



The Relationship Between Academic Freedom and the National Education Philosophy in Malaysia: A Critical Approach

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Research Highlights

Academic freedom is one of the basic rights towards improving the quality of teaching and learning processes. A quality educational system should have a clear goal of producing competitive, creative, and progressive human capital as well as capable of expressing thoughtful and sound ideas to enhance holistic and integrated national progress. Malaysia's educational system guided by the National Education Philosophy underscores that integrated education should be a key thrust in educating and producing students who are able to compete internationally. With the accomplishment of several key thrusts to achieve that goal, the National Education Philosophy has also laid down an education basis through the formation of a knowledge-based community peculiar to the foundation of an integrated national development. Achieving this goal will contribute to a strong and substantial progress in addressing the challenges of globalization that every individual in the society needs to face.

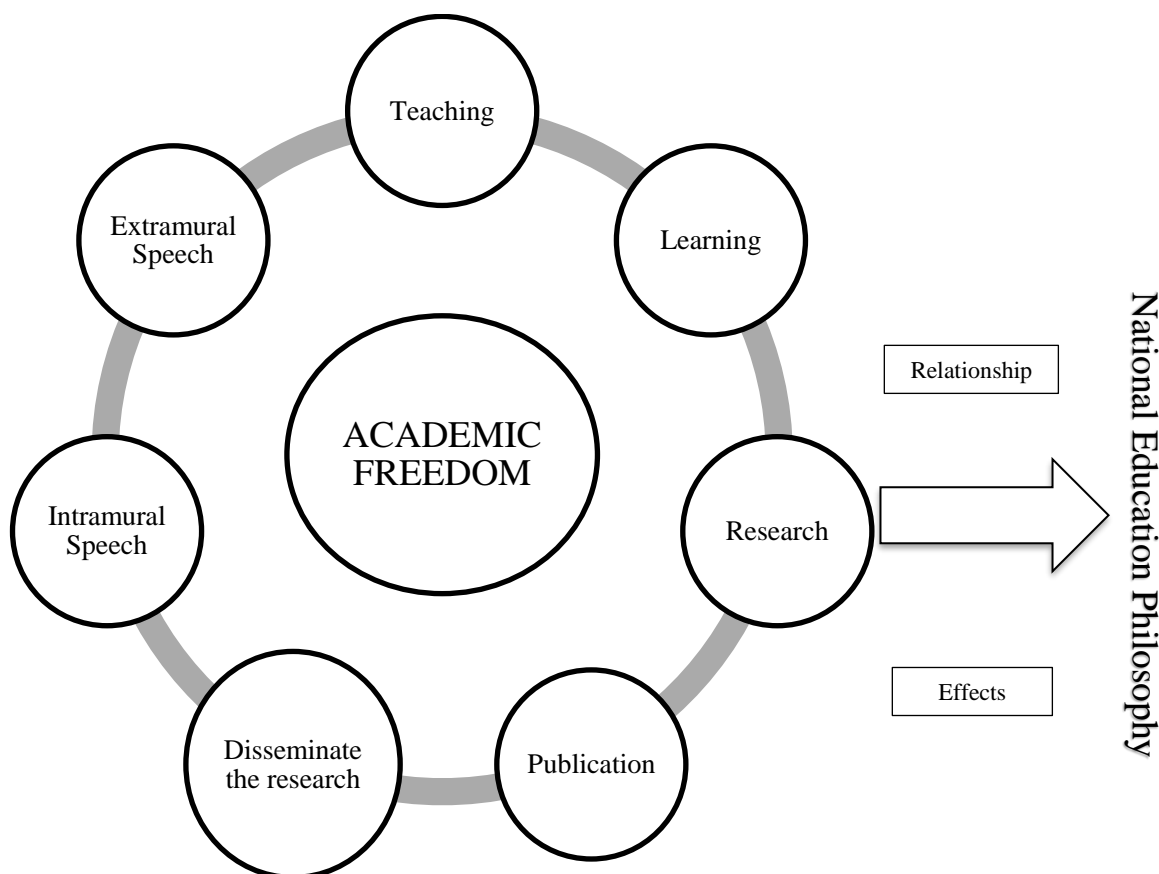
The study proposed the main objectives, namely:

- i. To examine the scope and concept of academic freedom and its relation to the National Education Philosophy in Malaysia.



- ii. To examine the related statutes that have the potential to give impacts towards the development of academic freedom in Malaysia.
- iii. To provide the recommendations towards the issues of academic freedom in Malaysia.

Graphical Abstract



The Significance of Research

A close relationship between academic freedom and the National Education Philosophy¹ suggests that, a quality educational system requires a mechanism to provide the right platform

¹ Kementerian Pendidikan Malaysia, Falsafah Pendidikan Kebangsaan [2016] <https://moe.gov.my/index.php/my/dasar/falsafah-pendidikan-kebangsaan> (11 November 2018).



in making the teaching and learning process be more transparent and accessible. In this regard, the role of academic freedom in shaping the National Education Philosophy is not merely a theoretical philosophy, but it will be practically applied to create human capital that is able to cope with the ever-growing borders of the world nowadays². Therefore, a clear knowledge of academic freedom should be communicated to each individual in ensuring that the impact of this teaching and learning process can be maximized towards forming a knowledge-based society³. For the purpose of introducing the community to these concepts, this paper will focus on two main issues, namely, academic freedom and its relationship with the National Education Philosophy in producing a knowledgeable society, and the legislative approach to the National Education Philosophy and academic freedom in Malaysia. This research can be a 'stepping stone' towards understanding the concept of academic freedom and its application in the Malaysian educational system nowadays.

Methodology

Legal Research Methodology will be adopted in conducting this research through the comparative and narrative methods based on materials such as statutes, law reports, constitutional and legal commentaries. In adopting the comparative method, the researcher will examine both aspects of laws in Malaysia, i.e. the Malaysian laws and the Islamic legal principles. The similarities and dissimilarities of the findings between these two laws will be the crucial information on achieving the right conclusion and recommendations towards the enhancement of the Malaysian laws. Narrative method is applied when capturing or gathering the data from various sources. The combination of these methods can be blended together in analysing the stipulated data or information gathered throughout the research in determining the best solution to the problems.

The research will encompass the study of legal rules, principles, concepts, theories, doctrines, judicial decisions, legal problems and issues, Quranic verses, As-Sunnah of the Prophet Muhammad (*sallallahu 'alaihi wasallam*), and opinions of the Muslim scholars or jurists⁴. It will be conducted mostly through library and Internet-based research.

Results

² Kementerian Pendidikan Malaysia, Rancangan Malaysia Kesebelas (RMK11) Pendidikan [2016] <https://moe.gov.my/images/dasar-kpm/RMK11/RMK-11-Pendidikan-BM-page-001.jpg> (12 November 2018).

³ 'Abdus-Salam al-Basuni. (2007). *The Freedom of Opinion in Islam*. Riyadh: International Islamic Publishing House. pp. 52-53.

⁴ Yaqin, A. (2007). *Legal Research and Writing*. Malaysia: Malayan Law Journal Sdn. Bhd. p. 3.



The law can not only be a good word or sentence in a statute book, but a practical approach in achieving justice is an important part of it. There is no doubt that freedom of speech is not absolute freedom, but the legislature must 'draw and form' a clear line of exclusions. There should be clear interpretation of words that may affect the rights of the people, where lack of guidance will clearly lead to violations of unencellable rights. It should not be abandoned because of the effort to clear the 'black cloud' that can affect the people as a whole.

Researcher is of the opinion that the right of every person to be protected from being harassed by any party without reasonable cause under certain laws. The protection of these rights is essential to maintaining peace and order in society.

In terms of relevance, academic freedom plays a role in upgrading the Malaysian educational system towards caring about the needs of the community to create civilized and respectful societies through the freedom of knowledge.

Findings

The pursuit of higher educational institution in protecting and preserving the truth requires adherence to the basic principles of integrity and intellectual responsibility.⁵

The long list of statutes that relate to freedom of speech is an easy indicator to the reality of the issue of academic freedom in Malaysia⁶.

In the context of higher learning, the intellectual community needs to understand that the academic idealism can be achieved through preservation of the academic freedom⁷.

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⁶ Faruqi SS. (2008). *Document of Destiny*. Kuala Lumpur: STAR Publications (Malaysia) Berhad. pp. 281-326.

⁷ Zaini Ujang. (2009). *The Elevation of Higher Learning (Mengangkasa Pengajian Tinggi)*. Kuala Lumpur: ITNBM. p. 81.



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