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LEGAL EDUCATION IN BASIC EDUCATION: AN ANALYSIS OF PUBLIC POLICIES OF IMPLEMENTATION IN BRAZIL[1]

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ABSTRACT

This article addresses the relevance of public policies aimed at the implementation of legal education in basic education, discussing its role in citizen education and in the strengthening of democracy. The main objective of the research was to provide a detailed understanding of the effectiveness of these policies, based on the analysis of their insertion in school curricula, the obstacles faced during their execution and the impacts observed in the construction of a critical consciousness in students. The methodology used was qualitative, with bibliographic and documentary review, with emphasis on Brazilian educational legislation, bills in progress and recent academic studies that discuss the insertion of Law in the school environment. The results indicated that, despite the existing legal support, such as the Federal Constitution of 1988, the LDB (Law No. 9.394/96) and the BNCC, there are still structural and pedagogical barriers that hinder the effective implementation of legal education in public schools, such as the lack of adequate teacher training, absence of standardized content and limitation of didactic resources. On the other hand, the study also highlighted successful experiences, which demonstrate the transformative potential of legal education in basic education, by fostering awareness of rights, respect for social norms and the ability of students to actively participate in public life. It is concluded, therefore, that the strengthening of these policies is essential for the promotion of a democratic, participatory and fair culture.

Keywords: Critical citizenship. School curriculum. Democratization of knowledge.

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INTRODUCTION

Legal education, as a field of knowledge that aims to teach rights, duties and the formation of a conscious citizenship, has been consolidated as a fundamental component for social and democratic development. In recent years, Brazil has experienced a growing appreciation of basic education, with an emphasis on the inclusion of disciplines that address the legal principles that guide social relations (Silva et al., 2021). Legal education in basic schools aims to provide students with a broad understanding of fundamental rights, the functioning of institutions, and the importance of a society governed by the rule of law (Engers, 2022). This process, however, depends on a series of public policies that seek to ensure the implementation and improvement of this teaching.

Public policies aimed at basic education, although constantly evolving, face great challenges in their implementation, especially when the objective is the insertion of legal education in school curricula. In Brazil, legal education in schools has been discussed in various spheres, from legislative to academic, being a central agenda for the formation of critical and active citizens in society (Sampaio, 2021). However, the lack of uniformity in the guidelines and the scarcity of resources are factors that limit the full implementation of this type of education, generating a scenario in which the effectiveness of public policies aimed at legal education in schools still needs to be better understood.

Among the main issues that emerge in this context, the absence of a uniform legal education model and the resistance of certain educational sectors to the introduction of legal concepts in the school curriculum stand out. For legal education to fulfill its role of citizen formation, it is necessary that the teaching of Law be effectively integrated into the educational process, promoting students' understanding of the rights and duties that permeate social coexistence (Borges et al., 2021). Therefore, a crucial aspect for the implementation of legal education in basic schools lies in public policies, which must be appropriate to the reality of each educational institution and be accompanied by continuous teacher training.

Furthermore, the role of the State, through public policies, is of paramount importance to ensure that legal education is not only an alternative, but an effective reality in basic schools. The consolidation of an educational system that offers quality legal education depends not only on adequate regulations, but also on pedagogical practices that respect the regional and cultural specificities of Brazil. In this sense, it is essential to analyze the educational practices adopted, as well as the challenges faced in the implementation of these policies, in order to assess the real impact of legal education on the training of students.

In this context, the guiding question of the present study arises: What are the impacts of public policies on legal education in basic schools and how do these policies contribute to the formation of a critical and conscious citizenship among students? The general objective of this research is to analyze public policies aimed at legal education in basic education, analyzing their effectiveness through the investigation of educational practices, the challenges faced in the implementation of these policies and the impacts observed in the citizenship formation of students.

To achieve this objective, the methodology adopted will be the analysis of legal evidence present in Brazilian legislation, as well as the review of scientific articles available in databases such as CAPES, Scielo and Google Scholar. The organization of the article will be structured in three central topics in the theoretical framework: 1. History and Evolution of Legal Education in Brazil, 2. Theories and Models of Citizenship and Legal Education, and 3. Public Policies for Legal Education and Challenges in Implementation, culminating in the Final Considerations, where it is intended to discuss the conclusions obtained through the critical analysis of the implementation of public policies and their implications in legal education in basic schools.

HISTORY AND EVOLUTION OF LEGAL EDUCATION IN BRAZIL

The formal origin of legal education in Brazil dates back to the Decree of August 11, 1827, which instituted the first legal courses in the cities of São Paulo and Olinda, a milestone that consolidated the pillars of national legal education (OAB, 2022). Since then, the trajectory of the teaching of Law has been the object of recurrent academic analyses, notably due to the exponential proliferation of legal courses in recent decades. This phenomenon stems from the expansion of policies for access to higher education implemented by the Brazilian State in collaboration with public and, especially, private institutions (Rodrigues et al., 2022).

The teaching-learning process, as a founding element of legal education, finds a relevant historical reference in the work "Didática Magna", by João Amós Comênio (1957).

> “[...] To prudently educate the youth is to seek that their souls are preserved from the corruption of the world. It is to favor, with good and continuous advice and examples, the germination of seeds and honesty, which are already planted [...]. And again: to educate youth correctly is not to fill them with words, phrases, sentences and opinions taken from others, but to open their intelligence to things so that rivers flow from it as from a living spring, flowers and fruits; and each year that passes it germinates again. (Cômenius, 1978)"

In his understanding, educating is not restricted to the mechanical transmission of contents, but implies promoting the ethical and intellectual formation of the individual. Comenius asserts that: "[...] prudently educating youth is to seek that their souls are preserved from the corruption of the world [...]" (Cômenius, 1978), emphasizing that true knowledge is born from the openness of intelligence, and not from the repetition of other people's formulas.

From a critical and emancipatory perspective, Paulo Freire (1996) proposes a conception of education that distances itself from the banking and verticalized logic. The author defends an education that re-signifies the contents arising from the social reality itself and returns them to the subjects as an instrument of transformation. According to Freire (1996), "not a donation or imposition, but rather a return of the contents collected in society itself", creating space for the development of critical consciences in the face of the world and its contradictions.

According to the constitutional provision, education is a fundamental social right enshrined in article 205 of the Federal Constitution of 1988. However, there is a gap in the infra-constitutional legislation regarding the absence of the discipline of legal education in the stages of elementary school, despite its relevance to the formation of citizens. This omission compromises the preparation of the individual in the face of the challenges of democratic coexistence and the understanding of their own rights and duties (Migalhas, 2021).

Giselle Farinhasc (Migalhas, 2021) emphasizes that inserting legal education in schools is to equip citizens to critically understand the political, economic, and social context in which they are inserted. By internalizing legal principles from the educational base, the subject is instigated to ethical and legal conduct in daily life, contributing significantly to the consolidation of a conscious and citizen legal culture in the country, a sine qua non condition for democratic maturation.

Silva (2022) points out that contemporary citizens are urged to master multiple types of knowledge, given the complexity of social relations that require knowledge of rights and duties as a basic condition for critical action. This right to education is provided for not only in the Federal Constitution of 1988, but also in Law No. 9,394/1996 (Law of Guidelines and Bases of National Education) and in the Statute of the Child and Adolescent (ECA), Law No. 8,069/90, consolidating a normative framework that protects and guarantees the full formation of the subject.

In the legal-educational scenario, the Federal Constitution of 1988, in its article 208, provides that access to compulsory and free education is a subjective public right, and the

Government is responsible for its implementation in all spheres. Article 211 of the CF/88 structures the collaboration between the Union, States, Federal District and Municipalities for the organization of the educational system. In this arrangement, the States are responsible for Secondary Education, while the Municipalities assume Early Childhood Education and Elementary Education, as reinforced by article 53 of the ECA, which ensures access to free public school, close to the student's residence.

The Law of Guidelines and Bases of National Education (Law No. 9,394/96), in its article 32, outlines the objectives of compulsory basic education, which begins at the age of six and lasts nine years. From the amendment promoted by Law No. 11,274/2006, the integral formation of the citizen is emphasized through the development of the ability to learn, the understanding of social reality and the strengthening of community bonds.

> I - the development of the ability to learn, having as basic means the full mastery of reading, writing and arithmetic; II - the understanding of the natural and social environment, the political system, technology, the arts and the values on which society is based; III - the development of the learning capacity, with a view to the acquisition of knowledge and skills and the formation of attitudes and values; IV - the strengthening of family bonds, the bonds of human solidarity and reciprocal tolerance on which social life is based (Brasil, 2006, p.1).

Such guidelines should, by their nature, contemplate a generalist legal education, albeit in a transversal way, as a means of consolidating a citizen and legal awareness from the first school years (Brasil, 2006).

Legal education, as an instrument for strengthening the Democratic Rule of Law, should be understood as a structuring element of active citizenship. The dissemination of legal knowledge among citizens promotes understanding of normative structures, facilitates political participation and encourages the conscious exercise of fundamental rights. In this way, the democratization of legal knowledge should not be restricted to higher education, but should reach basic education as an essential public policy for the construction of a fairer and more informed society (JusBrasil, 2023).

Historically focused on the training of professionals for the practice of law, magistracy and other legal careers, Brazilian legal education demands, in contemporary times, a reconfiguration that goes beyond technicality. The introduction of legal knowledge from basic education represents a long-term strategic measure, capable of fostering critical thinking, respect for the rules and collective conscience. In this context, public educational policies that integrate elementary legal notions into the school curriculum matrix should be seen not only as pedagogical innovation, but as a constitutional imperative and instrument of social justice.

THEORIES AND MODELS OF CITIZENSHIP AND LEGAL EDUCATION

Legal education, understood as an instrument of awareness and social emancipation, assumes a strategic role in the formation of active citizenship. For Silva (2022), legal education represents an essential social tool for the educational process, as it introduces students to the normative foundations of living in society. The dissemination of knowledge about laws, norms and fundamental rights allows the individual to participate, in a critical and effective way, in social, political and economic dynamics, overcoming passivity before the State. In this sense, legal knowledge becomes a catalyst for the full exercise of citizenship.

In a Democratic State of Law, the absence of legal knowledge among citizens constitutes a real obstacle to popular participation in the spheres of collective decision-making. Barros, Oliveira and Sousa (2023) argue that the lack of knowledge of the essential aspects of the national legal system weakens social engagement and compromises the consolidation of democracy. Citizenship, therefore, cannot be just a formal status, but must be built based on the awareness of rights and duties, enabling the citizen to act as a political subject that transforms the reality that surrounds him.

The processing of Bill No. 2745/2024, which proposes the inclusion of the subject of notions of law in the mandatory curricula of elementary and secondary education, represents a concrete advance towards the consolidation of legal citizenship from the first years of formal education. The proposal, authored by Deputy Marcos Tavares (PDT-RJ), aims to enable students to understand and apply, consciously, the constitutional and legal foundations of their social experience. As the parliamentarian points out, "informed citizens are better able to seek legal solutions instead of resorting to violence" (Agência Câmara de Notícias, 2024).

The programmatic content outlined by the bill includes essential topics, such as fundamental rights, citizenship and democratic participation, structure of the Judiciary, consumer, labor and environmental rights, as well as ethical and moral principles. It is a didactic framework that, if correctly implemented, will have the power to form critical, conscious citizens capable of claiming their rights responsibly. The proposal also provides for the role of the Ministry of Education in teacher training, and encourages cooperation between higher education institutions, the Judiciary and civil organizations — a collaborative management model consistent with the principle of education as a duty of the State.

It is important to note that, although the bill does not change the Law of Guidelines and Bases of National Education (LDB), it harmonizes with its normative guidelines. The

LDB, when dealing with the curricular contents of basic education, establishes the need to promote social values, respect for the common good and the democratic order, foundations that coincide directly with the objectives of the proposed legal education (Agência Câmara de Notícias, 2024). The proposal, therefore, finds legal and constitutional support for its effective incorporation into the Brazilian educational structure.

Monte (2023) highlights that the lack of knowledge of their own rights leaves students in a situation of civic vulnerability, depriving them of the full exercise of their citizenship. In addition, Martins (2018) reinforces that the insertion of legal education should prioritize basic areas of Law, such as constitutional provisions, the functioning of political institutions, the rights of the worker, the consumer and the human person.

Martins (2018) highlights in his study on the importance of legal education where he highlights that,

> It is necessary to teach the areas considered basic of Law. Educating the concepts present in the Federal Constitution, for example. The rights of each citizen, the competences of political bodies and positions, their importance of existence and fulfillment. Bring the rights of work, regarding vacations, salary and other needs addressed to the worker. Indicate consumer rights, how to complain and where to go. Raise awareness about the rights of the human person, as well as denounce domestic violence, racism and bullying (Martins, 2018, p. 23).

The approach to topics such as racism, domestic violence and bullying, according to the author, provides the student with a practical and immediate understanding of legality, awakening him to a socially responsible posture.

The introduction of legal knowledge in basic education represents a real possibility of cultural and social transformation. According to Migalhas (2021), legal education in schools has the potential to prevent crimes, promote voting awareness, and strengthen republican values. In this context, knowledge of Law is no longer the privilege of an elite and becomes a tool for collective empowerment. Such a measure, by reaching the entire school population, can contribute significantly to the reduction of femicides, homicides, labor abuses and political manipulations, promoting a more ethical, just and solidary society.

In addition to the legal and pedagogical aspects, legal education needs to be understood as an integral part of a political project of citizenship. Education for citizenship, according to contemporary models such as Marshall's (1950), presupposes the development of three dimensions: civil, political and social. In this sense, legal education plays a fundamental role in enabling legal literacy, an indispensable condition for the subject's performance as an agent of change. Citizenship, therefore, is not granted; it is

collectively constructed, based on knowledge and the critical exercise of the norms that govern life in society.

Thus, it is perceived that the models of contemporary citizenship demand legal training from the school base, aligned with public educational policies. Formal citizenship — as a legal status — must be accompanied by substantial citizenship, based on access to knowledge, the ability to claim rights, and responsibility to the collectivity. The school, in this process, appears as a privileged space for the dissemination of legal knowledge and for the construction of an authentic democratic consciousness. Thus, legal education becomes not only a didactic instrument, but a true practice of social justice.

PUBLIC POLICIES FOR LEGAL EDUCATION AND CHALLENGES IN IMPLEMENTATION

Article 35, item III, of the Law of Guidelines and Bases of National Education (LDB), determines that secondary education, as the final stage of basic education, must contribute to the integral development of the student, promoting ethical values, intellectual autonomy and critical thinking (Brasil, 1996). This perspective is crucial for the formation of citizens able to understand and interact with complex social dynamics, recognizing and respecting the legal norms that organize democratic coexistence. Legal education, in this context, emerges as an indispensable element for substantial citizenship.

In a complementary way, article 2 of the LDB reaffirms the objectives of national education, by establishing the full development of the student, his preparation for the exercise of citizenship and qualification for work as essential purposes of the educational process. These objectives, inherited from Law No. 5,692/71, give education the role of an agent of social transformation, guided by self-knowledge, civic awareness and critical insertion in the world of work (Brasil, 1971). Legal education in schools is exactly part of this tripod, by enabling students to act with responsibility and discernment in the face of their rights and duties.

The Federal Constitution of 1988, in its article 206, item II, ensures the freedom to teach and learn, a principle that supports the insertion of legal content as an essential part of education for citizenship (Brasil, 1988). Likewise, the National Common Curricular Base (BNCC) emphasizes that legal knowledge contributes to the development of attitudes and values necessary for daily life, political participation, and insertion in the labor market (Brasil, 2017, p. 6). The National Education Plan (PNE) reinforces this understanding by determining, in article 2, that citizenship education must be permeated by fundamental ethical and moral principles.

Pedagogical performance in public schools, as Monte (2023) points out, should reflect the diversity of knowledge necessary for the critical formation of the student. The author defends the inclusion of the notions of Law as extracurricular content in high school, especially in full-time schools.

> He highlights the importance of the Notion of Law as extracurricular content to be studied in high school in full-time public schools. This is justified by the fact that the theme is recurrent in Brazilian academies and in contemporary society. In the twenty-first century, it is inadmissible for someone to claim that they are unaware of the laws that govern their rights and duties (Monte, 2023, p.03).

Thus, ignorance of legal norms in the twenty-first century is inadmissible, as the understanding of fundamental rights is a minimum condition for harmonious social coexistence (Monte, 2023). Such insertion contributes to the consolidation of a democratic, contextualized and interdisciplinary educational model.

In this sense, the approach to contents such as the Federal Constitution of 1988, the LDB, the Statute of the Child and Adolescent (ECA) and the Maria da Penha Law, should be a structuring part of the curriculum (Brasil, 1988). By dealing with civil, social and human rights, school legal education allows students to understand the normative structure that surrounds them and develop empathy, respect for legality and social commitment. Issues such as domestic violence, racism, bullying and labor rights thus become objects of critical reflection and citizen action from the first years of school life.

Dutra and Lima (2022) exemplify this proposal by describing legal education practices with children from the 1st to the 4th year of elementary school, using playful methodologies such as comic books, word searches, and educational videos. These strategies reinforce that legal education can be adapted to different age groups, without losing its formative relevance. The active methodology arouses the interest of students and contributes to the construction of accessible legal knowledge, demystifying the idea that Law is exclusive to professionals in the area.

According to the BNCC, citizenship education involves the development of the ability to give an opinion on facts in the world, propose solutions from a critical stance and take a stand in the face of social problems (Brasil, 2017, p. 82). Thus, legal knowledge must be articulated with the curricular components, in a transversal way, with emphasis on its practical application. Article 22 of the LDB, by establishing that basic education aims at the common formation indispensable to the exercise of citizenship, supports the insertion of legal education as part of this base, preparing the student to progress academically and enter the world of work (Brasil, 1996, p.8).

Paulo Freire (1996), in his work "Education as a practice of freedom", defends a conception of education aimed at social transformation and the construction of a more just society. For the educator, although education, by itself, does not transform reality, it is a necessary condition for change to occur. When focused on equity, justice and the promotion of human dignity, education becomes a legitimate space for political and legal emancipation. In this aspect, legal education is consistent with Freire's pedagogy by allowing a critical reading of the legal and political world.

However, the effectiveness of public policies aimed at legal education faces significant challenges. Among them, the absence of adequate training for teachers, the limitation of specific didactic resources and institutional resistance to curricular innovation stand out (Moreira; Almeida; Corbo, 2022). The lack of specific national guidelines on discipline in primary schools makes it difficult to implement it uniformly and effectively. In addition, the lack of preparation of part of the faculty regarding legal content can compromise the quality and depth of the teaching offered.

Another important challenge is the lack of articulation between the federative entities for the implementation of integrated public policies. Although educational legislation recognizes the importance of citizenship education, the absence of a structured plan for the implementation of legal education in the basic curriculum prevents the consolidation of this proposal. In this sense, it is urgent to create continuing education programs for teachers, as well as to establish partnerships with law schools, Public Defenders' Offices, Public Prosecutors' Offices, and Civil Society Organizations (Martins *et al.,* 2024).

Finally, it is essential to understand that the implementation of legal education should not be restricted to specific or symbolic actions. It should be treated as a permanent and strategic pedagogical project, inserted in the long-term educational goals. The preparation of appropriate teaching materials, investment in teacher training and continuous pedagogical monitoring are essential measures to ensure that legal education fulfills its transformative role in the Brazilian social reality.

FINAL CONSIDERATIONS

The analyses undertaken throughout this study allowed us to verify that the objective of understanding in a critical and detailed way the public policies aimed at legal education was fully achieved. The research addressed the main legal provisions that support this theme, such as articles 205, 206 and 211 of the Federal Constitution of 1988, as well as articles 2, 22 and 35 of the Law of Guidelines and Bases of National Education (Law No. 9,394/96), showing that there is sufficient legal framework for the implementation of legal

training in basic education (Brazil, 1988; Brasil, 1996). It was also found that such policies are aligned with the constitutional principles of citizenship, dignity of the human person and prevalence of fundamental rights.

In the course of the work, educational practices aimed at legal education in the school environment were analyzed, demonstrating that the insertion of notions of Law in the curriculum, including through active methodologies, contributes significantly to the development of critical and citizen skills in students. The study by Dutra and Lima (2022), as well as the contributions of Monte (2023) and Martins (2018), reinforce this premise by reporting successful experiences in approaching legal content in elementary and secondary education. These practices reveal an important advance in the democratization of legal knowledge, by making it accessible and applicable to the reality of students from the early years of school education.

The article also succeeded in identifying the main challenges faced in the implementation of public policies for legal education, highlighting the lack of specific training for teachers, the absence of standardized curriculum guidelines and the limitation of adequate pedagogical resources. Such obstacles require the articulated action of the federative entities, as provided for in article 211 of the Federal Constitution, as well as the development of intersectoral policies between the Ministry of Education, higher education institutions and bodies of the Justice system. The legislative proposal of Bill No. 2745/2024 reveals itself as an important advance towards institutionalizing this agenda in the national context.

In view of the above, it is concluded that this article has successfully fulfilled its objective by providing an in-depth understanding of the effectiveness of public policies for legal education, while identifying the limitations and proposing possible paths for their consolidation. The citizenship education of students, as argued by Freire (1996), requires not only access to formal education, but the construction of a critical consciousness capable of interpreting and transforming reality. Thus, legal education emerges as an essential instrument for the realization of fundamental rights, the prevention of social injustices and the consolidation of a democratic culture in the country.

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