

Implementation of Legal Justice in the Implementation of Inclusive Education at Elementary and Secondary School Levels in Indonesia

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Abstract

This study discusses the implementation of the principle of legal justice in inclusive education at the elementary and secondary school levels in Indonesia. Inclusive education is a form of fulfilling the rights of every citizen to non-discriminatory and equitable education, as guaranteed in the 1945 Constitution and other laws and regulations. Although normatively, there have been regulations that support it, such as Law No. 20 of 2003, Law No. 8 of 2016, and Permendikbud No. 70 of 2009, implementation in the field still faces many obstacles. This study uses a normative legal method with a statutory and conceptual approach. The results of the survey show that limited human resources, infrastructure, low budget allocation, and weak supervision and coordination between the central and regional governments still constrain the implementation of inclusive education. This study recommends the need for more operational policy reformulation, increased training for educators, strengthening the supervision system, and integration of cross-sectoral policies in order to realize fair and sustainable inclusive education.

1. Introduction

Education is a fundamental right guaranteed in the 1945 Constitution of the Republic of Indonesia, Article 31 paragraph (1), which states that "every citizen has the right to receive an education." This principle is strengthened by Law No. 20 of 2003 concerning the National Education System, which emphasizes that the national education system must guarantee equal opportunities, improved quality, and relevance of education for all levels of society without discrimination (Notoprayitno & Jalil, 2019b). In this context, inclusive education becomes a just approach that aims to accommodate the diversity of learners, including those with special needs. This approach is actually a manifestation of the principle of legal

justice in the implementation of education (Minsih et al., 2019). The implementation of inclusive education is regulated in Law No. 8 of 2016, which states that people with disabilities have the right to receive education at all levels, inclusively or specifically. This provision is reinforced by the Minister of National Education Regulation No. 70 of 2009 concerning inclusive education for students with disabilities or potential intelligence and special talents (Kartiko et al., 2025). However, its implementation in elementary and secondary schools still does not reflect legal justice due to limited infrastructure and human resources (Tsaputra et al., 2024).

The number of people with disabilities in Indonesia is increasing every year. Based on the 2020 National Socio-Economic Survey (Susenas), there were 6,008,661 people, while in 2021, there was an increase of 14.2% of the total population of Indonesia to 30,380,000 people. Of that number, 12.5% are children with Down syndrome who are not in school, with details of 10.8% still being able to enter the world of education, while 1.7% can no longer be trained and enter the world of education (Achmad Nur Taufik, 2018). One of the main problems in the implementation of inclusive education in Indonesia is the limited resources, both in the form of facilities and infrastructure and competent educators. Most schools, especially in remote and rural areas, do not have supporting facilities such as wheelchair access, adaptive classrooms, or disability-friendly learning media (Yusuf & Fajari, 2025). In addition, teaching staff still have minimal special training regarding inclusive education, which causes many of them to have difficulty understanding the needs of students with disabilities (Suhendri, 2021). This is certainly contrary to the principle of non-discrimination and equal rights in education as regulated in Article 5, paragraphs (1) and (2) of the 2003 National Education System Law, which states that every citizen has the same right to obtain quality education. The low level of understanding of the community, including parents and schools, regarding the principle of inclusive education, is still a major obstacle (Mareta et al., 2024). This social unpreparedness creates stigma and discrimination against students with special needs. In fact, Article 28B paragraph (2) of the 1945 Constitution guarantees the rights of every child to protection and freedom from discrimination. Therefore, the enforcement of legal justice also demands a change in the attitude and paradigm of society towards diversity in education (Efendi et al., 2022).

Regional disparities also worsen the situation. Schools in urban areas are better prepared in terms of policy support, access to training, and physical facilities. On the other hand, in many disadvantaged areas, access to inclusive education is still very limited. This shows inequality in policy implementation, which, in principle, violates the principle of distributive justice (Kristiana & Widayanti, 2017). In state administrative law, this principle requires the state to distribute resources proportionally and fairly so that all citizens can enjoy their rights equally. Therefore, the central and regional governments need to ensure that budget allocations and training programs are prioritized for regions that have not been able to organize inclusive education optimally. Considering the

complexity of the problem, a study of the implementation of legal justice in inclusive education is very relevant. For this reason, an evaluation is needed in the government's policy-making on education (Ummah et al., 2022).

Evaluation of existing policies and analysis of field practices need to be carried out to assess whether the current education system has fulfilled the principles of legal justice: equality, non-discrimination, legal protection, and legal certainty. The ultimate goal is to ensure that all students, without exception, receive fair, dignified education services and ensure that their potential develops optimally (Fauziyah et al., 2025). Research by Notoprayitno and Jalil (2019) in the *Padjadjaran Jurnal Ilmu Hukum* examines the application of the principle of the rule of law in guaranteeing the right to inclusive education for people with disabilities in Indonesia. The results of the study show that although normatively, there is a legal framework such as Law No. 8 of 2016 and Permendiknas No. 70 of 2009, its implementation at the regional level is still weak due to lack of supervision, low institutional capacity, and minimal understanding of government officials regarding the principle of inclusivity so that the right to education for children with special needs has not been fulfilled optimally and fairly (Bahrudin et al., 2020). Meanwhile, Efendi, Pradipta, and Dewantoro (2022), in the *International Journal of Instruction*, highlighted practical challenges in the field, such as the absence of teachers with special competencies and minimal learning support facilities. This study also noted that local government support is often administrative without adequate budgets, which creates a gap between ideal regulations and the reality of implementation, becoming a major obstacle to realizing educational justice.

The purpose of this study is to analyze in depth how the implementation of the principle of legal justice in the implementation of inclusive education at the elementary and secondary school levels, especially in relation to the implementation of the provisions of applicable laws and regulations, such as Law No. 8 of 2016 concerning Persons with Disabilities and Permendiknas No. 70 of 2009 concerning Inclusive Education. In addition, this study also aims to identify various structural and non-structural obstacles, as well as factors that influence the effectiveness of the implementation of inclusive education, including school readiness, the competence of educators, local government support, and public awareness of the right to education for students with special needs, so that strategic recommendations can be formulated in realizing a fair, equal, and inclusive education system throughout Indonesia.

2. Research Method

This study uses a normative legal research method, which is an approach that relies on the analysis of written legal norms as the main basis for answering the problems studied (Bidul & Widowaty, 2024). This method is used to examine how laws and regulations in Indonesia, especially those related to inclusive education, are implemented in practice at the elementary and secondary school levels. The approaches used include the statute approach, which aims to examine normative

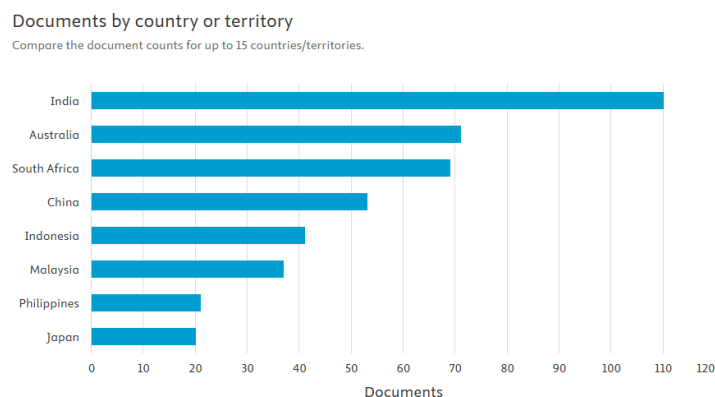
provisions such as the 1945 Constitution of the Republic of Indonesia, Law No. 20 of 2003 concerning the National Education System, Law No. 8 of 2016 concerning Persons with Disabilities, and Permendiknas No. 70 of 2009 concerning Inclusive Education. In addition, a conceptual approach is used to describe ideas and theories about legal justice and inclusive education from the perspective of legal and education experts.

In this study, the data collected were in the form of primary, secondary, and tertiary legal materials. Primary legal materials include laws and official state documents that are the legal basis for the implementation of inclusive education. Secondary legal materials consist of scientific literature, journals, research results, and expert opinions related to the topic. Tertiary legal materials include legal dictionaries, encyclopedias, and other supporting sources. All legal materials were analyzed qualitatively using deductive reasoning techniques, namely drawing conclusions based on general legal principles into specific problems being studied. With this approach, the study can provide a comprehensive picture of the extent to which the principle of legal justice has been implemented in the implementation of inclusive education in Indonesia.

3. Results and Discussion

Implementation of Legal Justice in Inclusive Education in Elementary and Secondary Schools According to Applicable Regulations

The implementation of legal justice in inclusive education at the Elementary and Middle School levels in Indonesia is a manifestation of the principle of non-discrimination in the 1945 Constitution and Law Number 20 of 2003 concerning the National Education System. Based on data from the Ministry of Education, Culture, Research, and Technology (Kemendikbudristek) in 2022, of the approximately 147,000 elementary and middle schools in Indonesia, only around 17,000 schools (11.5%) implement formal inclusive education programs (Cantu, 2019). In fact, data from the Central Statistics Agency (BPS) in 2023 shows that there are more than 1.6 million school-age children who are classified as disabled, but most of them have not received proper access to education. In the context of John Rawls' theory of distributive justice, this condition shows the inequality of access to education, which has implications for the state's failure to prioritize the most vulnerable and marginalized groups (Chow et al., 2024).



Based on the "Documents by Country or Territory" graph, Indonesia ranks fifth in the number of documents published on the topic of inclusive education, below India, Australia, South Africa, and China. The number of documents from Indonesia is around 40, indicating that the issue of inclusive education has begun to receive attention in national academic studies, although not as large as in countries such as India, which has reached more than 110 documents. This reflects that awareness of the importance of legal justice in education for all children, including those with special needs, is still developing in Indonesia. This context is important because inclusive education in Indonesia has been regulated in Law No. 20 of 2003 concerning the National Education System and is strengthened by the Regulation of the Minister of Education and Culture Number 70 of 2009. However, the realization of the implementation of legal justice in inclusive education still faces challenges, such as a lack of professional educators, inadequate facilities, and an uneven understanding of inclusion in the regions. Therefore, this data reinforces that Indonesia still needs to encourage further research that focuses on legal approaches and public policies to ensure equal and equitable education for all students.

Normatively, Indonesia has a legal framework that supports inclusive education, such as Permendikbud No. 70 of 2009, Law No. 8 of 2016 concerning Persons with Disabilities, and Government Regulation No. 13 of 2020. However, its implementation is still uneven between urban and rural areas. According to a study by Mareta et al. (2024), only 30% of inclusive schools outside Java have special assistant teachers (GPK), and many of them do not yet have special education certification. In comparison, Portugal, through Decree-Law 54/2018, implemented a reflective and collaborative inclusive education model by providing inclusion coordinator educators in every public school, and this has succeeded in increasing the participation of students with disabilities by up to 92% in basic education (Ferreira & Reis-Jorge, 2022). This shows that even though Indonesia has a clear legal basis, there has not been adequate institutional strengthening and human resources

to implement it comprehensively.

Limited resources are one of the main challenges in implementing inclusive education in Indonesia. Data from the Ministry of Education, Culture, Research and Technology 2023 states that of all-inclusive schools, only 35% have disability-friendly accessibility facilities, such as ramps, special toilets, and learning aids. In terms of teaching staff, only 17% of teachers in inclusive schools have ever attended training related to education for children with special needs (Kartiko et al., 2025). This is contrary to the mandate of Article 42 of Law Number 8 of 2016, which states that education providers are required to provide educators with special competencies for students with disabilities. Based on the theory of the welfare state, the state has full responsibility for ensuring the availability of basic public services, including education, as part of fulfilling the rights of citizens (Elvira et al., 2024). Teacher attitudes and competencies are determining factors in the success of implementing inclusive education. A study by Kamran et al. (2023) showed that teachers with inclusive training had a 40% higher level of confidence in dealing with students with mild learning disabilities compared to teachers without training. However, in Indonesia, only around 22,000 teachers out of 3 million national teachers have a background in special education or have received inclusive training. This indicates a gap in strengthening teacher capacity that has not been addressed systematically. Within the framework of procedural justice, the implementation of fair, inclusive education must ensure that all related parties, especially teachers, are equipped with a fair process and access to competency improvement (Marins & Matsukura, 2009).

Multi-stakeholder collaboration is key to implementing sustainable, equitable, inclusive education. In the 2020 UNESCO report, it was stated that a whole community approach involving the government, schools, families, and community organizations could increase the retention rate of students with disabilities by up to 30%. In Indonesia, this approach has begun to be implemented in several madrasahs in Central Java and West Java in collaboration with NGOs for people with disabilities and the education office (Chow et al., 2024). However, based on the study by Marins & Matsukura (2009), in many developing countries such as Brazil and Indonesia, there is still a gap between national policies and local implementation due to weak supervision and minimal community involvement in the formulation of inclusive education policies. Therefore, it is necessary to strengthen the principles of good governance in the education sector. Overall, the data shows that although Indonesia has an adequate legal basis and policies, the implementation of inclusive education that guarantees legal justice still faces various obstacles. Lack of budget allocation, minimal teacher training, and the lack of integration of central and regional policies are problems that must

be addressed immediately(Kamran et al., 2023). From the perspective of progressive Lawlaw (Satjipto Rahardjo), Lawlaw should not be understood as mere text but as a living social instrument that must be able to answer the needs of society, especially those who are vulnerable and marginalized. Therefore, improving technical regulations, improving the quality of human resources, and cross-sector synergy are absolute requirements for realizing inclusive and equitable education in Indonesia(Sunardi et al., 2024).

The monitoring and evaluation of the implementation of inclusive education is also an important highlight in realizing effective legal justice. Many policies are normative but are not accompanied by a continuous evaluation mechanism. In practice, the annual report from the Directorate of Special Education and Special Services of the Ministry of Education, Culture, Research, and Technology in 2023 shows that only around 45% of local governments carry out periodic monitoring and evaluation of the implementation of inclusive education(Mareta et al., 2024). In fact, Article 45 paragraph (1) of Law Number 8 of 2016 requires the government and regional governments to supervise the fulfillment of educational rights for people with disabilities. Lack of supervision results in low school accountability in meeting inclusive service standards, and this is a form of structural injustice that is allowed to continue without intervention.

Another serious problem is the lack of education budget allocated specifically to support inclusivity in elementary and secondary schools(Kamran et al., 2023). According to the 2023 State Budget data, of the total education budget of IDR 612 trillion, only around IDR 1.3 trillion (less than 0.3%) is allocated for education programs for people with disabilities. In fact, the need for rehabilitation of facilities, teacher training, and provision of learning aids is very high (Antara, 2023). Makoelle & Burmistrova's (2020) study of South Africa also shows a similar pattern, where schools in poor communities do not receive adequate inclusive funding, hampering the equal distribution of education quality. This is contrary to the principle of affirmative action in legal justice, which demands that the stateside with economically and socially disadvantaged groups.

On the other hand, international approaches show that the success of inclusive education is determined not only by formal policies but also by the integration of school culture and inclusive social values. Countries such as Canada, Finland, and New Zealand have incorporated inclusive values into their national curricula and established inclusive learning environments that value diversity. One good practice that can be emulated is the Universal Design for Learning (UDL) program implemented in many elementary schools in the United States. It allows all students to learn with flexible methods according to their needs(Sukowati et al., 2023). This strengthens Satjipto Rahardjo's view that LawLaw must be contextualized in social

dynamics and must be responsive to the challenges of the times, including the challenges of diversity in education. In the future, there is a great opportunity for Indonesia to strengthen legal justice in inclusive education through strengthening derivative regulations, integrated supervision, and revitalizing the role of teachers. First, a revision is needed to Permendikbud No. 70 of 2009 to make it more operational and in accordance with the current context (Somad & Haryanto, 2024). Second, the integration of NIK-based disability data through the Dapodik system will greatly assist in more accurate policy planning and intervention. Third, strengthening the role of the Balai Guru Penggerak and the Inclusive Training Center in the regions can improve the competence of educators evenly. Finally, significant political commitment and budget support are needed because, without the active presence of the state, legal justice in inclusive education will only be rhetoric. Thus, a fair, sustainable, and social needs-based legal approach will be key to realizing an education system that truly embraces all Indonesian children without exception (Farissa & Farsia, 2023).

By considering various regulatory, implementation, and socio-cultural aspects, it can be concluded that legal justice in inclusive education in Indonesia has not been fully realized substantively. Although laws and regulations such as the 1945 Constitution, the National Education System Law, the Law on Persons with Disabilities, and Permendikbud No. 70 of 2009 have provided adequate normative foundations, their implementation still faces various obstacles. Inequality of access, minimal teacher training, limited budget, and weak supervision is clear evidence that legal justice has not been implemented fully and comprehensively (Makoelle & Burmistrova, 2020). In a progressive legal framework, the Law must be able to become a tool for social empowerment, not just an administrative tool that does not touch the reality of society. Therefore, a more responsive policy reformulation is needed, as a more biased budget and a strengthening of the capacity of education actors as a collective effort to realize fair, inclusive education. The implementation of legal justice cannot stand alone without integrated policy intervention from the center to the regions (Cantu, 2019). This is where the importance of building synergy between the state, civil society, and educational institutions to create a truly inclusive education system lies. Thus, inclusive education is not only a legal order but also part of the moral responsibility and national commitment to forming an equal, just, and civilized society.

Legal Barriers to the Implementation of Inclusive Education in Indonesia

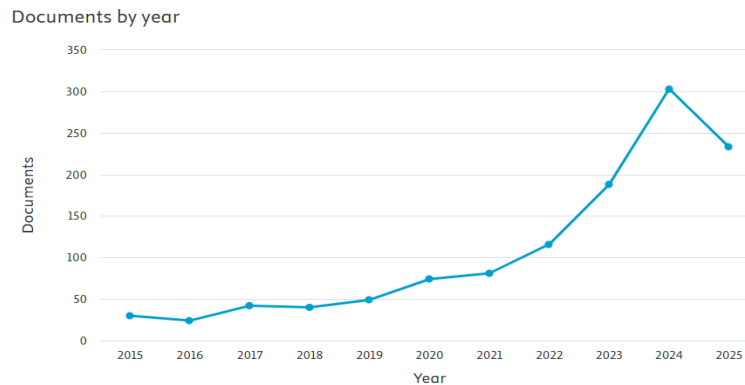
Inclusive education in Indonesia faces serious challenges in its implementation. However, normatively, the legal framework has shown a commitment to fulfilling the right to education for all citizens, including

people with disabilities. This is in line with the provisions of Article 31 of the 1945 Constitution, which guarantees every citizen's right to obtain an education (Suhendri, 2021). This commitment is reinforced in Law Number 20 of 2003 concerning the National Education System and Law Number 8 of 2016 concerning Persons with Disabilities, which explicitly contain the state's obligation to provide fair and equal access to education. In addition, Permendikbud Number 70 of 2009 regulates, more specifically, the implementation of inclusive education, especially at the elementary and secondary education levels. However, in practice, these regulations are still general and have not touched on technical aspects in depth, especially concerning the supervision system, the mechanism of sanctions for violations, and the division of responsibilities between the central and regional governments, which is still unclear (Notoprayitno & Jalil, 2019b).

One of the most crucial legal barriers to the implementation of inclusive education is the limited human resources (HR) who have the competence to handle students with special needs. Research conducted by (Triyanto et al., 2023) and Triyanto et al. (2023) shows that the majority of teachers in inclusive schools have not received special training related to appropriate learning methods for children with special needs. This is reinforced by data from the Ministry of Education, which states that of the approximately 3 million teachers in Indonesia, only around 22,000 have a background in special education. This disparity results in many schools not having professional staff who are able to provide maximum inclusive education services. Even in some remote and rural areas, special assistant teachers (GPK) are barely available, so students with special needs do not receive proper learning support (Sukowati et al., 2023).

This condition shows that the problem of inclusive education is not only focused on weak normative regulations but also on the suboptimal derivative policies that are able to affirmatively regulate the provision, training, and placement of special education personnel (Fauziyah Putri Meilinda, 2023). Law No. 8 of 2016 does provide a strong legal basis. However, until now, it has not been followed by clear and applicable implementing regulations, such as GPK qualification standards, incentive systems, and supervision of the fulfillment of inclusive service obligations by education units. On the other hand, the decentralization of education, which gives great authority to regional governments, has also not run optimally due to budget constraints and low regional political commitment to the issue of inclusion (Notoprayitno & Jalil, 2019a). In this context, Indonesia's position in scientific publications on inclusive education, as shown in the previous graph, shows that academic efforts continue to develop but still lag behind countries such as India, Australia, and South Africa. Indonesia is still in the middle cluster with around 40 publications, indicating that the discourse on inclusive

education has not become the main focus of national education development. Therefore, policymakers, education practitioners, and academics need to strengthen synergy in encouraging more operational, comprehensive, and responsive policies to the needs of students with special needs in order to realize fair and equal education for all. This can be seen in the graph below;



Based on the "Documents by Year" graph above, there is a significant increasing trend in the number of documents published from 2020 to 2024, with a peak in 2024 of more than 300 documents. This reflects the increasing attention and production of scientific literature in certain fields, including most likely topics such as legal justice and inclusive education. This sharp spike can be attributed to the increasing academic and policy awareness of inclusive social issues and human rights. However, in 2025, there was a decrease in the number of documents, which, although still high compared to the early years, indicates the need for further analysis of whether this decrease was caused by technical factors, decreasing interest, or a transition to other forms of publication. This graph is an important basis for showing the dynamics of study development and the urgency of the issues raised in this research.

Even though inclusive education policies have been included in the national agenda and are regulated in a number of regulations, there is still a large gap between legal norms and actual implementation in the field(Kamran et al., 2023). Many educational units are not physically and administratively ready to provide inclusive education, such as a lack of disability-friendly facilities, the absence of an adaptive curriculum, and limited learning aids that suit the needs of each child(Pratiwi, 2024). This weakness is also inseparable from the lack of supervision from educational institutions, both at the regional and central levels, as well as the minimal evaluation of the implementation of existing regulations. In this case, the state's responsibility to fulfill the educational rights of people with disabilities must continue to be strengthened with sharper, more detailed,

and binding legal instruments. In addition to institutional and regulatory factors, the cultural approach in the education system is also an obstacle in itself (Yusuf & Fajari, 2025). There is still much social stigma against students with special needs, both from the school environment, teachers, and other parents. A lack of understanding of the concept of inclusion makes some people think that the presence of children with special needs in regular schools will disrupt the learning process. This stigma also hinders the process of social and pedagogical integration, which is the core of inclusive education. Therefore, in addition to policy improvements, public education strategies, and ongoing training are also needed for all stakeholders so that inclusivity is not only a legal discourse but is realized in the practice of school life. (Ferreira & Reis-Jorge, 2022).

The next obstacle is related to the lack of infrastructure and facilities that support inclusive education. Research (Sunardi et al., 2024) shows that more than 65% of schools in remote areas of Indonesia do not yet have physical accessibility, such as wheelchair-friendly roads, accessible toilets, and learning aids. Article 42, paragraph (2) of the Law on Persons with Disabilities, requires the provision of accessible facilities and infrastructure. However, its implementation is weak due to the absence of sanctions or incentives in its implementing regulations. The disparity between schools in urban and rural areas also widens the gap in access to equitable, inclusive education. The attitudes and perceptions of teachers and the community are also challenges in the socio-legal context. Although, in general, the community is starting to accept children with special needs, many teachers still consider inclusive education to be a burden on their work or disrupt the learning process of other students (Kartiko et al., 2025). This attitude reflects that formal regulations have not sufficiently internalized the value of inclusivity at the practical level. This is in line with Satjipto Rahardjo's view in progressive legal theory, which states that law is not enough to be merely normative but must be able to become a "living law" that is rooted in the social consciousness and habits of society (Notoprayitno & Jalil, 2019a).

In addition, there is also the issue of overlapping policies and regulations that continue to change, confusing implementation at the regional level. The central and regional governments often have different interpretations of the obligation to provide inclusive education. Changes in the curriculum and education policies that often occur without the involvement of educators cause these policies not to be adopted consistently (Bahrudin et al., 2020). The absence of laws or government regulations that technically regulate the monitoring, evaluation, and sanction systems for schools that do not implement inclusive education is a structural weakness in the national education legal system. The lack of cross-sector collaboration also hampers the effectiveness of the implementation of inclusive education. Based on

research (Ummah et al., 2022), The success of inclusive education is greatly influenced by the synergy between the principal, teachers, parents, education office, and external parties such as NGOs and international organizations (Utami, 2025). However, many schools run on their own without systemic support from local governments or social organizations. Law No. 23 of 2014 concerning the Regional Government actually gives authority to regions in organizing education, but not many local governments prioritize inclusive education as a strategic program. Without strengthening this collaboration system, legal justice in inclusive education will only be a formality without substance (Somad & Haryanto, 2024).

To realize educational justice, the implementation of inclusive education in Indonesia should not only rely on formal principles stated in laws and regulations but also refer to the principle of substantive justice that favors vulnerable groups. The theory of distributive justice developed by John Rawls emphasizes the importance of the principle of "difference," namely that inequality can only be justified if it benefits the weakest group in society. In this case, people with disabilities, as a marginalized group, require affirmative treatment in order to access educational services on an equal basis with non-disabled students (Pratiwi, 2024). In a normative context, Article 5 paragraph (2) of Law No. 20 of 2003 concerning the National Education System has emphasized that citizens who have physical, emotional, mental, intellectual, and/or social disabilities have the right to receive special education. However, its implementation in the field is still very limited (Dewi et al., 2024). For example, based on data from the Ministry of Education, Culture, Research, and Technology in 2023, of the approximately 150,000 elementary and secondary schools, only around 11% are recorded as inclusive schools, and the majority do not yet have minimum service standards for children with special needs. Permendikbud No. 70 of 2009, as a derivative regulation, also does not explicitly regulate the inclusive funding system, inclusive school accreditation, or the obligation to procure special assistant teachers nationally (Hafid, 2025).

On the other hand, the existing legal framework has not provided adequate legal certainty for education implementers. Law No. 8 of 2016 concerning Persons with Disabilities, especially in Article 42, does guarantee the right to inclusive and comprehensive education. However, until now, its implementation has not been followed by government regulations (PP) or technical ministerial regulations that regulate in detail the implementation mechanism, administrative sanctions, and evaluation systems for educational institutions that do not meet inclusion standards (Farissa & Farsia, 2023). In fact, according to Hans Kelsen's legal norm theory, the validity of a legal norm is determined by its existence in a systematic legal hierarchy and is connected to higher norms. The absence of technical

regulations makes the norms in the LawLaw vague and non-operational. As a result, schools that refuse to accept students with disabilities cannot be sanctioned because there are no rules that explicitly provide legal consequences. This creates a legal vacuum and becomes a real obstacle in the state's efforts to guarantee equal and fair access to education(Warman, 2021).

One strategic step to overcome this problem is to strengthen teacher capacity through continuous training, as guaranteed in Article 12 paragraph (1) of Law No. 14 of 2005 concerning Teachers and Lecturers. In practice, most local governments have not allocated a special training budget for teachers in handling students with disabilities. Data from BPS and the Ministry of Education, Culture, Research and Technology show that of the 3 million teachers in Indonesia, only around 20,000 teachers have competence in the field of special education(Budiarti & Sugito, 2018). This low level of competence has a direct impact on the quality of inclusive education services. In the progressive legal approach introduced by Satjipto Rahardjo, LawLaw should not be positioned as something rigid and normative alone but rather should be a tool of social engineering (LawLaw as a tool of social engineering). Therefore, teacher training, preparation of inclusive education modules, and assistance by experts should be made an integral part of legal policies that are on the side of and responsive to social realities(Rahmatullah, 2025).

In addition, the complexity of the education governance system in Indonesia, which adheres to the principle of decentralization, also adds to the challenges of implementing inclusive education. Based on Law No. 23 of 2014 concerning Regional Government, the implementation of primary and secondary education is the authority of the district/city government. However, the lack of supervision and vertical coordination from the central government has caused many regions not to make inclusive education a priority (Lisyawati et al., 2022). For example, the results of the 2022 BPK audit show that only 27% of local governments have special programs for children with special needs. This inequality is exacerbated by the lack of incentives or control mechanisms that regulate local government obligations to provide inclusive services. Within the framework of Niklas Luhmann's legal system theory, LawLaw should be able to create self-regulation or internal oversight mechanisms that allow the legal system to work automatically to correct deviations. Without an effective cross-government evaluation and coordination system, legal justice in inclusive education will continue to stagnate (Dewi et al., 2024).

The fragmentation of responsibilities between institutions and the lack of integration of cross-sector policies are factors that complicate the implementation of inclusive education at the local level. Many local governments do not yet have a holistic framework to connect education

offices, social services, and health service institutions in supporting students with special needs. As a result, efforts to fulfill the right to education are not carried out comprehensively but are limited to administrative or symbolic aspects alone (Abdussamad & Muhtar, 2023). This is contrary to the human rights-based approach that demands integrated and equitable public services. In this context, the legal system does not only function as a regulatory norm but also as an instrument to encourage institutional synergy through implementing regulations that are technical and binding across sectors and levels of government (Rahmatullah, 2025). Therefore, it is necessary to reformulate inclusive education policies that are adaptive to the regional context but remain within a strong national framework. The central government needs to formulate indicators of success in inclusive education that serve as national references and must be adopted by every regional government, accompanied by budget incentives for regions that succeed in meeting these indicators. In addition, strengthening the monitoring and evaluation system based on accurate and integrated data is also an important step in preventing disparities in inclusive education services between regions. Thus, the principle of legal justice does not only stop at the normative level and policy rhetoric but can truly be realized in the practice of implementing fair, inclusive, and sustainable education throughout Indonesia.

4. Conclusion

Although Indonesia has a strong legal basis in supporting inclusive education, such as the 1945 Constitution, Law No. 20 of 2003 concerning the National Education System, Law No. 8 of 2016 concerning Persons with Disabilities, and Permendikbud No. 70 of 2009, the implementation of legal justice in the implementation of inclusive education at the elementary and secondary school levels has not been fully realized substantively. The main challenges include inequality of access between regions, the lack of educators with special competencies, the lack of supporting infrastructure, low budget allocation, and weak supervision and coordination between levels of government. Fragmentation of responsibilities and an approach that is still administrative without substantive intervention has resulted in educational services for persons with disabilities not being fulfilled fairly and comprehensively.

From a progressive legal perspective, inclusive education should not only be understood as the fulfillment of formal legal obligations but also as a manifestation of substantive justice and social engineering efforts to empower vulnerable groups. Therefore, it is necessary to reformulate policies that are responsive to the social context and local needs, strengthen human resource capacity, harmonize central-regional regulations, and increase community participation in creating an inclusive and equitable educational environment.

Only with collective commitment and cross-sector synergy can legal justice in inclusive education truly become a reality, not just a formality.

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