

Constitutional Protection of the Right to Education: Challenges and Strategies for Ensuring Equal Educational Access

M. Mahbubia^a, Robithul Firdaus^b, Sendy Ainun Nadjib^c, Achmad Rifai^d

^a Universitas Nurul Jadid, Indonesia

^b Universitas Nurul Jadid, Indonesia

^c Universitas Nurul Jadid, Indonesia

^d Universitas Nurul Jadid, Indonesia

[*mahbubi@unuja.ac.id](mailto:mahbubi@unuja.ac.id), elfarobi06@gmail.com, Batstian9@gmail.com, achamadrifai1987@gmail.com

Abstract

The right to education is a fundamental constitutional and human right that plays a vital role in promoting social justice, democratic participation, and sustainable development. Despite widespread constitutional recognition, many countries continue to face significant challenges in ensuring equal educational access due to socioeconomic disparities, governance limitations, geographical inequalities, and unequal resource distribution. This study aims to examine the constitutional protection of the right to education, identify the major challenges affecting its implementation, and explore strategic approaches to strengthening educational equity. Using a Systematic Literature Review (SLR) guided by the PRISMA 2020 framework, relevant studies published between 2015 and 2025 were systematically identified, screened, and synthesized from major academic databases. The findings indicate that constitutional guarantees alone are insufficient to ensure educational equality unless supported by effective governance, institutional accountability, sustainable public financing, and inclusive educational policies. The review further demonstrates that constitutional protection should be understood as a dynamic governance process that integrates legal commitments with practical policy implementation. This study contributes to the literature by proposing an integrated conceptual perspective linking constitutional law, educational governance, human rights, and public policy as complementary elements in realizing equal educational access. The findings offer valuable insights for policymakers seeking to strengthen constitutional implementation and promote equitable education systems.

Keywords:

Constitutional Protection;
Right To Education;
Educational Equity;
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*Corresponding Author



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Introduction

Education is universally acknowledged as a fundamental human right and a cornerstone of sustainable development, democratic governance, and social justice. Beyond its role in fostering individual intellectual and personal development, education serves as a catalyst for reducing poverty, promoting social mobility, enhancing economic productivity, and strengthening civic participation.¹ Consequently, the realization of the right to education has become a central concern in international human rights law and constitutional governance. Unlike many other social rights, education functions as an enabling right because its fulfillment empowers individuals to exercise a broad range of civil, political, economic, social, and cultural rights. Without equitable access to education, the practical enjoyment of other constitutional rights becomes significantly constrained.²

The international legal recognition of the right to education has evolved through several landmark instruments. Article 26 of the Universal Declaration of Human Rights establishes that everyone has the right to education and emphasizes that elementary education shall be free and compulsory. This principle was further strengthened through Article 13 of the International Covenant on Economic, Social and Cultural Rights, which recognizes education as indispensable for the full development of the human personality and the effective participation of individuals in a free society.³ Subsequently, the United Nations Educational, Scientific and Cultural Organization has consistently promoted education as a strategic instrument for peace, equality, and sustainable development. More recently, Sustainable Development Goal 4 under the 2030 Agenda for Sustainable Development reaffirmed the global commitment to ensuring inclusive, equitable, and quality education for all by 2030.⁴

¹ Rethinking Education, "Towards a Global Common Good," *UNESCO Retrived June 6* (2015): 2015.

² Abas Hidayat et al., "Challenges and Prospects of Islamic Education Institutions and Sustainability in The Digital Era," *Nazhruna:Jurnal Pendidikan Islam* 5, no. 2 (2021): 351–66.

³ Sundus Serhan Ahmed, "The Evolving Role of Sustainable Development in Shaping Political Progress: A Contemporary Islamic Perspective on Human Rights and Civil Institution," *MILRev: Metro Islamic Law Review* 4, no. 1 (2025): 1–30.

⁴ UNESCO, "Time to Address Today's Learning Crisis | UNESCO," April 26, 2024, <https://www.unesco.org/en/articles/time-address-todays-learning-crisis>.

Although international norms clearly recognize education as a universal right, significant disparities continue to characterize educational systems across the world. According to recent global education monitoring reports, millions of children and adolescents remain excluded from formal education due to poverty, armed conflict, gender inequality, disability, geographical isolation, forced displacement, and limited public investment.⁵ Even in countries where education is constitutionally guaranteed, unequal access to quality educational opportunities persists because legal recognition does not automatically translate into effective implementation. These persistent disparities indicate that constitutional protection alone is insufficient to ensure educational justice unless accompanied by effective governance, institutional accountability, adequate financing, and inclusive public policies.⁶

Constitutional recognition of the right to education has become a defining feature of modern democratic states. Constitutions not only establish education as a legal entitlement but also impose positive obligations on governments to respect, protect, and fulfill educational rights.⁷ From the perspective of constitutional law, the state bears primary responsibility for creating legal frameworks, allocating sufficient public resources, ensuring equal opportunities, and eliminating structural barriers that hinder educational access. Therefore, constitutional protection should be understood not merely as declaratory legal language but as a binding commitment requiring concrete institutional actions and measurable policy outcomes. The effectiveness of constitutional guarantees consequently depends on the interaction between constitutional principles, administrative capacity, public accountability, and political commitment.⁸

⁵ Ahmad et al., "The Role of Leadership of Kyai as the Caretaker of Islamic Boarding Schools in Building Social Piety," *International Journal of Research in Social Science and Humanities (IJRSS)* ISSN:2582-6220, DOI: 10.47505/IJRSS 6, no. 11 (2025): 11–41, <https://doi.org/10.47505/IJRSS.2025.11.2>.

⁶ World Bank Group, *World Development Report 2017: Governance and the Law* (World Bank Publications, 2017).

⁷ Heru Setiawan et al., "Digitalization of Legal Transformation on Judicial Review in the Constitutional Court," *Journal of Human Rights, Culture and Legal System* 4, no. 2 (2024): 263–98, <https://doi.org/10.53955/jhcls.v4i2.263>.

⁸ Gianluca P. Parolin, "The Constitutional Framework of International Law in the Gulf: Ratification and Implementation of International Treaties in GCC Constitutions," *Arab Law Quarterly* 34, no. 1 (2020): 24–42.

The relationship between constitutional protection and educational equality has become increasingly important in the contemporary era characterized by globalization, digital transformation, demographic change, and growing socioeconomic inequality.⁹ While technological advances have expanded educational opportunities, they have simultaneously exposed new forms of exclusion resulting from unequal digital infrastructure, disparities in technological literacy, and differences in household economic capacity. The educational disruptions experienced during recent global crises further revealed that constitutional guarantees alone cannot protect educational rights without adaptive governance systems capable of responding to extraordinary circumstances. These developments underscore the necessity of reexamining constitutional protection through a broader governance perspective that integrates legal obligations with policy implementation and institutional resilience.

In Indonesia, the constitutional protection of education occupies a prominent position within the national legal system. The Constitution of the Republic of Indonesia explicitly guarantees every citizen's right to education while assigning the state responsibility for organizing a national education system that develops human dignity, morality, knowledge, and national civilization.¹⁰ Furthermore, constitutional provisions requiring the allocation of at least twenty percent of public expenditure to education demonstrate a strong legal commitment to educational development. These constitutional mandates are operationalized through Law Number 20 of 2003 concerning the National Education System, which emphasizes equal educational

⁹ Brian Barrett, "Religion and Habitus: Exploring the Relationship Between Religious Involvement and Educational Outcomes and Orientations Among Urban African American Students," *Urban Education* 45, no. 4 (2010): 448–79, <https://doi.org/10.1177/0042085910372349>.

¹⁰ Abdul Hakim Abdullah et al., "Continuing Professional Development (CPD) Models for Islamic Education Teachers in Malaysia and Indonesia," *Ar-Fachruddin: Journal of Islamic Education* 2, no. 1 (2025): 44–57, <https://doi.org/10.7401/awyn7j56>.

opportunities, quality improvement, lifelong learning, and nondiscriminatory access.¹¹

Nevertheless, despite these comprehensive constitutional and legislative commitments, Indonesia continues to experience significant educational inequalities. Disparities remain evident in educational infrastructure, teacher distribution, school quality, digital connectivity, educational financing, and learning outcomes between urban and rural regions as well as among different socioeconomic groups. Marginalized communities, children with disabilities, indigenous populations, and economically disadvantaged households often encounter greater obstacles in accessing quality education.¹² These realities demonstrate that constitutional guarantees have not yet been fully translated into substantive educational equality. Consequently, the challenge confronting policymakers extends beyond constitutional recognition toward improving governance mechanisms capable of implementing constitutional obligations effectively.

Existing academic literature has examined the right to education from diverse disciplinary perspectives, including constitutional law, human rights, educational policy, public administration, comparative education, and development studies. Legal scholarship has primarily focused on constitutional interpretation, judicial enforcement, and the legal obligations of the state, whereas educational research has concentrated on issues such as educational quality, access, inclusion, financing, and institutional performance. Similarly, public policy studies have explored governance reforms and administrative effectiveness in improving educational outcomes. Although these bodies of literature have generated valuable insights, they have largely evolved in parallel rather than as an integrated field of inquiry. As a result, existing studies tend to examine constitutional protection as a legal issue or educational governance as a policy issue, with limited attention to the

¹¹ Shalima S. Sappayani, "Leadership and Innovation in Islamic Higher Education: A Systematic Literature Review for Sustainable Development," *Proceeding of Annual International Conference on Islamic Education and Language (AICIEL)*, December 17, 2025, 587–612.

¹² Lee Harvey and Diana Green, "Defining Quality," *Assessment & Evaluation in Higher Education* 18, no. 1 (1993): 9–34, <https://doi.org/10.1080/0260293930180102>.

interdependence between constitutional guarantees, governance capacity, institutional accountability, and policy implementation in realizing educational equity.

More importantly, the existing literature has not adequately explained why countries with comparable constitutional guarantees frequently demonstrate markedly different levels of educational access and equity. Most constitutional studies implicitly assume that formal constitutional recognition provides an adequate foundation for educational justice, while governance-oriented studies often evaluate policy effectiveness without examining how constitutional commitments shape institutional responsibilities and policy implementation. Consequently, the mechanisms through which constitutional provisions are translated into equitable educational outcomes remain insufficiently theorized. This conceptual disconnect limits scholarly understanding of why substantial educational inequalities persist despite strong constitutional commitments in many democratic states.

Addressing this gap, the present study develops an integrated analytical framework that connects constitutional law, governance theory, educational policy, and institutional accountability to explain the conditions under which constitutional protection can effectively promote equal educational access. Rather than treating constitutional recognition as an end in itself, this study conceptualizes constitutional protection as a dynamic governance process whose effectiveness depends on the interaction between legal commitments, institutional capacity, policy implementation, and public accountability. By integrating these previously disconnected perspectives, this review offers a more comprehensive explanation of the realization of the constitutional right to education and advances the interdisciplinary literature on educational governance and social rights.

The novelty of this study lies in its integration of constitutional law, human rights theory, educational governance, and public policy into a single conceptual framework for understanding the realization of educational rights. Existing studies generally examine these dimensions independently; however, this article demonstrates that constitutional guarantees, governance quality, institutional

accountability, and policy implementation are mutually reinforcing components of effective educational rights protection. By bridging these disciplinary perspectives, the study advances theoretical discussions concerning the implementation of social rights while providing a comprehensive analytical model applicable to diverse constitutional systems.

The findings of this study are expected to contribute both theoretically and practically. Theoretically, the study enriches interdisciplinary scholarship by connecting constitutional rights theory with governance and education policy literature, thereby offering a more holistic explanation of how constitutional commitments influence educational equity. Practically, the proposed framework may assist policymakers, legislators, constitutional courts, educational institutions, and public administrators in designing strategies that strengthen equal educational access through improved governance, sustainable financing, institutional accountability, and evidence-based policymaking. Ultimately, protecting the constitutional right to education should not be understood merely as fulfilling a legal obligation but as establishing the institutional foundations necessary for achieving inclusive development, democratic citizenship, and long-term social justice.

Method

This study employed a Systematic Literature Review (SLR) to synthesize and critically analyze the existing body of knowledge on the constitutional protection of the right to education, with particular emphasis on the challenges affecting its implementation and the strategies proposed to ensure equal educational access.¹³ The SLR approach was selected because it offers a rigorous, transparent, and reproducible method for collecting, evaluating, and integrating evidence from previous studies. Compared with conventional narrative reviews, a systematic review minimizes selection bias and provides a comprehensive understanding of research trends, theoretical developments, and policy implications across interdisciplinary fields.

¹³ Matthew O. Ayemowa et al., "Analysis of Recommender System Using Generative Artificial Intelligence: A Systematic Literature Review," *IEEE Access* 12 (2024): 87742–66, <https://doi.org/10.1109/ACCESS.2024.3416962>.

Given that the right to education intersects constitutional law, human rights, educational policy, and public governance, the SLR approach was considered the most appropriate method for addressing the objectives of this study.¹⁴

The review process was conducted in accordance with the Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA 2020) guidelines. The PRISMA framework was adopted to ensure methodological transparency and consistency throughout the review process, including literature identification, screening, eligibility assessment, and final inclusion. This structured procedure enhances the credibility and replicability of the review by documenting each stage of article selection and reducing the possibility of subjective judgment during the literature selection process.¹⁵

Relevant publications were identified through comprehensive searches of several internationally recognized academic databases, including Scopus, Web of Science, ScienceDirect, and Google Scholar. These databases were selected because they provide extensive coverage of peer-reviewed research in law, education, public policy, governance, and human rights. The search strategy combined multiple keywords using Boolean operators to maximize the retrieval of relevant studies. The principal search terms included “right to education,” “constitutional protection,” “constitutional rights,” “educational access,” “educational equity,” “education policy,” “inclusive education,” “human rights,” and “educational governance.” Alternative keyword combinations and synonymous terms were also employed to ensure comprehensive coverage of the literature.

To maintain the quality and relevance of the reviewed literature, explicit inclusion and exclusion criteria were established prior to the screening process. Studies were included if they addressed constitutional or legal aspects of the right to education, examined educational access or educational equity, discussed governance or policy implementation, and were published in peer-reviewed journals or

¹⁴ Shan Wang et al., “Artificial Intelligence in Education: A Systematic Literature Review,” *Expert Systems with Applications* 252 (October 2024): 124167, <https://doi.org/10.1016/j.eswa.2024.124167>.

¹⁵ Matthew J. Page et al., *The PRISMA 2020 Statement: An Updated Guideline for Reporting Systematic Reviews*, Research Methods & Reporting, March 29, 2021, <https://doi.org/10.1136/bmj.n71>.

authoritative institutional reports between 2015 and 2025. Only publications written in English were included to ensure consistency in data analysis and international comparability. Conversely, conference abstracts, editorials, opinion articles, book reviews, duplicated records, and studies focusing exclusively on classroom pedagogy without discussing legal or policy dimensions were excluded from the review.

Following the initial identification process, duplicate records were removed before title and abstract screening was conducted. Publications meeting the inclusion criteria proceeded to full-text assessment, during which each article was carefully examined to determine its relevance to the research objectives. The selected studies were then subjected to systematic data extraction using a structured review matrix. Information extracted from each publication included the author, publication year, country of study, research objectives, theoretical framework, methodological approach, principal findings, and recommendations related to constitutional protection and equal educational access. Organizing the extracted information in a standardized matrix facilitated cross-study comparison and supported the identification of recurring concepts and emerging patterns.

The collected evidence was synthesized using thematic analysis. This analytical approach enabled the identification, organization, and interpretation of recurring themes across the selected studies while preserving the contextual diversity of each publication. The synthesis generated several major themes, including constitutional guarantees of educational rights, state obligations in fulfilling educational rights, governance and institutional accountability, barriers to equitable educational access, educational justice, and policy strategies for strengthening constitutional implementation. These themes were subsequently integrated into a conceptual framework explaining the relationship between constitutional commitments, governance capacity, institutional performance, and educational equality.

To strengthen the trustworthiness of the review, particular attention was given to methodological transparency and source quality. Priority was assigned to peer-reviewed articles published in high-impact international journals and authoritative reports issued by international organizations. Furthermore, every stage of the review

process was documented systematically to ensure reproducibility and minimize researcher bias. Through this systematic and evidence-based approach, the study provides a comprehensive understanding of how constitutional protection of the right to education has been conceptualized within contemporary scholarship while identifying key governance strategies that may enhance equal educational access across different constitutional and educational contexts.

Result

Constitutional Foundations and State Obligations in Protecting the Right to Education

The synthesis of the selected literature demonstrates that constitutional recognition of the right to education has become a defining characteristic of modern democratic states. Across diverse constitutional systems, education is consistently regarded not merely as a social service but as a fundamental constitutional right that establishes legally enforceable obligations for governments. The reviewed studies indicate that constitutional protection provides the normative foundation for educational governance by defining the relationship between citizens and the state while establishing legal standards for equality, non-discrimination, and public accountability. Consequently, constitutional provisions concerning education are increasingly interpreted as positive obligations requiring governments to ensure that every individual has meaningful access to quality education regardless of socioeconomic background, geographical location, gender, ethnicity, religion, or disability.¹⁶

A recurring theme emerging from the literature is that constitutional guarantees extend beyond the formal recognition of educational rights. Instead, constitutions create an institutional framework through which governments are required to develop legislation, allocate financial resources, establish administrative mechanisms, and formulate public policies capable of translating constitutional

¹⁶ Education, "Towards a Global Common Good."

commitments into practical educational opportunities.¹⁷ This perspective reflects the evolution of constitutionalism from a doctrine primarily concerned with limiting governmental power toward one that also emphasizes the state's responsibility to actively realize social rights. Within this framework, education is understood as a prerequisite for democratic citizenship, economic participation, and human development rather than merely an individual entitlement.

The reviewed studies further reveal that constitutional protection of education is closely connected with international human rights law. The recognition of education within Article 26 of the Universal Declaration of Human Rights and Article 13 of the International Covenant on Economic, Social and Cultural Rights has significantly influenced constitutional reforms in numerous countries.¹⁸ These international instruments establish that education should be available, accessible, acceptable, and adaptable, thereby creating normative standards against which national constitutional implementation can be evaluated. The literature consistently argues that constitutional provisions should therefore be interpreted harmoniously with international human rights obligations to strengthen legal certainty and improve the protection of educational rights.¹⁹

Another important finding concerns the multidimensional nature of state obligations. Rather than limiting governmental responsibility to providing schools or educational facilities, constitutional scholarship increasingly emphasizes three interconnected obligations: the duty to respect, the duty to protect, and the duty to fulfill educational rights.²⁰ The obligation to respect requires governments to refrain from discriminatory practices or arbitrary interference with educational

¹⁷ Gunther Teubner, "Societal Constitutionalism: Alternatives to State-Centered Constitutional Theory?," SSRN Scholarly Paper no. 876941 (Social Science Research Network, January 24, 2006), <https://papers.ssrn.com/abstract=876941>.

¹⁸ Md Jewel Ali, "Breaking Barriers: Gender Policies, Human Rights, and the Legal Quest for Equality and Social Justice," *International Journal of Law Management & Humanities* 7 Issue 5 (2024): 846.

¹⁹ United Nations, "Human Development Report 2021-22," in *Human Development Reports* (United Nations, 2022), <https://hdr.undp.org/content/human-development-report-2021-22>.

²⁰ Elena Aydarova, "Building a One-Dimensional Teacher: Technocratic Transformations in Teacher Education Policy Discourses," *Educational Studies* 57, no. 6 (2021): 670–89, <https://doi.org/10.1080/00131946.2021.1969934>.

opportunities. The obligation to protect requires the establishment of legal safeguards preventing discrimination or exclusion by private actors. Meanwhile, the obligation to fulfill requires governments to adopt proactive measures, including investment in educational infrastructure, teacher development, curriculum improvement, technological innovation, and financial assistance for disadvantaged communities. The literature suggests that the effective realization of constitutional rights depends upon the balanced implementation of these complementary responsibilities.

The synthesis also indicates that constitutional protection has significant implications for educational governance. Governance is increasingly viewed as the operational mechanism through which constitutional commitments are transformed into public services. Effective governance requires institutional coordination among legislative bodies, executive agencies, educational authorities, local governments, and judicial institutions. Several studies emphasize that fragmented governance structures often weaken constitutional implementation because overlapping responsibilities, administrative inefficiency, and inadequate policy coordination reduce the effectiveness of educational reforms.²¹ Consequently, constitutional protection should be supported by governance arrangements characterized by transparency, accountability, responsiveness, and evidence-based policymaking.

Financial commitment emerges as another central dimension within the reviewed literature. Although constitutional recognition establishes legal obligations, educational rights cannot be realized without sustainable public investment. Numerous scholars argue that adequate financing constitutes one of the strongest indicators of governmental commitment to constitutional education rights. Budget allocation influences school infrastructure, teacher recruitment, digital learning facilities, scholarship programs, educational inclusion, and quality assurance systems.²² Conversely, insufficient or unequal educational financing frequently

²¹ Lisa Blomgren Bingham et al., "The New Governance: Practices and Processes for Stakeholder and Citizen Participation in the Work of Government," *Public Administration Review* 65, no. 5 (2005): 547–58, <https://doi.org/10.1111/j.1540-6210.2005.00482.x>.

²² Mukti Ali et al., "Integrating Technology in Learning in Madrasah: Towards the Digital Age," *Indonesian Journal of Education (INJOE)* 4, no. 1 (2024): 290–304.

contributes to persistent disparities in educational outcomes despite strong constitutional guarantees. Therefore, constitutional protection should be accompanied by fiscal policies that prioritize educational equality and long-term investment in human capital.

The literature further highlights the indispensable role of judicial institutions in protecting educational rights. Constitutional courts and supreme courts increasingly serve as guardians of constitutional guarantees by reviewing legislation, interpreting constitutional provisions, and resolving disputes concerning educational access. Judicial decisions often clarify the scope of governmental obligations while strengthening accountability mechanisms for educational policy implementation. In several jurisdictions, constitutional litigation has successfully expanded access to compulsory education, protected vulnerable populations from discrimination, and required governments to improve educational services.²³ These findings illustrate that constitutional adjudication functions not only as a mechanism of legal interpretation but also as an instrument for advancing educational justice.

Another significant finding concerns the relationship between constitutional protection and educational equality. The reviewed studies consistently demonstrate that equality in education extends beyond formal access to educational institutions. Genuine constitutional equality requires governments to address structural inequalities affecting educational participation and achievement. Such inequalities may arise from poverty, regional disparities, disability, gender discrimination, digital exclusion, or inadequate public services.²⁴ Accordingly, constitutional implementation should be evaluated based on substantive equality rather than formal legal compliance alone. Policies promoting affirmative measures, inclusive education, targeted financial assistance, and equitable resource distribution are therefore considered integral components of constitutional protection.

²³ Karem Aboelazm, "The Role of Digital Transformation in Improving the Judicial System in the Egyptian Council of State: An Applied Study from a Comparative Perspective," *Journal of Law and Emerging Technologies* 2, no. 1 (2022): 11–50, <https://doi.org/10.54873/jolets.v2i1.41>.

²⁴ Jan A. G. M. van Dijk, *The Deepening Divide: Inequality in the Information Society* (SAGE Publications, 2005).

The literature also identifies accountability as a determining factor in the effectiveness of constitutional guarantees. Accountability mechanisms include legislative oversight, judicial review, administrative monitoring, public participation, and independent evaluation of educational policies. Studies consistently argue that constitutional commitments become meaningful only when governments are required to justify policy decisions and demonstrate measurable progress toward educational equality. Transparent reporting systems, performance indicators, and public access to educational information strengthen institutional legitimacy while enabling citizens to participate more actively in educational governance.²⁵

Overall, the synthesis demonstrates that constitutional protection of the right to education should be understood as a comprehensive governance framework rather than merely a constitutional declaration. Constitutional provisions establish the legal foundation, but their effectiveness depends upon institutional capacity, policy coherence, adequate financial investment, judicial enforcement, and accountability mechanisms capable of translating legal commitments into equitable educational opportunities. The reviewed literature therefore supports an integrated perspective in which constitutional law, public governance, and educational policy function as mutually reinforcing components in realizing educational rights. This finding provides the conceptual basis for the subsequent discussion on the practical challenges and strategic approaches required to ensure equal educational access within contemporary constitutional systems.

Challenges and Strategic Approaches to Achieving Equal Educational Access

The systematic review indicates that although constitutional recognition of the right to education has become a common feature of democratic constitutions, significant challenges continue to hinder its effective implementation. Across the reviewed studies, educational inequality remains one of the most persistent obstacles

²⁵ Susannah Cornwall, "Failing Safely: Increasing Theology and Religious Studies Students' Resilience and Academic Confidence via Risk-Taking in Formative Assessment," *Teaching Theology & Religion* 21, no. 2 (2018): 110–19, <https://doi.org/10.1111/teth.12429>.

to realizing constitutional commitments. The literature consistently demonstrates that legal guarantees alone do not automatically ensure equal educational opportunities. Instead, the effectiveness of constitutional protection depends on the interaction between legal frameworks, institutional capacity, public governance, socioeconomic conditions, and political commitment. Consequently, the realization of educational rights requires comprehensive strategies that address both structural and operational barriers.²⁶

One of the most frequently discussed challenges concerns socioeconomic inequality. Numerous studies reveal that poverty remains a significant determinant of educational participation and academic achievement. Children from low-income households often encounter financial barriers related to transportation, learning materials, digital devices, and supplementary educational resources. Even where tuition fees are eliminated, indirect educational costs continue to affect school attendance and learning outcomes.²⁷ The literature further suggests that socioeconomic disadvantage often intersects with other forms of vulnerability, including disability, gender inequality, and geographic isolation, thereby creating multiple layers of educational exclusion. These findings indicate that constitutional protection should extend beyond legal recognition by incorporating targeted social policies capable of reducing economic disparities and expanding educational opportunities.

Geographical inequality also emerges as a major challenge in ensuring equal educational access. The reviewed studies consistently report disparities between urban and rural areas in terms of educational infrastructure, teacher availability, internet connectivity, and access to quality learning resources. Remote and underserved regions frequently experience shortages of qualified teachers, inadequate school facilities, and limited technological infrastructure, resulting in

²⁶ Muhammad Amin Abdullah, "Islamic Studies in Higher Education in Indonesia: Challenges, Impact and Prospects for the World Community," *Al-Jami'ah: Journal of Islamic Studies* 55, no. 2 (2017): 391–426, <https://doi.org/10.14421/ajis.2017.552.391-426>.

²⁷ Noornajihan Jaafar, "Parents' Involvement in the Education of Children with Islam Based on Imam Al-Ghazali's Perspective," *Profetika: Jurnal Studi Islam* 25, no. 01 (2024): 95–106, <https://doi.org/10.23917/profetika.v25i01.4210>.

lower educational attainment compared with urban populations.²⁸ Such disparities demonstrate that constitutional guarantees require differentiated policy responses rather than uniform administrative measures. Educational equality can only be achieved when governments recognize regional diversity and allocate resources according to actual educational needs rather than equal distribution alone.

Another recurring issue identified in the literature is the persistence of educational discrimination affecting marginalized groups. Although constitutional principles generally prohibit discrimination, practical implementation often reveals unequal treatment toward persons with disabilities, indigenous communities, ethnic minorities, migrant populations, refugees, and girls in particular social contexts. These inequalities frequently arise from institutional barriers, cultural stereotypes, inadequate public services, and insufficient inclusive educational policies.²⁹ The reviewed studies argue that constitutional equality should be interpreted as substantive equality, requiring governments to adopt affirmative measures that eliminate structural disadvantages rather than relying solely on formal legal equality. Inclusive education therefore becomes an essential constitutional strategy for ensuring that educational systems accommodate diverse social and cultural needs.

The literature also highlights governance-related challenges that limit the implementation of constitutional educational rights. Weak institutional coordination, fragmented administrative responsibilities, inconsistent policy implementation, and limited accountability mechanisms frequently reduce the effectiveness of educational reforms. In many countries, responsibilities for education are distributed among multiple governmental institutions without adequate coordination, resulting in policy duplication, inefficient resource allocation, and inconsistent service delivery.³⁰ Furthermore, political transitions and changes in governmental priorities often

²⁸ Anna Triandafyllidou, "Greece: The Challenge of Native and Immigrant Muslim Populations," in *Muslims in 21st Century Europe* (Routledge, 2010).

²⁹ Gavin T. L. Brown, "The Past, Present and Future of Educational Assessment: A Transdisciplinary Perspective," *Frontiers in Education* 7 (November 2022), <https://doi.org/10.3389/feduc.2022.1060633>.

³⁰ Rabiatal Adawiyah et al., "Manajemen Pendidikan Pesantren Dalam Konteks Kebijakan Pendidikan Nasional: Analisis Dan Rekomendasi," *Tarbiatuna: Journal of Islamic Education Studies* 4, no. 2 (2024): 764–71, <https://doi.org/10.47467/tarbiatuna.v4i2.7187>.

disrupt long-term educational planning, thereby limiting the sustainability of constitutional commitments. These findings emphasize that constitutional guarantees require stable governance structures supported by effective intergovernmental collaboration and institutional continuity.

Financial sustainability constitutes another critical challenge identified throughout the reviewed literature. Although many constitutions recognize education as a fundamental right, governments frequently encounter fiscal constraints that affect educational investment. Limited public budgets, unequal regional financing, inefficient expenditure management, and competing development priorities often reduce the resources available for improving educational quality.³¹ The literature consistently demonstrates that constitutional recognition without adequate financial commitment weakens the practical realization of educational rights. Sustainable educational financing therefore represents not only an economic necessity but also a constitutional obligation requiring governments to prioritize long-term investment in human capital development.

Digital transformation has introduced both opportunities and challenges for constitutional protection of educational rights. The rapid expansion of digital learning environments has increased educational accessibility for many learners while simultaneously exposing significant inequalities in technological infrastructure and digital literacy. The reviewed studies indicate that unequal internet access, insufficient digital devices, and varying technological competencies continue to create disparities in learning opportunities.³² These digital inequalities became particularly visible during periods of educational disruption, when online learning replaced conventional classroom instruction in many countries. Consequently, the literature argues that digital inclusion should now be regarded as an integral component of the

³¹ Heni Cahyani et al., "Comparative Study of Problem Based Learning and Jigsaw Models in Enhancing Students' Critical Thinking Skills in Islamic Religious Education," *Journal of Teacher Training and Educational Research* 3, no. 1 (2025): 1–9, <https://doi.org/10.71280/jotter.v3i1.526>.

³² Siti Juhairiah et al., "Digital Transformation in Islamic Education: Opportunities, Challenges, and Its Impact on Islamic Values," *Journal of Vocational Education and Educational Technology Innovations* 1, no. 1 (2024): 1–6, <https://doi.org/10.70074/jveti.v1i1.20>.

constitutional right to education, requiring governments to ensure equitable access to technological resources and digital learning environments.

The systematic review further identifies accountability as one of the most important determinants of successful constitutional implementation. Effective accountability mechanisms enable governments to evaluate educational policies, monitor implementation, measure learning outcomes, and identify persistent inequalities. Transparent governance, public participation, judicial oversight, and independent institutional evaluation contribute significantly to strengthening constitutional compliance. Several studies emphasize that educational policies become more effective when citizens, civil society organizations, educational institutions, and oversight bodies actively participate in policy formulation and evaluation.³³ Such participatory governance enhances public trust while improving governmental responsiveness to educational challenges.

In response to these challenges, the reviewed literature proposes several strategic approaches for strengthening constitutional protection of the right to education. The first strategy involves reinforcing constitutional implementation through comprehensive legislation and coherent public policies. Constitutional principles should be translated into operational legal frameworks that clearly define governmental responsibilities, institutional mandates, funding mechanisms, and accountability procedures.³⁴ Clear legal standards reduce ambiguity in policy implementation while strengthening institutional consistency across different administrative levels.

The second strategy emphasizes strengthening educational governance through improved institutional coordination and evidence-based policymaking. Governments are encouraged to establish integrated governance systems that facilitate collaboration among ministries, local authorities, educational institutions,

³³ Bahiyah Ahmad et al., "Assessing the Rate of Child Maintenance (Financial Support) from a Shariah Perspective: The Case of Malaysia," *Al-Jami'ah: Journal of Islamic Studies* 58, no. 2 (2020): 293–322, <https://doi.org/10.14421/ajis.2020.582.293-322>.

³⁴ Setiawan et al., "Digitalization of Legal Transformation on Judicial Review in the Constitutional Court."

and civil society organizations.³⁵ Data-driven decision-making, continuous policy evaluation, and institutional learning enable governments to respond more effectively to changing educational needs while ensuring efficient resource allocation.

A third strategy focuses on promoting inclusive and equitable educational policies. The literature recommends targeted interventions for disadvantaged populations through scholarship programs, disability-inclusive education, community-based educational initiatives, equitable teacher distribution, and investments in underserved regions. Rather than applying uniform policies, governments should adopt equity-oriented approaches that allocate resources according to levels of educational disadvantage. Such strategies better reflect the constitutional principle of substantive equality and contribute to reducing long-standing educational disparities.

The reviewed studies also stress the importance of sustainable educational financing as a strategic priority. Long-term investment in school infrastructure, teacher professional development, educational technology, research, and quality assurance systems strengthens both educational performance and constitutional compliance. Transparent financial management and equitable budget distribution further enhance public accountability and maximize the effectiveness of educational expenditure.³⁶

Finally, the literature underscores that constitutional protection of the right to education should be viewed as a continuous governance process rather than a static legal commitment. Effective realization of educational rights requires adaptive institutions capable of responding to demographic change, technological innovation, economic transformation, and emerging social challenges. Governments must therefore adopt flexible policy frameworks that preserve constitutional principles while accommodating evolving educational needs. This integrated approach

³⁵ Zaenal Abidin, "Educational Management of Pesantren in Digital Era 4.0," *Jurnal Pendidikan Agama Islam* 17, no. 2 (2020): 203–16, <https://doi.org/10.14421/jpai.2020.172-07>.

³⁶ F. Johnson and D. Pastory, "The Influence of Cash Management on Financial Performance of Private Schools in Tanzania," in *Sustainable Education and Development – Sustainable Industrialization and Innovation*, ed. Clinton Aigbavboa et al. (Springer International Publishing, 2023), https://doi.org/10.1007/978-3-031-25998-2_65.

demonstrates that equal educational access is not solely the product of constitutional recognition but the outcome of sustained collaboration among legal institutions, policymakers, educational stakeholders, and society as a whole. The synthesis ultimately confirms that strengthening governance quality, institutional accountability, inclusive policymaking, and equitable resource distribution constitutes the most effective strategy for transforming constitutional guarantees into meaningful educational opportunities for every citizen.

Discussion

The findings of this systematic literature review indicate that constitutional recognition of the right to education alone is insufficient to guarantee equitable educational outcomes. The more fundamental question concerns why constitutional guarantees often fail to produce equal educational opportunities despite their widespread legal recognition. The synthesized evidence suggests that the answer lies not primarily within constitutional texts themselves, but within the governance systems responsible for translating constitutional commitments into public action.³⁷

Governance occupies a central position because constitutional rights are inherently dependent on implementation. Constitutions establish legal obligations and normative principles, yet they rarely prescribe the administrative procedures, institutional coordination, financial arrangements, or monitoring mechanisms necessary for effective implementation. Consequently, governance functions as the operational mechanism through which constitutional principles become public policies, educational services, and institutional practices. Without capable governance institutions, constitutional provisions remain largely symbolic, limiting their capacity to influence educational outcomes. This finding reinforces governance theory, which argues that policy effectiveness depends not only on legal authority but also on

³⁷ Tony Bush and Derek Glover, "School Leadership Models: What Do We Know?," *School Leadership & Management* 34, no. 5 (2014): 553–71, <https://doi.org/10.1080/13632434.2014.928680>.



institutional coordination, administrative competence, accountability, and organizational capacity.³⁸

The persistent implementation gap identified across the reviewed studies also explains why constitutional law frequently fails to achieve its intended objectives. Constitutional failure should not be interpreted as evidence of weak constitutional principles, but rather as the consequence of institutional constraints that prevent governments from fulfilling constitutional obligations. Educational policies often involve multiple governmental agencies operating across national, regional, and local levels. Where institutional responsibilities overlap or coordination mechanisms are weak, policy implementation becomes fragmented, reducing consistency in educational service delivery. Similarly, limited bureaucratic capacity, insufficient monitoring systems, and inconsistent policy enforcement diminish the practical effectiveness of constitutional guarantees regardless of their legal strength.³⁹

Another explanation concerns the political and economic nature of social rights. Unlike civil and political rights, the right to education requires continuous public expenditure, long-term planning, and sustained institutional investment. Constitutional provisions may legally recognize educational rights, but governments remain constrained by fiscal capacity, competing policy priorities, political instability, and changing economic conditions. Consequently, constitutional implementation is not determined solely by legal commitment but also by governmental willingness and institutional ability to allocate sufficient resources over extended periods. This explains why countries with similar constitutional guarantees frequently demonstrate substantially different educational outcomes.⁴⁰

³⁸ Khalid Arar et al., "The Research on Islamic-Based Educational Leadership since 1990: An International Review of Empirical Evidence and a Future Research Agenda," *Religions* 13, no. 1 (2021), <https://doi.org/10.3390/rel13010042>.

³⁹ Ani Apiyani, "Concept and Function Of Educational Management In Islamic Perspective," *International Journal of Islamic Educational Research* 1, no. 3 (2024): 42–51, <https://doi.org/10.61132/ijier.v1i3.51>.

⁴⁰ Bianca J. Baldridge et al., "Toward a New Understanding of Community-Based Education: The Role of Community-Based Educational Spaces in Disrupting Inequality for Minoritized Youth," *Review of Research in Education* 41, no. 1 (2017): 381–402, <https://doi.org/10.3102/0091732X16688622>.

The review further explains why educational equity remains difficult to achieve despite expanded educational access. Educational inequality is produced by structural conditions that extend beyond formal access to schools. Students enter educational systems with unequal socioeconomic backgrounds, geographical circumstances, technological resources, family support, and physical abilities. These inequalities influence not only enrollment but also learning quality, educational achievement, and long-term educational attainment. Therefore, constitutional equality cannot be achieved simply by providing identical educational opportunities. Instead, governments must address unequal starting conditions through targeted interventions that compensate for structural disadvantages. This interpretation reflects the principle of substantive equality, which recognizes that equal treatment may reproduce inequality when underlying social conditions remain unequal.⁴¹

Digital transformation provides another illustration of why constitutional implementation has become increasingly complex. Traditionally, constitutional protection emphasized physical access to educational institutions. However, the rapid expansion of digital learning has fundamentally altered the conditions necessary for exercising educational rights. Access to reliable internet, digital devices, technological infrastructure, and digital literacy has become essential for meaningful educational participation. Consequently, constitutional protection must evolve alongside technological change because legal rights cannot remain effective if they fail to respond to emerging forms of exclusion. This demonstrates that constitutional implementation is dynamic rather than static, requiring governance systems capable of adapting to societal transformation.⁴²

The findings also explain why institutional accountability consistently emerges as a decisive factor in constitutional effectiveness. Governments may formally adopt educational policies without ensuring their consistent implementation.

⁴¹ Ahmad Fikri et al., "Urgensi Literasi Digital Dalam Membangun Karakter Siswa Di Era Media Sosial," *RIGGS: Journal of Artificial Intelligence and Digital Business* 4, no. 2 (2025): 3899–905, <https://doi.org/10.31004/riggs.v4i2.1134>.

⁴² Siti Raihana Hamzah et al., "Revolutionizing Financial Inclusion: A Blockchain-AI Model for Zakat and Waqf Management in Malaysia and Beyond," *iEco | Islamic Economics Journal* 3, no. 1 (2025): 173–93.

Accountability mechanisms including judicial review, legislative oversight, performance evaluation, financial auditing, and public participation reduce this implementation gap by creating incentives for governments to fulfill constitutional obligations. In the absence of accountability, constitutional commitments are vulnerable to administrative inefficiency, political inconsistency, and unequal policy enforcement. Accountability therefore functions not merely as a control mechanism but as an institutional process that continuously aligns governmental performance with constitutional objectives.⁴³

From a theoretical perspective, these findings suggest that constitutional protection of educational rights should be understood as an integrated governance ecosystem rather than a purely legal framework. Existing scholarship frequently analyzes constitutional law, educational governance, human rights, and public policy as separate fields. However, the reviewed evidence indicates that these dimensions are mutually dependent. Constitutional guarantees establish legal legitimacy, governance provides implementation capacity, public policy translates constitutional principles into practical programs, while accountability ensures continuous institutional compliance. Weakness in any one component diminishes the effectiveness of the entire system. Educational inequality therefore represents not simply a legal problem or a policy problem, but the cumulative consequence of institutional interactions operating across multiple levels of governance.⁴⁴

These analytical insights have important policy implications. Governments seeking to strengthen constitutional protection of educational rights should focus not only on constitutional reform but also on improving governance quality. Institutional coordination, administrative professionalism, sustainable educational financing, transparent monitoring systems, and evidence-based policymaking are equally essential for realizing constitutional commitments. Policies should also recognize that

⁴³ Syamsul Bahrin Zaibon and Norshuhada Shiratuddin, "Adapting Learning Theories in Mobile Game-Based Learning Development," *2010 Third IEEE International Conference on Digital Game and Intelligent Toy Enhanced Learning*, April 2010, 124–28, <https://doi.org/10.1109/DIGITEL.2010.37>.

⁴⁴ Intan Zakiyyah et al., "Learning Management of Islamic Religious Education Based on Digital Technology," *2024 12th International Conference on Cyber and IT Service Management (CITSM)*, October 2024, 1–7, <https://doi.org/10.1109/CITSM64103.2024.10775708>.

disadvantaged populations require differentiated forms of support rather than uniform policy treatment if substantive educational equality is to be achieved.⁴⁵

Overall, this review demonstrates that the effectiveness of constitutional protection depends less on the existence of constitutional guarantees than on the governance structures responsible for implementing them. Constitutional law establishes the normative foundation of educational rights, but governance determines whether those rights become meaningful realities. Educational equity therefore remains an institutional challenge requiring continuous interaction between legal commitment, governance capacity, financial sustainability, institutional accountability, and adaptive public policy capable of responding to evolving social conditions.

Conclusion

This study demonstrates that constitutional protection of the right to education constitutes a fundamental pillar of democratic governance and human rights protection. The systematic literature review reveals that constitutional recognition alone is insufficient to ensure equal educational access unless it is supported by effective governance, institutional accountability, sustainable public financing, and inclusive educational policies. Across the reviewed literature, the realization of educational rights depends on the state's ability to translate constitutional commitments into practical measures that eliminate structural barriers and provide equitable learning opportunities for all citizens.

The review further identifies several persistent challenges that continue to hinder the effective implementation of constitutional educational rights, including socioeconomic disparities, geographical inequalities, inadequate educational infrastructure, governance fragmentation, digital exclusion, and unequal resource allocation. These challenges indicate that educational inequality is not merely a legal

⁴⁵ Batara Surya et al., "Rural Agribusiness-Based Agropolitan Area Development and Environmental Management Sustainability: Regional Economic Growth Perspectives," *International Journal of Energy Economics and Policy* 11, no. 1 (2021): 142–57.

issue but also a multidimensional governance challenge requiring coordinated policy responses across multiple institutional levels.

The principal contribution of this study lies in proposing an integrated perspective that connects constitutional law, educational governance, public policy, and human rights within a unified analytical framework. This perspective emphasizes that constitutional guarantees become effective only when supported by transparent governance, evidence-based policymaking, inclusive institutional arrangements, and continuous public accountability. Accordingly, strengthening the constitutional protection of the right to education requires governments not only to preserve legal commitments but also to develop adaptive governance systems capable of responding to evolving educational, social, and technological challenges.

Future research may extend this conceptual framework through comparative constitutional analyses across different countries or empirical investigations examining how constitutional commitments influence educational outcomes within specific national contexts. Such studies would provide deeper insights into the practical effectiveness of constitutional protection in promoting educational equity and advancing sustainable development.

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