

An Analysis of the Legitimacy of the Compulsory Education Law (A Case Study of the 1399 Law on the Protection of Children and Adolescents)

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Article Info	ABSTRACT
Article type: Research Article	Given the importance of education, the law on compulsory education is among the statutes with a long legislative history, having undergone various changes over time. In view of the necessity to align positive laws with the principles and rulings of the sharī'a, as stipulated by Article 72 of the Constitution, a critical aspect of this law is the examination of the religious legitimacy (mashrū'iyya) of such compulsion. Accordingly, the present article employs a descriptive-analytical method to scrutinize the mashrū'iyya of compulsory education as outlined in the Law on the Protection of Children and Adolescents enacted in 1399 [2020 CE], which represents the most recent expression of legislative intent on this matter. The research findings indicate that the obligation for education at the primary level possesses religious justification (tawjīh shar'ī), considering the interests (maṣāliḥ) of both the individual and society. Therefore, in the event that a child's guardians (awliyā') prevent their education, the punishment of those guardians is deemed religiously lawful (mashrū'). However, with regard to the secondary level, this compulsion—and, consequently, the punishment arising from non-compliance—is not considered justifiable, neither for the student (muḥaṣṣil) nor for the student's guardians. Thus, this section of the law requires amendment, and it would be preferable for the legislator, in this regard, to combat illiteracy through incentive-based measures rather than adopting coercive and obligatory approaches.
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Introduction

The significance of education is underscored in the legal framework of the Islamic Republic of Iran, which mandates certain stages of schooling. The most recent legislative expression concerning compulsory education is articulated in the "Law on the Protection of Children and Adolescents" of 2020. Article 7 of this law criminalizes the act of impeding a child's or adolescent's education, stating that parents, guardians, or any person responsible for a minor who prevents them from enrolling or continuing their education through the end of the secondary level shall be subject to legal penalties. This provision effectively establishes compulsory education by criminalizing its obstruction. However, Article 72 of the Iranian Constitution requires that all legislation conform to the principles of Islamic law (*Sharī'ah*). This necessitates a critical examination of the jurisprudential legitimacy of such compulsion. This research, therefore, undertakes an analysis of the Islamic legal validity (*mashrū'iyah*) of the compulsory education mandate as stipulated in the 2020 law.

Methodology

This study is classified as applied research and employs a descriptive-analytical methodology. Data collection was conducted through a library-based approach, involving a comprehensive review of relevant Islamic jurisprudential (*fiqhī*) texts, legal scholarship, statutes, and academic articles. The analytical process began with an examination of Articles 3, 6, and 7 of the 2020 "Law on the Protection of Children and Adolescents," which pertains to compulsory education. Subsequently, the Islamic legal legitimacy of the compulsion mandated by the law was critically analyzed. The findings are presented using deductive reasoning, culminating in specific recommendations for legislative reform.

Findings

The research yields four primary findings regarding the legitimacy of compulsory education from an Islamic jurisprudential perspective:

1. The compulsion of a child to attend **primary education** is jurisprudentially justified, as it aligns with the principle of promoting the child's best interests (*maṣlahah*) as well as the interests of society at large.
2. The compulsion of a child's legal guardian to facilitate their primary education is likewise legitimate. This is justified by the child's best interests and because the expenses for primary schooling are considered an integral part of the child's mandatory financial maintenance (*naḥaqah*). Consequently, imposing penalties on a guardian for non-compliance is also deemed legitimate.

3. The compulsion of an adolescent to attend **secondary education** lacks jurisprudential justification. This conclusion is based on the legal principle of freedom of will (*aṣl al-irādah*) applicable to adolescents and the argument that the curriculum at this level is not universally or fundamentally essential.
4. The compulsion of a guardian to provide for an adolescent's secondary education is also unjustified from a jurisprudential standpoint, as the associated costs are not considered part of the mandatory financial maintenance (*nafaqah*) owed to the adolescent.

Conclusion

In light of the findings, the study concludes that the legal mandate for compulsory secondary education, as it applies to both adolescents and their guardians, lacks a firm jurisprudential basis in Islamic law and requires legislative reform. The most effective alternative would be for the legislator to shift from a coercive (*qahrī*) approach to a supportive and incentive-based one to combat low literacy rates. This preference for a supportive strategy stems from the understanding that education is a multi-faceted, cultural endeavor rather than a matter to be enforced through coercion. The principle of non-coercion should prevail unless there is a compelling and jurisprudentially valid reason to override it, as is the case for primary education. Should the state deem intervention at the secondary level necessary, it must adopt the least intrusive measures possible, making supportive and incentive-based policies the most appropriate course of action.

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