RIGHTS TO EDUCATION

- Responsibility of the parents in micro context
- 7 years old (mumayyiz)
- Right to get formal education
- Right as a child as stated in the UNCRC 1989 – Article 28
  - Pre school
  - Primary & secondary school
  - Higher learning
MAQASID AL SHARI’AH

To preserve and protect 5 things:
1. Religion
2. Life
3. ‘Aql
4. Lineage
5. Property
EDUCATION IN ISLAM

- Al Qur’an & Sunnah: highlight the principle of seeking knowledge
- Surah 96: 1-5
- Surah 16: 78
- Hadith: Parents’ responsibility: Order your child to pray at the age of 7 and beat them (lightly) if they do not do so at the age of 10... (the child can differentiate between good and bad).
• In divorce cases, the court will consider whether the mother or father can provide education to the children or not.
INTERNATIONAL CONVENTIONS

- Geneva Declaration 1924 – nothing mention
EDUCATION SYSTEM IN M’SIA

1. Racial unity regardless of race, culture, & religion.
2. Primary basis for individual, society & country’s development.
3. Preparation of human employment for the country's productivity.

Basic philosophy of the education aimed at producing knowledgeable, morals, balanced and harmonious in terms of spiritual, emotional and physical.
EDUCATION HISTORY IN MALAYSIA

• Before British colonials
• During British rule (3 situations)
  a. 1786-1941 (laissez-faire - divide and rule)
  b. 1941-1945 (Japanese invasion)
  c. 1945-1957
• After independence (1957)
• After 1995 (ratification of the UNCRC)
British divided the education system based on races.

a. Pondok system
b. Chinese school system
c. Tamil school system

Medium of instruction (language) based on race.
Locality of the schools was according to racial settlements and economic activities.
Differences in curriculum.
Colonial education taught each race based on their economic functions.

No subject based on the needs and situation in the Tanah Melayu – racial unity.

The divide and rule concept fulfilled the British expectation in the Tanah Melayu.

English-medium school – for elite group

a. Most Chinese and Indians were enrolled
b. Geographically hinder the Malays from enrolling
c. Schools were sponsored by Christian churches
1946-1957

- Malayan Union issue
- Proposal of ‘The Cheeseman Plan’ – introduced primary & secondary English schools—4 languages BI, BM, BC dan BT
- BC & BT were taught in the English school; BI di vernacular school.
- Protest against Malayan Union & the proposal was rejected.
- Establishment of the Barnes Committees in 1950.
British government tried to use school as a tool for racial unity.

L. J. Barnes led the Committees and proposed about the vernacular school:

- Primary education as a basis to unite a multi-racial society.
- Different primary vernacular schools must be repealed and replaced with national school.
• National school is open to all races and the teachers are also multi-racial.
• Medium of instructions: BM & BI. BC & BT will be provided if there were 15 or more students who wanted to learn their mother tongue.
• Primary education is free.
• BI as medium of instruction for the secondary school.
BM – medium of instruction, BI – 2\textsuperscript{nd} language. BC & BT will be provided if there were 15 or more students who wanted to learn their mother tongue.

After finished primary education, best students will continue their study at English school.

University in England or Raffles College in Singapore.
• The Malays: the use of BM was inappropriate; less emphasized on religious subjects led the Malays to send their children to religious school in the evening.

• Barnes Proposal—Jawi was expelled & replaced with religious subjects.

• The Chinese: national school threaten Chinese culture and language – curriculum & teachers should be from China.

• The Indian: request for Tamil school to be reviewed by the government was rejected.
FEN-WU REPORT

- The Committee reviewed the Chinese school, led by Dr. W.P. Fenn & Dr. Wu Teh-Yao.

- Proposals:
  - BC will be taught as a 3rd language for the Chinese students besides BM & BI.
  - Educational system as proposed by the Barnes Committees can be carried out, BUT:
    - Chinese school can continue to operate separately under the national education system.
    - School educational thrust must be based on Tanah Melayu.
ORDINAN PELAJARAN 1952

• Fen-Wu Report was rejected by the Malays.
• A review of the Laporan Barnes & Fen-Wu was made in “The Report of the Central Advisory Committee Malaya” 1951.
• Proposals:
  ❖ Establish national school.
  ❖ BM & BI are in the same rank in the national education, but BC & BT will be the 3rd languages (if there are 15 students who wanted to learn such languages).
  ❖ BM & BI are compulsory subjects.
  ❖ 2 types of schools (with similar languages).
  ❖ The Chinese & Indians rejected the proposals.
• Vernacular schools for the Chinese & Indians were not accepted because of their tendency to instill the spirit of loving their countries of origins.
• That will hinder the nation and cultural building of Malaysia.
• Some Chinese & Indians rejected the rationality and viewed it as an effort to expelled their culture.
• The economic crisis and the state of emergency had hindered the implementation of the Education Ordinance 1952.
AFTER BRITISH COLONIALS – RAZAK STATEMENT 1957

• BM as a formal medium of instruction.
• Establish education system.
• Prioritize unity & it becomes a thrust for the Dasar Pendidikan Kebangsaan (National Education Policy).
• Bridging the gap between races.
• More efficient education management system.
• Provide enough education facilities.
Primary school: Sek. Ren. Kebangsaan, BM as medium of instruction; & SRJK, BI, BC & BT medium of instructions.

BM & BI compulsory subjects.

Chinese & Tamil students in English medium schools will be given a chance to study BC & BT if there are 15 or more students who wanted to learn.

Teacher must have a certificate of Sek. Men. Rendah and must attend a full time training for 1 year and another part time training for 2 years.
3 types of secondary schools: SMR – 3 years, SMA – 2 years dan Pre-U – 2 years.

Secondary schools for all.

BM & BI as compulsory subjects.

Examination before enrollment into secondary school.

Examinations: LCE/SRP, SPTM, HSC/STP

Some still protest.

Implementation: Ordinan Pelajaran 1957
RAHMAN TALIB STATEMENT

• Emphasize on the use of national language as a medium of instruction.
• Public examination in the national language.
• Islamic subjects and moral education.
• Multi courses and field of study.
IMPLICATIONS OF RAZAK REPORT AND RAHMAN TALIB REPORT

- Pendidikan dalam Rancangan Malaysia Pertama (1966-1970)
- “unless the educational system is geared to meet the development needs of the country, there will be a misallocation of an important economic resource which will slow down the rate of economic and social advance” (RMK1 m.s 163 para 490)
1970-1990

• Socio-economic – domination of non-bumiputera.
• Tragedy of 13 Mei 1969.
• New Economic Policy (1970-1990) 20 years to restructure the economy.
• Effect to the education?
• Quota for university enrollment; boarding schools; sponsorship.
• National language is used.
REVIEW OF NATIONAL EDUCATION POLICY

- Akta pelajaran 1961 some loopholes: how to handle multi changes and challenges in the education system.
- 1983: KBSR is implemented in all SRK – mastery of 3M basic skills.
- 1989: KBSM in all SMK – to develop individual potential in terms of physical, emotional, spiritual, intellectual and social.
• KBSM main goal: to produce a balanced individual equip with knowledge and appropriate skills and have a strong moral and ethical values in order to contribute to the progress, prosperity and development.

• Vocational school curriculum.

• Co-curriculum activities.
Akta Pendidikan 1996: “And that is to be a mission to produce world-class education system in terms of quality to fully develop individual potential and to achieve national aspirations.”
PHILOSOPHY OF NATIONAL EDUCATION

• “Education as a continuous effort towards the development of individual potential and integrated to create a balanced and harmonious human intellectually, spiritually, emotionally and physically on the faith and devotion to God.”
OBJECTIVES OF NATIONAL EDUCATION POLICY (NEP)

- Believe and Obey God
- Knowledgeable and competent
- Moral
- Accountable to themselves, society, religion and country
- Serve and contribute to society and the nation
- Has a balanced and cohesive personality
STRATEGIES OF NEP

1. To draft KBSR curriculum in primary schools and KBSM in secondary schools.
2. Making Bahasa Malaysia as the main transmitter of all school levels.
3. Increasing the use of Bahasa Malaysia in all subjects. Other languages such as English language could not be ignored.
4. Implementing a common curriculum in all schools.
5. To conduct the same examination system at all levels of school
CURRENT STATE OF PRIMARY EDUCATION

- Education Amendment Act 2002 (Act 1152).
- Compulsory education- Directive order (birth certificate).
- Examination system: UPSR.
CURRENT STATE OF SECONDARY EDUCATION

• School types: daily, religious, boarding school, sekolah agama rakyat, MRSM
• Exam types: PMR, SPM, STPM, STAM
• No birth certificate: can go to secondary school if the parents are Malaysian citizens. - 2009.
• Whether the education philosophy is a success?
CURRENT STATE OF HIGHER EDUCATION

• Ministry of Higher Education—2004
• Dasar Pendidikan Tinggi Negara; Pelan Strategik Pengajian Tinggi Negara; Pelan Tindakan Pengajian Tinggi Negara 2007-2010; Transformation in IPTA & IPTS.
• Right of a student who is 18 years and above? Below 21 years old, still dependent on their parents—eligible to get medical facilities if the parent(s) are government servants.
• In divorce cases: responsibility to provide education by Muslim parents is considered as a child’s right to maintenance.
EDUCATION DEVELOPMENT
2001-2010

• Integrated development to generate education excellence.
• 8 chapters.
• Chapter 1: Pembangunan pendidikan
• Chapter 2: Pra sekolah dan rendah
• Chapter 3: Menengah
• Chapter 7: Pengurusan
MAIN THRUSTS OF NATIONAL EDUCATION DEVELOPMENT

• Access to education
• Equity in education
• Quality in education
• Efficiency and effectiveness of education management
EDUCATION DEVELOPMENT MASTER PLAN
2006-2010

• Chapter 4: Nation building
• Chapter 5: Development of human capital
• Chapter 6: Strengthen the national schools
• Chapter 7: Bridging education gap
• Chapter 8: Upholding excellence in educational institutions
• Chapter 9: Enhance excellence in educational institutions
10TH MALAYSIA PLAN ON EDUCATION


- TASK FOR STUDENTS: READ THE PLAN & SUMMARIZE.
TOPIC 6 (PART II)
NATIONAL HIGHER LEARNING POLICY

FEM 3106
Dynamic changes in the scenario of higher education around the world require a drastic change in the Malaysian higher education institutions.

If Malaysia is to become a hub / center for educational excellence that ultimately produce human capital with first-class mentality, we need to address certain issues:

1. Quality graduates
2. Employability
3. Ranking of world-class institutions
4. General demand for higher education institutions

- All these would have an impact on the achievement of national aspirations.
Since independence, Malaysia has witnessed the main phases of development of ASEAN Economic Transformation.

Related phases play an important role in guiding steps towards developing a competitive state.

In terms of focus and orientation, while the era of the 1960s - 1970s was more labor-oriented, during 1980s - 1990s it was more capital-oriented.
In the new millennium, where the economy is universal (globalize) and varied, the economy is highly-oriented and focused on knowledge.

This means that a country's competitiveness and success in the global arena will depend on the knowledge and innovations produced.

Both these factors put the tasks / responsibilities upon the higher education institutions (HEIs) that produce our future workforce.
Consistent with the 2\textsuperscript{nd} thrust of the National Mission, the state needs to produce human capital with first class mentality to face the challenges of economic development which are based on science and innovation.

Such human capital needs to have knowledge capabilities, skills and traits.
In accordance with the objective of the development of human capital, the National Higher Education Strategic Plan was formulated with the vision to transform higher education in the context of Malaysia as an international hub for higher education excellence.

This transformation lays the foundation to achieve excellence and sustainability of higher education beyond 2020.
Report Review Committee, Review and Make a Certificate About Development and Direction of Higher Education Malaysia which was completed in July 2005 stressed:

- The need of higher education transformation to achieve balance between the individual and the needs of industry and future challenges.
Excerpt report on this matter are as follows:

There are two conflicting thoughts and thus influence policy makers about the goals of education.

1. The first thought is education to meet the utilitarian objectives.
2. The second thought is that education in human development and advancement of knowledge.

Polemics between the two schools of thought became more apparent by the existence of the phenomenon of unemployment among graduates in the country.
• This phenomenon has been exploited by utilitarian trend to reinforce their view that the goal of higher education is to prepare technocrats, bureaucrats, scientists, economists and highly specialized professionals, which is required by the job market, the ability to contribute to economic development and industrial development and national trade.
However, the trend still holds that the education of humanity has no relationship to provide a specific expertise in a particular field of employment, or provide employees to serve the industry or economic demands. Educational goals in the course of humanity is to produce a balanced human physical, intellectual, social, emotional and spiritual, a man who continues to explore the development of science, people laden with moral values, and people who uphold national unity and integration.
• The Committee considers that the two schools of thought are relevant and important, and as such should be integrated into the movement to enhance the quality of higher education.
27 August 2007, Datuk Seri Abdullah Ahmad Badawi launched the National Higher Education Strategic Plan which introduced three special measures to induce transformation and bring reforms to the institutions of higher learning (IHL) in this country.

The strategic plan is a continuation of the Education Development Master Plan (PIPP) prepared by the Ministry of Education for primary education.
• National Higher Education Strategic Plan Beyond the Year 2020 planned by the Ministry of Higher Education after obtaining input from students, employers, industry, political parties, non-governmental organizations (NGOs) as well as reports of the vice-chancellor and officials of public and private universities.

• It also takes into account of the Higher Education Direction Report, Tan Sri Wan Zahid Nordin 2005, the Ninth Malaysia Plan (RMK-9), World Bank Report on higher education in Malaysia and the synergy between the Ministry of Education and Ministry of Higher Education.
• Under the long-term plan i.e. the National Higher Education Strategic Plan Beyond the Year 2020:

• Setting goals to improve the quality of students, lecturers capacity, infrastructure of the institutions and build a network with the world-leading higher education institutions.
• Three specific steps are:
  1. Increasing self-governance among public institutions of higher learning which will be implemented immediately;
  2. Perform the audit on the academic performance of all public and private institutions,
  3. Introducing the apex university status among the local universities.

...con’t
National Higher Education Strategic Plan outlines seven thrusts of the plan:

1. Widening access and enhancing quality,
2. Improving the quality of teaching and learning,
3. Enhancing research and innovation,
4. Strengthening institutions of higher education,
5. Intensifying internationalization;
6. Enculturation of lifelong learning;
7. And reinforcing the delivery system of the Higher Education Ministry.
The Plan is supported by a series of short-term Action Plans as outlines under the National Higher Education Action Plan 2007-2010.
STRENGTHENING THE INSTITUTIONS

- Governance
  - Introducing a method which allows the Board of Directors (University Board of Directors) of high performance.
  - Ensure the effectiveness of the board.
  - Meet the roles and responsibilities of the board.

- Leadership
  - Skills in leadership
...con’t

• Academia
  – Improve the quality of professionalism
  – Develop professional training programs
  – Provide recognition and awards

• Teaching and Learning
  – Enhancement of teaching and learning
Research & Development

- To produce intellectual property and innovation needed to drive the nation to a higher level in the global value-added network and create new jobs.
- To create new knowledge and generate valuable discoveries to enable Malaysia to become a hub of higher education.
- To develop the desired capital to intensify innovation in all economic sectors on an ongoing basis.
THE CATALYSTS FOR COMPREHENSIVE TRANSFORMATION

- Apex University
- MyBrain15
- Academic Performance Audit
- Life-long learning
- Graduates training scheme
TOPIC 6(III): UNIVERSITIES & UNIVERSITY COLLEGES ACT 1971
FEM 3106
THE 1971 ACT HAS BEEN AMENDED UNDER THE AMENDMENT ACT 2009

JAWATANKUASA PENGGUBAL AKTA UNIVERSITI DAN KOLEJ UNIVERSITI (PINDAAN) 2009 &
KEMENTERIAN PENGAJIAN TINGGI
BACKGROUND TO THE EFFORT TO AMEND UUCA 1971

• UUCA 1971: has been enacted during the period of serial students’ demonstrations around the world.

• However, UUCA not merely a reaction to the turbulent student movement.

• There is an urgent need to establish a university governance system which is structured as a solid foundation of national higher education development.
Many changes happen within 37 years, among which:

- Malaysia is achieving a progressive levels of economy, social and politics.
- More educated society - the social demands have increased.
- The levels of knowledge and application of ICT are increasing and the culture of seeking knowledge has been simplified.
Government is committed to make Malaysia an education hub in the region.

Effort and commitment of the KPT – to increase the status of IPTA, especially in the world ranking.

Expectations of the Malaysian for the University - not only a store of knowledge but more importantly a platform for human development.
• All those mentioned are among the facts which led to the amendments of the UUCA 1971 - Assoc. Dr. Shad Saleem Faruqi.
• Thus, a committee has been appointed by the Minister of Higher Education to review the UUCA.
1. DISCUSSION & CONSULTATION WITH THE STAKEHOLDERS

- Members of Parliament
- Senior officers of KPT
- Senior officers of the Drafting Division of the Attorney General’s Chamber
- Chairman, Universities’ Board of Directors
- Vice Chancellors
...con’t

- Deputy Vice Chancellors
- Universities’ staff associations
- Legal advisers of IPTA
- SUHAKAM
- Students’ Representatives Councils
2. APPROACH
3 options:-
1. Keep AUKU as it is. OR
2. Abolish the entire AUKU and replace it with new ones. OR
3. Maintain the basic parts of the existing AUKU, but amend several bad and no longer relevant provisions.

Committee of the Minister with the consent of the Minister chose the third option.
3. BASIC PHILOSOPHY TO THE AMENDEMENT OF AUKU DEMOCRATIZATION

✓ Participation and involvement of all stakeholders in the decision making process.
✓ The expansion of student rights and freedom of association and expression.
✓ Professors to be members of the Senate (elected by Professor and Associate Professor)
✓ The expansion of the definition of 'students' to include postgraduate students.
DEVOLUTION OF POWER

- To enable the University to:
  - React faster
  - Perform each strategy quickly & effectively

- Some powers previously held by the YDPA or the Minister has been delegated to the University Board.
REMOVAL OF CRIMINAL ELEMENT IN THE DISCIPLINARY OFFENCE

- In accordance with the role of the University as an institution for educating, nurturing personality and noble character.
- Compatible with its role as protector and loco parentis to the students.
- Criminal elements in a disciplinary offence has been eliminated.
TRANSPARENT GOVERNANCE

- Clarify the functions and the hierarchical positions of the Authorities of the University in order to avoid conflict with each other.
- Management of the university is expressly and explicitly provided.
- Providing non-judicial mechanisms for settling disputes between the PBU or between employees of the University.
- Conform to the principle of separation of powers and check and balance.
TRANSPARENCY AND FAIR DISCIPLINARY PROCEDURES, APPOINTMENT, PROMOTION AND RENEWAL

✓ Appeal to the Board of director on appointment, renewal and promotion.

RIGHTS TO EDUCATION

✓ Preventive detention: students do not lose their status as students as education can be continued

✓ If not convicted of the offense as charged: has the right to return to the University.

✓ If suspended: may be admitted to other institutions.

INCLUSIVE POLICY
AMENDMENT IS CONFINED TO 3 BASIC DOMAINS

• GOVERNANCE
• STAFF
• STUDENTS
CHANGES

- Offences under the Act (previously was a criminal offense) is now - only a disciplinary offense.
- Expansion of the right to association.
- Expansion of the right to freedom of speech.
- The right to education is guaranteed.
- The right to be heard.
- Right to be represented in the disciplinary hearing.
The right to be informed of the disciplinary decision of the reason, in writing within the prescribed period.

Right to appeal and a decision of the appeal within the time specified.

The extension and a description of the definition of "student" to expand voting rights.