

## PHILOSOPHICAL AND LEGAL FOUNDATIONS OF INCLUSIVE EDUCATION

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### **Abstract**

This article systematically analyzes the philosophical and legal foundations of inclusive education. It highlights the reliance of the idea of inclusion on the principles of humanity, equality and social justice. It reveals the stages of development of inclusive education based on international and national regulatory and legal documents. It also outlines the legal mechanisms and prospects for the implementation of inclusive education in the Republic of Uzbekistan.

**Keywords:** inclusive education, human rights, social justice, equality, persons with disabilities, education policy, legal framework.

### **Login**

In recent decades, the concept of inclusive education has emerged as a priority in the global education system. Inclusive education is a system aimed at ensuring the right of all children, including those with disabilities and special educational needs, to receive education under equal conditions in general education institutions.

The concept of inclusion emerged in the late 20th century as a result of a human rights-based approach. In particular, the principles of universality and equality of education, promoted by UNESCO, have played a significant role in shaping the global concept of inclusive education.

The purpose of the article is to scientifically analyze the philosophical foundations of inclusive education and its international and national legal framework.

The research methods used were systematic analysis, comparative legal approach, and interpretation of normative documents.

### **1. Philosophical foundations of inclusive education**

The philosophical foundations of inclusive education are rooted in the theories of humanism, existentialism, pragmatism, and social justice.

#### **The principle of humanity**

Humanist philosophy recognizes the dignity of every individual as a supreme value. This idea is clearly reflected in the views of thinkers such as Jean-Jacques Rousseau

and Immanuel Kant. Kant's idea that "man is never a means, but an end" forms the moral basis of inclusive education.

### **The concept of social justice**

Inclusive education is based on the principle of social justice. According to the theory of justice developed by John Rawls, social inequalities in society should be regulated in the interests of the weakest. Inclusive education ensures social justice by creating equal opportunities in the educational process.

### **Anthropological approach**

Modern pedagogical anthropology recognizes the individuality of each child. According to this approach, the education system should adapt to the child, and not the other way around. Inclusive education is based on this principle: every student has the right to develop to his or her full potential.

## **2. International legal framework for inclusive education**

Inclusive education is reinforced by international law.

### **Universal Declaration of Human Rights**

The Universal Declaration of Human Rights, adopted in 1948, recognizes the right to education as a fundamental human right. Article 26 of this document states that everyone has the right to education.

### **Convention on the Rights of the Child**

The Convention on the Rights of the Child, adopted in 1989, guarantees the right of children with disabilities to participate actively in society and to receive education.

### **Convention on the Rights of Persons with Disabilities**

The Convention on the Rights of Persons with Disabilities, adopted by the UN in 2006, enshrines inclusive education as a separate article. According to this document, participating states are obliged to create an inclusive education system for persons with disabilities.

These international documents define inclusive education not only as a pedagogical but also as a legal obligation.

## **3. Legal framework for inclusive education in the Republic of Uzbekistan**

The development of inclusive education in Uzbekistan is one of the priorities of state policy.

### **Constitutional basis**

The relevant articles of the Constitution of the Republic of Uzbekistan guarantee everyone's right to education. This norm constitutes the constitutional basis of inclusive education.

### **Law "On Education"**

The Law on Education defines inclusive education as an integral part of the education system. The law states that the state is obliged to create adapted conditions for children with special educational needs.

### **Special regulatory documents**

In recent years, a number of state programs have been adopted to develop inclusive education. In particular, the Ministry of Preschool and School Education of the Republic of Uzbekistan has developed mechanisms for the gradual introduction of inclusive education.

National legislation is being brought into line with international standards, which strengthens legal guarantees for inclusive education.

### **4. Current issues in implementing inclusive education**

The following problems are observed in the implementation of inclusive education:

- insufficient training of teaching staff;
- limited material and technical base;
- the existence of stereotypes in society;
- insufficient development of methodological support.

Therefore, developing inclusive education requires a comprehensive approach.

The implementation of inclusive education is a complex and multifaceted process, which is inextricably linked not only to pedagogical, but also to social, economic and legal factors. International research conducted by UNESCO and UNICEF shows that the effectiveness of inclusive education depends on a systematic approach. Below, the main current problems of this process are discussed in more detail from a scientific perspective.

### **1. Practical implementation of regulatory and legal mechanisms**

Although the Convention on the Rights of Persons with Disabilities and the Law on Education guarantee inclusive education, the practical mechanisms of legal norms do not always work fully. Problems are manifested in the following:

- weak enforcement discipline in places;
- insufficiently developed monitoring and evaluation system;
- opportunity gap between regions.

Therefore, it is necessary to strengthen clear indicators and accountability mechanisms for the implementation of regulatory documents.

### **2. Teacher training and professional competence**

The effectiveness of inclusive education depends primarily on the professional training of teachers. In practice, the following problems are encountered:

- teachers' lack of sufficient knowledge in special pedagogy and defectology;

- poor skills in applying differential approach methodologies;
- lack of psychological preparation.

In this regard, it is an urgent task to increase the share of inclusive modules and practical training in retraining and advanced training courses for teaching staff.

### **3. Material and technical base and infrastructure**

Adapted infrastructure is an essential prerequisite for inclusive education. Most mainstream schools:

- there are not enough ramps and elevators;
- special educational equipment and technical means are limited;
- Low access to information and communication technologies.

Implementing universal design principles and modernizing school infrastructure will increase the level of inclusion.

### **4. Socio-psychological environment and stereotypes**

One of the most challenging aspects of inclusive education is the stereotypes and social barriers in society. Sometimes there is a misconception among parents and educators that children with disabilities cannot adapt to a general education environment.

Such barriers can be reduced by fostering an inclusive culture and promoting principles of tolerance and empathy. The media and civil society institutions have a significant role to play in this process.

### **5. Individual approach and methodological support**

Taking into account the individual needs of each student is a fundamental requirement of inclusive education. However:

- insufficient experience in developing individual training programs;
- there are few methodological guides and adaptive textbooks;
- The evaluation criteria are not adjusted.

The development of modern pedagogical technologies, adapted curricula, and an inclusive assessment system is of great importance.

### **6. Financial support and resources**

Inclusive education requires additional financial resources. The staff of special educators, psychologists, speech therapists, technical equipment and infrastructure costs must be financed from the state budget and local funds. Fair distribution and effective management of resources remains an urgent issue.

### **7. Systematic collaboration and multidisciplinary approach**

Effective implementation of inclusive education requires close cooperation between the education, health and social protection systems. The joint work of psychologists,

defectologists, doctors and social pedagogues ensures the comprehensive development of the student.

In this regard, it is appropriate to view inclusive education not only as a task of an educational institution, but also as a social project of the entire society.

### **General conclusion (end of section)**

The challenges of implementing inclusive education require a systematic and comprehensive approach. The strengthening of legal frameworks, the development of pedagogical competence, the adaptation of infrastructure, and the formation of an inclusive culture in society ensure the successful functioning of this model.

Therefore, the development of inclusive education is not only a reform of the education system, but also an important indicator of society's commitment to the principles of social justice and humanity.

### **Conclusion**

Inclusive education is a modern educational model based on the ideas of humanity and social justice. Its philosophical basis is rooted in the recognition of the dignity of every person. International and national legal documents define the implementation of inclusive education as an obligation of the state.

Although the legal framework for the development of inclusive education has been created in Uzbekistan, it is necessary to strengthen scientific, methodological and organizational measures to fully implement it in practice.

Inclusive education is an integral part of the modern educational paradigm, which serves to ensure the practical realization of the right of every individual to education, based on the principles of humanism, equality and social justice. Its philosophical basis is enriched with conceptual approaches ranging from classical humanistic views to modern theories of justice. In particular, the ideas of Immanuel Kant, who recognizes human dignity and worth as the highest value, and the theory of John Rawls, who substantiates social equality, strengthen the moral and socio-philosophical foundation of inclusive education. In this sense, inclusive education is not only a pedagogical model, but also an indicator of the democratic development of society.

In the international legal arena, inclusive education is recognized as a component of human rights. In particular, the Convention on the Rights of Persons with Disabilities has elevated inclusive education to the level of an obligation of states. According to this document, the education system must be adapted to the individual, all forms of discrimination must be eliminated, and the necessary pedagogical and technical conditions must be created. This makes inclusive education a priority area of social policy.

At the national level, the Constitution of the Republic of Uzbekistan and the Law on Education have established legal guarantees for inclusive education. These regulatory and legal frameworks provide for the creation of equal opportunities in education, the formation of an adapted learning environment for children with special educational needs, and the improvement of the system of training pedagogical personnel. However, the full functioning of legal norms is closely related to their practical implementation, institutional mechanisms, and financial resources.

The research results show that the effective implementation of inclusive education requires the following priority areas:

1. Increasing the inclusive competence of teaching staff and improving the system of special training.
2. Modernization of the material and technical base of educational institutions based on the principles of universal design.
3. To create an inclusive culture in society and eliminate stereotypes.
4. Expanding scientific research and introducing innovative pedagogical technologies.
5. In general, the development of inclusive education is an important factor in strengthening social cohesion of society, increasing human capital and ensuring sustainable development. It serves not only the interests of individuals with special needs, but also serves as a criterion for determining the level of democracy and humanity of the entire society. Therefore, the development of inclusive education should be considered as a complex process that requires the cooperation of state policy, civil society and the scientific community.

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