
A IMPORTÂNCIA DOS RUDIMENTOS DA CIÊNCIA JURÍDICA NA EDUCAÇÃO BÁSICA: UMA PROPOSTA PARA A FORMAÇÃO CIDADÃ¹

THE IMPORTANCE OF THE RUDIMENTS OF LEGAL SCIENCE IN BASIC EDUCATION: A PROPOSAL FOR TRAINING FOR CITIZENSHIP

LA IMPORTANCIA DE LOS RUDIMENTOS DE LA CIENCIA JURÍDICA PARA LA EDUCACIÓN BÁSICA: UNA PROPUESTA PARA LA EDUCACIÓN CIUDADANA

L'IMPORTANZA DEI RUDIMENTI DELLA SCIENZA GIURIDICA PER L'EDUCAZIONE DI BASE: UNA PROPOSTA PER L'EDUCAZIONE DEI CITTADINI

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RESUMO

Trata-se, o presente estudo, de uma revisão de literatura integrativa que defende a implementação dos rudimentos da ciência jurídica na educação básica brasileira. Propõe-se a adaptação de obras clássicas de autores como Norberto Bobbio e Paulo Bonavides para uma linguagem acessível aos estudantes do ensino fundamental e médio. O estudo analisa as vantagens pedagógicas e sociais desta implementação, demonstrando como o conhecimento jurídico básico pode empoderar os jovens cidadãos e fortalecer a democracia.

Palavras-chave: educação jurídica; formação cidadã; educação básica; democracia.

ABSTRACT

This article presents an integrative literature review and advocates for the implementation of basic legal science concepts in Brazilian basic education. It also advocates for the adaptation of classic works by authors such as Norberto Bobbio and Paulo Bonavides into language accessible to basic education students. This study analyzes the pedagogical and social advantages, demonstrating how basic legal knowledge can empower younger citizens and strengthen democracy.

Keywords: legal education; citizenship training; basic education; democracy.

RESUMEN

Esta revisión bibliográfica integradora aboga por la implementación de fundamentos jurídicos en la educación básica. El estudio propone adaptar obras clásicas de autores como Norberto Bobbio y Paulo Bonavides a un lenguaje accesible para el alumnado de educación básica. El estudio analiza las ventajas pedagógicas y sociales de esta implementación, demostrando cómo el conocimiento jurídico puede empoderar a los jóvenes ciudadanos y fortalecer la democracia.

Palabras clave: educación jurídica; formación ciudadana; educación básica; democracia.

RIASSUNTO

Questo articolo promuove l'implementazione dei rudimenti della scienza giuridica nell'istruzione di base brasiliana. Propone di adattare opere classiche di autori come Norberto Bobbio e Paulo Bonavides in un linguaggio accessibile agli studenti delle scuole elementari e superiori, con l'obiettivo di fornire una conoscenza di base della Costituzione federale e del sistema giuridico brasiliano. Lo studio analizza i vantaggi pedagogici e sociali di questa implementazione, dimostrando come le conoscenze giuridiche di base possano responsabilizzare i giovani cittadini e rafforzare la democrazia.

Parole chiave: educazione giuridica; formazione alla cittadinanza; istruzione di base; democrazia.

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1 INTRODUCTION

Brazilian education faces the challenge of developing citizens who are aware of their rights and responsibilities in a semi-democratic and complex society where knowledge is viewed as a commodity and maintained as a privilege of the few who can afford it. In this context, the lack of basic legal knowledge in school education represents a significant gap that compromises the full exercise of citizenship. As noted Dallari (2004), ignorance about civil rights is one of the factors that most contribute to the maintenance of unfair privileges and the perpetuation of inequalities.

In this sense, Brazilian society has historically experienced a profound asymmetry in access to legal knowledge. While a privileged segment dominates the legal and constitutional codes that govern life in society, the majority of the population remains unaware of its most basic and fundamental rights and duties. This disparity is not accidental, but constitutes one of the pillars that sustain unjust power structures and perpetuate extreme social inequalities throughout Brazilian history.

Lack of knowledge about basic constitutional elements creates a perverse scenario in which citizens are systematically deprived of exercising their rights simply because they don't know they have them. How many workers accept degrading working conditions because they're unaware of labor guarantees? How many consumers are harmed by ignorance of the Consumer Protection Code? How many women suffer domestic violence without knowing the Maria da Penha Law or emergency legal institutions such as protective measures? This legal ignorance is not neutral, but harmful, intentional, and systematically favors those who already hold power and information.

This proposal is based on the urgent need to democratize legal knowledge, making it accessible from the earliest years of schooling. Drawing on the teachings of renowned jurists such as Norberto Bobbio and Paulo Bonavides, it argues that introducing the rudiments of legal science into basic education constitutes a fundamental strategy for strengthening democratic culture and active citizenship.

2 THE HISTORICAL LEGAL ILLITERACY OF THE BRAZILIAN PEOPLE

Basic legal education is a fundamental prerequisite for the conscious exercise of citizenship. As Silva (2005) notes, full citizenship requires not only the formal recognition of rights, but also the knowledge necessary to exercise them effectively. The absence of this knowledge results in citizens who are formally free but substantially limited in their capacity for democratic participation.

Bobbio (1992), in his seminal work "The Age of Rights," establishes that human rights are not metaphysical givens, but historical constructs that require knowledge and social recognition for their realization. The Italian author emphasizes that "the fundamental problem regarding human rights today is not so much justifying them, but protecting them. This is not a philosophical problem, but a political one"(BOBBIO, 1992, p. 24).

This Bobbian perspective reveals the importance of legal knowledge as an instrument for protecting and enforcing rights. When adapted to the school environment, such understanding can transform students into conscious agents of social change, capable of identifying rights violations and utilizing appropriate legal mechanisms to protect them.

The consolidation of a democratic state governed by the rule of law presupposes not only the existence of solid institutions and adequate regulatory frameworks, but also, without fail, a population aware of its rights and duties. In Brazil, however, a paradox is observed: it has one of the most advanced constitutions in the world in terms of fundamental rights, yet the population remains, for the most part, unaware of the basic precepts that govern their life in society and, therefore, trapped in a historical domination.

In this sense, legal illiteracy, understood as the inability to understand fundamental legal concepts and to know basic rights and duties established by the constitutional order, represents one of the main challenges for the realization of full citizenship in the country, according to Sadek (2001). This phenomenon is not limited to, nor directly related to, a lack of knowledge of technical aspects of law, but encompasses a lack of understanding of basic constitutional guarantees, elementary legal procedures and mechanisms for protecting rights.

For Cappelletti and Garth (1998), legal illiteracy can be defined as the condition in which individuals or social groups lack basic knowledge of the legal

system that governs them, including fundamental rights, civic duties, and mechanisms for access to justice. This concept goes beyond mere technical ignorance, encompassing the inability to recognize legally relevant situations and seek appropriate solutions to legal disputes, but has a drastic and direct impact on the daily lives of millions of citizens.

Santos (2007) corroborates this by stating that the gap between official law and popular legal culture constitutes one of the main barriers to effective access to justice, perpetuating social exclusions and limiting the exercise of citizenship.

In this context, since the beginning of colonization, Brazil has been characterized by the concentration of legal knowledge in the spheres of the ruling elite. During the colonial period, applied law derived primarily from the Ordinances of the Kingdom, completely alien to the reality and knowledge of the local population. Formal education was a privilege of the few, and legal knowledge remained restricted to bachelors graduated in Coimbra, as highlighted Faoro (2001).

Carvalho (2008) reports that the imperial period did not substantially alter this situation. Although the 1824 Constitution, with its own merits and demerits, established advances in the fields of civil rights and education, its understanding remained inaccessible to the vast majority of the population, composed predominantly of slaves, freedmen, and poor free men, most of whom were illiterate.

The Proclamation of the Republic and subsequent constitutions were not accompanied by significant efforts in popular legal education. The 1891 Constitution, for example, inspired by the North American model, introduced concepts such as federalism and the separation of powers. Leal (1975) argues that, despite the substantial progress of such achievements, these concepts remained abstract for the majority of Brazilians and the resulting benefits inaccessible to the lower classes.

Gomes (1979) reports that during the Vargas Era, social and labor rights expanded, but their dissemination and understanding remained limited. The authoritarian nature of the period itself hindered the formation of a democratic legal culture.

The promulgation of the 1988 Constitution represented a milestone in the enshrinement of fundamental rights and democratic guarantees. However,

Bonavides (2016) demonstrates that, decades after its enactment, constitutional knowledge remains restricted to small segments of the population. Research conducted by Perseu Abramo Foundation (2006) revealed that only 12% of Brazilians could name three constitutional rights, while 68% declared that they were completely unaware of any content relating to the Federal Constitution.

Data from the Brazilian Institute of Public Opinion and Statistics (IBOPE, 2008) indicate that 73% of Brazilians cannot explain what a constitution is, while 81% of those surveyed cannot mention, either literally or paraphrased, any of the articles of the Magna Carta. Even more worrying, 89% of respondents could not name even one fundamental right provided for in the Constitution.

Bonavides (2016), one of Brazil's most important constitutionalists, emphasizes that the 1988 Federal Constitution represents a milestone in the country's democratization, establishing an extensive catalog of fundamental rights. However, in his "Constitutional Theory of Participatory Democracy," Bonavides argues that constitutional effectiveness depends directly on citizens' knowledge of their rights and the mechanisms of democratic participation.

Although the enactment of a legal device that benefits the citizen is undoubtedly an achievement, this enactment, in itself, does not complete the social process if it is not understood by the population and applied in practice.

Bonavides (2016, p. 127) states that "a Constitution ignored by the people is a dead Constitution." This assertion reinforces the need to popularize constitutional knowledge, making it understandable and applicable in the daily lives of citizens, starting in basic school.

3 THE ROLE OF EDUCATION IN THE FORMATION OF DEMOCRATIC CITIZENS

Freire (2005) emphasizes that education must be problematizing and critical, empowering individuals to understand the world and transform reality. When applied to legal education, this critical pedagogy can develop citizens capable of questioning injustices, demanding rights, and actively participating in democratic processes fundamental to the development of society.

Additionally, Gadotti (2000) argues that civic schools must educate students for active citizenship, providing them with theoretical and practical tools to

consciously exercise their rights and duties. Basic legal knowledge, therefore, constitutes an essential element for civic development.

As Silva (2017) sees, knowledge of constitutional rights from school age forms more aware and participatory citizens, capable of contributing effectively to the strengthening of Brazilian democracy. Familiarity with concepts such as human dignity, equality, freedom, and due process empowers students for the future full exercise of citizenship.

Tavares (2019) demonstrates in its research that schools that implemented human rights education programs showed a significant reduction in violence rates and *bullying*, highlighting the positive impact of legal knowledge on character development and the promotion of a culture of peace.

Even from a purely didactic and pedagogical perspective, studying the fundamentals of law is a powerful tool for student learning because it can develop higher-level cognitive skills, such as dialectical sense, analysis, synthesis, argumentation, and critical thinking. Understanding the logical structure of law, based on principles, rules, and procedures, enhances students' reasoning abilities and contributes to their overall intellectual development.

Second Lopes (2018), students exposed to legal education showed significant improvement in textual interpretation skills, logical argumentation and complex problem-solving, essential skills for academic and professional success.

Knowledge of the structure of the state, the separation of powers, political rights, and mechanisms of popular participation prepares young people for the conscious exercise of political citizenship. Understanding how democratic institutions and channels of citizen participation work forms more informed and engaged voters.

Costa (2020) argues that basic legal education constitutes a fundamental prerequisite for qualified political participation, enabling citizens to consciously choose representatives and to critically and engagedly monitor public policies.

4 A CAREFUL ADAPTATION

Of course, the Implementing the basics of law in basic education requires carefully adapting legal works to a language accessible to students. In this sense, Norberto Bobbio's contributions to the theory of rights can be presented through

practical examples and everyday situations, transforming philosophical abstractions into applicable knowledge.

Similarly, Paulo Bonavides' teachings on constitutionalism and participatory democracy can be translated into young people's language, using teaching resources such as games, simulations, and case studies to make learning more engaging and meaningful.

Basic legal education should prioritize active methodologies that encourage student participation in the construction of knowledge. Techniques such as debates, mock juries, drafting student bills, and analyzing real cases provide practical experiences that consolidate theoretical learning.

As suggested by Bacich and Moran (2018) Problem-based learning and collaborative learning are effective strategies for teaching legal content, promoting the development of critical and analytical skills across the school curriculum, connecting with subjects such as history, geography, sociology, philosophy, and Portuguese, among others. This interdisciplinary approach enriches learning and demonstrates the applicability of law in different social and historical contexts.

5 FINAL CONSIDERATIONS

The implementation of the rudiments of legal science in Brazilian basic education represents a strategic investment in the development of conscientious, critical, and participatory citizens. Adapting the theoretical contributions of great jurists such as Norberto Bobbio and Paulo Bonavides into language accessible to young students can significantly transform the quality of civic education in the country.

The inclusion of law as a discipline in basic education is not just a pedagogical issue, but a matter of social justice, as it is an indispensable tool for gradually eliminating social inequalities that, in Brazil, have historically reached enormous proportions. Legal knowledge is power, and this power must be democratically distributed as a prerequisite for a more just society, in which everyone has the genuine ability to exercise their full citizenship.

The benefits of this implementation transcend the educational sphere, contributing to the strengthening of democracy, the prevention of violence, the

development of critical thinking and the preparation of a generation more aware of its rights and duties.

Schools, as the educational institution par excellence, have the responsibility to provide students with the necessary tools for the full exercise of citizenship. Basic legal knowledge is one of these fundamental tools, the absence of which compromises the quality of democratic participation and perpetuates social inequalities.

It is therefore recommended, in accordance with the theoretical framework consulted, the gradual and systematic inclusion of legal rudiments in basic education curricula, accompanied by adequate teacher training and the development of appropriate teaching materials used in the forging of truly empowered citizens capable of contributing to the construction of a more just and democratic society.

The social transformation Brazil needs necessarily involves the formation of legally aware citizens. It is time to recognize that the law cannot remain a privilege of the few, but must be the common heritage of all Brazilians. Basic legal education is, therefore, an investment in the country's democratic and egalitarian future.

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