

Education in the Constitutions: The Comparison of Turkey with Indonesia, France, Japan, South Africa, and the United States of America

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Abstract—The main purpose of this study is to find out, analyze and discuss basic principles of education and training in the constitutions, including the latest amendment, of France, Indonesia, Japan, South Africa, the United States of America, and Turkey. This research specifically aims at establishing a framework in order to compare educational values such as right of education, responsibilities of states and those of people, and other issues pertaining to education in the Constitution of Turkey to others. Additionally, it emphasizes the meaning of education in constitution, the reasons for references to education in constitutions and why it is important for people, states or nations and state organs. Qualitative analysis technique is performed to accomplish the aim of this study. Maximum variation sampling is used. The main data source of the analysis is official organic laws of those countries. The data is examined by using descriptive and content analysis method.

Keywords—Education in the constitution, education law, legal principles of education, right to education.

I. INTRODUCTION

EDUCATION is globally accepted as a major right. At the national level, a constitutional commitment to education matters both symbolically and practically. Constitutions set fundamental standards of a country and commitments as well as its economic and political organization. Because they are typically difficult to repeal or amend, constitutions are relatively resistant to retrenchment when administrations change. Constitutions also provide citizens with a tool to hold governments accountable for unfulfilled commitments and rights violations [1]. Not only educational regulations but also problems and solutions in many countries are mainly subject to educational values in their constitutions. In other words, constitutional guarantees are legal base for education of people, and also for the governments take responsibility for regulations and providing equity in education.

Constitution is the set of political principles by which a state or organization is governed, especially in relation to the rights of the people it governs [2]. In public law, the organic and fundamental law of a nation or state, which may be written or unwritten, establishing the character and conception of its government, laying the basic principles to which its internal life is to be conformed, organizing the government, and regulating, distributing, and limiting the functions of its different departments, and prescribing the extent and manner

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of the exercise of sovereign powers [3]. In general perspective, guarantees in the constitution are a kind of road map for the legislature, the executive, the judiciary and other related bodies of a regime. In terms of education, educational values in the Constitution determine restrictions on whatever the government, organizations, individuals or other legal bodies in a nation can do.

In the second part of this article, major values of education in the current constitution will be assessed, including the up-to-date revision, of France, Indonesia, Japan, South Africa, the United States of America, and Turkey respectively. In the third part, the education in the Constitution of Turkey with education in the Constitutions of Indonesia, Japan and South Africa will be compared according to themes cited from these constitutions. Moreover, similarities and differences between constitutions of France, Indonesia, Japan, South Africa, the United States of America, and Turkey will be discussed with regard to educational values. The study is finalized with a conclusion part.

II. EDUCATION IN THE CONSTITUTIONS

A. France

There is no argument or explanation considering education, education rights, training in the Constitution of France enacted neither in 1958 nor in amendment of 2008.

B. Indonesia

Basic principles of education in Indonesia are defined in the fourth amendment of the Constitution of the Republic of Indonesia enacted in 1945. The Constitution stipulates in Article 31 under Chapter XIII Education that;

- (1) Every citizen has the right to education.
- (2) Every citizen is obliged to attend basic education and the government is obliged to fund it.
- (3) The government endeavors and conducts a national education system, which improves the faith, faithfulness to God, and good behavior, in smartening the life of the nation, which shall be regulated by a Bill.
- (4) The State prioritizes that the budget for education shall constitute at least twenty percent of the National Budget and of the Local Budget to fulfill the need for the national education.
- (5) The government improves science and technology by upholding religious and State unity values for better civilization and mankind wealth [4]-[6].

On the word of [7], the government is constitutionally

obligated to direct 20 percent of the national budget towards education, something observers say does not happen in reality. Official figures for 2010 put education expenditures at 17.1 percent of the national budget, which represents 3 percent of GDP, low comparative to most neighboring countries. Waste through corruption is considered a major issue within the Indonesian education system. There is also another article numbered as 32 under Chapter XIII Education in the Constitution of the Republic of Indonesia. The Article 32 identifies that:

- (1) The state advances the national culture of Indonesia among the civilizations of the world by assuring the freedom of society to preserve and to develop cultural values.
- (2) The state respects and preserves local languages as national cultural treasures [6].

In addition, with the exception of Article 31 and 32, there are some other articles considering education in the Constitutional Law of Indonesia under Chapter XA Human Rights.

The first of these articles is the Article 28C. The part (1) of this article reassures that every person has the right to develop him/herself through the fulfilment of his/her basic needs, the right to get education and to benefit from science and technology, arts and culture, for the purpose of improving the quality of his/her life and for the welfare of the human race [6]. In this article of the Constitution, the point specifies education is that Indonesian people has the right to get education as human being. The last one of these articles is the Article 28E. The part (1) of the article states that every person is free to choose and to practice the religion of his/her choice, to choose one's education, to choose one's employment, to choose one's citizenship, and to choose one's place of residence within the state territory, to leave it and to subsequently return to it [6]. It is clear that this article is focusing on the point that each Indonesian citizen is free to choose his / her education.

C. Japan

The major philosophies of Japanese education are defined in the Constitution of Japan enacted in 1946. The Constitution provides basic rights to education, compulsory education for Japanese people. The Article 26 of the Constitution specifies that all people shall have the right to receive an equal education correspondent to their ability, as provided by law. All people shall be obligated to have all boys and girls under their protection receive ordinary education as provided for by law. Such compulsory education shall be free [8]-[10]. Briefly, this article is about right of education and compulsory education.

Apart from the article mentioned in the previous paragraph, there are other articles about education in the Constitutional Law of Japan.

The first of these articles is the Article 20. This article assures that freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority. No person shall be

compelled to take part in any religious act, celebration, rite or practice. The State and its organs shall refrain from religious education or any other religious activity [8]-[10]. This article is concisely related to freedom of religion and secularity of the state. However, in this Section 20 of the Constitution, the point specifying education is that the State and its organs do not provide religious education for Japanese people in anyway.

The last article about education is Article 89. It defines no public money or other property shall be expended or appropriated for the use, benefit or maintenance of any religious institution or association, or for any charitable, educational or benevolent enterprises not under the control of public authority [8]-[10].

According to [11], based on this spirit, more specific provisions relating to the school system, educational administration, financial support and other matters are specified and many other education laws and regulations through the Fundamental Law of Education and the School Education Law.

D. South Africa

It is clear that education rights of South African people are defined in the Constitution of the South Africa enacted in 1996. The Constitution stipulates in Section 29 Education under Chapter 2 Bill of Rights that

- (1) Everyone has the right -
 - (a) To a basic education, including adult basic education; and
 - (b) To further education, which the state, through reasonable measures, must make progressively available and accessible.
- (2) Everyone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable. In order to ensure the effective access to, and implementation of, this right, the state must consider all reasonable educational alternatives, including single medium institutions, taking into account -
 - (a) Equity;
 - (b) Practicability; and
 - (c) The need to redress the results of past racially discriminatory laws and practices.
- (3) Everyone has the right to establish and maintain, at their own expense, independent educational institutions that -
 - (a) Do not discriminate on the basis of race;
 - (b) Are registered with the state; and
 - (c) Maintain standards that are not inferior to standards at comparable public educational institutions.
- (4) Subsection (3) does not preclude state subsidies for independent educational institutions [12]-[16].

Furthermore, apart from Section 29, there are other sections associated with education in the Constitutional Law of South Africa.

The Section 184(3) comprises that each year the Human Rights Commission must require relevant organs of state to provide the Commission with information on the measures that they have taken towards the realization of the rights in the

Bill of Rights concerning housing, health care, food, water, social security, education and the environment [12]-[16]. This subsection is related to education highlighting the point that each year the Human Rights Commission makes the realization of the rights concerning education measurable.

In subsection f (ii) of section 28 Children under Chapter 2 Bill of Rights; every child has the right not to be required or permitted to perform work or provide services that place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development [12]-[16]. The section emphasizes that the opportunity to access and get education has to be provided for every child of the Republic of South Africa.

As stated by [17], South African Constitution epitomizes a new breed of modern constitution, enshrining socioeconomic rights rather than only "negative" liberties. Among these is the right to education. However, despite the Constitution's progressive values, many South African schools remain inadequate.

E. Turkey

Rights of education and training for Turkish people and Turkish State with major responsibilities for education and training are defined in the Constitution of the Republic of Turkey adopted in 1982. The Constitution outlines in Article 42 (Right and Duty of Education) that

- No one shall be deprived of the right of education.
- The scope of the right to education shall be defined and regulated by law.
- Education shall be conducted along the lines of the principles and reforms of Atatürk, based on contemporary scientific and educational principles, under the supervision and control of the State.
- Educational institutions contravening these principles shall not be established.
- The freedom of education does not relieve the individual from loyalty to the Constitution.
- Primary education is compulsory for all citizens of both sexes and is free of charge in state schools.
- The principles governing the functioning of private primary and secondary schools shall be regulated by law in keeping with the standards set for the state schools.
- (Paragraph added on February 2, 2008; Act No. 5735, and annulled by the decision of the Constitutional Court dated June 5, 2008 numbered E. 2008/16, K. 2008/116)
- The State shall provide scholarships and other means of assistance to enable students of merit lacking financial means to continue their education. The State shall take necessary measures to rehabilitate those in need of special education so as to render such people useful to society.
- Training, education, research, and study are the only activities that shall be pursued at institutions of education. These activities shall not be obstructed in any way.
- No language other than Turkish shall be taught as a mother tongue to Turkish citizens at any institution of education. Foreign languages to be taught in institutions of education and the rules to be followed by schools

conducting education in a foreign language shall be determined by law. The provisions of international treaties are reserved [18], [19].

Furthermore, apart from Article 42 of the Constitution, there are other articles of the Constitutional Law of the Republic of Turkey which guarantee education and training as well. They are as follows:

The Article 130 deals with that for the purpose of training manpower under a system of contemporary education and training principles and meeting the needs of the nation and the country, universities comprising several units will be established by the State and by law as public corporations having autonomy in teaching, assigned to educate, train at different levels after secondary education, and conduct research, to act as consultants, to issue publications and to serve the country and humanity.

Institutions of higher education may be established, under the supervision and control of the State, by foundations in accordance with the procedures and principles set forth in the law as long as they do not pursue profit.

The law shall provide for a balanced geographical distribution of universities throughout the country.

Universities, members of the teaching staff and their assistants may freely engage in all kinds of scientific research and publication. However, this shall not include the liberty to engage in activities against the existence and independence of the State, and against the integrity and indivisibility of the nation and the country.

Universities and units attached to them are under the supervision and inspection of the State and their security is ensured by the State.

University presidents shall be elected and appointed by the President of the Republic, and faculty deans by the Council of Higher Education, in accordance with the procedures and provisions of the law.

The administrative and supervisory organs of the universities and the teaching staff may not for any reason whatsoever be removed from their office by authorities other than those of the competent organs of the universities or by the Council of Higher Education.

(As amended on October 29, 2005; Act No. 5428) The budgets drawn up by universities, after being examined and approved by the Council of Higher Education shall be submitted to the Ministry of National Education, and shall be put into effect and supervised in conformity with the principles applied to central government budget.

The establishment of institutions of higher education and their organs, their functioning and elections, their duties, authorities and responsibilities, the procedures to be followed by the state in the exercise of the right to supervise and inspect the universities, the duties of the teaching staff, their titles, appointments, promotions and retirement, the training of the teaching staff, the relations of the universities and the teaching staff with public institutions and other organizations, the level and duration of education, admission of students into institutions of higher education, attendance requirements and fees, principles relating to assistance to be provided by the

state, disciplinary and penalty matters, financial affairs, personnel rights, conditions to be conformed with by the teaching staff, the assignment of the teaching staff in accordance with inter-university requirements, the pursuance of training and education in freedom and under guarantee and in accordance with the requirements of contemporary science and technology, and the use of financial resources provided by the state to the Higher Education Council and the universities, shall be regulated by law.

Institutions of higher education established by foundations shall be subject to the provisions set forth in the Constitution for institutions of higher education established by the State, as regards the academic activities, recruitment of teaching staff and security, except for financial and administrative matters [18], [19]. Briefly, this article is about institutions of higher education, university education, Higher Education Council.

In addition, Article 131 emphasizes that the Council of Higher Education shall be established to plan, organize, administer, and supervise education provided by institutions of higher education, to orient teaching activities, education and scientific research, to ensure the establishment and development of these institutions in conformity with the objectives and principles set forth by law, to ensure the effective use of the resources allotted to the universities, and to plan for the training of the teaching staff. (As amended on May 7, 2004; Act No. 5170) The Council of Higher Education is composed of members who are appointed by the President of the Republic, from among candidates who are nominated by the Council of Ministers and universities, in accordance with the numbers, qualifications and election procedures prescribed by law. Priority shall be given to those who have served successfully as Faculty members or university presidents, and of members directly appointed by the President of the Republic himself. The organization, functions, authority, responsibilities and operating principles of the Council shall be regulated by law [18], [19]. This article is about Higher Education Council which is the superior body of higher education. Moreover, there is Article 132 emphasizing that institutions of higher education attached to the Turkish Armed Forces and to the national police organization are subject to the provisions of their respective special laws [18], [19].

The subsection 4 of Article 24 assures that religious and moral education and instruction shall be conducted under state supervision and control. Instruction in religious culture and morals shall be one of the compulsory lessons in the curricula of primary and secondary schools. Other religious education and instruction shall be subject to the individual's own desire, and in the case of minors, to the request of their legal representatives [18], [19].

The Article 62 guarantees that the State shall take the necessary measures to ensure family unity, the education of the children, the cultural needs, and the social security of Turkish citizens working abroad, and to safeguard their ties with the home country and to help them on their return home [18], [19].

F. The United States of America

As [20] shows that the United States of America, a comparatively young country, has the world's oldest written constitution. In 1787, this Constitution was a striking innovation, a breakthrough in the establishment of republican self-government. However, the education system in the United States is highly decentralized as in [21]. According to the Tenth Amendment to the U.S. Constitution, the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States [22]. In accordance with this Amendment, the federal government has no authority to establish a national education system, nor do federal agencies ordinarily prescribe policy or curriculum for local schools. Such decisions are made at the state or district level. Moreover, with respect to [23] the U.S. Constitution grants no authority over education to the federal government. Education is not mentioned in the Constitution of the United States, and for good reason. The Founders wanted most aspects of life managed by those who were closest to them, either by state or local government or by families, businesses, and other elements of civil society. Certainly, they saw no role for the federal government in education.

Because of decentralization, laws governing the structure and content of education programs may vary greatly from state to state, district to district. Some of these laws are very prescriptive; others are broad enough to allow local school districts considerable flexibility in the way they operate their schools [21].

III. THE COMPARISON AND THE DISCUSSION

In this part of the study, the education descriptions cited from the Constitutional Law of Turkey are categorized and abridged in line with educational sub-subjects. In addition, educational themes derived from the Constitutional laws of Indonesia, Japan, and South Africa are categorized and summarized. Successively, those subjects gathered from the Constitutional Law of Turkey are compared to themes found out from the Constitutional Laws of Indonesia, Japan, and South Africa in the Tables I-III.

A. Turkey vs Indonesia

TABLE I
THE COMPARISON OF EDUCATION IN THE CONSTITUTION OF TURKEY WITH EDUCATION IN THE CONSTITUTION OF INDONESIA

The Constitution of Turkey	The Constitution of Indonesia
Right of learning and education,	The right to education,
Education on the basis of the principles and reforms of Atatürk, contemporary science and educational methods,	-
Education under the supervision and control of the state,	Conducting a national education system by the government,
Compulsory primary education,	Obligation to attending basic education,
Compulsory primary education free of charge in state schools,	The government is obliged to fund basic education,
Regulation of principles of private primary and secondary schools by law,	-
Providing scholarships and assistance for students by the State,	-
Taking necessary measures to rehabilitate those in need of special education by the State,	-
Activities (training, education, research, and study) to be pursued at institutions of education,	-
Only Turkish to be taught as a mother tongue to Turkish citizens. Determination of foreign languages to be taught and conducting education in a foreign language by law.	-
The reason to establish universities by the State and by law as public corporations,	-
The supervision and control for institutions of higher education by the State,	-
Providing a balanced geographical distribution of universities throughout the country by the law,	-
Definition of legal activities to be engaged in by University staff,	-
Supervision, inspection and security of universities by the State,	-
Appointment of university presidents and faculty deans,	-
Authority to remove teaching staff from their office,	-
Determining the budgets of universities,	-
The establishment and management procedures for institutions of higher education to be regulated by law,	-
Aim to establish the Council of Higher Education,	-
Appointment of members for the Council of Higher Education,	-
Regulation of the organization, functions, authority, responsibilities and operating principles of the Council by law,	-
Institutions of higher education attached to the Turkish Armed Forces and to the national police organization are subject to the provisions of their respective special laws,	-
Conducting religious and moral education under state supervision and control,	-
Compulsory religious and morals lessons for primary and secondary schools. Other religious education shall be subject to the individual's own desire, and in the case of minors, to the request of their legal representatives,	-
Taking the necessary measures to ensure the education of the children of Turkish citizens working abroad by the State.	-
-	Prioritizing budget for education by the State,
-	Free to choose one's education.

B. Turkey vs Japan

TABLE II
THE COMPARISON OF EDUCATION IN THE CONSTITUTION OF TURKEY WITH EDUCATION IN THE CONSTITUTION OF JAPAN

The Constitution of Turkey	The Constitution of Japan
Right of learning and education,	The right to receive an equal education,
Education on the basis of the principles and reforms of Atatürk, contemporary science and educational methods,	-
Education under the supervision and control of the state,	-
Compulsory primary education,	Obligated to have all boys and girls receive ordinary education,
Compulsory primary education free of charge in state schools,	Compulsory education shall be free,
Regulation of principles of private primary and secondary schools by law,	-
Providing scholarships and assistance for students by the State,	-
Taking necessary measures to rehabilitate those in need of special education by the State,	-
Activities (training, education, research, and study) to be pursued at institutions of education,	-
Only Turkish to be taught as a mother tongue to Turkish citizens. Determination of foreign languages to be taught and conducting education in a foreign language by law.	-
The reason to establish universities by the State and by law as public corporations,	-
The supervision and control for institutions of higher education by the State,	-
Providing a balanced geographical distribution of universities throughout the country by the law,	-
Definition of legal activities to be engaged in by University staff,	-
Supervision, inspection and security of universities by the State,	-
Appointment of university presidents and faculty deans,	-

The Constitution of Turkey	The Constitution of Japan
Authority to remove teaching staff from their office,	-
Determining the budgets of universities,	-
The establishment and management procedures for institutions of higher education to be regulated by law,	-
Aim to establish the Council of Higher Education,	-
Appointment of members for the Council of Higher Education,	-
Regulation of the organization, functions, authority, responsibilities and operating principles of the Council by law,	-
Institutions of higher education attached to the Turkish Armed Forces and to the national police organization are subject to the provisions of their respective special laws,	-
Conducting religious and moral education under state supervision and control,	-
Compulsory religious culture and morals lessons for primary and secondary schools. Other religious education shall be subject to the individual's own desire, and in the case of minors, to the request of their legal representatives,	-
Taking the necessary measures to ensure the education of the children of Turkish citizens working abroad by the State.	-
-	The State and its organs do not provide religious education,
-	Money or other property belongs to public can be used for public educational initiatives.

C. Turkey vs South Africa

TABLE III

THE COMPARISON OF EDUCATION IN THE CONSTITUTION OF TURKEY WITH EDUCATION IN THE CONSTITUTION OF SOUTH AFRICA

The Constitution of Turkey	The Constitution of South Africa
Right of learning and education,	Right to (a)basic education, adult basic education; (b)to further education,
Education on the basis of the principles and reforms of Atatürk, contemporary science and educational methods,	-
Education under the supervision and control of the state,	-
Compulsory primary education,	-
Compulsory primary education free of charge in state schools,	-
Regulation of principles of private primary and secondary schools by law,	-
Providing scholarships and assistance for students by the State,	-
Taking necessary measures to rehabilitate those in need of special education by the State,	-
Activities (training, education, research, and study) to be pursued at institutions of education,	-
Only Turkish to be taught as a mother tongue to Turkish citizens. Determination of foreign languages to be taught and conducting education in a foreign language by law.	The right to receive education in the official language or languages of their choice in public educational institutions. The state is responsible for that.
The reason to establish universities by the State and by law as public corporations,	-
The supervision and control for institutions of higher education by the State,	-
Providing a balanced geographical distribution of universities throughout the country by the law,	-
Definition of legal activities to be engaged in by University staff,	-
Supervision, inspection and security of universities by the State,	-
Appointment of university presidents and faculty deans,	-
Authority to remove teaching staff from their office,	-
Determining the budgets of universities,	-
The establishment and management procedures for institutions of higher education to be regulated by law,	The right to establish and maintain independent educational institutions.
Aim to establish the Council of Higher Education,	-
Appointment of members for the Council of Higher Education,	-
Regulation of the organization, functions, authority, responsibilities and operating principles of the Council by law,	-
Institutions of higher education attached to the Turkish Armed Forces and to the national police organization are subject to the provisions of their respective special laws,	-
Conducting religious and moral education under state supervision and control,	-
Compulsory religious culture and morals lessons for primary and secondary schools. Other religious education shall be subject to the individual's own desire, and in the case of minors, to the request of their legal representatives,	-
Taking the necessary measures to ensure the education of the children of Turkish citizens working abroad by the State.	-
-	The Human Rights Commission makes the realization of the rights concerning education measurable.
-	Every child has the right not to work or provide services that place at risk the child's education.

According to [24], constitutions reflect the social and political character of nations and frame their legal and political systems. Constitutional guarantees can be used to demand greater equity in the delivery of and access to basic services, to challenge discriminatory legislation and practices, and to change social norms. In line with this description, whereas the Constitutions of Indonesia, Japan, South Africa, and Turkey guarantee “*the right to education*”, the Constitutions of France and the United States of America don’t. In other words, these constitutions share the same arguments when considering the education in the base of “*the right to education*”. In the Constitutions of Indonesia, Japan and Turkey, compulsory education is emphasized, and it is also explained that “*compulsory education is free of charge*”. However, there is nothing about compulsory education in the Constitution of South Africa. There are some descriptions about “*educational institutions*” and “*languages to be taught or receive*” in the Constitutions of South Africa and Turkey.

While it is stated in the Constitution of Japan that “*the State and its organs do not provide religious education*”, in the Constitution of Turkey it is stated that “*Conducting religious and moral education is under state supervision and control. Religious culture and morals lessons are compulsory for primary and secondary schools. Other religious education shall be subject to the individual’s own desire, and in the case of minors, to the request of their legal representatives.*”

Those are the arguments only stipulated in the Constitution of South Africa and not dealt with in the others;

“The Human Rights Commission makes the realization of the rights concerning education measurable.

Every child has the right not to work or provide services that place at risk the child’s education.”

Those are the arguments only stipulated in the Constitution of Japan and not referenced in the others;

“Money or other property belongs to public can be used for public educational initiatives.”

Those are the arguments only stipulated in the Constitution of Indonesia and not guaranteed in the others;

“Conducting a national education system by the government,

*Prioritizing budget for education by the State,
Free to choose one’s education.”*

In general, it can be said that the references to education in the Constitution of Turkey are more than in the Constitutions of Indonesia, Japan and South Africa as clearly seen in Tables I-III.

What is more, it is possible to state that there is no argument considering education neither in the Constitution of the United States of America enacted in 1787 nor in the Tenth Amendment [22]-[25]. As mentioned in Education in the Constitutions part of this article, in the Tenth Amendment to the United States Constitution, it is clear that the education rights of American People reserved to States. There is nothing about educational principles in the Constitution of United States. According to [26], that is why the founders were afraid of the concentration of power. They believed that limiting and dividing power was the best way to protect individual freedom

and civil society. Therefore, it was much better to have decisions made independently by 13 or 50 states, each able to innovate and observe and copy successful innovations in other states, than to have one decision made for the entire country.

IV. CONCLUSION

In conclusion, in this research, it is found out that there is no such text, argument or purpose in terms of education in the Constitutions of France and the United States of America, as some countries, particularly those big and large may not want the concentration of power. Instead of centralized power, they allocate the power to local governments or states so as to shelter education of society. In contrast to France and the United States of America, the Constitutions of Indonesia, Japan, South Africa, and Turkey have some number of articles which are relevant to the education. Furthermore, in this study, the explanations cited from the Constitution of Turkey are classified and shortened according to themes. Subsequently, those themes are compared to themes gathered from the Constitutions of Indonesia, Japan, and South Africa in the tables methodically, respectively and independently. Based on this comparison, it can be mentioned that the most comprehensive constitutional law in terms of education among the Constitutions of France, Indonesia, Japan, South Africa, the United States of America and Turkey belongs to Turkey.

Any regulations on education should be in the framework of constitution. The parliament, the administrative, and the judiciary bodies within a nation take educational guarantees in the constitution as a tool stakes out their behaviors’ and roles, responsibilities while changing education system. In the citizens’ point of view, education in the constitutions secure citizens’ education rights while governing bodies change education system in a nation. In other words, educational principles in the Constitution regulate constraints on whatever individuals, organizations, the government and other bodies can face.

The application of principles about education mentioned in those constitutional laws in reality is not in the scope of this article. So, it can be suggested that dealing with this issue would be very useful for the literature.

REFERENCES

- [1] Heymann, J., Raub, A., & Cassola, A. (2014). Constitutional rights to education and their relationship to national policy and school enrolment. *International Journal of Educational Development*, 39, 121-131.
- [2] Cambridge University (2015). *Cambridge Dictionaries Online*. Cambridge University Press. (Retrieved December 21, 2015, from <http://dictionary.cambridge.org/dictionary/english/constitution>)
- [3] Black, H. C. (1910). *Black’s Law Dictionary (2nd Edition)* (Retrieved December 21, 2015, from <http://thelawdictionary.org/constitution/>)
- [4] Pandeirot, R. (2015). *Legal Education in Indonesia within the Framework of the Charter of the Association of South-East Asian Nations*. ASEAN Law Association 10th General Assembly.
- [5] UNESCO. (2006a). *World Data on Education: Indonesia (6th edition)*. (Retrieved November 11, 2015, from http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/ASIA_and_the_PACIFIC/Indonesia/Indonesia.htm).
- [6] Tschentscher, A. (2015a). *Indonesia Constitution*. (Retrieved November 11, 2015, from http://www.servat.unibe.ch/icl/id00000_.html).

- [7] Clark, N. (2014). Education in Indonesia. World Education News & Reviews. (Retrieved November 10, 2015, from wenr.wes.org/2014/04/education-in-indonesia/).
- [8] Official Website of the Prime Minister of Japan and His Cabinet. (2015). The Constitution of Japan. (Retrieved November 10, 2015, from http://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html).
- [9] UNESCO. (2011). World Data on Education: Japan (7th edition). (Retrieved November 10, 2015, from http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Japan.pdf).
- [10] Tschentscher, A. (2015b). International Constitutional Law Countries-Japan Constitution. (Retrieved November 10, 2015, from http://www.servat.unibe.ch/icl/ja00000_.html).
- [11] Takasu, A. (2015). The Present State of Arts Education in Japan. (Retrieved October 20, 2015, from portal.unesco.org/culture/es/files/...JAPAN...JAPAN.doc).
- [12] Council on Foundations. (2015). The Constitution of South Africa. (Retrieved November 13, 2015, from <http://usig.org/countryinfo/laws/South%20Africa/The%20Constitution%20of%20South%20Africa%2029.pdf>).
- [13] HDA. (2015). Constitution of the Republic of South Africa 1996. (Retrieved November 12, 2015, from <http://www.thehda.co.za/uploads/images/unpan005172.pdf>).
- [14] South African Government. (2015). Constitution of the Republic of South Africa, 1996 - Chapter 2: Bill of Rights. (Retrieved November 13, 2015, from <http://www.gov.za/documents/constitution/chapter-2-bill-rights>).
- [15] Tschentscher, A. (2015c). South Africa - Constitution. (Retrieved November 13, 2015, from http://www.servat.unibe.ch/icl/sf00000_.html).
- [16] UNESCO. (2010). World Data on Education: South Africa (7th edition). (Retrieved November 12, 2015, from http://www.ibe.unesco.org/Countries/WDE/2006/SUB-SAHARAN_AF_RICA/South_Africa/South_Africa.pdf).
- [17] Berger, E. (2003). The Right to Education under the South African Constitution. College of Law, Faculty Publications. Paper 26. (Retrieved November 13, 2015, from <http://digitalcommons.unl.edu/lawfacpub/26>).
- [18] TBMM. (2015). Constitution of the Republic of Turkey. (Retrieved December 05, 2015, from https://global.tbmm.gov.tr/docs/constitution_en.pdf).
- [19] Tschentscher, A. (2015d). Turkey - Constitution. (Retrieved November 23, 2015, from http://www.servat.unibe.ch/icl/tu00000_.html).
- [20] Patrick, J. J. (1987). Education on the U.S. Constitution. ERIC Clearinghouse for Social Studies/Social Science Education Bloomington IN. ERIC Digest No. 39 (Retrieved November 18, 2015, from <http://www.ericdigests.org/pre-926/constitution.htm>).
- [21] UNESCO. (2006b). World Data on Education: United States of America (6th edition). (Retrieved November 20, 2015, from http://www.ibe.unesco.org/Countries/WDE/2006/NORTH_AMERICA/United_States_of_America/United_States_of_America.htm).
- [22] Tschentscher, A. (2015e). United States - Constitution - Amendments. (Retrieved November 19, 2015, from http://www.servat.unibe.ch/icl/us01000_.html).
- [23] David, B. (2015). Education and the Constitution. (Retrieved November 19, 2015, from <http://www.cato.org/blog/education-constitution>).
- [24] WORLD. (2015). Constitutions. (Retrieved November 30, 2015, from <http://worldpolicycenter.org/topics/constitutions/policies>).
- [25] Tschentscher, A. (2015f). United States - Constitution. (Retrieved November 19, 2015, from http://www.servat.unibe.ch/icl/us00000_.html).
- [26] Boaz, D. (2015). Education and the Constitution. CATO Institute. (Retrieved November 30, 2015, from <http://www.cato.org/blog/education-constitution>).