

Review of Philosophical Issues of Education Law and Policies in Nigeria

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Abstract

Education is regarded as a fundamental human right and a catalyst for social justice and development. Education is also a greatest force that can be used to bring about positive change, and a great investment that every nation can make for the rapid development of the economic, political, social, and human resources (Mandela, 2000). However, the philosophy of Nigeria education is based on the transformation of the individual into a sound and effective citizen, by providing all citizens with equal educational opportunities at all levels of education. The national policy on education (2014) emphasized the provision of functional education to all Nigerian citizens, irrespective of their state of origin, religions, family socio-economic background or geographical location. The development of any nation depends largely on the development and the effectiveness of implementing appropriate education laws and policies. For this reason, most governments all over the world placed much emphasis on educational policies as instruments of national development. In the Nigerian context, despite the importance attached to education policy development, certain challenges affect the implementation of the education policies, which adversely affects academic excellence. The paper defined the concept of educational laws, educational policy, highlights on the brief history of educational laws and policy, and discuss extensively on the reviewed philosophical issues on educational laws and policy.

Keywords: Education, Education Ordinance, Education Laws and Policies

Introduction

Education is believed to be the bedrock of any country's development. It is considered as the cornerstone for meaningful and sustainable growth, development, and achievement in art, science and technology. Arguing in the same direction [Umo \(2005\)](#) affirmed that, worldwide, education has been recognized as a catalyst for achieving socio-economic, scientific and technological development. For instance, the Federal Government of Nigeria (2004) declared in its National Policy on Education that education is an instrument par excellence for achieving national development. In other words, any meaningful growth and development of any country must be preceded by a sound educational laws, and policy. Since education constituted an indispensable aspect of social realities of a nation, it is of cardinal importance to any society. Thakur (1981) added that the legal provision of education grew out of the values, beliefs, and concerns of missionaries, colonial administrators and of course the Nigerians themselves. However, legal system of education was designed primarily to protect the privilege of the governing group and its supporters to ensure the perpetuation of certain practices and also to provide basis for orderly progress.

Educational Law

Educational law has been defined as the portion of law in a state, a city or area, or country which directly deals with the acts of administering educational bodies such as public and private primary school, secondary, tertiary and non-tertiary educational institution. On the other hand education laws are said to be rules and regulations meant to guide actions, inaction, behaviors activities, which specify conduct of educational practice in a country, it controls guides, and specifies various activity of personnel and agencies that are concerned with the school system (Uba, 2018). Moreover, education laws contain the objectives and policies of the government on educational procedures. This document spells out regulations guiding the management of the schools and education in general. Nwankwo (1986) refers to education law as any written or positive rules, or collection of rules prescribed under the authority of the state or nation or prescribed or recommended by body appointed by the government in power to do so.

Educational Policy

Educational policies are initiatives mostly by governments that determine the direction of an educational system (Okoroma 2000). According to Osokoya (1987) Education is a distinctive way in which the society inducts its young ones into full membership. So, every modern society needs some educational policies to guide it, in the process of such initiation. In the view of the above Awokoya (1981) added that educational policy is directed towards increasing the quality of life of a people. He believes that the objective of any policy is to satisfy individual needs, community pressures and the degree of complexity and sophistication to which socialized, personnel must be educated and trained to meet these demands. The following considerations, according to Awokoya (1981) are necessary to guide the formulation of adequate educational policy. It should be formulated and adopted through a political process which acknowledges the reality and legitimacy of conflicting interests and desires among its participants.

Brief History of Educational Law and Policies in Nigeria

The founding fathers of education in Nigeria were the Christian missionaries. Education was used as the most effective tool for evangelization. The Nigerian education may be compartmentalized into two broad eras namely the colonial education development Era (1842-1960) and the National education development policy Era (1960 - to present). Okeke (2007) stated that the first colonial education law known as the education ordinance of 1882 was meant for the British West African Territories of Nigeria and Gold-Coast now Ghana. The period marked by intensive missionary activities and expansion in Nigeria. Prior to this the church missionaries such as; the Wesleyan Methodist Missionary Society, the Roman Catholic Mission, the United Presbyterian Church of Scotland the Primitive Methodist Missionary Society and the Basel Mission established themselves in the southern part of Nigeria, the colonial government in Nigeria paid less or no attention to the education need and aspiration of the people. It was between 1877 and 1882 that the colonial government made an annual grant of two hundred pound to the missionary, this was the first participation by government in educational development in Nigeria, the grant was made on condition that the money was spend on the maintenance of the schools. Based on this, some of the mission set up management board to help regulate the curriculum, teachers, salaries, and conduct. The 1882 education ordinance also created an education board to manage education and laid down the criteria for the approval of grant by government for the payment of teachers, salaries it also includes the quality of organization and discipline in the school academic standard (Ogunu, 2000).

The colonial education development initiated a number of education ordinance and codes designed for improvement of education during the period, some of which are:

The Education Ordinance of 1887

This was the first education law enacted specifically for Nigeria. It provided for an education Board which consisted of the governor the members of executive council and not more than four other nominated members the Board was given so much powers, which include establishment of Local Government Board, giving approval before opening of new school s, opening of government schools in district that has no mission school, reporting on the use of government grant in aid of building and teachers' salaries, monitoring if they were fulfilling the condition attached to such grants, and the issuance of teachers certificate . The education ordinance also established an inspectorate which covered all the British African territories.

The Education Code of 1903 and Education Ordinance of 1906

The education code established an education department for the protector of southern Nigeria and in the same year, an education code was promulgated .it also established the post of director of education to head the department of education, the training of teachers and appointment of school supervision s and inspectorate, it also laid down rules for the provision of primary and secondary education payment of grant in aid to all schools. The followings education ordinances are:

The 1916 Education Ordinance: This ushered in a modification of the philosophy that education policy was the exclusive preserve of the government it was an initiative of Lord Lugard at improving the quality of education for Nigeria, it however, encouraged education expansion in the south while it limited mission expansion in the north.

The 1926 Education Code: It was an attempt at professionalizing teaching in Nigeria. The education code registered teachers ensured strict supervision and provided curriculum for different schools and syllabus for teachers' examination. It was specifically made to curb the mushroom development of unassisted schools by the mission and private individuals especially in southern Nigeria.

The 1948 Education Ordinance: The report of the director of education to review the ten-year plan and that of Sir Sydney Phillip son on the procedure for assessing grant in aid were emphasized. The ordinance decentralized education administration. It created a central board of education and four regional boards that are the East, West, Lagos and North.it also recommended the establishment of local education community and Local Education Authorities.

The Education Act of 1952: The 1952 education act was introduced to enable each of the three newly created regions to develop its educational policies. The membership of the board was modified the central director of education role become mainly advisory. This title was changed to inspector general. All school whether public or private were subjected to inspection by the regional director or inspector general. The National education development policy era saw the emergence of edicts acts and laws to accelerate educational development this include: The education edicts of 1966-1979, which the then federal military government enacted decree no 14 of 1967 and created twelve states

from the existing four regions –the west –mid west, north and the east. Lagos remained the capital in 1976 the states were increased to nineteen. Each state promulgated an edict for the regulation of education and its management. All the edicts had common features, which include takeover of school from voluntary agencies, establishment of schools management boards and unified teaching service.

The 1979/1999 Federal Constitutions of Education: The constitution of the federal republic of Nigeria is the basic law from which all other laws draw their legitimacy. The 1979 constitution was the legal basis of education the objectives of education as provided in chapter 11 section 18, sub – section 1-3 of the constitution stipulate that,

- a) government policy shall be directed toward ensuring equal and adequate educational opportunities at all level;
- b) that government shall promote science and technology;
- c) the government shall strive as an when practicable provide: free, compulsory and universal primary education, free secondary education and free adult literacy programme

The Education Law of 1999: The 1999 of the federal republic of Nigeria in section 18, chapter two stated the educational objectives of the nation which include: The inculcation of national consciousness and national unity; The inculcation of the right type of values and attitude for the survival of the individual and the Nigeria society; Training the mind to understand the worlds around; and The acquisition of appropriate skills, both physical, mental and social abilities and competences as equipment for individual to live in and contribute to the development of his society. The chapter four presented the fundamental right which individual, organization and group must respect as applicable to all operators and participant in education system.

The Universal Basic Act of 2004: The act provided for all children, formal basic education for school ages children of pastoral nomads, migrant fisherman, adult literacy, and non-formal education for out-of-school children, youth and illiterate adults. It also provides free compulsory and universal basic education for every child of primary and junior secondary school age, and person with special education need, there is a National Council on UBE (Universal Basic Education), State Basic Education Board and Local Government Education Authority. Penalties are specified for defaulting parents, others are philosophy issues on Nigerian education law and policy.

Yet, educational laws and policies in Nigeria have passed through two significant stages, the colonial and post-independence eras. In the colonial period many educational laws and ordinance were introduced, while in the post independent many educational law, policies, and educational act, were introduced by military and political leaders.

Philosophical Matters on Nigeria's Educational Laws and Policies

Prior to the British conquest of Nigeria and the subsequent establishment of Colonial Government the northern parts, was deeply entrenched both in the Islamic religious belief and educational orientation of the people is uniformly Qur'anic education policy (Ozigi and Ocho, 1981). In the southern parts, each ethnic group had its own traditional form of education based on its own culture and tradition, whose aims and objectives were similar (Taiwo, 1980). Despite the effort of missionaries, colonial, and post colonials government toward educational development Nigerians were left behind, one of the philosophical questions are:

- a) Does this educational law and policies reflect the norm and culture of the Nigerian citizen?
- b) To what extent did educational law address the need and aspiration of Nigeria citizen?
- c) Why the policies of Nigerian education always failed?
- d) From independence to date which educational law or policy are properly implemented in Nigeria?
- e) Who to blame is the military leaders, politician, policy planners, or Nigerian citizen?

This and many more are what philosophy want to x-ray, let us start with colonial education ordinance or law, for example the 1882 ordinance was almost identical with the England Elementary education act of 1870, that was targeted to satisfy the need of England at that time, the local board was a direct importation of England board of education and school board. This carbonized arrangement or importation was not suitable for school board to function. The curriculum, the medium of communication (English) and the method were too foreign to the Nigerian child, the ordinance ignored the genuine aspiration and demand of the local people (Nigerian) to develop their local language as a vehicle to education (Amaele, 2013). Having seeing the first education ordinance the 1887 ordinance which is purely for the colony of Lagos, was an able to curb the difference between English –education cent red and African cent red education which the nationalist clamored for.

Moreover, the 1916 education ordinance failed to take account of the needs of the country in general and the locality in particular. Likewise the 1926 educational ordinance do not investigate the educational need of the people in their religion, social, hygienic, and economic condition, and rather to ascertain the extent to which these educational needs were being met and the 1948 educational ordinance, was an able to make full registration of Nigerian teachers, and grants in-aid were not based on the relevance of the schools, the procedure for opening new school and closing was not clearly stated by the ordinance. However, the 1952 failed to empower each of the regions that is West, East, North, and colony of Lagos to develop its education policies and system, nether to modified the central and regional board for education Although the (1954) regional education law play a vital role on regional education development but it's politically motivated educational system. The U.P.E. (Universal Primary Education) programme introduced by Western region and Eastern region did not yield a good result more especially in term of students/pupils enrolment and retention, and in ability to provide qualify teachers and instructional materials that will help to achieve the main objectives of the programme likewise, in the Northern region the UPE programme has come with a huge of problems due to lack of awareness and miss- understanding of western education in the entire region (Aliyu, 1974). Before 1977 Nigeria never had a comprehensive and well-articulated policy on education, what existed was the highly flowed British colonial system of education inherited at independence in 1960 modified here and there. The said colonial system of education was criticized for lack of relevance, comprehensiveness and focus and also on the basis of its restriction in giving educational opportunity to the people, and that it was imposed on Nigerian without consideration for culture of Nigerian to support this argument Muhammed (2003) assert that a Nation that has lost its identity has no home grown knowledge, no indigenouse man power of its own especially in sensitive development sectors cannot qualify to be called a strong Nation.

The criticism and agitation from some Nigerians who had invariably seen the relationship between education and development led to the 1969 National curriculum conference, which led to the drafting of the education policy document of 1973 and finally to the comprehensive National policy. The policy seeks the inculcation of national unity, the inculcation of the right type of values and

attitude for the survival of an individual and the Nigerian society. The training of the mind in understanding of the world around, and the acquisition of appropriate skills, abilities and competence both mental and physical as equipment's necessary for the individual to live in and for him to contribute to the development of his society are part of the educational goals of this policy (FRN, 2004).

The five main national goals of Nigeria, which have been endorsed as the necessary foundation for the National Policy on Education, are the building of:

- a. a free and democratic society,
- b. a just and egalitarian society,
- c. a united, strong and self-reliant nation,
- d. a great and dynamic economy, and
- e. a land full of bright opportunities for all citizens.

The Philosophy of Nigerian Education

The Nigerian government recognizes that its philosophy of education is based on the transformation of the individual into sound and effective citizen by providing all citizens with equal educational opportunities at all levels of education. It is clearly stated in the Policy document that for the philosophy of Nigerian education to be in harmony with the nation's educational objectives, it has to be geared towards self-realization, better human relation, individual and national efficiency, effective citizenship, individual and national consciousness, and national unity as well as towards social, cultural, economic, political, scientific and technological progress. The national aims and objectives, as listed in this section on the philosophy of Nigerian education, include:

- i. The inculcation of national consciousness and national unity;
- ii. The inculcation of the right type of values and attitudes for the survival of the individual and Nigeria society;
- iii. The training of the mind in the understanding of the world around; and
- iv. The acquisition of appropriate skills, abilities and competencies, both mental, and physical, as equipment for the individual to live in and contribute to the development of the society (FRN, 2014).

The Government hoped to use education as a tool for promoting national unity and for the total development of the individual as well as equipping the individual with knowledge and skills for adaptation into the larger society (Fafunwa, 2004). It was also the intention that the far-reaching provisions of the policy would transform all aspects of national life over time. Thus, various programmes like the Nomadic education for the education of the migrant ethnic groups such as the nomadic cattle rearing Fulani and Ijaw fishermen were introduced (Federal Republic of Nigeria in Umar and Tahir, 2000). Furthermore, the policy reiterated the government's stance in provision of secular education, but with opportunities for religious instruction according to the faith of pupils' parents. However, the issue of giving basic education to children who are itinerant pupils attending local Qur'anic schools was not directly addressed by the government. This form of education continued to thrive in the north because of its sensitivity to local customs and religion (Imam, 2001).

The Reviewed National Education Policy

The National Policy on Education has been revised to accommodate changes in the direction of education brought about by technological development (Nwagwu, 2007). To this end, the policy proposed that admissions into universities be based on 60 per cent science based programmes and

40 per cent humanities. Nwagwu (2007) emphasizes that it was in the bid to launch Nigeria into a technological and industrialized nation that universities and institutes of technology were established by the government. He supported his argument with the expressed belief in the National Policy on Education (2004, p. 8) that 'education shall continue to be highly rated in the national development plans because education is the most important instrument of change; any fundamental change in the intellectual and social outlook of any society has to be preceded by educational revolution.

There was yet another revision of the policy in 1998, which culminated in the 2nd revised edition of the National Policy on Education (Federal Republic of Nigeria, 1998) the 1983 revised edition having been jettisoned. This edition of the policy prescribed the First School leaving Certificate and the universal basic education (UBE) programme the 9-3-4 system of education, comprising of nine years of universal compulsory schooling to be given as six years of primary education, and three years of junior secondary education. At the end of the nine-year UBE programme, all candidates are required to sit for an external examination and graduate with the Junior Secondary School Certificate. The educational system was designed to allow recipients to continue careers through apprenticeships and other vocational training programmes after the nine years of schooling (Olaniyan and Obadara, YEAR)

In 2004, the National Policy on Education was once more revised. This is the latest revised educational policy and 4th edition. Generally, the National Policy of Education in Nigeria is based on the dynamic model of formulating educational policies, which is adaptive to changes and most appropriate for a developing country and multi-ethnic nation like Nigeria. The policy has the following peculiarities:

- a) It set specific objectives for the nation and its education;
- b) it addressed the problem of unity and laid foundation for national integration;
- c) It aimed at realizing a self-reliant and self-sufficient nation to meet the country's developmental needs;
- d) It gave a comprehensive structure of educational system and laid the foundation for the 6-3-3-4 system of education in Nigeria (i.e. six years primary schooling, three years junior secondary education, three years senior secondary school and four years university education);
- e) It made education in Nigeria the government's responsibility in terms of centralized control and funding of education;
- f) It had a broad curriculum which aimed at creating learning opportunity for all children, irrespective of their sex, peculiar background or ability; and

The policy reiterates the Government's commitment to the implementation of the UBE programme and the 9-3-4 system of education. Basic education is given in the form of six years primary education after which pupils proceed to the junior secondary school where they spend three years. The policy saw the disarticulation of junior secondary school from the senior secondary to form basic education schools. The 9-3-4 system was planned to be re-modified again to 1-6-3-3-4 structure which is yet to materialize. This is planned to include the exposure or inclusive of 5 year old learners to one year of early childhood education before proceeding to the 6 years the government has not fully explained what went wrong with the 6-3-3-4 system of education which was dumped in favor of 9-3-4 system and which is also facing threat of change for 1-6-3-3-4 these inconsistency has created a set-back in

our educational system. Other challenges include lack of funding, in proper implementation, manpower, facilities, and disregard to the need and aspiration of Nigeria citizen.

Conclusion

Despite the colorful provision of educational law and policy in Nigeria, developing and implementing appropriate education laws are of great importance and benefit as instruments of national development. Most developed nations across the world achieved greater heights by placing much emphasis on educational policies. It is therefore imperative for the relevant education authorities in Nigeria to critically address the identified impediments that constrained education policy development by taking into consideration the recommendations offered. This is believed to bring about the much needed change in the education sector for a better Nigeria.

Recommendation

- Education is an instrument for the development of individuals, community, and Nation in general, therefore educational law and policy must be geared toward the National development.
- For educational law and policy to be useful it must address the need and aspiration of Nigerian citizens, therefore, Government should ensure that educational law and policy reflect the need and aspiration of the Nigerian citizens.
- A reassessment of the situation on the ground in Nigeria vis-a-vis global developments in various facets of life. This assessment can show problems of the current policy, the needs of the Nigerian society and economy, and the adjustments required to make the Nigerian educational system functional as desired.
- We should cease to be copycats of other countries' educational system. While relevant elements can be adapted, those not suiting our situation should be discarded.

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