

## Determinants for Awareness of basic Human Rights among University Students

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### Abstract

Constitution of a country is meant to protect the citizens' basic human rights such as freedom of speech, freedom of religion or it can be freedom of movement. The constitution provides fundamental liberties which are also known as basic rights of individuals. However, these basic rights are not absolute and subject to certain restrictions. This study aims to explore the relationships between the determinants ("familiarity" and "restrictions") against the dependent variable of "awareness". Findings showed that familiarity and restrictions of basic rights have significant effects on the awareness of fundamental liberties among students. This research is significant for policy-makers when drafting curriculums that inculcate education in human rights.

**Keywords:** Fundamental Liberties, Awareness, University Students, Quantitative, PLS-SEM

### Introduction

A constitution serves as a fundamental framework that establishes the identity of a state and it consists of principles established by the government for the purpose of protecting the citizens' basic human rights. Federal Constitution in Malaysia is the highest law which can be amended but subject to certain restrictions and procedures (Hassan and Sabaruddin, 2020). Article 5 to 13 of the Federal Constitution preserved the Malaysian citizens' basic rights and freedom. For instance, the right to life and personal liberty in Article 5 as stated in Federal Constitution is of paramount importance as this provision is related to other provisions such as Article 8 right to equality for example on the issue of procedural fairness (Ibrahim, 2020).

The recent Covid-19 pandemic seen the human rights on the freedom of movement being questioned since there were various restrictions imposed upon the public via the Movement Control Order (MCO) Masum et. al (2021); D'Amico (2021) which imposition or restriction was found to be constitutionally legal (Masum et al., 2021). Article 9 of the Federal Constitution provides the right to freedom of movement, but such right is subject to clauses

(2) and (3) which allow restrictions to be imposed for the purpose of maintaining public health and public order (Ahmad, 2020). It is justified if the imposition or limitation of freedom of movement was to secure the level of public health that has been threatened due to the severity of Covid-19 (Human Rights Watch, 2020). This means that proving international emergency at its maximum and balancing the essentials was not easy for the government of each country (D'Amico, 2021). People's awareness of their basic rights can be significantly increased by educating them about human rights. A proper understanding of fundamental rights is also important to achieve a non-conflict-ridden society (Saikia and Padmavathy, 2022).

Nevertheless, the fundamental liberties (Article 5 to 13) conferred by the Federal Constitution are not absolute and subject to certain legal limitations to safeguard human rights such as those relating to defamation, public order, morality and security of the federation (Nudin et al., 2020). Past studies found that young people are among the vulnerable people in society since they might not be familiar with the law compared to an adult and they should have legal awareness of their basic rights (Jones, 2022; Ismoil and Mirzayevich, 2022). Hence, this study is timely since a lack of knowledge and awareness of fundamental rights may contribute to the issues including violations of the Federal Constitution and misunderstanding of the law (Nudin et al., 2020). Thus, this study aims to explore the relationships between the determinants ("familiarity" and "restrictions") against the dependent variable of "awareness" which is based on prior findings in relation to human rights (Padil et al., 2021). This research is significant for policy-makers when drafting curriculums that inculcate education in human rights.

## **Literature Review**

### **Awareness of Fundamental Liberties**

Awareness concerns the ways in which individuals remain sensitive to changes within the immediate environment and it directs individual attention to a complex body of socially organised practice and reasoning (Heath, 2002). Public awareness of human rights will be influenced by the frequency, intensity and style of media reporting (Heinze and Freedman, 2010). Legal awareness affects the behaviour of people with the rule of law (Actoty and Muratbaevna, 2015). During the Covid-19 pandemic there are many issues raised on discriminatory welfare policies, police harassment, dehumanizing immigration raids and the detention of vulnerable populations in overcrowded and unsanitary detention centers, thus it is important to increase public awareness on human rights in order to uphold the fundamental liberties enshrined in the Federal Constitution (Nungsari et al., 2022). Akiri (2013) found that there is limited awareness of fundamental rights amongst students and recommended that Human Rights Awareness should be promoted by making the study of subjects containing elements of the constitution as core in education. Past studies (Arnota et al., 2018; Kosir and Lakshminarayanan, 2021) shown inclusion of human rights education in schools. Tibbitts (2017) suggested the Values and Awareness Model as part of human rights education which provides learners with knowledge of human rights. The same model should focus on promoting the integration of human rights into public values through a curriculum of educational institutions (Rastogi, 2014).

### *Familiarity of Provisions of Fundamental Liberties*

Past studies emphasised on the familiarity of terms and documents outlining the knowledge of human rights (Hawkins, 2009; Ron et. al., 2014). Familiarity with human rights' terms and representatives increases with socioeconomic status (Ron et al., 2014) and human rights organisations cannot persuasively claim to represent ordinary people if those individuals have neither heard their message, nor met their representatives. The basic knowledge of the underlying premises of human rights and familiarity with the specific documents outlining these rights is known as "human rights literacy" (Hawkins, 2009). Students should be familiar with human rights documents since those documents are readily available via the internet and they should have basic knowledge of the philosophical underpinning, historical development, and contemporary debates of these fundamental principles which make it interesting for them (Hawkins, 2009; Pattiwael, 2019).

### *Restrictions of Provisions of Fundamental Liberties*

Human rights such as freedom of expression, assembly and association can be lawfully limited since restrictions can be part of the requirements in the international covenant or treaty (Buyse, 2018). The restrictions imposed need to have a legal basis which is usually prescribed by law (D'Amico, 2021), or pursue a legitimate aim as listed in the human rights treaty provisions. Triningsih and Agustine (2018) also agreed that legal restriction still exists even though the right of freedom of expression occupies the highest position in the principles of democracy and liberalisation. Williams (2005) contended that for a restriction to be necessary, it should be directed to meeting a "pressing social need," and it should be proportionate to that need and proportionality is assessed by asking whether the interference with the right is more extensive than is justified by the legitimate aim. The author further asserted that there should be a balance between the extent and nature of the interference and the reasons that justify it. Information and Communication Technology (ICT) is a medium of establishing awareness and preventing violation of human rights across the globe, however, the restrictions imposed might lead to risks of censorship across large populations or networks, content filtering and blocking (Mohanty and Priyadarshani, 2022). Past studies have shown that human rights have restrictions and freedoms stipulated in the human rights are not absolute (Spadaro, 2020; Baig et. al., 2022).

### **Research Framework and Hypothesis Development**

This study's conceptual framework is based on the literature review findings on the variables and categorisation of factors from the result of the Exploratory Factor Analysis (EFA) (Padil et al., 2021). Figure 1 below illustrates this study's research framework.

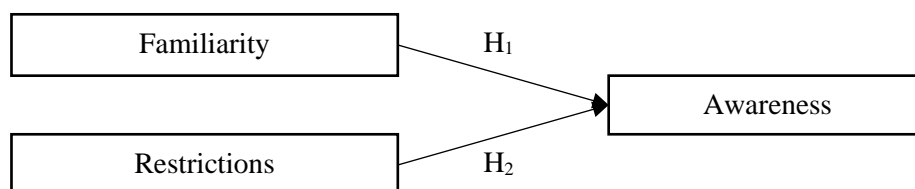


Figure 1. Research Framework

According to Ron et al (2014), educated and wealthier people who reside in urban areas and enjoying internet access are more familiar with the term “human rights”. In their study, they measure the public’s familiarity with human rights and relate it to socioeconomic status and found that there is a positive relationship between socioeconomic status and human rights. In a more recent study, Van de Valk et al (2021) associated high familiarity with high awareness. Hence, the following hypothesis is proposed

H<sub>1</sub>: There is a significant relationship between familiarity and awareness.

Buyse (2018) found that some countries’ constitution does not recognise basic rights such as freedom of association but there are restrictive laws which restrict the civil society. He further found that the restrictions need to have a legal basis, legitimate aim and such restrictions should be necessary, which requirements can be found in the European Convention for Human Rights (ECHR). In other words, the restrictions should be validly justified. Knowing the restrictions is important for the interest of the greater population especially involving health and younger people with disability (Schariti, 2020). Sometimes the public is not aware of the restrictions imposed on the freedom of movement, but they should be aware of the human rights given to them. The right to freedom of movement is a means of personal development (Pavliv-Samoyil, 2020), however, the right is not absolute (Masum et. al., 2021). Hence, the following hypothesis is proposed

H<sub>2</sub>: There is a significant relationship between restrictions and awareness.

### **Research Methodology**

This study employed a quantitative research design where the research framework as illustrated in Figure 1 was developed based on prior findings (Padil et al., 2021). An online survey was administered to university students to investigate the proposed research model. A total of 455 students of Universiti Teknologi MARA (UiTM) Malaysia responded to the questionnaire. An exploratory factor analysis (EFA) was performed using the Statistical Package for Social Science (SPSS) version 24 to explore the factors for each construct (Padil et al., 2021). The preliminary process in the EFA resulted in 24 cases removed being the outliers. EFA was further administered on the remaining 431 cases resulting in a final total of 17 items categorised into 3 factors and renamed as “awareness”, “familiarity” and “restrictions”. The aforementioned factors of “awareness”, “familiarity” and “restrictions” were then analysed using PLS-SEM method of analysed due to the exploratory principles of this research. SmartPLS 3.0 software is employed to determine the reliability and validity of the measurement items and to examine the hypothesised relationships among the exogenous and endogenous constructs (Hair et al., 2019).

### **Results of Analysis**

#### **Respondents’ Demographic Profiles**

Table 1 shows the demographic profiles of the respondents. A total of 129 (29.9%) male students and a total of 302 (70.1%) female students responded to the survey. From the total of 431 students, one student was below 18 years old and this represents 0.2% of the respondents. A total of 384 (89.1%) students were between 18 to 22 years old, 43 (10%) students between 22 to 25 years old and only 3 (0.7%) students were above 25 years of age.

A total of 377 (87.5%) diploma students participated in the survey compared to only 54 (12.5%) students from the degree programs.

Table 1  
*Respondents' Demographic Profiles*

Profiles	Frequency (n)	Percentage (%)
<i>Gender</i>		
Male	129	29.9
Female	302	70.1
<i>Age</i>		
Below 18 years old	1	0.2
18-21 years old	384	89.1
22-25 years old	43	10
Above 25 years old	3	0.7
<i>Program</i>		
Diploma	377	87.5
Degree	54	12.5

#### *Measurement Model*

The validity and reliability of the instrument used were tested based on the guidelines of (Hair et al., 2020; Ramayah et al., 2018). These tests which are also known as the Measurement Model assessment provide the values for the reliability of indicator, convergent reliability, internal consistency and discriminant validity. The loading factor value more than 0.7 is said to be ideal which mean that the indicator is said to be valid in measuring the construct and the loading factor value more than 0.5 is still acceptable, thus, the loading factor value below than 0.5 must be removed from the model (Purwanto and Sudargini, 2021). Any indicator loading of more than 0.5 Hulland (1999) indicates a good measurement of the latent construct. Convergent reliability is evaluated using the average variance extracted (AVE) and any value of AVE > 0.5 is acceptable (Fornell and Larcker, 1981; Bagozzi and Yi, 1988). A minimum standard of value of  $\alpha > 0.7$  is acceptable for internal consistency reliability. Hererotrait-monotrait ratio assessed the discriminant validity where values less than 0.9 as shown in Table 2 are acceptable (Hair et al., 2019) since constructs should not be highly related to each other. The Measurement Model of this study is illustrated in Figure 2 and the summary of the Measurement Model assessment for this study is depicted in Table 3 where it can be concluded that the measurement items are both valid and reliable.

Table 2  
*Discriminant Validity Analysis*

	Awareness	Familiarity	Restrictions
Awareness			
Familiarity	0.619		
Restrictions	0.702	0.617	

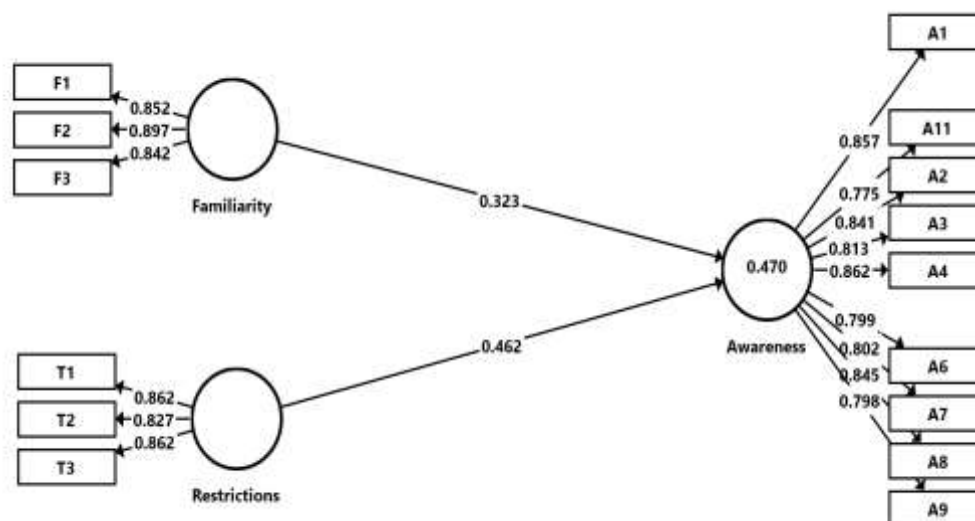


Figure 2. Measurement Model

Table 3

Measurement Model Assessment

Variables	Items	Loadings	AVE	CR	Cronbach's Alpha
Awareness	A1	0.857	0.675	0.949	0.940
	A11	0.775			
	A2	0.841			
	A3	0.813			
	A4	0.862			
	A6	0.799			
	A7	0.802			
	A8	0.845			
	A9	0.798			
Familiarity	F1	0.852	0.747	0.898	0.831
	F2	0.897			
	F3	0.842			
Restrictions	T1	0.862	0.724	0.887	0.810
	T2	0.827			
	T3	0.862			

Note: Items removed: A10 and A5

Structural Model

After analysing the Measurement Model, the data was further analysed for to determine the relationship as hypothesized. This second-tier of assessment is also referred to as Structural Model analysis. Bootstrapping was administered with the default 500 subsamples in SmartPLS 3.0. The value  $R^2$  of 0.470 means that the independent variables in this study only explain 47% of the dependent variable. This further means that there are other factors that can be considered in assessing awareness among university students. The summary of the direct effect analysis of the Structural Model relationships is shown in Table 4 and the Structural Model of this study is presented in Figure 3. Based on Table 4, familiarity has a significant

effect on awareness ( $\beta=0.323$ ,  $p<0.000$ ) which support  $H_1$ . The restriction was also found to have a significant effect on awareness ( $\beta=0.462$ ,  $p<0.000$ ) which supports  $H_2$ .

Table 4

*Direct Effect of Structural Model Relationships*

Hypothesis	Relationship	Path Coefficient	Std error	t-value	p-value	f2	Decision
$H_1$	Familiarity Awareness	-> 0.323	0.046	7.043	0.000*	0.145	Supported
$H_2$	Restrictions Awareness	-> 0.462	0.039	11.99	0.000*	0.291	Supported

\* $p<0.05$

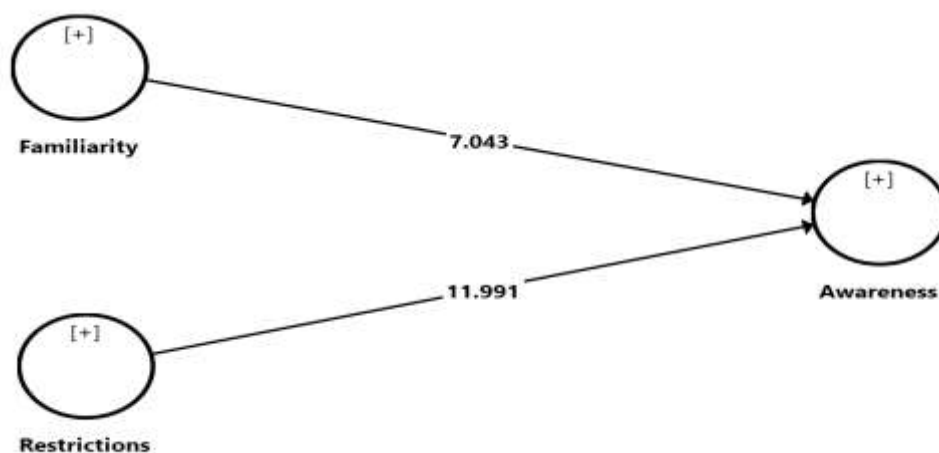


Figure 3. Structural Model

**Discussion**

Based on the evaluation of the relationships between variables, there is a significant relationship between familiarity and awareness which supports  $H_1$ . The value of the path coefficient of 0.323 shows a positive relationship between familiarity and awareness. This result corresponds and consistent with the study by Van de Valk et al (2021) which associated high familiarity with high awareness. This further supports the finding on human rights literacy (Hawkins, 2009) which is related to familiarity with knowledge. Akiri (2013) gave several suggestions to create awareness among students such as giving students a copy of the constitution, civil and social studies to be included in the curricular and workshops on awareness to be organised for teachers, students, administration and education agencies. These workshops as suggested by Akiri (2013) will make students familiar with human rights and it correspond with the hypothesis of  $H_1$ . From the Structural Model, it was also found that restriction of basic human rights has a significant effect on awareness ( $\beta=0.462$ ,  $p<0.000$ ) which also supports  $H_2$ . The  $\beta$  value of 0.462 also proved that restriction has a positive relationship with awareness. This further support the finding of Buyse (2018) which acknowledges that human rights can be lawfully limited. This result is also consistent with the previous study by Mohanty and Priyadarshani (2022) which found that the imposition of restrictions can influence awareness.

## Conclusion

The result from this exploratory study indicates that both the factors of “familiarity” and “restrictions” influence the students’ awareness of fundamental liberties positively. From the Structural Model, the acceptance of H<sub>1</sub> and H<sub>2</sub> signifies that if the students are more “familiar” and know the “restrictions” of the basic human rights, they will be more aware of their rights in the Federal Constitution. These two factors (familiarity and restrictions) are essential in order to raise awareness and educate students on the importance of basic human rights. Students should be legally equipped with knowledge of human rights since they are the faces of the future and basic knowledge will help to ease any crisis that might occur later due to restrictions imposed by the state. The law on human rights is clear on the rights to be enjoyed by the citizens but one should be aware of the restriction imposed and reasons leading to those impositions being justified and should be constitutionally legal. Specific phenomenon such as the Covid-19 pandemic will require the government to impose or restrict the rights enjoyed by the people such as restricting the freedom of movement to curb or reduce the potentially deadly virus from infecting the people of the nation. This research will add to the literature on human rights and it is significantly important for young people to be aware of the basic human rights as provided by the Federal Constitution and also give input to the policy-makers in drafting curriculums for students’ education. Since the present study is only confined to the university students of UiTM, therefore, a future study involving a larger scope of university students of ethnicities in Malaysia is recommended.

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