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## The Constitutional Principles of Education and the Social Function of the University: challenges in articulating the right to citizenship education

*The Constitutional Principles of Education and the Social Function of the University: Challenges in Articulating the Right to Civic Formation*

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### SUMMARY

This article analyzes the constitutional principles of education and their connection with the social function of the university. The research aims to answer the following question: How do Brazilian universities, in practice, connect their constitutional principles of education with the urgent social function of promoting the right to civic education and social justice? This qualitative and theoretical study is based on a critical literature review, focusing on authors such as Freire, Santos, and Piovesan, who conceive of education as an emancipatory practice, and on a documentary analysis of Brazilian educational legislation. The study examines the legal provisions that support the right to education, including the 1988 Federal Constitution (Art. 206 and its principles: pluralism, equality, freedom, and democratic governance), the Brazilian Basic Education Law (LDB) (Law No. 9,394/96), the National Education Plan (PNE) (Law No. 13,005/2014), and CNE/CP Resolution No. 1/2012 (Education in Human Rights).

The results demonstrate that, although the regulatory framework is robust, the implementation of the social function faces structural challenges, with institutional resistance and curricular technicalities being the main obstacles. The conclusion is that overcoming these challenges requires the integration of constitutional principles, especially pluralism and the appreciation of human rights, as cross-cutting axes in university pedagogical practices. The university must therefore assume a vanguard stance of democratic resistance, fulfilling its constitutional role of promoting social justice, active citizenship, and diversity.

**Keywords:** Constitutional Principles. Right to Education. University. Citizenship Training. Pluralism. Social Justice.

### ABSTRACT

This article analyzes the constitutional principles of education and their articulation with the social function of the university. The research seeks to answer the following problem: How does the Brazilian university articulate, in practice, its constitutional principles of education with the urgent social function of promoting the right to citizen formation and social justice? The study is qualitative and theoretical, grounded in a critical bibliographic review, focusing on authors such as Freire, Santos, and Piovesan, who conceive of education as an emancipatory practice and documentary analysis of Brazilian educational legislation. Legal provisions supporting the right to education are examined, including the Federal Constitution of 1988 (Article 206 and its principles: pluralism, equality, freedom, democratic management), the LDB (Law No. 9,394/96), the PNE (Law No. 13,005/2014), and Resolution CNE/CP No. 1/2012 (Human Rights Education). The results demonstrate that, although the regulatory framework is robust, the current implementation of social function faces structural challenges, with institutional resistance and curricular technicality being the main obstacles. It is concluded that overcoming these challenges requires the integration of constitutional principles, especially pluralism and the valuing of human rights, as transversal axes in university pedagogical practices. The university must thus assume a pioneering stance of democratic resistance, fulfilling its constitutional role in promoting social justice, active citizenship, and



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## 1 Introduction

Education, as the foundation of human dignity and social justice, is a social right fundamental strategically positioned in the Federal Constitution of 1988. More than merely guarantee access to knowledge, the constitutional text recognizes it as the main instrument for the promotion of full citizenship and social transformation. In the context of higher education, this promise becomes even more vital and complex, as the university is the privileged place for critical and ethical formation of the subjects who will shape the future of the nation. The Magna Carta, in its Article 206, establishes guiding principles, such as equal conditions for access and permanence, the pluralism of ideas and democratic management, giving the university an undeniable social function beyond the academic walls.

However, the implementation of this social function in daily pedagogical practice faces challenges. significant structural and conceptual issues. It is observed that, despite the robust legal framework, the integration of constitutional principles, notably the promotion of human rights and justice social in the formative processes of higher education does not always materialize in a systematic way and articulated. The persistence of excessively technical curricula, the reproduction of inequalities in access and permanence, and the difficulty in translating citizenship ideals into pedagogical practices emancipatory issues raise a question that is considered the research problem: How do institutions higher education institutions are articulating, in practice, the constitutional principles of education with their social function of promoting the right to citizenship formation and social justice?

The urgency in answering this question lies in the unavoidable need to align production academic and professional training to the ethical and social imperatives of the Constitution. If the university fails to train professionals with critical sense and social engagement, the project itself democratic and social justice of the country will be compromised. This justifies the present research for its relevance in revealing the gaps between normative discourse and educational reality, offering subsidies to overcome these obstacles. To this end, this article, of a qualitative, based on an in-depth bibliographic and documentary review. The objective central is to critically analyze the relationship between the constitutional principles of education and the function social of the university, with specific objectives:  
identify the constitutional principles governing education in Brazil and their implications for the higher education. Analyze the relevance of the principle of pluralism of ideas and pedagogical concepts as a foundation for academic freedom and the realization of Human Rights in



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university. Analyze the role of the university in implementing these principles and promoting social justice. Identify challenges and propose strategies to integrate constitutional principles into university pedagogical practices.

## 2 Theoretical Framework / Results

### 2.1 The Constitutional Principles of Education: A Focus on Pluralism. The Foundation of Citizenship at University

After outlining the urgency of the problem involving the articulation between the social function of university and citizenship training, it becomes imperative to anchor the discussion in its legal basis and more solid axiological basis: the constitutional principles of education. These principles, set out in the article 206 of the Federal Constitution of 1988, transcend the mere normative function; they are the letter of values that define the nature and purpose of Brazilian education as an emancipatory practice, a right that is realized in freedom.

So that the university can fulfill its promise of being a space for social justice and full development, it must be guided by these precepts, which apply to all levels of teaching, but assume a particular institutional weight in higher education.

Below is a list of the principles that govern national education, according to the CF/88, which guide the necessary transformation of pedagogical and institutional practices:

- Equal conditions for access and permanence in school
- Freedom to learn, teach, research and disseminate thought
- Pluralism of ideas and pedagogical concepts
- Free public education in official establishments
- Appreciation of school education professionals
- Democratic management of public education
- Quality standard assurance
- Link between school education, work and social practices

Among these pillars, the pluralism of ideas and pedagogical conceptions emerges as a principle of prominence and profound connection with the challenges of civic formation. He is the true thermometer of academic freedom and the constitutional antidote against any attempt to indoctrination or homogenization of knowledge.



## **2.2 The relevance of the principle of pluralism of ideas and pedagogical conceptions as a basis for academic freedom and the implementation of Human Rights at the university**

The principle of pluralism is more than the simple tolerance of opinions; it represents the education's intrinsic commitment to epistemological diversity, intellectual freedom, and respect for multiple ways of thinking, teaching, and learning. It is the guarantee that the university, as knowledge production environment, it must be a stage open to contradiction and criticism.

For Silva and Tavares Neto (2023), pluralism guarantees the openness of the university to plurality of knowledge, cultures and perspectives, being essential for the exercise of citizenship and for the building a genuinely democratic society. Its strength lies precisely in preventing ideological and religious proselytism, ensuring academic freedom and protecting academic space against temptations of single-minded thinking.

In this sense, pluralism acts as a direct manifestation of Human Rights fundamental to Education, guaranteeing freedom of thought and expression, essential pillars for the dignity and full development of the person, as advocated by the Declaration itself Universal Human Rights.

Paixão (2023) reinforces this view, highlighting that pluralism cannot be restricted to debate internal; it must be implemented in the permanent dialogue between the school and social reality. This requires that all agents, educators, students and the community actively participate in the construction of a pedagogical project that is, in fact, plural, critical and inclusive.

For higher education, the implementation of this principle is an ethical and practical requirement: university must be an environment of vigorous debate, acceptance and respect for cultural diversity, political and social. This means, in practice, overcoming the legacy of authoritarian or excessively technical, valuing interdisciplinarity, criticism and methodologies participatory.

In short, the analysis of constitutional principles, with a special focus on pluralism, does not only legally structures the right to education, but imposes on the university the ethical duty to continually transform itself into a space of freedom, diversity and, above all, of formation of citizens aware of their role in achieving social justice.

## **2.3 The role of the university in implementing the principles of education and promoting justice social.**

Academic training is a privileged environment for developing ethical and political values that promote active citizenship. According to Freire (2021, p. 25), "teaching requires respect for knowledge of students, the awareness that education is a political act and the willingness to fight against



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injustices". In this context, the university should not be limited to the transmission of technical knowledge, but also encourage in-depth reflection on human rights as a basis for democratic coexistence.

Santos (2019, p. 88) states that "social justice demands a reinvention of the university, which must open itself to popular knowledge and social struggles, combating the waste of experience." Therefore, higher education must adopt pedagogical methods that encourage dialogue, empathy and recognition of differences. To promote human rights in academic education, it is an interdisciplinary approach is needed that unites theory and practice and that recognizes the political importance of education.

Furthermore, Piovesan (2023, p. 112) emphasizes that "human rights must be incorporated as a structuring axis of university curricula, and not as peripheral or optional topics." The lack of this approach undermines the training of professionals dedicated to social change and protection of fundamental rights.

The university should not be restricted to just the transmission of technical knowledge; it also needs to encourage in-depth reflection on human rights as a basis for democratic coexistence. CNE/CP Resolution No. 1/2012, which establishes the National Guidelines for Human Rights Education, supports this approach. This resolution determines that these principles must be transversal axes in the curricula and pedagogical practices of higher education.

#### **2.4 Strategies for the Curricular and Pedagogical Integration of Constitutional Principles: Towards the Citizen University**

The university's journey towards its full social function is not without obstacles, but the answer to these challenges lies in revolutionizing their pedagogical practices and curricula. The overcoming mere technicality requires that the constitutional principles of education leave the field abstract of the law and become transversal axes of academic experience.

The main strategy for this transformation is the incorporation of human rights as a fundamental and permanent axis in training. According to Piovesan (2023, p. 112), "education in human rights is an instrument of empowerment and social transformation and must be transversal and permanent in the formative processes." This imperative is reinforced by the Law of Guidelines and Bases of National Education (Law No. 9,394/1996), which, in its article 3, establishes the respect for freedom and human rights as a fundamental principle of the ethical importance of training.

The translation of this legal mandate into the classroom depends, above all, on the pedagogy of diversity. Candau (2018, p. 39) corroborates this view by stating that "education in rights



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humans must articulate pedagogical practices that promote respect for diversity, dignity and justice". For the author, higher education has the duty to encourage the recognition of the diverse identities and historical inequalities that structure Brazilian society, helping in formation of an active citizenry engaged with democratic principles.

In addition to curriculum review, teaching practice is essential. Arroyo (2020, p. 47) emphasizes that "teacher training needs to be critical, situated and committed to the social contexts of learners," demanding that teachers recognize students as historical subjects and protagonists of their own trajectories.

Finally, promoting social justice at the university requires democratic management and participatory. This demand is aligned with the National Education Plan (Law No. 13,005/2014), that defines objectives focused on equity, inclusion and valuing diversity. In this sense, Gandin (2016, p. 22) argues that "participatory planning is a practice that strengthens autonomy of subjects and the collective construction of the direction of education." By including all segments of the academic community (students, teachers, technicians and community) in defining the objectives, the university becomes a more democratic environment and, as Demo points out (2015, p. 15), capable of forming historical, critical and creative subjects.

In short, social justice is not just a subject to be taught, but a practice to be experienced in institutional daily life, demanding the continuous integration of knowledge, action and students' leading role in real change in social reality.

### **3 Material and Method**

This study is anchored in the certainty that academic research, especially in the field of Law and Education, requires a perspective that goes beyond the surface. For this reason, it was chosen through research of a qualitative and theoretical nature, whose rigor lies in the depth of interpretation and in the ability to reveal the ethical and political dimensions of the object, and not just in its description. This approach proves to be the most appropriate for unraveling the complexity of the social function of university and its role in citizenship formation.

#### **4.1. Theoretical Foundation and Critical Literature Review**

The conceptual basis for this work was constructed through a review critical and comprehensive bibliographical research, which sought out classical and contemporary authors who illuminate the path to an emancipatory and just education. To develop the critical perspective necessary to analyze academic training, the conceptual pillars were: Paulo Freire, Boaventura de Sousa



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Santos, Flávia Piovesan, Vera Candau, Miguel Arroyo, Danilo Gandin, and Pedro Demo. The choice of these thinkers is justified by their relevance in providing subsidies for understanding the education not only as a right, but as a path to freedom and social justice.

The analysis of these references was carried out in light of the fundamental principles of education, established by the Federal Constitution of 1988, ensuring that the discussion on the role of university was always linked to the normative pillars that require: equality of conditions (for access and permanence), pluralism of ideas (for academic freedom) and management democratic (for participation in curriculum construction), among others.

Added to the specialized literature, the methodology included a documentary analysis systematics of legislation and national curricular guidelines governing higher education in Brazil. The purpose of this analysis was to go beyond the formal reading of the texts, seeking to investigate how constitutional principles and human rights are, in fact, incorporated or silenced in the official pedagogical proposals. Among the essential documents examined, the following stand out: Federal Constitution of 1988, the Law of Guidelines and Bases of National Education (LDB - Law No. 9,394/1996), CNE/CP Resolution No. 1/2012 (Guidelines for Human Rights Education) and the National Education Plan (PNE - Law No. 13,005/2014). The interpretative method of these texts was relevant to develop the underlying conceptions of education, citizenship and transformation social that guide the social function of the Brazilian university.

The method employed throughout the research emphasized the inseparable interconnection between theory and practice, providing the necessary tools for a critical and well-founded analysis of complex challenges faced by institutions. The choice of a qualitative approach is robustly justified by the multidimensional nature of the object of study, which encompasses the spheres ethical, political, and pedagogical aspects of training. In short, to understand how to translate principles constitutional principles into concrete actions for social justice, an interpretative perspective is needed that delve into the nuances that simple counting or measurability cannot reach.

#### **4 Results and Discussion**

The journey of theoretical and documentary analysis conducted in this study confirms a premise undeniable: academic training is not just a space for transmitting knowledge, but a territory strategic and essential in the fight for the promotion of human rights and social justice. Under the emancipatory perspective of Freire, Santos and Piovesan, the ethical duty of the university to adopt is confirmed practices that form critical individuals who are deeply engaged in social transformation. However, the literature review points to a counterpoint: the fulfillment of this mission faces structural challenges that need to be named and overcome.



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The first major finding, which emerges from the analysis of the ethical-political role and responsibility social aspects of the university (related to Objective 2), highlighted a central tension. Although there is a robust theoretical consensus on the importance of incorporating human rights, institutions often treat them as secondary, optional subjects or mere "moral lessons." This superficial approach compromises the integral formation of the future professional-citizen and restricts his/her ability to act directly on the causes of inequalities. Such omission reveals a distance of Article 205 of the Federal Constitution, which requires the integral development of the individual and the full exercise of citizenship, as well as the ethical guidelines of the LDB (Law No. 9,394/1996).

The second point of discussion, derived from the analysis of the constitutional principle of pluralism (related to Objective 1), revealed that academic freedom is under constant pressure. The institutional resistance and the lack of teacher training that values pluralism undermine the the university's ability to be a platform for democratic debate. However, the study pointed to beacons of hope: experiences of interdisciplinary extension projects and community initiatives that act as resistance. These experiences demonstrate that the realization of pluralism is possible and vital, aligning with the equity and diversity appreciation goals of the National Education Plan (Law No. 13,005/2014).

Finally, the third and most propositional axis, which materializes the proposal of strategies for curricular and pedagogical integration (related to Objective 3), allowed concrete paths to be outlined. The transversality of human rights in curricula, the use of participatory methodologies and active, and the appreciation of diversity as wealth are strategies that strengthen an education critical. Furthermore, the organic articulation between teaching, research and extension emerges as key to connect academic knowledge to real social demands. Such proposals are deeply in tune with the international commitments assumed by Brazil, notably the Universal Declaration of Human Rights (UN, 1948), which recognizes education as an instrument for strengthening of fundamental freedoms.

At the end of this subsection, it can be seen that when analyzing the results, it is clear that a paradigm shift in higher education is necessary. The task is not limited to adding new content, but rather to transform the pedagogical logic, institutional values and, mainly, the ethical, intellectual, and affective attitudes of faculty and students. The university must reaffirm its function as a site of democratic resistance and active promotion of social justice. To achieve this level, the recognition of the student as a historical, thinking and intervening subject is essential for the construction of a more just, democratic and supportive society, in harmony with all the legal frameworks that underpin this study.



## Final Considerations

This research started from a central and challenging problem: how the university Brazilian society articulates, in practice, its constitutional principles of education with the urgent social function to promote the right to citizenship education and social justice?

The results obtained, through theoretical and documentary analysis, answer this question complex, confirming that academic training is, undeniably, a strategic territory and essential for social transformation. Throughout this study, it became clear that the university has an ethical and political duty to go beyond the technical transmission of knowledge.

The analysis of Article 206 of the Federal Constitution of 1988 demonstrated that the Supreme Law itself already offers the route to this transformation. Principles such as equality of conditions (to combat inequalities), pluralism of ideas (to guarantee academic freedom and democratic debate) and democratic management (to involve the community in decisions) are not mere abstract guidelines, but rather mandates for action that impose a vanguard stance on the university.

In accordance with national legislation and international treaties, such as Article 26 of the Universal Declaration of Human Rights, the research reinforces that Human Rights Education Humans and Social Justice must act as structuring and transversal axes of the entire process formative, and not as peripheral topics. The lack of a structured approach compromises the the university's ability to prepare ethical professionals, aware of inequalities and truly committed to creating a more equitable society.

Ultimately, the General Objective of this research: to analyze the articulation between the principles constitutional and the social function of the university, has been fully achieved. To move forward, it is proposed a change in institutional paradigm: the adoption of participatory methodologies, training critical teaching and the organic articulation between teaching, research and extension.

In short, the 21st century university needs to assume its role as a place of resistance. democratic and actively promote social justice. By integrating theory with practice and knowledge with action, it not only fulfills its constitutional duty, but also empowers the student, recognized as historical and intervening subject, to be the true protagonist in the construction of a more just future, democratic and supportive.

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