



Volume 2025, ISSN: 2748-8497

Suggested Citation: Heimonen, M. (2025). Bridging Music Education and Law. Rethinking Regulation as an Instrument. *üben & musizieren.research*, 5, S. 100–113. Available online on: https://uebenundmusizieren.de/artikel/research_2025_heimonen

Bridging Music Education and Law

Rethinking Regulation as an Instrument

Verbindung von Musikpädagogik und Recht

Regulierung als Instrument neu denken

Marja Heimonen

Abstract

This article examines the regulation governing music education, with a particular focus on the perspective of music schools. The principal research question addressed is: Can regulation support the objectives of music education, and if so, in what ways? The theoretical framework is grounded in theories on music education and regulation. Firstly, music education (general and extracurricular) is introduced; then, regulation is analyzed as a traditional hierarchy of legal norms. Subsequently, regulation is conceptualized as a bridge connecting law with various domains, including education and human actors such as music educators and students. The article then explores the evolving aims of music education, which are increasingly individualized and pluralistic, while maintaining equality and equity as core educational principles. In conclusion, the article acknowledges that no regulatory framework is flawless. The conventional system of legal norms is reliable but rigid, whereas more flexible open regulatory models, such as soft law, offer adaptability but are perceived as less secure than legal norms. The discussion is enriched with examples of music education practices in different societies, particularly Finland.

Zusammenfassung

Dieser Artikel untersucht die Regulierung der Musikpädagogik, wobei der Schwerpunkt insbesondere auf der Perspektive von Musikschulen liegt. Die zentrale Forschungsfrage lautet: Kann Regulierung die Ziele der Musikpädagogik unterstützen – und wenn ja, auf welche Weise? Der theoretische Rahmen stützt sich auf einschlägige Theorien zur Musikpädagogik sowie zur Regulierung. Zunächst wird die Musikpädagogik (allgemeinbildend und außerschulisch) eingeführt, anschließend wird Regulierung als traditionelle Hierarchie rechtlicher Normen analysiert. Darauf aufbauend wird Regulierung konzeptualisiert, die das Recht mit verschiedenen Bereichen verbindet, darunter Bildung und menschliche Akteure wie Musikpädagog:innen und Schüler:innen. Der Artikel untersucht sodann die sich wandelnden Ziele der Musikpädagogik, die zunehmend individualisiert und pluralistisch werden, während Gleichheit und Gerechtigkeit weiterhin zentrale pädagogische Prinzipien bleiben. Abschließend wird anerkannt, dass kein regulatorischer Rahmen fehlerlos ist. Das konventionelle System rechtlicher Normen ist zuverlässig, jedoch starr, wohingegen flexiblere offene Regulierungsmodelle – wie etwa Soft Law – Anpassungsfähigkeit bieten, jedoch als weniger verlässlich gelten als gesetzliche Normen. Die Diskussion wird durch Beispiele musikpädagogischer Praxis in verschiedenen Gesellschaften, insbesondere in Finnland, vertieft.

1. Introduction

To commence, it is essential to formulate the research question and define the key concepts for the readers, particularly those related to music education and its regulation. The principal question guiding this inquiry is: Can regulation support the objectives of music education, and if so, in what ways?

In the Finnish context, where the author both resides and conducts research, music education is embedded within general education and constitutes part of the compulsory school curriculum. Beyond this, Finland sustains an extensive network of state-supported music schools that offer voluntary instrumental instruction. This form of extra-curricular music education is formally recognized as part of *basic education in the arts*. For example, children and adolescents interested in learning the violin typically receive instruction from a violin teacher at a music school, often in the afternoons following their regular compulsory school hours. (Heimonen, 2002, p. 19; 2024)

Regulation is comprehensively defined as intervention, with specific emphasis on state and governmental intervention. The nature and objectives of such interventions are diverse, encompassing sectors such as education, music, and other arts. According to Daintith (1995, p. 143–165), regulation signifies state interference in the activities of the free market. However, state regulation can also establish the conditions and circumstances necessary for the free market, thereby safeguarding free competition. Thus, regulation can be perceived as a mechanism through which the state controls the activities of individuals, institutions, and free markets. In Nordic welfare societies, the positive role of regulation as state intervention in safeguarding and creating conducive conditions for various activities has been emphasized. For

instance, general music education, as well as extra-curricular music education offered in state-supported music schools, is governed by state regulation in Finland, although instrumental lessons can also be offered privately (Heimonen, 2002).

The positive role of regulation, particularly legal regulation, as an instrument of the state to secure conditions and circumstances for music education, has also been recognized in Germany. The enactment of a new law in year 2021 concerning whole-day care of children in “lower school ages” (*Gesetz zur ganztägigen Förderung von Kindern im Grundschulalter*) has sparked a discussion on *Bildung*, a concept that is fundamental in Finnish music education (Heimonen, 2014), especially when arts subjects are advocated for politicians. The Ministry of Education and Culture asserts that basic education in the arts, encompassing music, fortifies and cultivates *Bildung* (Opetus- ja kulttuuriministeriö, 2023, p. 18). According to the Association of German Music Schools (Verband deutscher Musikschulen), children’s rights to *Bildung*, particularly musical *Bildung*, can be interpreted as a duty of the state to secure these rights, i.e., offer and finance music education for every child in music schools. In Germany, the renewal of the legislation may open numerous possibilities for cooperation between music schools and general music education inspired by this Act (Verband deutscher Musikschulen VdM, 2024).

While the positive role of state regulation through legal means is emphasized in Finnish extra-curricular music education offered in music schools, Sweden has adopted a different approach to promoting instrumental and vocal tuition in its culture schools for music and other arts (*kulturskolor*). Following a public discussion in the 1990s, it was decided that no special legislation would be enacted for these schools. In Sweden, democracy is implemented through local politics, whereas in Finland, law is perceived as more secure than the promises of local politicians. The principal educational aim in both countries is the same: to promote educational equality. However, the aim is interpreted differently. In Sweden, the approach is to allow every individual the opportunity to participate in music and arts schools without auditions, metaphorically letting every bird sing in the Swedish forest. In contrast, Finland has employed entrance examinations to select children for law-based state-supported music schools offering extra-curricular music education, which aim to promote regional, social, and economic equality (Heimonen, 2002; Kulturskolerådet, 2025).

In Finland, the objectives of music education have evolved in recent years, becoming increasingly individualized and pluralistic (e.g., Juntunen & Heimonen, 2025). Inclusion, flexibility, and the resilience of educational institutions and teachers in music and other arts are now regarded as fundamental. Other arts, which seek similar conditions and circumstances as music, are also gaining attention in educational politics and research (ArtsEqual). Consequently, music education is adapting its aims to align with the lives of individuals in contemporary societies.

This article seeks to deepen the understanding of the interplay between music education and legal regulation by employing an analytic and hermeneutic approach. This approach is designed to systematize, elucidate, and interpret legal norms. Legal research and jurisprudence in Finland are grounded in a civil law tradition, characterized by a strong emphasis on written legislation and systematic interpretation. Aulis Aarnio (1987) was a foundational figure in Finnish legal theory, particularly known for integrating analytic and hermeneutic approaches into the

interpretation of law. Law research and policy analysis are both essential to understanding and shaping societal governance, but they differ significantly in focus, methodology, and objectives. Policy analysis is concerned with evaluating public policies. Its methodology is often empirical using data to assess policy outcomes.

The aim of this article is to systemically analyse and present the current legal and educational landscape as it stands, and, in doing so, enhance understanding and pose pertinent questions that invite further reflection and inquiry. (See also Heimonen, 2002, p. 7)

2. Hierarchy of norms in music education

The legal framework governing music education can be conceptualized as a hierarchical system of legal norms, as described by Hans Kelsen (1960), an Austrian legal philosopher known for the Pure Theory of Law. In Finland, this kind of legal system has been perceived as secure. The right to general education is enshrined in the Constitution (731/1999), which guarantees every child (under 18 years) the right to free general education, including music, and conversely, a duty to attend education. However, “extra-curricular music education” provided by music schools is not considered a subjective right for all, despite the Constitution’s promotion of the right to personal development, which serves as a foundation for the education offered by music schools. Pursuant to the Constitution, an Act and a Decree have been issued, leading to the creation of National Core Curricula for basic education and basic arts education, including music and other arts, by the Finnish National Agency for Education. These national core curricula provide a framework within which municipalities, schools, and music schools can develop their own curricula. This national framework is fundamentally based on the Constitution. In contemporary times, EU law is seen as the pinnacle of this hierarchical structure (Heimonen, 2023).

The objectives of music education provided in Finnish music schools are delineated in the Core Curricula for Basic Arts Education (2017), which encompasses two distinct syllabi: general and advanced. The general syllabus is primarily aimed at children and youth who pursue music as a hobby, whereas the advanced syllabus is intended to lay a more robust foundation for future professional studies. Notably, the current objectives of both syllabi have become quite similar, with both emphasizing individual goals, such as fostering life-long good relationships with music (Björk, 2016; Heimonen, 2023). Concurrently, students aspiring to professional careers in music should be adequately prepared for advanced studies. The necessity of maintaining two separate syllabi remains a topic of ongoing debate, particularly because these syllabi are closely tied to state funding: music schools offering the advanced syllabus receive significantly more financial support than those offering the general syllabus. Consequently, students following the advanced syllabus typically receive substantially more tuition than those following the general syllabus. (Heimonen, 2023) For instance, a child studying the violin under the advanced syllabus typically receives one hour of individual instruction per week, participates in solfège and music theory classes, engages in ensemble or orchestral activities, performs in concerts, and undertakes level assessments. In contrast, the general syllabus offers greater flexibility; students usually receive only thirty minutes of individual instruction weekly,

supplemented by optional additional tuition. However, the tuition fees are comparatively higher due to a reduced state subsidy.

These considerations have prompted inquiries regarding equality and equity, underscoring the necessity to explore more flexible approaches to advancing the current objectives of music education. In Norway, for instance, queues for music schools are long, despite a special Act ensuring that every municipality should offer this type of music education (Björk & Heimonen, 2019; Hofsten, 2012, p. 7). Consequently, a child applying for study the violin, for instance, might become a teenager by the time a study place is offered. Moreover, while national curricula for Norwegian music and schools for performing arts (*kulturskolor*) promote diversity, an in-depth analysis of the concept of diversity in these documents by scholars Live Ellefsen and Sidsel Karlsen (2020, p. 270) reveals that the macro-level institutional strategy and objective of emphasizing and encouraging diversity cannot be considered accomplished until it has been adequately operationalized and has permeated the daily practices of music teachers and their students. It has therefore been observed that legal regulation, such as a special Act, does not guarantee that all motivated applicants are offered the opportunity to study in music or cultural schools in the Nordic countries.

3. Regulation and objectives in music education

The objectives delineated in the legislative documents are frequently broad and general (Similä & Kokko 2009). Concerning music education in Finnish music schools, the aim of education in music and other arts is articulated as follows (Act on Basic Arts Education 633/98, §1):

„Basic education in the arts is a goal-oriented, progressive form of education in the different artistic disciplines, primarily for children and young people, which at the same time equips pupils to express themselves and to enter vocational and higher education in the relevant artistic field.”

Consequently, the objectives of education are typically articulated with greater precision in the Decree, as well as in the Core Curricula formulated by the Finnish National Agency of Education. Based on these documents, curricula are formulated at the local level, within municipalities and music schools (Heimonen, 2023). Furthermore, individualized study plans tailored to the needs of students may be designed for their studies (Juntunen & Heimonen, 2025).

From the perspective of authorities, such as rectors, administrative personnel, and teaching staff in music schools who implement the legislation in practice, the concrete objectives are often delineated in non-legally binding decisions of principle. These principles may even be based on global commitments, such as United Nations' declarations and conventions. The general wording of legal objectives may otherwise be challenging, if not impossible, to apply and measure in practice. This issue has been observed also in many fields of law, such as environmental issues (Similä & Kokko, 2009, p. 6), as well as music education, where national associations of music and arts schools have played a significant role. In Finland, the National Association for Music Schools designed repertoires for various levels of examinations so stringently that they effectively directed the objectives and the content of music education until

recently. As an example, virtually all violin students were expected to acquire vibrato technique at a standardized point in their studies. Currently, the objectives have become more student-centered, with repertoires broader and more closely aligned with the aims of individual students. (Heimonen, 2024)

Even today, national associations, such as the Association for Basic Education in the Arts in Finland, play a crucial role in applying and participating in the enactment of state documents and legislation. Technology, for instance, can be utilized to engage citizens, including children, in political processes such as the renewal of laws. Consequently, this association created a questionnaire for children and young people studying music or other arts in basic arts education in Spring 2024 to gather their views and desires prior to the renewal of the Act on Basic Arts Education and sought to understand how the students had experienced the effects of arts education (Pärssinen & Seirala, 2024). Subsequently, the Ministry of Education also electronically designed a questionnaire for children and young people as part of the hearing of interest groups and institutions in the legislative process. The responses to the Ministry's survey were strongly aligned with the findings of the Association for Basic Arts Education. The impact of arts education was perceived positively, as it contributed to individuals' increased well-being through learning about the arts, presented positive challenges in significant ways, and facilitated socialization when working with others (Karjalainen, 2024, p. 18).

Incorporating children's perspectives during legislative processes is grounded in the United Nations Convention on the Rights of the Child (Karjalainen, 2024), which has been ratified by Finland, all other Nordic countries, and Germany, among others, and has been integrated in our legislation. The right of the child to be consulted in matters that concern them can now be actualized with the aid of modern technology, such as digital questionnaires. The findings indicate that this is an effective method to reach children and young people today, as they possess and are proficient in using technological devices. Thus, democracy no longer solely refers to representative parliamentary democracy realized through the election of official representatives from political parties. Currently, the voices of individuals, including children, can be incorporated into legislative processes. This is also in line with social-constructivist theories and child-centeredness emphasized in current music education for children and the young promoting individuals' agency, inclusion and care, and knowledge-building together (e.g., López-Íñiguez & Westerlund, 2023). Consequently, children's individual opinions, aims, hopes, and visions can be considered when formulating the objectives of music education in laws and other state documents in fields that impact their lives. In other words, *children matter*, not only *Music Matters* (Elliott, 1995).

4. Regulation as bridges

Jyrki Tala (2005), a Finnish legal scholar, asserts the necessity of seeking alternatives to legal regulation, contending that such searches are typically driven by critiques of existing legislation. This is exemplified by the current legislative framework governing music schools in Finland. The *ArtsEqual* research project has highlighted significant issues concerning the accessibility of music education provided by these schools (Laes et al., 2018). Furthermore,

researchers have identified and criticized the presence of “hidden elitism” within music education, despite the schools’ stated objectives of promoting educational equality and equity. These inequalities include children and the young with special needs, elderly people, as well as immigrants and indigenous people, for instance (Heimonen, 2023; Kallio & Heimonen, 2019) that might have been excluded from music schools in practice (ArtsEqual). Through systems analysis, more flexible models have therefore been proposed to enhance social justice and institutional resilience of music schools (Väkevä et al., 2017; 2022).

Thus, a reconsideration of the law, moving beyond a rigid and hierarchical system of legal norms, is warranted. Could regulatory frameworks be designed to advance the objectives of music education by fostering connections, building bridges, among various legal domains, institutions, educators, students in music and other arts, and the broader community?

A bridge, i.e., connections between legal regulations, referred to as hard law, and the field of music education, could be observed through the concept of *soft law*. Soft law, although broad and challenging to define, is extensively utilized in various legal domains. It is not legally binding or mandatory, yet it can significantly influence activities and is frequently adhered to in practice (Heimonen, 2002; Heimonen & Hebert, 2024/2022; Määttä 2005, p. 447, 458–459). The repertoire requirements for examinations at different levels, established by the Finnish Association for Music Schools, may be considered soft law, as they were followed by music school teachers *de facto*, despite being juridically akin to recommendations. In Germany, the structural plan and curricula of the Association VdM may have held a similar status, as music schools were required to comply with them to attain membership in the Association (Heimonen, 2002, p. 88, 100). In Finland, there currently exists an association for music schools (SML) and another for basic education in the arts, with membership contingent upon the curricula offered and consequently linked to the amount of state funding. Thus, bridges are constructed between soft law and financial regulation, impacting music schools in practice.

International conventions, recommendations, and programmes can also be characterized as soft law (Heimonen & Hebert, 2024/2022). Some of these conventions, such as the UN Convention on the Rights of the Child, have been ratified and integrated into hard law, as exemplified by the principle of the best interests of the child, which mandated that children’s opinions be solicited during the legislative process on matters affecting them. Occasionally, principles from United Nations Conventions are referenced in music school curricula as visions or incorporated into national core curricula as guiding principles. In Finland, the principle of fostering a good relationship with music and the arts, rooted in the principle of the best interests of the child (United Nations Convention on the Rights of the Child), is currently included in the National Core Curricula developed by the Finnish National Board of Education (2017). Additionally, a toolkit for instrumental music teachers, based on this principle and a constructivist approach to education, has been created by Guadalupe López-Íñiguez (2017). In Sweden, the same principle has been adopted in a music school’s vision, aiming to provide a comprehensive education that nurtures creativity and offers children both roots and wings (Heimonen, 2002).

In Sweden, Kulturskolerådet, a non-political association for culture schools, including music studies, acts as a bridge between municipalities, aiming to promote the accessibility of

high-quality education for all children. National policy for municipal activities in Swedish culture schools (*kulturskolor*) was advanced in 2018 when the Swedish Parliament approved the proposal titled *En kommunal kulturskola för framtiden - en strategi för de statliga insatserna* (A municipal culture school for the future, a strategy for state investments) (Regeringens proposition 2017/18:164). These bridges between associations for culture schools (*Kulturskoleråd*) at both the state and municipal levels enhance the promotion of music and arts education offered at these schools. Furthermore, the UN Convention on the Rights of the Child, ratified by Sweden, including the principle of the best interests of the child, may now have a more significant impact on children and young people studying at these schools, as argued by the association for culture schools (Kulturskolerådet, 2024).

Bridges between law and music education in practice can be structured based on rigorous research. Such research was conducted as part of the ArtsEqual project by Alexis Kallio (2017), in collaboration with The Sámi Music Centre Inari (Sámi Parliament), the Sámi Music Academy Utsjoki (Sámi Education Centre), and City-Sámit Ry Helsinki. This research focused on Indigenous peoples' rights from the perspective of equality within extracurricular music education, aiming to foster discussion and knowledge on the Sámi people, and to learn from and alongside them. Furthermore, in Kallio's arts-based inquiry with Hildá Länsman, a Sami artist, the report's textual and visual abstract is joiked to convey the feelings of inequality and exclusion experienced by Indigenous people within the publicly funded system of extracurricular arts education (Kallio & Länsman, 2018). Kallio and Heimonen (2019) examined policy documents, legislation, and national core curricula in basic arts education considering capabilities for indigenous self-determination. These capabilities were based on three human rights proposed by Andé Somby (2001), a Sámi joik artist and doctor of law: the right to a past, the right to a present, and the right to a future. The right to the past encompasses the right to maintain traditions and not lose one's own language (Somby 2001). Moreover, it necessitates awareness of historical injustices in Finnish education policy, such as the former system of state boarding schools aimed at assimilating Sámi children, as well as requires careful listening to the lived experiences of those who suffered in these schools to ensure history does not repeat itself (Kallio & Heimonen, 2019). The right to the present contains classical human rights such as the right to life, but also the question on individual versus collective human rights (Somby, 2001). It also involves a commitment to critique and counter hierarchical power structures that perpetuate injustice (Kallio & Heimonen, 2019). The right to the future comprises a safe environment and relevant education programs, for instance (Somby, 2001). It also demands concern for the future being built for both the Sámi people and society at large. Capabilities for self-determination are essential in everyday music teaching and learning, not only on a systemic level, as enshrined in law (Kallio & Heimonen, 2019; Somby, 2001).

Bridges between law and education can also be established through ethical principles, such as the Comenius' Oath for teachers used in Finland (Heimonen, 2023; Heimonen & Hebert, 2024). Such teachers' oaths are common worldwide, in various forms. However, researchers in music education (Hebert & Kertz-Welzel, 2012) emphasize the importance of teacher autonomy in nurturing democratic values, since music education's potential in transforming humans and promoting societal change can be used by state authorities positively but also misused. History

has demonstrated that if the connection between a totalitarian state leader and educators is used to fulfill an ideology by reinforcing obedience to the state's authorial laws and rules, it can lead to inhumane conditions and circumstances for children and young people (Hopgood & van Leeuwen, 2019; Kertz-Welzel, 2012). As Alexandra Kertz-Welzel (2005) argues, no music educator wishes to become like "the Pied Piper of Hamelin." This metaphor, based on the critique of the German philosopher Theodor Adorno concerning the objectives of music education during World War II, highlights the misuse of music for ideological purposes.

5. Conclusions and discussion

The article begins by posing the question of whether regulation can support the objectives of music education, and if so, by what means. Based on this study, no law or regulatory framework is entirely perfect or complete. The hierarchical system of legal rules may be considered a reliable foundation for state-supported, law-based music schools in Finland, as the allocation of state funds typically necessitates a legal basis. However, the system provides security predominantly for those music schools that have been granted law-based state support, leaving those outside the system vulnerable. Additionally, it has been observed in Nordic countries that funding is perpetually insufficient to ensure accessibility for all individuals outside compulsory education. Some countries, including Finland, have implemented auditions for state-supported music schools, while others have adopted a policy accepting all applicants based on queuing and favoring group instruction. Notably, even in Finland, there are currently law-based, state-supported music and arts schools that admit all applicants. The concepts of democracy, equity, and equality can be interpreted in various ways: they may signify the right of every individual to a study place after queuing — allowing all voices to be heard — or the provision of opportunities to select children from the outset.

Equality and equity in music education can be furthered through connections between various fields of law. For instance, the Acts on Equality between Women and Men (609/1986) and Equity (1325/2014) should have an impact on Finnish music education. Currently, every music and arts school providing basic arts education is mandated to develop an equity and equality plan, detailing how these principles are implemented within their institutions. However, these plans risk becoming just formalities if not effectively applied in practice. Consequently, ongoing professional development, seminars, and workshops are essential to enhance awareness and understanding of issues such as race, age, cultural backgrounds, genders, and religions.

To prevent legal norms from becoming detached from practical application in music schools, state authorities, national boards, and associations may develop guidelines to facilitate the implementation of these norms. For instance, the Finnish National Board of Education (2024) formulated guidelines following the Ministry of Education and Culture's (2023) publication of strategic objectives and quality indicators for basic education in the arts. In the guidelines titled *Neliapila* (Four Leaf Clover), the following four intertwined dimensions are presented and discussed: a meaningful relationship with the arts, goal-oriented learning, developing operating culture, and good governance.

Flexibility and adaptivity to changing conditions can also be received through national and international soft law (Heimonen & Hebert, 2024/2022; Määttä, 2005). Although soft law is considered a broad concept that is difficult to define, its fundamental principles have gained widespread acceptance in the legal field. Occasionally, principles articulated in soft law, such as the child's best interest principle in the UN Convention on the Rights of the Child, have been ratified and incorporated into national legislation, thus becoming hard law. However, not all the UN documents have been ratified; for instance, the UN Declaration on the Rights of Indigenous Peoples (2007) has not been ratified in Finland. Due to being classified as soft law, it can influence the development of international customary law, which is binding on all countries, as Koivurova (2025) asserts. Recognizing the potential of soft law in the field of music education is also beneficial.

In conclusion, law, including soft law, serves as an instrument created and applied by human beings. The law in force can also be amended by human beings, as is currently being undertaken in Finland regarding extra-curricular music education as part of basic arts education (Opetus-ja kulttuuriministeriö, 2025). The proposal under consideration serves as a pertinent example of how regulatory frameworks intersect with music pedagogy. First, it suggests a shift in the target demographic of music schools: rather than focusing primarily on children and youth, these institutions would cater to learners of all ages, thereby integrating adult education into their core operations. Second, the proposal advocates for a unified music syllabus. This renewal may serve as a replacement for the current advanced syllabus, which has traditionally emphasized individualized instruction within the master-apprentice framework, by integrating alternative pedagogical practices. Third, the proposal introduces a credit-based system akin to those used in universities. Students would accumulate credits for their studies and receive certification upon earning 50 credits. From a pedagogical standpoint, this system risks undermining intrinsic motivation by fostering a competitive ethos rather than nurturing a genuine engagement with music. Fourth, the proposal (§ 9) stipulates that music schools will no longer be explicitly referenced in the Act; pedagogically, this may signal a shift from a music-centric focus toward a more inclusive cultivation of arts education in its broader manifestations. Fifth, while the proposal (§ 10) ostensibly aims to promote inter-institutional collaboration – facilitated, for example, through the transferability of study credits – it simultaneously may curtail individual agency by imposing top-down directives that steer educational activities. In addition, the proposal introduces a new responsibility task (§ 11), intended to support the implementation and development of exemplary practices concerning the pedagogy and learning environments of basic education in the arts. Taken together, these developments raise questions about the future orientation of pedagogical approaches. Specifically, the pupil-centered, constructivist framework – which emphasizes fostering meaningful relationships with music (Björk, 2016) and prioritizes caring, interpersonal dynamics (López-Íñiguez & Westerlund, 2023) – remains an open area of inquiry. Further research is therefore warranted to examine how these aims and values are enacted within the evolving practices of music schools.

In the realm of education provided by music and arts schools, the law holds significant potential to facilitate the design and implementation of educational objectives by fostering

connections between states, municipalities, music schools, their personnel, and music students. However, the individuals who interpret and apply these laws in practice, such as administrators and educators in music schools, are crucial. Without their efforts, all legal norms, plans, and recommendations would remain mere formalities, whether on paper or in digital form.

Bibliography

Aarnio, A. (1987). *The Rationale as Reasonable. A Treatise on Legal Justification*. Springer.

Act (633/1998) and Decree (813/1998) on Basic Education in the Arts (633/1998). Laki (633/1998) ja asetus (823/1998) taiteen perusopetuksesta. Finlex.

ArtsEqual. (n.d.). *Home. Uniarts*. Retrieved February 26, 2025, from <https://www.artsequal.fi>

Björk, C. (2016). *In Search of Good Relationships to Music: Understanding Aspiration and Challenge in Developing Music School Teacher Practices*. Åbo Akademi University Press.

Björk, C., & Heimonen, M. (2019). Music schools and human flourishing: what can national education policy enable and restrict? In M. Hahn, F.-O. Hofecker (eds.), *The Future of Music Schools – European Perspectives* (pp. 35-50). Music School Research II. Cultural Institutions Studies. St. Pölten: MusikschulmanagementNiederösterreich GmbH.

Daintith, T. (1995). Regulation, De-regulation and the Forms and Ends of Justice in the European Union. In E. Paasivirta, K. Rissanen (eds.), *Principles of Justice and the Law of European Union* (pp. 143–166). Kansainväisen talousoikeuden instituution julkaisuja. Helsinki University.

Constitution of Finland (731/1999). Finlex.

Ellefson, L. W., & Karlsen, S. (2020). Discourses of diversity in music education: The curriculum framework of the Norwegian Schools of Music and Performing Arts as a case. *Research Studies in Music Education*, 42(2), 270-290. <https://doi.org/10.1177/1321103X19843205>

Elliott, D. (1995). *Music Matters. A New Philosophy of Music Education*. Oxford University Press.

Gesetz zur ganztägigen Förderung von Kindern im Grundschulalter (Ganztagsförderungsgesetz – GaFöG) Vom 2. Oktober 2021. Retrieved February 26, 2025, from https://www.bgb1.de/xaver/bgb1/start.xav?startbk=Bundesanzeiger_BGB1&jumpTo=bgb1121s4602.pdf#_bgb1_%2F%2F*%5B%40attr_id%3D%27bgb1121s4602.pdf%27%5D_1740407301983

Hebert, D., & Kertz-Welzel, A. (2012) (eds.). *Patriotism and Nationalism in Music Education*. Ashgate.

Heimonen, M. (2002). *Music Education & Law. Regulation as an Instrument*. Studia Musica 17. Sibelius Academy.

Heimonen, M. (2014). *Bildung* and music education: A Finnish perspective. *Philosophy of Music Education Review*, 22 (2), 188–208.

Heimonen, M. (2023). Musiikkioikeudet muuttuvassa musiikkikasvatuksessa. In M.-L. Juntunen, H. Partti (eds.), *Musiikkikasvatus muutoksessa* (pp. 149–180). Docmus-tohtorikoulun julkaisuja. University of the Arts.

Heimonen, M. (2024). Music Schools – In Search of Equity. *Musiikkikasvatus / The Finnish Journal of Music Education*, 27 (2), 96–102.

Heimonen, M., & Hebert, D. (2024/2022). Soft Law and the Promotion of Musical Rights. In D. G. Hebert, J. McCollum (eds.) *Ethnomusicology and Cultural Diplomacy* (pp. 21–45). Rowman & Littlefield.

Hofsten, I. (2012). Bra med lag. Men det räcker inte. *Kultursmockan*, 5 Nov. 2012, pp. 7–8. Retrieved February 26, 2025, from https://www.kulturskoleradet.se/wp-content/uploads/2020/11/smockan_nr5_2012.pdf

Hopgood, S., & van Leeuwen, F. (2019). *On Education & Democracy. 25 Lessons from the Teaching Profession*. Education International.

Juntunen, M.-L., & Heimonen, M. (2025). Yksilöllisyys osana yhdenvertaista musiikin taiteen perusopetusta. In M. Kaikkonen, Alma Muukka-Marjovuo, E. Vetonиемi (eds.), *Yksilöllisiä polkuja taiteen perusopetuksessa – näkökulmia osallisuuden vahvistamiseen* (pp. 46–57). Opetushallitus.

Kallio, A. (2017). Basic Education in The Arts, Equality, And Sámi Communities in Finland. ArtsEqual. Retrieved February 26, 2025, from <https://www.artsequal.fi/documents/14230/0/artsequal+-+2017+-+toolkit+-+kallio+-+english+-+2017+11+08.pdf/e96038f7-8f85-4fc4-b3e9-f1ee2a82c88c>

Kallio, A., & Heimonen, M. (2019). A toothless tiger? Capabilities for indigenous self-determination in and through Finland's extra-curricular music education system. *Music Education Research*, 21(2), 150–160. <https://doi.org/10.1080/14613808.2018.1545014>

Kallio, A. A., & Länsman, H. (2018). Sami re-imaginings of equality in/through extracurricular arts education in Finland. *International Journal of Education & the Arts*, 19(7). Retrieved from <https://doi.org/10.18113/P8ijea1907>

Karjalainen, E. (2024). Uudistuva taiteen perusopetus. Kokemuksia taiteen perusopetuksesta – lasten ja nuorten kuolemisen tulokset. Opetus- ja kulttuuriministeriö. Helsinki. Retrieved February 26, 2025, from https://api.hankeikuna.fi/asiakirjat/136aac4c-90f0-4d30-98af-ae664ab5bb9e/984bbaaf-0977-4ebd-9234-1ff6ce868243/RAPORTTI_20241122084006.PDF

Kelsen, H. (1960). *Reine Rechtslehre*. Franz Deuticke.

Kertz-Welzel, A. (2005). The Pied Piper of Hamelin: Adorno on Music Education. *Research Studies in Music Education*, 25(1), 1–12.

Kertz-Welzel, A. (2012). Lessons Learned? In Search of Patriotism and Nationalism in the German Music Education Curriculum. In D. G. Hebert, A. Kertz-Welzel (eds.), *Patriotism and Nationalism in Music Education* (pp. 23–42). Ashgate.

Koivurova, T. (2025). Soft-law (pehmeä oikeus) oikeudellisena käsitteenä. Arktinen alue. Arktinen keskus. Lapin yliopisto. Retrieved February 26, 2025, from <https://www.arcticcentre.org/EN>

Kulturskolerådet. (2025). Retrieved February 26, 2025, from <https://www.kulturskoleradet.se/>

Kulturskolerådet. (2024). Verksamhetsplan 2024 till 2026. Kulturskolerådets uppdrag, roll och prioriterade områden. Stockholm. Retrieved February 26, 2025, from <https://www.kulturskoleradet.se/wp-content/uploads/2024/03/Verksamhetsplan-2024-till-2026.pdf>

Laes, T., Juntunen, M.-L., Heimonen, M., Kamensky, H., Kivijärvi, S., Nieminen, K., Tuovinen, T., Turpeinen, I., Elmgren, H. Linnapuomi, A., & Korhonen, O. (2018). Accessibility as the starting point in the Finnish Basic Education in the Arts system. ArtsEqual Policy Report 1/2018. Retrieved February 26, 2025, from

<https://sites.uniarts.fi/documents/14230/0/Accessibility+of+the+basic+education+in+the+arts/c217c80f-5fa6-4312-b587-d0069451434c>

Laki naisten ja miesten väleisestä tasa-arvosta. (Act on Equality between Women and Men) (609/1986). Finlex.

López-Íñiguez, G. (2017). Promoting Constructivist Instrumental Music Education as a Mechanism for Pedagogical Equality. Toolkit for Instrumental Music Teachers in Finland. ArtsEqual. Retrieved February 26, 2025, from <https://www.artsequal.fi/documents/14230/0/artsequal+-+2017+-+toolkit+-+lopez+-+english+-+2017+11+06.pdf/d1105b15-0e44-43ab-91a6-4a75aa4a1688>

López-Íñiguez, G., & Westerlund, H. (2023). The Politics of Care in the Education of Children Gifted for Music: A Systems View. In K.S. Hendricks (ed.), *The Oxford Handbook of Care in Music Education*, pp. 115–139. Oxford University Press.

Määttä, T. (2005). Soft Law kansallisen oikeuden oikeuslähteenä. Tutkimus oikeudellisen ratkaisun normipremissin muodostamisen perusteista ympäristöoikeudessa. Oikeustiede. (Soft Law as a source of law in national legal decision-making: A study on formulating the norm preisse in environmental legal decision-making). Jurisprudentia. Suomalaisen Lakimiesyhdistyksen vuosikirja CXXVIII. Jyväskylä: Suomalainen Lakimiesyhdistys, 434–460.

National core curricula for basic education in the arts. (2017). Helsinki: The Finnish National Agency for Education.

Opetushallitus. (2024). Neliapila – Opas taiteen perusopetuksen laatutyöhön. (Neliapila - A guide to quality work in basic arts education) Oppaat ja käsikirjat 2024:1a. The Finnish National Board of Education. Retrieved February 26, 2025, from <https://www.oph.fi/sites/default/files/documents/Neliapila.pdf>

Opetus- ja kulttuuriministeriö. (2023). Laadukas taiteen perusopetus. Taiteen perusopetuksen strategiset tavoitteet sekä laadun strategiset mittarit. (Ministry of Education and Culture. High-quality basic education in the arts. Strategic objectives and strategic quality indicators in basic education in the arts) Opetus- ja kulttuuriministeriön julkaisuja 2023:43. Helsinki.

Opetus- ja kulttuuriministeriö. (2025). Ehdotus hallituksen esitykseksi taiteen perusopetuksen koskevan lainsäädännön uudistamiseksi. (Ministry of Education and Culture. Proposal for drafting a government proposal to reform the legislation on basic education in the arts) Opetus- ja kulttuuriministeriön julkaisuja 2025:16. Työryhmän raportti. Helsinki. Retrieved February 26, 2025, from

https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/166374/OKM_2025_16.pdf?sequence=1&isAllowed=y

Pärssinen, I., & Seirala, V. (2024). Kulttuuriharrastamisen koetut vaikutukset - selvitysraportti taiteen perusopetus. Taiteen perusopetusliitto. Retrieved February 26, 2025, from <https://artsedu.fi/wp-content/uploads/2024/10/Selvitysraportti-taiteen-perusopetus-Kulttuuriharrastamisen-koetut-vaikutukset-2024.pdf>

Regeringens proposition 2017/18:164. En kommunal kulturskola för framtiden – en strategi för de statliga insatserna. (The Swedish Parliament. A municipal culture school for the future – a strategy for state investments)

Similä, J., & Kokko, K. (2009). *Oikeudellinen sääntely ja metsäluonnon monimuotoisuus*. Edilex.

Somby, Ánde. 2001. Statement at UNWGIP 2021 in Geneva. Retrieved February 26, 2025, from <http://www.jus.uit.no/ansatte/somby/humrig01ENG.htm>

Tala, J. (2005). Lainsääädännön vaihtoehdot – tarve, tehtävät ja tähänastisia kokemuksia. In H. Lindfors (ed.), *Lainsääädäntöä vai muuta oikeuspoliittista ohjailua?* (pp. 1–18). Helsinki: National Research Institute of Legal Policy. Research Communications.

United Nations Convention on the Rights of the Child. (1989). United Nations. Retrieved February 26, 2025, from <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

United Nations Declaration on the Rights of Indigenous Peoples. (2007). United Nations. Retrieved February 26, 2025, from https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

Verband Deutscher Musikshulen (VdM). (2024). VdM-Positionspapier zum Ganztagsförderungsgesetz und zu den Empfehlungen der KMK zur Ganztagschule. Retrieved February 26, 2025, from https://www.musikschulen.de/medien/doks/Positionen_Erklaerungen/vdm_positionspapier_ganztagsfoerderung_2024-02-02.pdf

Väkevä, L., Westerlund, H., & Ilmola-Sheppard, L. (2017). Social Innovations in Music Education: Creating Institutional Resilience for Increasing Social Justice. *Action, Criticism, and Theory for Music Education*, 16 (3), 129–47. doi:10.22176/act16.3.129 https://act.maydaygroup.org/articles/VakevaWesterlundSheppard16_3.pdf

Väkevä, L., Westerlund, H., & Ilmola-Sheppard, L. (2022). Hidden elitism: the meritocratic discourse of free choice in Finnish music education system. *Music Education Research*, 24(4), 417–429. <https://doi.org/10.1080/14613808.2022.2074384>

Yhdenvertaisuuslaki (Equity Act) (1325/2014). Finlex.

Marja Heimonen

Sibelius Academy of the University of the Arts Helsinki

Music Centre, Töölönlahdenkatu 16 C

P.O.Box 30

00097 Uniarts

Finland

E-Mail: marja.heimonen@uniarts.fi

Research interests: philosophy of music education, law, justice, educational rights, international and comparative approaches

Keywords for keywording: *music education, music schools, law*

Reviewers: Alexandra Kertz-Welzel, Kerstin Weuthen