

Literature Review

Legal Dilemmas in Inclusive Education: Implementation Challenges and Teaching Strategies in Primary Schools

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ABSTRACT

Inclusive education is a fundamental right guaranteed by the constitution and international conventions, ensuring that every child, including those with special needs, has access to quality education. However, despite strong legal foundations, the implementation of inclusive education in primary schools faces significant challenges. This article aims to analyze the legal dilemmas surrounding the implementation of inclusive education, the challenges faced by educators, and propose strategies for effective inclusive teaching. A literature review approach was used to examine relevant legal frameworks, existing policies, and the challenges identified in various studies. The review reveals that a lack of teacher competence in inclusive education, insufficient infrastructure, and societal stigma are major obstacles to the successful implementation of inclusive education. Additionally, regional disparities in the implementation of inclusive education further exacerbate these issues. The study suggests that teacher training programs, better resource allocation, public awareness campaigns, and more consistent policy enforcement are essential to overcoming these barriers. The findings highlight the need for coordinated efforts among policymakers, educators, and the community to ensure that inclusive education becomes a reality for all students.

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1. INTRODUCTION

Inclusive education is not merely a pedagogical approach, but a manifestation of respect for human rights enshrined both constitutionally and internationally. The 1945 Constitution of the Republic of Indonesia, Article 31, stipulates that every citizen has the right to education, and that the government is responsible for organizing a just and equitable education system. This is reinforced by Article 28C(1), which affirms that every individual has the right to develop themselves through education without discrimination. Law No. 20 of 2003 on the National Education System also underscores the importance of providing fair and equal access to education for all learners, including those with special needs (Notoprayitno & Jalil, 2019).

At the global level, the commitment to inclusive education is further strengthened by several international legal instruments, notably the Convention on the Rights of Persons with Disabilities (CRPD).

Article 24 of the CRPD mandates state parties to ensure that persons with disabilities can access education without discrimination and on the basis of equal opportunity. Additionally, Article 26 of the Universal Declaration of Human Rights (1948) and Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) emphasize education as a universal right that must be upheld by the state. Accordingly, both national and international legal frameworks place inclusive education as an integral part of efforts to foster a just, equitable, and civilized society.

However, in practice, the implementation of inclusive education remains fraught with complex challenges, particularly at the primary school level. These legal dilemmas refer to several key issues (Yusuf et al., 2017). First, there is often a discrepancy between national inclusive education policies and their implementation at the school level. Although legal frameworks such as the National Education Law and international conventions provide a strong mandate, they are not always translated into actionable programs in the field. Second, the decentralized nature of Indonesia's education system allows for varying interpretations and implementations of inclusive policies across regions, leading to inconsistencies and inequities in access for students with special needs. Third, many educators lack adequate understanding of their legal responsibilities in inclusive settings, which hinders their ability to protect and fulfill the rights of all learners (Rahmayanti, 2020). These interconnected legal challenges highlight the urgent need for a deeper analysis of how laws are interpreted, implemented, and enforced within Indonesia's diverse educational landscape (Oktadiana & Wardana, 2019).

Although there is a clear legal foundation, actual practice in schools often falls short of expectations (Sunardi et al., 2024). Many primary schools across various regions of Indonesia are still unable to implement inclusive education effectively, not due to the absence of regulations, but because of weak translation of these policies into operational standards. One of the key legal dilemmas is the decentralized education system, which allows each region to interpret national policies differently, leading to inconsistencies in practice. Regional disparities in infrastructure readiness and human resources further exacerbate these challenges, resulting in children with special needs being denied their rightful access to quality education. Regional disparities in terms of infrastructure readiness and human resources present significant barriers, resulting in children with special needs being denied their rightful access to quality education (Z. P. Sari et al., 2022).

Previous research has shown that, one of the primary challenges in implementing inclusive education lies in the limited competencies of teachers in managing heterogeneous classrooms, particularly those including students with special needs. Many teachers have not received adequate training in inclusive teaching strategies, making it difficult for them to accommodate diverse learning needs (Sri Wahyuni & Luar Biasa, 2024). This directly affects the quality of education received by students with special needs, which often remains suboptimal and fails to empower their full potential.

In addition to teacher competency, the lack of adequate facilities and infrastructure is another major obstacle. Many primary schools still lack physical accessibility features such as ramps, accessible toilets, or disability-friendly classrooms (Maulida, 2019). Moreover, the shortage of appropriate learning aids further hampers the success of inclusive education. These limitations are exacerbated by insufficient budget allocations for inclusive education development, particularly in underserved regions (Simorangkir, 2021).

According to prior research, social factors also significantly impede the implementation of inclusive education. Societal stigma against children with special needs remains strong, leading many parents to hesitate to enroll their children in mainstream schools or opt not to send them to school at all (Komarudin & Kaeni, 2023; U. S. Ummah et al., 2023). The school environment itself is often not fully accepting of the presence of children with disabilities, contributing to instances of discrimination and exclusion (Narot & Kiettikunwong, 2024; Rasmitadila et al., 2019). While several previous studies have addressed social stigma as a barrier, most have treated it as an isolated cultural issue. This study differs by situating stigma as part of an interconnected framework that includes legal enforcement, teacher preparedness, and systemic support. The novelty of this research lies in offering a multidimensional analysis that bridges social, pedagogical, and structural challenges, an approach that is rarely emphasized in existing literature. As such, this study provides a more holistic understanding of why inclusive education remains difficult to implement and what integrated strategies are needed to overcome these persistent barriers.

Therefore, this study is conducted to critically reexamine the core challenges in the implementation of inclusive education in Indonesian primary schools by synthesizing recent literature. Although previous studies have acknowledged various challenges such as limited teacher competence, inadequate infrastructure, and low social acceptance of children with special needs, there is still a lack of integrated analysis that connects these issues across legal, structural, pedagogical, and sociocultural dimensions. The urgency of this literature review lies in the need to provide a comprehensive and updated overview of these interconnected barriers, particularly because inclusive education is increasingly mandated yet remains inconsistently implemented across different regions. Moreover, this study aims to move beyond general policy discussions

by identifying specific practical gaps and proposing contextually grounded strategies. The novelty of this research lies in its holistic approach that combines systemic aspects such as policies and infrastructure, cultural aspects such as public attitudes, and instructional aspects such as teacher competence to formulate more effective and applicable solutions for inclusive education in practice.

2. METHOD

This study employs a literature review method to examine and analyze the legal challenges and teaching strategies in the implementation of inclusive education in primary schools. The research process begins with the search for scholarly articles from various indexed sources, such as Google Scholar and Scopus. The keywords used in the search include "Legal dilemmas in inclusive education," "Challenges in inclusive education," and "Teaching strategies for inclusive education in primary schools." The search results yielded a number of relevant articles, which were then selected based on relevance criteria and the focus of the research, specifically on legal challenges and teaching strategies in inclusive education at the primary school level (Safaatul et al., 2024).

The selection process emphasized articles published within the last five years (2019–2024) to ensure the relevance and currency of the data. Studies included in the review covered both national and international contexts, particularly those from countries with diverse educational systems and inclusive education frameworks. Additional selection criteria involved prioritizing empirical studies with clear research methods, strong analytical findings, and practical relevance to inclusive education at the primary level. However, high-quality theoretical papers that offered conceptual clarity or critical perspectives on inclusive education policy and practice were also considered.

To maintain academic rigor, articles were selected from journals indexed in Scopus, DOAJ, and other recognized academic platforms. The criteria for inclusion also considered the clarity of the study's objectives, methodological transparency, relevance to the research focus, and the journal's reputation. The selected articles were then systematically reviewed and analyzed by organizing key information, including publication year, authors, research aims, findings, and conclusions. This structured analysis allowed for the synthesis of findings to support the formulation of a multidimensional understanding of inclusive education challenges and strategies (Knopf, 2006).

The next step is to formulate a synthesis of the findings identified in the literature, followed by the development of relevant recommendations and innovations that align with the current state of inclusive education in primary schools. This study aims to offer practical solutions that can be adapted into policies and teaching practices in primary schools, to address the challenges in the implementation of inclusive education, particularly concerning legal issues and effective teaching strategies (Agustin, 2017). As part of this analytical approach, the following diagram is presented to illustrate the synthesis of the existing literature:

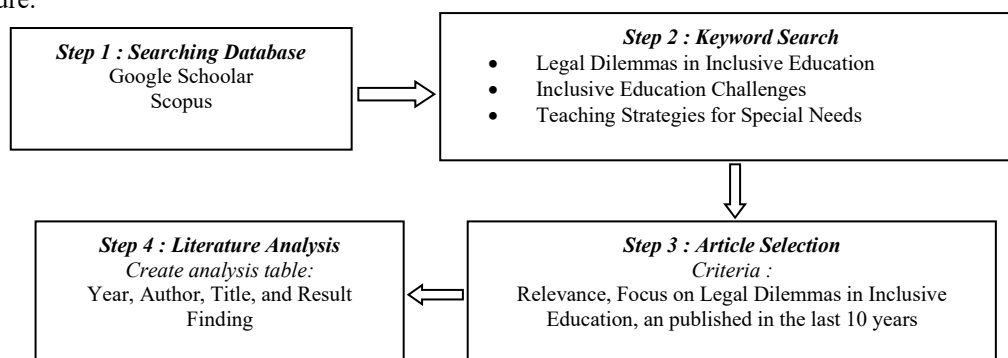


Figure 1. Literature Review Diagram

3. RESULTS AND DISCUSSION

This study explores the legal, pedagogical, and sociocultural challenges in the implementation of inclusive education in primary schools in Indonesia based on a systematic literature review. Although inclusive education has been mandated by law both nationally and internationally, its implementation in practice remains inconsistent and fraught with dilemmas. The main findings from the reviewed articles are presented in the following table:

Table 1. 15 Selected Articles Relevant to Legal Dilemmas in Inclusive Education

No	Author and Year	Objective	Result
1	(Ain et al., 2023)	Examining the strategies and government policies of Japan in the development of disability education.	The Japanese government actively formulates inclusive policies through a systemic approach and technological support.
2	(Amka, 2019)	Analyzing the implementation of inclusive education by local governments in South Kalimantan.	The lack of preparedness in human resources and infrastructure was identified as the main challenge in the implementation.
3	(Ayu et al., 2024)	Revealing the issues in the implementation of inclusive education policies at Tri Murti Elementary School in Denpasar.	The main issues are the lack of understanding among teachers and inadequate support in terms of facilities and infrastructure.
4	(Ediyanto et al., 2023)	Investigating the issues in the implementation of inclusive education in primary schools.	Challenges were found in teacher training, curriculum, and parental involvement.
5	(Fatriani & Nurhayani, 2022)	Upholding the educational rights of children with special needs through joint monitoring.	Collaborative monitoring between schools, parents, and the community strengthens the rights of students with special needs.
6	(Muttaqin et al., 2023)	Exploring strategies for establishing inclusive schools based on Islamic values.	The alignment of Islamic values with inclusive principles strengthens societal acceptance.
7	(Kurniawati, 2021)	Exploring strategies used by teachers in rural primary schools to implement inclusive education.	It was found that teachers' adaptive strategies play a crucial role despite limited resources.
8	(Nabiela & Ulfatin, 2023)	Reviewing best practices, challenges, and the direction of inclusive education policy in Indonesia.	Inclusive education policies still face structural barriers and require stronger regulations.
9	(Notoprayitno & Jalil, 2019)	Examining the legal basis for the right to inclusive education in Indonesia.	The law in Indonesia is not yet fully implementable and requires strengthening of operational norms.
10	(Novrizal & Manaf, 2024)	Analyzing inclusive education policies in Indonesia.	There is a need for policy synchronization between the central and local governments.
11	(Rahmi et al., 2024)	Evaluating the implementation of inclusive education from the perspective of primary school teachers.	Teachers are still experiencing confusion and require intensive training.
12	(Sipahudin, 2024)	Identifying the challenges in the implementation of inclusive education in primary schools.	There is still cultural resistance and a lack of support in terms of facilities.
13	(Somad et al., 2024)	Reviewing policies, practices, and challenges of inclusive education for students with special needs.	There is a need to improve teacher capacity and supporting infrastructure.
14	(Sunardi et al., 2024)	Examining the challenges faced by public primary schools in suburban areas in implementing inclusive education.	The main challenges are the lack of teacher training and limited technical support.
15	(Yuliawati et al., 2023)	Evaluating the issues in the implementation of inclusive education policies in primary schools.	The implementation is still hindered by a lack of understanding of the policy and stakeholder involvement.

The main findings from the reviewed articles in the table show that there is a significant gap between the established policies and the reality on the ground. Many teachers feel unprepared and lack adequate training support to effectively implement inclusive education. These articles also highlight the importance of ongoing teacher training and the improvement of school infrastructure to fully support the needs of students with special needs.

3.1 The Legal Dimension in Inclusive Education

Inclusive education is not just a pedagogical approach but also a constitutional right and a human right. Articles 31 and 28C(1) of the 1945 Constitution of the Republic of Indonesia guarantee every citizen the right to education without discrimination. This is further reinforced by Law No. 20 of 2003 on the National Education System, which mandates equal access to education, including for learners with physical, intellectual, or emotional disabilities. Internationally, Article 24 of the Convention on the Rights of Persons with Disabilities (CRPD), Article 26 of the Universal Declaration of Human Rights (1948), and Article 13 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) strengthen the obligation of states to provide inclusive and accessible education (Alhadi Alhadi et al., 2024).

However, research findings reveal a mismatch between the legal framework and the actual practices in schools. The lack of clarity in the implementation of laws and weak policy enforcement has allowed for arbitrary application, especially in a decentralized education system. Teachers often lack sufficient legal knowledge to protect the rights of students with special needs. Additionally, varying interpretations of policies across regions result in uneven implementation of inclusive education. This situation exacerbates the disparity in educational services for students with special needs, particularly in marginalized areas (Nowak et al., 2024).

This condition calls for serious attention to the need for adequate legal literacy among educators. Teachers must receive specialized training on students' rights and the legal responsibilities inherent in inclusive practices. The central government also needs to harmonize policies between national and regional levels to avoid multiple interpretations. This is crucial to ensure that the law is not just symbolic but is genuinely internalized within the culture and practices of primary education. By doing so, the right to equal education can be truly realized (Rofiah, 2023).

3.2 Pedagogical Challenges in Inclusive Practice

In addition to legal gaps, pedagogical challenges also serve as a major obstacle in the implementation of inclusive education. Although models like Differentiated Instruction and Universal Design for Learning (UDL) have proven effective for students with special needs, their implementation requires strong institutional support and teacher training. However, in reality, the majority of teachers in Indonesian elementary schools have not received adequate training in inclusive teaching strategies. This lack of preparedness results in teaching strategies that tend to be uniform and not adaptable to the individual needs of students (Ni'mah et al., 2022).

Such non-contextual teaching strategies further widen the learning gap between regular students and students with special needs. Teachers struggle to adjust their teaching methods due to limited pedagogical knowledge on inclusion (R. Ummah et al., 2023). et, the right approach could facilitate optimal learning for all students. Collaboration between regular teachers and special education teachers can enhance the effectiveness of inclusive classrooms. However, such collaboration is still minimal in practice because there is no system or structure that supports ongoing cooperation (Oosero, 2015).

Continuous professional development is essential for teachers to design and implement inclusive education effectively. Moreover, school-level policy support is necessary to enable teachers to work across disciplines and complement each other's competencies. True inclusive education requires teamwork, not individual efforts (Pratiwi & Sukartono, 2025). Therefore, reforming teacher training curricula and school policies is an essential step in addressing the pedagogical challenges that exist.

3.3 Sociocultural Barriers and Public Perception

One of the greatest barriers to inclusive education is the social stigma attached to children with special needs. Many people still believe that the presence of students with disabilities will disrupt the teaching and learning process in the classroom. This view is not only held by some parents of students but also by the teachers themselves. As a result, students with special needs are often marginalized or not given equal opportunities in learning activities (Prasetya Pertiwi et al., 2025; Rumia et al., 2023).

This stigma arises from the lack of public understanding of the potential and rights of children with special needs. Inclusive education is often seen as an additional burden rather than an enrichment and humanization of the learning process. In fact, when managed well, an inclusive classroom can be an effective tool for fostering empathy, cooperation, and values of diversity from an early age. Research shows that regular students in inclusive classrooms also benefit socially and emotionally from the experience (Dulisanti et al., 2015; Prasetya Pertiwi et al., 2025).

To address this issue, there needs to be a large-scale public awareness campaign about the importance of inclusive education. The media, community leaders, and educational institutions must actively participate in advocating for inclusive values. Schools also need to build an inclusive culture through activities that involve the entire school community, including parents and the local community. This paradigm shift is crucial so that inclusive education is not just a slogan but becomes a reality in everyday life (Maharani et al., 2025).

3.4 Structural Gaps: Infrastructure, Equity, and Evaluation

The implementation of inclusive education becomes even more complex due to structural gaps. Schools in remote areas often lack infrastructure, learning aids, and specialized teaching staff. This imbalance exacerbates the educational disparities between regions. While some schools in urban areas have started to gradually implement inclusive principles, schools in rural areas are still grappling with basic issues such as access to transportation, sanitation, and adequate classrooms (Fernandes, 2017).

The lack of assistive technologies and inaccessible environments makes it difficult for students with disabilities to participate fully in the learning process. This highlights that inclusive education is not only reliant on policies or teachers but also on the physical and logistical readiness of schools. The unpreparedness of many institutions signals the need for more serious investment in providing inclusive facilities, particularly in the 3T areas (lagging, frontier, and outermost areas) (Ramadhanti & Herawati, 2024).

Furthermore, the evaluation system for inclusive education in Indonesia remains limited. Evaluations often focus solely on participation rates or the number of students with special needs accepted

into schools, rather than on the quality of their learning experiences. Without adequate measurement tools, it is difficult to determine the true extent to which inclusion is happening (Hakim Hidayat et al., 2024). Therefore, a comprehensive evaluation framework is needed, one that is sensitive to the special needs of students, their level of involvement, and the inclusive learning outcomes they achieve.

3.5 Policy Recommendations

To address the multidimensional challenges identified in the implementation of inclusive education, this study proposes several integrated policy recommendations grounded in both literature review findings and practical needs observed in the field. First, there is an urgent need for policy harmonization between central and local governments. As discussed in earlier sections, decentralized education governance in Indonesia has led to inconsistent interpretations and applications of inclusive education policies, resulting in unequal access across regions. Harmonizing policy would create a unified framework that provides clear guidelines for implementation and minimizes regional disparities. Thus, emphasize the need for stronger legal frameworks and coordination across administrative levels to avoid fragmented execution (Y. Sari et al., 2022).

Second, legal literacy training for teachers should be embedded within certification and continuous professional development programs. The lack of understanding among educators regarding the legal rights of children with special needs and their own obligations under the law was identified as a key legal dilemma. By increasing teachers' legal awareness, schools can prevent exclusionary practices and better advocate for student needs. This recommendation is reinforced found that empowering educators with legal knowledge significantly improves their responsiveness to inclusive mandates (Selaras et al., 2021).

Third, investment in infrastructure and assistive technology must be prioritized, particularly in underdeveloped and rural areas. Infrastructural deficits such as the absence of accessible facilities and adaptive learning tools were found to hinder students' full participation. Inclusive education cannot be achieved without an enabling physical environment. Investment should be data-driven and equitably distributed based on regional needs and education development indices (Sulaeman et al., 2024).

Fourth, public awareness campaigns should be intensified to combat deep-rooted stigma and social resistance. As highlighted in earlier sections, negative societal attitudes significantly affect school and parental decisions regarding children with special needs. Effective campaigns that utilize mass media and involve local leaders have been shown to shift public perception. Building an inclusive culture requires sustained social engagement beyond formal education spaces (Susanti et al., 2024).

Fifth, there is a critical need to develop a comprehensive evaluation framework for inclusive education. Current assessments often rely solely on participation numbers, ignoring the depth and quality of student experiences. A multidimensional evaluation tool, incorporating indicators such as student engagement, learning outcomes, teacher responsiveness, and peer interaction, would provide more accurate insights and accountability. Trough such data-driven approaches to monitor long-term impact and guide policy refinement ((Nabiela & Ulfatin, 2023). Thus, the implementation of these five strategic directions, inclusive education can move from being a symbolic legal mandate to a functional, just, and culturally embedded educational model. These recommendations are not only responsive to the challenges identified in this study but also supported by prior research, thus making them relevant and actionable.

4. CONCLUSION

The implementation of inclusive education in primary schools, despite a strong legal foundation, faces significant challenges, such as misalignment between national policies and practices, lack of teacher competence, and limited facilities for children with special needs (CWSN). This study shows that differentiated instruction and Universal Design for Learning (UDL) strategies are effective in improving CWSN participation and learning outcomes. However, success depends on sustained systemic support, including proper teacher training and inclusive facilities. The findings highlight the need for adaptive policies and structured evaluations, especially in remote areas with limited resources, and offer a foundation for future studies to strengthen inclusive education and responsive policy development in Indonesia.

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