Full Length Research Paper

Do developing countries need Education laws to manage its system or are ethics and a market-driven approach sufficient?

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The Education sector is one of the fundamental industries as described by the recent concept of "state business," which is also the most critical player in making other sectors of a state functional. The criteria of Education governance and legislations as well as their schemata have evolved out of historical social practices. The interpretation of social events is guided and constrained by the prevailing rationality which itself reflects the dominant constellation of power. Since its inception, the Education sector has been informally governed by the ethics. Before this, Education especially in developing world was provided on a very small scale through Guru-Shiso provision and was not a major concern of public policy. However, its recent expansion in the early 1950's has made it a major cause for concern for developing world. The public policies currently available, particularly with regard to governance and regulatory control, are aimed at governing Education as a whole and Education itself lacks adequate rules and regulations. Now the question arises: is public policy, formal and informal governance, as well as regulatory approaches enough to control, monitor and to guide the Education sector while it experiences a numbers of challenges and dynamisms? Or is there a need for Education law? Law is considered as one of the fundamental tools for governance and regulatory control and once it is used; there will be little hope to control the sector with value and ethics. Therefore, the use of law is frequently unwelcome, since it is the method used when no other alternatives are available. With the phenomenal growth and challenges in Education, we need to revisit governance and regulatory control for the Education system. This article examines this issue, with a view at seeking the answer to the question: is there a need for Education laws or are ethics, value, policy and market-driven theory enough?

Key words: Law, policy, ethics, value, governance, legislation, Education management, developing world.

INTRODUCTION

Law and ethics are two words that are considered to be neither synonyms nor antonyms. Advocates have defined both words with interpretations that help them in their soliciting practice (Alam, 2009a). After the invention of law as a combined dominant product of different schools (i.e. the school of sociology, the school of law, and the school of arts and humanities), it has been used for the purpose of administration, controlling law and order situations, and for protecting assets and properties (Hashim et al., 2010). The common culture of different parts of the world testifies that the mass population of a country is ignorant about the law. It is a matter of knowledge for solicitors, police and justices. Even though the citizens of a country are the main users of law, they do not have any deeper understanding about it, making law an elite knowledge possessed by police, advocates and a portion of so-called civil servants. As the people do not have much knowledge of the law, they are thus usually misguided by lawmakers, implementers and law-enforcement agencies (Hashim et al., 2010). It is fair to claim that most people in

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developing countries are afraid of individuals who are involved with the law and its enforcement activities. As such, we may ask if this is the actual situation, how the majority of a state would receive any benefit from the law at all (LaRocque, 2000).

Research aim

Along with the demands of the times, many types of law have been introduced into society. Criminal law is one of the oldest laws in which people are still involved. The demand of solicitors mainly depends on the society itself, time, and some other factors. Many scholars argue that a country needs to reduce its dependency on law. They are arguing in favour of a decent civilization created through a program of awareness. According to them, people are the main users of the law; thus, if their regular life abides by ethics, there will be no need for the official practice and implementation of law. Despite this, the area and profession of law is becoming wider every day. Within the current climate of the world, many types of law have been practiced. The following types of law are in great demand as graduates are selecting law as their professions for local practice: civil, family, criminal, corporate, real estate, auto accident, bankruptcy, car accident, compensation, construction, defence, divorce, driving under the influence (DUI), driving while intoxicated (DWI) lawyer, employment, fraud, injury, insurance malpractice, medical malpractice, mesothelioma, nursing home, patent, personal injury, social security, tax, traffic, and wrongful death. Although these laws are more centered on a local context, some of them also have international impact. However, the arena of international law is mainly focused on the following areas: Immigration, Litigation, Environmental and Pollution, Security and Software.

In the areas mentioned earlier, little coverage is provided for citizens' health care, and Education itself receives no coverage (Hossain, 2001). It could be the fact that the sage community who are working in law might consider the Education sector to be handled by the more ethical and wholesome clusters of society, thus negating the need for law in the Education sector. While the Education sector of a country is mainly covenanted through policy, legislation, code of conduct, international programs and activities, Education itself is only traded through declarations and conventions. The Education sector of industrialized countries is comparatively better organized, albeit with room for development. The Education sector of developing nations has been experiencing a number of constraints (Law et al., 1990). Some argue that the lack of a proper and timely policy, legislation, governance, and decent implementation are the main enemies of the Education sector of a developing nation (Hallak, 1990). Others believe that policy, legislation, and governance are the broader issue, and that their scope is limited to guidelines which have no place in daily life. Thus they are advocating Education laws

laws to ensure better day-to-day practices for the Education sector (Shin, 1990).

The purpose of this write-up is to understand whether there is any need for Education laws, especially for developing countries. If this paper finds a need for Education laws, the paper aims to provide some food for thought for future work that intends to design Education laws for the betterment of developing countries (Oloruntegbe et al., 2010).

RESEARCH METHODS

Given the nature of the problem, it is a new area for research. Rigorous research is yet to be conducted in this field in order to explore this particular issue in Education management and governances. Lack of research in this area does not provide dependant and independent variables to conduct this research through quantitative approach. Moreover, it is also not possible to find correlated and unrelated items under the variables, while many researches are yet to be conducted. A number of qualitative researches always provide dependant and independent variables to conduct a research through a structured quantitative method. Thus, this research intends to explore this potential area with an adoption of qualitative method focusing desk study tool as the key to generate this discourse. One of the authors of this paper has published more than thirty international and forty local papers connected to Education policy and governance. Moreover, the authors possesses work experience with Education institutions located in both the developed and developing world, along with working experience with the United Nations. In order to write this review, the authors will revisit the findings of the earlier publications and will also use their experiences and observations. In addition to these, many of the further readings from years of covering different contexts will also be consulted.

PHILOSOPHICAL CONTEXTS

Was the philosophy of organization outlined before the operation of business or was it introduced after the start of business? Within the literature reviewed, a clear answer is yet to be received. This issue always reminds us; do the primary schools of today follow the philosophy of Education defined by the ever great scholars Plato, Aristotle and Avicenna, or do we really need to redefine the philosophy of primary Education for the contemporary world. Adherents of revolutionary approach might opine to redefine the philosophy of organization, whereas the adherents of orthodox / evolutionary model might advocate that the organization should follow the predefined philosophy of organisation. Groups in favour of the evolutionary approach might suggest that change on philosophical aspects can be made to reflect the time and situation with an alignment of the basic model provided.

While Popper's *'falsificationist'* theory for knowledge provides us crisp debates, the knowledgeable world especially in the areas of science are progressing well with the adoption of Kuhn' paradigm shifts theory in knowledge. In order to reduce the anxiety, the Lakatos' degeneration theory has been practised in social since

with an increased acceptance (Alam, 2008).

Almost no extremist sections exist within the context of philosophy, law and ethics. They are either inter-depended or interrelated. Philosophy is considered as an initial stage of governance and regulatory control of an organisation. While philosophy always remains as the base and key fundamental to operate a sector, law and ethics are substitute weapons for an organisational governance and regulatory control. However, laws and ethics are being continuously revised in the light of time, facts and situation without demolishing the philosophy. Thus, philosophy always provides the parameter for law and ethics.

LAW AND ETHICS

The history of law may seem ancient to modern society. Ethics may have an even longer history and heritage than law. Before the introduction of law, society was ruled by ethics. In the absence of written law, the ethical values and morality of the people helped society to function effectively. The wider expansion of society, living competitions, standardization of life, as well as an imbalance between needs, desires, and demand and supply have forced society to have a different perception and interpretation of ethics and values (Thurston, 1980). The parallel and multi-standard practice of ethics created a society full of tension, quarrels, and intolerance. The increase of such situations culminates in a world of anarchy. These circumstances motivated social scientists to find a solution. Consequently, law was designed in order to rule society (Thomas, 1990). However, it is also evident that the continuous obeying of law develops ethical values in individuals. Once law successfully provides these ethical values, it is easier to rule society through these values without a rigid implementation of law itself (Benson, 1989).

Many instances have revealed that law is often made for the betterment and benefit of the privileged by demolishing the basic rights of the less privileged (Huebener, 1953). Such law can never hope to offer ethics and values to society. The practice of this kind of dogmatic law generates unrest and a warring society. Indeed, in the 21st century we should not welcome any law of such kind. But having said that let me draw some remarks about policy, legislation and governance before focusing on the Education sector.

POLICY

Policy is considered to be written guidelines prepared by policy makers for administrators and controlling agencies to control, monitor, evaluate and administrate the sector in order to function according to the missions, visions, aims, and objectives which are to be achieved (Slaughter and Leslie, 1997). A country always designs both micro

and macro levels of policies in order to achieve the desired level of national development (Zumeta, 1992). As such, policy is a wider guideline which does not necessarily control the daily life of a sector (Dill, 1997). Thus, many indiscretions may be practiced, which bypass the policy guideline. The policy guidelines are unable to provide suitable punishment and prosecution, resulting in a dependency on law instead. In the situation where a specific law is available, punishment and prosecution can be carried out in accordance with that particular law. But where no specific law is available, punishment and prosecution may be meted out through an execution of another common law which is widely practiced for other purposes (Hammersley, 2002).

LEGISLATION

While policy is considered to be a general guideline, legislation is seen as micro level of the legal basis for policy. It has some legal obligation and power. However, these obligations and powers are also controlled by some specific clauses and can also be revoked by other ongoing laws practiced within the state (Chan and Mok, 2001). The power and obligation gained through legislation also focuses more on long-term planning. As a result, common errors, indiscretions, and illegal activities cannot be completely controlled through this legislative power.

GOVERNANCE

Governance is a formal or informal process to control, monitor, and to evaluate an organization. Governance is mainly concentrated on the function of entire organizations which do not necessarily control any particular individuals (Bargh et al., 1996). As a result, individuals who are less ethical cannot always be controlled through governance. Moreover, selection, recruitment and some other functional mechanisms of an organization are often guided through political bias (Bargh et al., 2000). Therefore, governance fails to provide a better result. When policy, legislation and governance fail to provide substantial sectors with better output, law becomes the fundamental weapon to control, monitor and to evaluate the sector after evaluation, punishment or prosecution is required. It is only law that can provide the final conclusion for punishment and prosecution. It may be noted that many individuals provide punishment and prosecution following internal legislation and governance with a substantial amount of evidence. Punishment and prosecution provided through internal legislation and governance are usually not affected if an appeal is made through the national court, as it is supported by the other law provisions practiced within the court of a country. Thus, if there is a specific law for these immoral and irregular activities, the court would not be able to provide different solutions with the

support of other laws.

The Education of a state is mainly guided, controlled, and evaluated by policy, legislation, and governance (Tomas and Potter, 1992). In the absence of Education laws, the sector has to depend on other laws for the punishment and prosecution of any irregularities found after the evaluation is made. In many cases, a country's existing laws protect those who are involved with the abominable activities within the Education sector. Thus, Education laws are important in such circumstances. The following subsection will try to identify some of the constraints and abominable activities occurring within the Education sector. Before writing these, let us elaborate philosophy of Education in general.

PHILOSOPHY OF EDUCATION

The following write-up in connection with philosophy of Education is prepared through a wider consultation of the documents, literatures that are available both primary and secondary sources worked for three philosophical school of thoughts (Plato, Aristotle and Avicenna). In order to consult with these documents, authors spent a significant amount of time at British library since 2002 - 2007.

The philosophy of Education is a field of applied philosophy, drawing from the traditional fields of philosophy (ontology, ethics, epistemology, etc.) and its approaches (speculative philosophy, prescriptive, and/or analytic) to address questions regarding the Education policy, human development, and curriculum theory, to name a few. Philosophy of Education is a philosophical study of purpose, process, nature and ideals of Education. For example, it might study about what con-stitutes the upbringing, Education, the values and norms reveal through upbringing and Educational practices, the limits and legitimization of Education as an academic discipline, and the relation between Educational theory and practice. Philosophy of Education can also be considered as a branch of both philosophy and Education. Multiple ways of conceiving Education coupled with multiple fields and approaches of philosophy make the philosophy of Education not only a very diverse field but also one that is not easily defined. Although there is an overlap, the philosophy of Education should not be conflated with the Educational theory, which is not defined specifically by the application of philosophy to questions in Education. Having said that, different school of thoughts for Education philosophy are outlined as follows:

Plato's view on education

Education is the key to creating and sustaining his/her *Republic*, which consists of extreme methods such as removing the children from their mothers' care and raising them as wards of the state, with great care being taken to differentiate the children's suitability for various castes; the highest receiving the most Education, so that they could act as guardians of the city and care for the less able. Education would be holistic, including facts, skills, physical discipline, and music and art, which he considers as the highest form of endeavour.

Elementary Education is confined to the guardian class till the age of 18, followed by two years of compulsory military training and then by higher Education for those who are qualified. While elementary Education makes the soul more responsive to the environment, higher Education helps the soul to search for truths which illuminate it. Both boys and girls receive the same kind of Education. Elementary Education consists of music and gymnastics, designed to train and blend gentle and fierce qualities in the individual to create a harmonious person.

At the age of 20, a selection was made. The best one would take an advanced course in mathematics, geometry, astronomy and harmonics. The first course in the scheme of higher Education would last for ten years. It would be for those who have a flair for science. At the age of 30 there would be another selection for those who are qualified, would study dialectics and metaphysics, logic and philosophy for the next five years. They would study the idea of good and first principles of being. After accepting junior positions in the army for 15 years, a man has completed his theoretical and practical Education by the age of 50.

Aristotle's view on education

Aristotle considers human nature, habit and reason to be equally important forces to be cultivated in Education. Thus, for example, he considers repetition as a key tool to develop good habits. The teacher leads the student systematically; this differs however, an example from Socrates' emphasis on questioning his listeners in able to bring out their own ideas (though the comparison is perhaps incongruous since Socrates was dealing with adults).

Aristotle places great emphasis on balancing the theoretical and practical aspects of the subjects taught. Subjects he explicitly mentions as being important include reading, writing and mathematics; music; physical Education; literature and history; and a wide range of sciences. He also mentions the importance of play.

One of the Education's primary missions for Aristotle, perhaps the most important, is to produce good and virtuous citizens for the polis. *All who have meditated on the art of governing mankind have been convinced that the fate of empires depends on the Education of youth.*

Avicenna's view on education

Ibn Sina also known as Avicenna in the Western World is one of the greatest Muslim scholars and philosophers. By

profession, he was a medical scientist but he worked significantly on Education philosophy. Following analysis was made from a number of publications that provide a wider discussion on Avicenna's thinking on Education. However, a work made by Naqib (2000) in collaboration with UNESCO provides us a firm scope to summarise the views of Avicenna's on Education.

In the medieval Islamic world, an elementary school was known as a *maktab*, which dates back to at least the 10th century. Like *madrasahs* (which referred to higher Education), a *maktab* was often attached to a mosque. In the 11th century, Ibn Sina (known as *Avicenna* in the West), writes a chapter dealing with the *maktab* entitled "The Role of the Teacher in the Training and Upbringing of Children", as a guide to teachers working at *maktab* schools. He states that children can learn better if they are taught in classes instead of individual tuition from private tutors. He gave a number of reasons for why this is the case, citing the values of competition and emulation amongst pupils as well as the usefulness of group discussions and debates. Ibn Sina describes the curriculum of a *maktab* school in details, also describing the curricula for two stages of Education in a *maktab* school.

Ibn Sina writes that children should be sent to a *maktab* school from the age of 6 and be taught primary Education until they reach the age of 14. During the time, he writes that they should be taught the Qur'an, Islamic metaphysics, language, literature, Islamic ethics, and manual skills (which could refer to a variety of practical skills).

Ibn Sina refers to the secondary Education stage of *maktab* schooling as the period of specialization, when pupils should begin to acquire manual skills, regardless of their social status. He writes that children after the age of 14 should be given a choice to choose and specialize in subjects they have an interest in, whether it was reading, manual skills, literature, preaching, medicine, geometry, trade and commerce, craftsmanship, or any other subject or profession that they would be interested in pursuing for as a future career. He writes that this is a transitional stage and there are needs to be flexibile regarding the age in which pupils graduate, as the students' emotional development and chosen subjects need to be taken into account.

Ibn Sina also develops the empiricist theory of '*tabula rasa*'. He argues that the "human intellect at birth is rather like a *tabula rasa*, a pure potentiality that is actualized through Education and comes to know" and that knowledge is attained through "empirical familiarity with objects in this world from which one abstracts universal concepts", which is developed through a "syllogistic method of reasoning; observations lead to prepositional statements, which when compounded lead to further abstract concepts." He further argues that the intellect itself "possesses levels of development from the material intellect (*al-'aql al-hayulani*), whose potentiality can acquire the knowledge to activate the intellect (*al-'aql al-fa'il*), the state of the human intellectual in conjunction with the perfect source of knowledge."

Apparently, it may seem that there is a high level of differences exists in the Education philosophy amongst the three schools of thought. However these differences may subsist because of time, situation, and cultural, religious and regional prejudice. Indeed, both of the thoughts are highly correlated. Every thought testifies that Education sector is the light reflecting house of ethics within the society for both macro and micro level in order to have a better globe.

ISSUES IMPACTING ON EDUCATION SECTORS IN DEVELOPING CONTEXTS

The Education sector is the most vital sector of a country, receiving the utmost attention from politicians, bureaucrats, and legislators in order to ensure better policies. Most of these groups do not feel an urge to involve solicitors in the process. This has both positive and negative impacts. Although thorough research has been conducted to resolve the problems that prevent development, a complete solution is far from being achieved (Alam, 2009). The paragraph that follows will discuss the major constraints which are mainly connected to the provision of Education laws.

Access and quality

Providing equal access to every level of Education is a firm commitment of any policy prepared by a state (Alam et al., 2010). Despite failing to achieve this goal, new policies advocating equal access to the same level of quality Education to everyone are constantly being made. While providing equal access to Education is a nightmare, providing equal access to quality Education is nothing more than a snappy catchphrase. Deeper investigation reveals that the mentality of politicians, bureaucrats, legislators, and general elite society is the main enemy to the philosophy of equal access to quality Education (Alam, 2003). The definition and criteria of quality Education and their schemata have evolved out of historical practices arising from dominant higher society. They always made an effort to provide different types and qualities of Education because they wanted to claim them as consumers of high class Education. This was in order to take advantage of better higher Education and a larger employment market. Even though many policies and legislations have been passed to address these situations, the solutions are far from being achieved. Moreover, there seems to be no indication that these problems will be resolved in the near future.

Corruption

The Education sector is considered to be one of the major financially corrupted sectors in the Developing World.

During the allocation of budgets, preference is given to the Education sector to allow more infrastructure development, larger revenue, and continuous development projects (Little, 1999). In addition to this, many private investments are also made through various initiatives. According to a report by Transparency International, the Education sector, the utility sector, and the police are the most corrupted sectors in developing countries (Tan, 2002).

Because of the rapid privatization of the utility sector, micro level transparency can still be achieved even though macro level corruption is increasing. This forces the police and the Education sector to be even more financially corrupt. It is common practice to give a bribe in order to attain a high position connected to monetary affairs within the police and the Education sector. The police are involved as law enforcing agencies, thus it is easy for them to break the law. Financial corruption in the Education sector has also reached a high point with some consensus with law enforcement agencies. There is no particular law available to control financial corruption in Education; the existing law passed against overall corruption of a state is not strong enough to succeed in this severe situation.

Privatization

Privatization is an increasingly prominent feature within the sector of Education. No rules, regulations, policies, or legislations are available for the operation of the kindergarten, primary, and secondary school level of private institutions of Education (Currie and Vidovich, 2000). The private operation of Education is allowed to help the government provide more funds for public schools where underprivileged students are studying (Baba, 2002). The operation of private schools from a kindergarten to secondary school level helps break the concept of inequality in accessing Education and quality Education (Lockheed and Jimenez, 1994). Nevertheless, public schools are not accurately reflecting the concept of inequality in accessing Education and quality Education (Drakeford, 2000). Our current rules and regulations are useless and also hopeless in addressing these situations.

Privatization in higher Education also opens a whole new horizon for corruption, both for the institution and for academics (Jimenez and Lockheed, 1991). Many institutions of higher Education are selling certificates to candidates who are suffering from the so-called diploma disease. The existing policies and legislations may be able to stifle these problems, if legislators really intend to do so. However, with the scope of the current policy and legislation, no punishment and prosecution can be meted out to set an example.

Academics that are meant to working in public institutions are too busy teaching at private universities (Teichler, 1999). The current policy and legislation is too weak to prevent these situations. The situation is becoming

more critical, meaning that not only should it be paid the proper attention, but a lesson should be taught to those who are involved in these immoral activities (Fehnel, 2001). But this will only be possible if an Education-specific law is passed.

Recruitment

Meritocracy should be the only parameter in the recruitment and selection process of institutions of Education. But in the present situation, political and bribery corruption are the main parameters for the recruitment of teachers and staff at institutions of Education (Durand and Pujadas, 2004). The national court and jury are busy enough without having to handle these issues. The Education sector receives almost no attention despite these levels of corruptions. Without an environment of meritocracy, the desired level of development through Education cannot possible be achieved (Fagerlind and Saha, 1989).

Sexual abuse

Institutions of Education are considered to be the Apex body of ethics and values. But sexual abuse is a criminal offence that is widely accepted. However, many people consider Education to be a holy place, and so, sexual abuse should not be practiced within the compound and campus of institutions of Education. Despite this, sexual abuse is fast becoming common culture within the academic atmosphere. Teachers are insisting students commit to activities connected to sexual abuse. High officials of institutions of Education also force or coerce colleagues to be involved in sexual abuse, to their direct and indirect gain (Tunde et al., 2010). Many countries have a law for sexual harassment at employment or at any place of a state. Currently, sexual abuse cases in campuses/compounds are assigned under the clause of sexual abuse law, which is generally practiced for every case. This is not acceptable at all because Educational institutions should have a pioneering and unique law so that it may set an example (Chapman, 1986).

Chaubinism, favoritism and nepotism

Within the academic business, making assessments is one of the fundamental and prime activities. An assessor should assess without bias of gender, race, sex, color, economic background or community (Leach, 2003). Unfortunately, many cases may be noted where the assessors have an attitude of chauvinism, favoritism, and nepotism within the process of assessment (Katz, 1971). Currently, this matter is considered to be a matter of civil law. In addition to this, many other problems of the Education sector can be connected with existing laws, but

justifying and providing justice for the problems of the Education sector in light of the existing laws is not a solution, because the people involved will not enter a court of law to have justice unless justice is readily available to them (Knight and Sabot, 1990).

Qualifications (Diploma)

In the 21st century, many of our students are suffering from the diploma disease (Dore, 1997). This means that they want an easy diploma. A certificate with a grade may be considered as a diploma, but a real diploma is a measurement of the knowledge and skills of students. However, the reluctance of academics and students is turning Educational institution into diploma mills (Naidoo and Lange, 2003). Converting institutions into diploma mills should be considered a major offence. Many academics are against this practice. However, a consensus between students and academics with short-term goals is going to lead to Educational institutions turning into factories for diplomas. It is worth noting that many people, including academics and researchers, put in a lot of effort to make Education an effective tool for development. This creates a market for Education (Alam and Khalifa, 2009). Consequently, a portion of the consumers will want to buy it as a product, the product in question being a diploma. Continuous buying of such diplomas will lessen the benefits that Education gives. Therefore, the people who are involved in diploma mills should be seen as criminals who are polluting and poisoning Education. Poisoning food can be covered by law but no existing law can cover for the provision of polluting or poisoning Education.

Teacher inabilities

Teaching is a full time job that does not necessarily require a commitment in sitting at the office for a particular period. The important commitment in the teaching profession is to provide the full capacity of mind and knowledge that may benefit both Education and institution (Hoque et al., 2010). Seeing that the teaching profession is not restricted to a particular time table, many institutions of Education allow academics to exercise their knowledge through outdoor involvement after conducting a regular class. In taking this opportunity, many teaching staffs consider teaching to be a part time profession, even if their employment is on a full time basis. Evidence shows that many teachers are involved with a number of professions and businesses (Alam, 2003a). This cannot be accepted at all. With the advantage of the existing laws and circumstances, the teaching staffs are misusing the faith, trust, and confidence placed in them.

INTELLECTUAL PROPERTY

Knowledge is the production of institutions of higher Education (Alam and Khalifa, 2009). Universities function as a production house, while secondary schools and colleges are considered as the wholesalers and semi retailers, and primary Education is seen as the retailer of knowledge (Woodhall, 1997). Academics work intensively to produce knowledge. In many cases, it has been observed that their colleagues will often steal the knowledge from the main inventor and sell it widely. Because of this, plagiarism is one of the worst crimes in academia (Strauss and Corbin, 1990). While the history of plagiarism is not recent, the expansion of the internet and the cyber world opens a whole new horizon for plagiarism. However, it is hard to determine the extent of plagiarism; the plagiarizing of an idea by changing the wording is hard to detect. Academic honesty is badly needed but unfortunately this is missing (Cheng, 1999). Facing enormous pressure, institutions of Education can hardly monitor, evaluate, and control the issue of plagiarism. Some students and academics cannot even distinguish between what is plagiarism and what is not. Moreover, because of the unedifying and non-quantifiable nature of plagiarism, it is even harder to punish the criminals. The definition of plagiarism and its preventing measures are also biased to a specific country's culture, traditions, and bureaucracy. It is claimed that Western academics steal the ideas of scholars from developing countries through the changing of language, taking advantage of institutions of excellence and using their diplomatic charisma (Altbach, 1989).

A MARKET DRIVEN APPROACH

Education especially in Southern Asia and African regions was introduced through a process known as 'Guru- Shishsho'. An individual with good analytical knowledge is considered a 'Guru' and his or her followers were known as 'Shishsho'. Exercising knowledge through Guru-Shishsho has always been a fundamental part of learning process. With gradual increase in demand for Education in the contemporary world, there has been an increase in formal Education provision, although many acknowledge that Education should be the fundamental concern of public policy (Alam, 2008). However, before the introduction of formal Education provision, Education was trade limited to the house of privileged group, also known as lodging master provision, which was guided through ethics with an alignment to Educational philosophy.

Education is now becoming one of the commodities; thus both public and private provisions are working towards responding the needs of customers. The induction of Education at its first stage does not follow the pattern of customer's need based theory; rather it was Education

itself that forced the customer to feel the thrust of knowledge. After receiving knowledge, people were considered educated and sages. Moreover, the Education that they receive benefits them in their economic and social life. This provides a wider acceptance of Education. These days, Education is considered as one of the best commodities that provide both public and private benefits. This attitude has not only increased the customer size but also largely boosted the number of providers as mushrooms or shopping stalls. Nowadays, people are not taking knowledge capsule; rather taking the plastic of the capsule throwing the chemical within the plastics. Thus, the Education capsule may act as an addictive drug.

Conclusion

Ethics considerations

Within the institution, certain rules, regulations, policies, legislations, as well as formal and informal governing processes have been designed in order to prevent academic corruption and crimes. However, ethics is still considered to be the main parameter to control, reduce, and to monitor academic crimes and corruptions. The expansion of Education and the number of educated graduates always follows a rising curve. Therefore, it is very widely expected that society now possesses individuals with more ethics and values. While this is only a belief, unfortunately ethics has completely failed to control and prevent academic corruption and crimes. Education these days is considered to be one of the vital products that society consumes (Welch, 1970). Many scholars have defined Education to be a right (Alam et al. 2010). However, in the mid-1980's Education as a form of public and private goods was but a scholarly claim. In the late 1990's however, Education was touted as a service. These days, many scholars consider Education to be a property of asset of the individuals who consume it. This is in agreement with the recent debate made by Alam in the field of international comparative Education research, where he claims Education is a state business that helps the country for the development of the state (Alam and Hoque, 2010). Moreover, he argues that while every state maintains a rising curve of development for local and international competition, the whole world benefits through such development because of globalization. Within the debate of Education as a state business, politicians are seen as the fundamental businessmen, bureaucrats are seen as the employees, and both private and public institutions of Education are involved with the state business of Education following the supply chain management system (Tooley, 1999).

Legal considerations

The idea of Education and the concept of Education have

gradually changed in order to respond to the needs of the society, the world, and the individual (Alam et al., 2009). Within these changes, complexities have arisen through the differing conceptions, the mentality of different stakeholders and the change in society's perception and the individual. Education organizations have been experiencing a number of challenges. While some of the challenges are generic, many challenges have distinct characteristics and merit according to the type of Educational institution, and the mentality of stakeholders and consumers. Ethics worked well while Education was considered a cosmic and holy practice for knowledge. These days, Education is seen as a product that benefits the consumers. The final beneficiary of Education is the state. Nevertheless, it is most unfortunate that sometimes the private benefit of Education clashes with the public benefit (Levin, 1987). As a result, the state business of Education has become overburdened with many challenges, promises, hopes, and expectations. Mere ethics are not sufficient to respond to the challenges faced within the Education system. Moreover policy, legislation, rules, regulations, and formal and informal governing processes also cannot function so effectively, because all these elements come under the shadow of the law of a state. Therefore, law can always render them ineffective. In considering these problems, Education law is a demand of the times.

Managerial implications for Education in developing contexts

Ethics' role in future

Designing a law is not a matter of a day. The huge appeal of the problems always encourages the necessity a law. Law cannot be made by one particular scholar or a particular body. In order to create an Education law it is important for the scholars to generate a debate in this area (Kenway, 1996). Moreover, a massive consultation is required to examine the strengths and weaknesses of existing policies, legislations, rules and regulations, and informal and formal governing processes. In addition to this, a rigorous discussion should be held in order to understand where various Educational bodies, controlling agencies, directorates, boards, and institutions have failed and succeeded. With this discussion, scholars will need to examine the possible importance of an Education law. Once the debate begins, its continuation may indicate whether a law or is needed or not. Once a positive suggestion made, scholars of different fields can work together closely to found an Education law which will have a commonality with the variation of local needs. However, an outdated law without modification can never respond to current needs. Thus, inventing an Education law could be a milestone while continuous development of the existing law will bring changes to society (Lewin, 1993).

Legislation's and law's role in future

In claiming implementation to be a big problem, many scholars may argue that current policies and legislations are good enough to govern the Education sector. In response to this argument, I would like to state that the Education sector is far larger than many other sectors and its problems have their own distinct characteristics. As such, policies, legislations, rules and regulations, and formal and informal governance would serve to complement the Education laws. Unfortunately, we currently have the complementary units but do not have the main factor itself. Without the main factor, using the complementary units as a solution will cause problems instead of bringing about solutions.

Market-orientation to Education

In this 21st century, we cannot deny the need of modernization. Privatization is one of the tools for modernization, thus ignoring the needs is also deemed as idiocy. Considering these circumstances, we cannot deny the need of market driven attitude in Education. However, Education is not a normal product like other products that a consumer consumes. The quality and need of consumed products can be justified by the consumers; while the justification of Education's quality needs a parameter that customer cannot always make right. Moreover, even in short sights, the need of Education and its benefit are limited to individuals but its role is widely spectrum, where the state is the main beneficiary. Hence, while there is a need of welcoming the market driven theory; this theory would indeed be controlled, monitored and evaluated by law, which ought to be bounded by Education philosophy and ethics. A law may only help us to have a product of Education that can be seen in short sights. To have the right product of Education, law should be under the umbrella of ethics and philosophy of Education.

Management focus to Education

Management can be defined as a coordination of different micro and macro units of an organization in order to achieve the organizational aims and objectives determined. In order to make the management successful, law, policy, legislation, governance and regulatory control are outlined. Decision making is a fundamental process for management which is considered as one of the initial stages for management. Management is also responsible for implementing the decision made. To make a decision or to implement a decision, management is always guided by law, policy, legislation, governance and regulatory control. Sometimes short term decisions and their implementation provide many lessons that may help to revise the law, policy, legislation, governance and regulatory control.

There are a few established management processes that have been in place. Weber bureaucracy model is the oldest approach for management practice. While a number of criticisms are made in against of Weber bureaucracy model, no real replacement has been taken place yet. Within the bureaucracy model, in order to maintain quality and accountability of work, a number of ladders for check and balance have been in practice which results only a few executive to do the job but a high volume of red tapism by highly paid bureaucrats - this is a major complain made in against of bureaucracy model. These approaches are seen as a big budgetary constraint. In order to avoid such situation, Taylor scientific model has taken place. While Taylor model is similar to Weber model in a number of ways, the main difference argued by Taylor is that if employees are well trained, ethical, confident and committed, they will ensure the work quality and accountability without having a high volume of supervision. It was believed that concerned people within Education sector are highly competent, trained, ethical and committed, thus scholars opined in favour of Taylor scientific management model practice in Education. However, practice of Taylor model in Education management was not very successful because of lack of accountability. This posses a question to think; are our school communities really obliged to ethics, and philosophy? The answer is yet to be received. There was a believed that when a system runs under a model of bureaucracy for a long period, it needs time to transform to scientific model. It is thus advocated to make an external and internal auditing system in order to ensure the quality and accountability of work. Many countries did not take out the existing bureaucracy but they also introduced the auditing and supervision system. This generated a question; is the so called scientific approach more bureaucratic than Weber's approach? Many scholars argued that once a system can really run independently, auditing and supervision will automatically be taken out. Unfortunately, none of the countries have been able to take out the extra ladder of auditing and supervision from the system. Thus the system is even over burden by more red tapism which neither provides quality assurance in Education nor ensures the accountability of work.

Scholars of 21st century are becoming adherents of participatory model, arguing that it will empower the employees by providing high dignity, values and confidence assuring a self motivation towards work. This could be a good argument. However, if ethics, values and dignities of an individual deteriorate; what is the hope that participatory method would work better. It may even deteriorates the system by bringing more clashes, non-accountability, social pressure, domination by a vocal few, logrolling, goal displacement, group thinking and time consumption. Therefore a decent Education management of 21st century should be a blend of law, policy, legislation, governance and regulatory control with

an assurance of high level of involvement of Education philosophy and ethics in order to make a society which is full of civic, economic, social and human needs development.

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