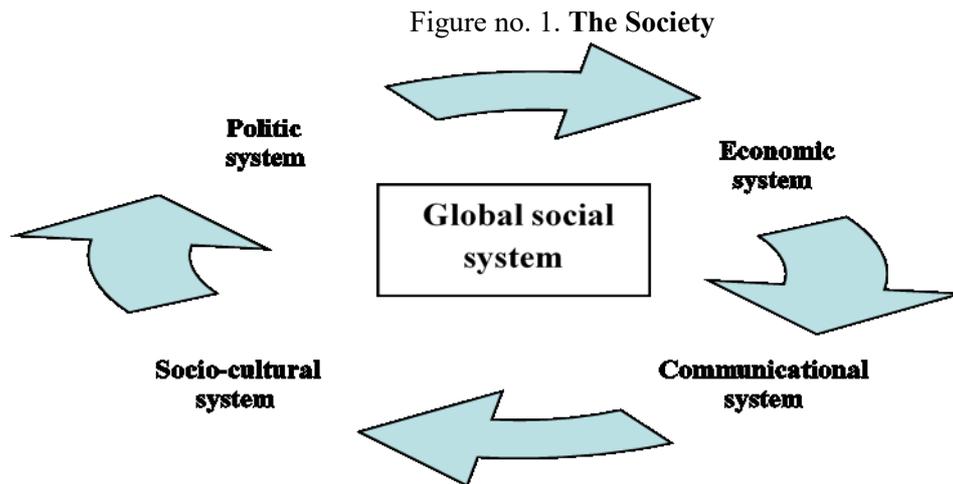
Analyzed from the epistemological perspective, the social system is a cognitive system, a global analytical model, of social complexity composed of well-defined subsystems, which perform specific functions through their own means, but also through interaction with the other social subsystems. The complexity of the social subsystems highlights the social reality, their dynamics and their collective interaction in order to organize and function the entire contemporary society [3].

The complexity of the social subsystems highlights the social reality, their dynamics and their collective interaction, in order to organize and function the entire contemporary society. Conditioned by the systemic reality of the world in which it works, Bernard Walliser cataloged the social system as „*an ensemble in reciprocal relations with the environment, these changes ensuring a certain autonomy. The assembly with more or less profound changes over time, however, preserving a certain permanence*”.

Through the mechanism of interaction foreshadowed within the social system, we come up with a series of characteristics, which underpin its functioning: the structural-unitary character provided by „*elements in interconnections, relations of mutual interdependence, based on which the part is subordinated to the whole, and this one from the trace is completely distinct from each part of it*” [2, p. 186]

The dynamic character reflects the evolution in time and space under the influence of the intrinsic and extrinsic factors, and the informational character has a role in the reception, processing and transmission of information according to the cause-effect stimuli.

Referring to the complexity of the global social system, we discover four broad sub-system: political, economic, socio-cultural, with relative autonomy, which simultaneously offer deep interactions in the fields of global societies. For a deeper understanding of the mechanism of functioning of the global social system we will present schematically, in the following:



Reported to the whole human being and to the evolution of the whole society, education acquires an unlimited, global dimension, which encompasses the entire social, economic, political and cultural universe. In this respect, we find that education is the main vector in the evolution of all the existing fields of activity and the path to rebuilding a world of well-being and understanding between nations. Viewed as a continuous process of improvement, education becomes a priority for the current community, being the foundation of sustainable development, economic growth, equal opportunities, gender and global citizenship.

II. The education system and the global social system

A correct and efficient functionality of the global social system is ensured by the interweaving of the socio-cultural sphere, by training and training the individual. Referring to the content, objectives and aims of the socio-cultural sphere, we centrally position the education system, as a means of evolution and deep, absolute aspirations regarding present and future generations. In this sense, it is visible the multilateral role that education has as a broad system in the formation of common horizons that favor social actions, which „mediate and diversify the relations between human and society” [4, p. 13].

An integral part of the global social system, the education system acts dynamically, unitarily and multilaterally, engaging all the mechanisms of asserting and exercising the right to education, orienting the man towards great aspirations and self-fulfillment.

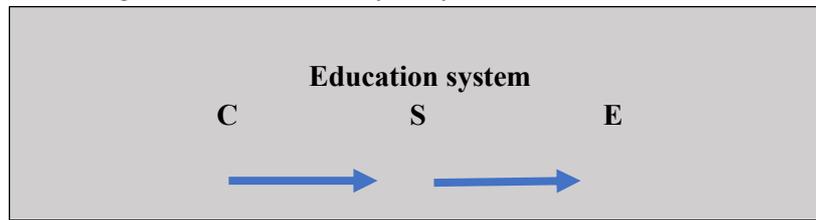
Conceptually, the education system „represents the totality of institutions, organizations (economic, political, socio-cultural), infrastructures and social-human communities (family, environment) that contribute to the formation and development of the human personality through the exercise of explicit or implicit pedagogical functions and roles, directly or indirectly” [5, p. 337]. Analyzing the explanation of the education system, we observe a general accountability, of all the organizations involved, with a fundamental role in creating a society of the common good, through a harmonious development of the individual in all spheres of the global social system. Regarded as a “fortress of education” [6, p. 10], the global social system acts on society, through its subsystems, governing transdisciplinary human actions, with effects on education.

The transdisciplinary approach of the global social system favors „the development of man through society and society through human” [7, p. 21], where the education system has to oriented in special, particularities that require the assimilation and implementation of public policies, which are aimed at improving young people and adults wich, prepares the workforce, forms a valuable human profile to the national identity treasurer.

And because the exercise of the right to education is achieved through the education system, oriented on multilateral structures of action, we will pragmatically analyze its functioning mechanism within the global social system. This analysis starts from the theory of systems, which is realized through „mass and energy

flows, carrying information, cause-state-effect" [8]. Thus, we discover a theory of the system that operates with the cause-state-effect formula, which can be adapted to the education system through this schematic approach:

Figure no. 2. The theory of systems „cause-status-effect”



The concept of cause lies with phenomena and processes that form the education system (curricula, public policies, educational strategies, etc.), which transmit according to internal and external factors (school, academic environment, family, environment), states / stimuli, with different effects.

The notion of effect is identified with the purpose of the education act, the finished product, more precisely with the educable one that was formed to become a human resource on the labor market, an integral part of the global social system. Such an analysis to point out a precise direction of the functioning mechanisms of the education system, with a precise impact on the social character of the right to education. It starts from the premise that, “*the person is not regarded as a simply object or beneficiary of global agreements, but is protected as a human being, individual or as a member of a group of persons*” [9], an integral part of the global social system.

We find that the right to education occupies a fundamental place, as a free act allowed in the global social system, because, through it, other rights and freedoms are realized, where the person develops his own creative ideal: „**education must follow the full development of the human personality. and to strengthen respect for human rights and fundamental freedoms**” [10].

Therefore, education is the generator of the perfection through knowledge of the human being, where the status of the human being as a person with full rights, at national level derives from the constitutional provisions of art. (15) and art. (16), which recognize the principles applicable to the fundamental rights and freedoms of Romanian citizens. At European level, the European Convention of Human Rights recognizes in the preamble that the defense and development of human rights and fundamental freedoms are the very foundation of justice and peace in the world, a universal goal that will strengthen the same idea by art. (1) and art. (53). The corroboration of these documents projects at international level, the provisions of the Universal Declaration of Human Rights, where **the recognition of the inherent dignity** „*of all members of the human family and of equal and inalienable rights as a common ideal*” [10], **is ensured through teaching and education**.

From this perspective *the education system* occupies a central place not only in the global social system, but also in the human rights system, where the right to education, „*as a mixed law, is considered the most important of the cultural rights and belonging to the rights of the second generation, based on the philosophy according to which they can be guaranteed only by a positive action of the state and which are linked by their nature to economic rights*” [11]

Also, the social character of education also emerges from the legal, mixed nature of the right to education, where its content encompasses both specific aspects of the liberal side, with a focus on "freedom of education recipients" [12, p. 35], as well as specific aspects the social dimension: “adaptability and accessibility” [13, para. 4].

Adaptability includes all the states / emotions / behaviors found in the educational action undertaken by the education actors, so as to “ensure equal access and quality, necessary to meet the needs of personal development, social and professional integration, under the conditions of their efficient use [14]. *Accessibility* is “affirmed through the principle of equity, based on which access to learning is achieved without

discrimination and on the principle of ensuring equal opportunities”, provided in art. 3 of the Law on National Education [14]. Moreover, this side provides access to education for all children of the age group who are in the compulsory education level, but not for the secondary and higher education. Moreover, compulsory education must be free, while post-compulsory education may entail payment of the registration fee and other fees, insofar as they are reasonably onerous.

Under these aspects, the provision, „*equal rights, access to all levels and forms of pre-university and higher education, as well as to lifelong learning, without any form of discrimination*” [14, art. 2], reinforces the responsibility the state to perform in guaranteeing the equal opportunities of any person. Another way in which accessibility is emphasized is to ensure learning and training in the mother tongue, at all levels, types and forms of pre-university education, of persons belonging to national minorities, according to the law.

Analyzing the content of the right to education on the basis of the four-part study scheme of the obligations of the states resulting from art. 13 paragraph 2 of the International Covenant on economic, social and cultural rights, we find the non-contacting intervention of the signatory states, which support in addition to the two elements of the social dimension of the education system and the “acceptability side” [15].

The scope of acceptability has been considerably expanded through the development of international human rights law. "The emphasis on the rights of minorities and indigenous populations has given priority to the language of the educational process, which often makes education unacceptable if the language is foreign to young children (and often to teachers)" [12, p. 36]. The prohibition to apply corporal punishment has transformed the school discipline in many countries, thus further extending the acceptability criteria. Treating children as "actors who claim their right to education and rights in the education system, promises to endow the notion of acceptability with their vision of how their rights should be interpreted and applied" [12].

III. National education in global social system

The vision of contemporary education resides in the provisions of art. 2, para. (1) of the Law on national education no. 1/2011, which promotes education oriented on values, creativity, cognitive abilities, volitional capacities and action capacities, fundamental knowledge, competences and skills of direct utility, in profession and in society. As we have reiterated, the education system comprises in its composition, subsystems that ensure the institutional organization of education.

The global transformations and the contradictions that the present society faces, also impose from the national education system a configuration that opens multilateral gates to ensure the cognitive, economic, conscientious and responsible function of the whole society. This configuration imposes a unitary involvement at the level of the political decision-makers, of the human resource in the field of education, as well as on the part of its beneficiaries, determining mainly changes on the legal regulations imposed by the new political, economic and administrative demands.

An element in this sense represents, “*the articulation of a harmonized, flexible and coherent legislative framework*” [16, p. 29], materialized by the adoption of the Law of National Education no.1 / 2011, with the subsequent modifications and completions, imposes, for the exercise (...) of the fundamental right to education throughout life” [14]. Highlighting the fundamental and permanent character of the right to education, derives from the assimilation of values and models of good practice of young people and adults, from the complexity of social relations between the family, the educational institution and society, ***where education gives a way of being, to live, assuming the rhythm and dimensions, contents and forms of any changes*** [17, p. 7]. The provisions of the present law outline the mission of education in response to the problems facing humanity [18], forming the mental infrastructure of the Romanian society, the human resource, capable of functioning efficiently in the present and future society [14].

Under these aspects, a bipolar directed educational system is outlined, towards the orientation on the professional training, as an integral part of the market economy mechanisms and towards the development of the public / private education service providers, with emphasis on the qualitative and quantitative evolution of the human, technological, administrative. In this context, the national education system through the school

network needs to streamline the education process towards a positive approach to change, adaptability to innovation management, human resource management and the promotion of strategies specific to the educational institution profile, as well as the content of the curricular areas.

The assurance of these directions demanded from the political factors to create a favorable climate of exercise and assimilation of national and European policies. Romania, as a member of the European Union, has adopted at the recommendation of the European Parliament and the Council of the European Union the directives regarding "*key competences of lifelong learning*" [19, p 10-18], which outlines for, "graduates of lower and upper secondary education, a Europeanized training profile, oriented on the formation of the eight key competences: *communication in the mother tongue, communication in foreign languages, mathematical and basic competences in science and technology, digital skills, social and civic competences, entrepreneurial competences, spirit of initiative and cultural expression*" [20, p. 82]. The application of the European directives in order to acquire and deepen the eight key competences of the young person in pre-university education provides a broad and useful perspective, a support of the unitary training for the future development of specific professional competences depending on the academic environment concerned.

The preoccupation of the national education system in promoting some professional skills and aptitudes materialized in key competences, develops learning experiences with optimistic perspectives towards the insertion in the labor market of the future employees. These experiences are not sufficient for the formation of the future human resource in the labor market, they must be continued through an educational offer adapted to the requests of the beneficiaries of education and at the same time by elaborating strategies aimed at "articulating higher education to the reality of the labor market" [21].

Conclusions

The third millennium offers us a series of challenges and changes at the conceptual, cognitive and action level regarding the application of the right to education through a national education system in relation to the standards of a global society. In this context, the national education system must orient itself towards the formation of a multilateral personality of the citizen in order to respond promptly to the global social system.

These aspects make us aware of the important role that education plays at the national and global level, ensuring harmoniously and consciously the individual and collective needs, as an effective response to present and future social factors.

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