

Right to Inclusive Education

Bokiev Jakhongir Nurmatjon o'g'li

Lecturer of Constitutional law department of the Tashkent state university of law

ORCID: (0000-0002-4183-4760)

E-mail: jahongirlawyer1@gmail.com

Annotation

Increasing the availability of human rights and freedoms has recently received significant attention in the Republic of Uzbekistan, as it does in all democratic nations. The state has a responsibility to properly uphold the rights of people with disabilities. In order to guarantee the right of individuals with exceptional educational needs to access education, particularly higher education, this article explores several organizational and legal issues and makes solutions for them.

Key words: *inclusive education, right to education, right to higher education, distance education, types of education, forms of education, education system*

As in many democratic countries, the Republic of Uzbekistan has made the protection of human rights its top priority in recent years. It is important to draw attention to the steps made to further enhance the system for protecting the rights of people with disabilities to education among the various changes carried out by the state based on the idea of "glorification of human dignity." In actuality, as stated by Shavkat Mirziyoyev, President of the Republic of Uzbekistan, during his address at the event honoring Teachers' Day and Trainers, "the greatest wealth is intelligence and knowledge; the greatest heritage is a good education; and the greatest poverty is ignorance." Growing the state's greatest resource-educated, knowledgeable young and giving particular attention to bright but underprivileged kids is a significant investment in the future. [1]

To guarantee that people with disabilities have access to education, many legislative frameworks have been developed. The Republic of Uzbekistan's Law "On Education," which was established on September 23, 2020, specifically defines inclusive education as a type of education.

The President of the Republic of Uzbekistan's Decree No. 13, dated October 13, 2020, "On Measures to Further Improve the System of Education for Children with Special Educational Needs," Decision No. 638 on the adoption of normative legal documents increased the right to inclusive education and the process for implementing it.

The strongest legal basis for inclusive education and training for children with special educational needs in educational organizations is Article 50 of the new version of the Constitution of the Republic of Uzbekistan, adopted as a result of the general vote of the people of Uzbekistan on April 30, 2023. [2]

We can observe that there are still a lot of issues and limitations in this area, despite the fact that various organizational measures and regulatory grounds aimed at preserving the rights of people with special educational needs to education have been implemented. It may be claimed that this scenario unmistakably demonstrates the lack of sufficient scientific study in this area and the lack of

sufficiently developed scientifically based legal ideas that would address the issues. This requires conducting scientific research in the following directions:

- *scientific and legal analysis of ensuring the right to education of persons with special educational needs;*
- *the importance of inclusive education in ensuring the right to education;*
- *developing solutions to these problems by analyzing the existing problems in conducting inclusive education and the positive experience of developed countries.*

According to statistics, people with disabilities make up about 1 billion of the world's population. This indication, or more specifically, it can be observed that, according to data from the Statistical Agency under the President of the Republic of Uzbekistan, the number of children with disabilities in our nation is around nineteen thousand (18932). [12] These statistics lay a lot of responsibility on the state to protect this group's rights, particularly their access to an education.

In light of this, a theoretical and legal analysis of inclusive education is required.

The idea of inclusive education, its function in upholding the right to education, its connection to educational technology, and several other issues have all been studied by a variety of scholars.

According to M. Abdullayeva, inclusive education is specifically described as "a state policy aimed at removing barriers between disabled and healthy children, children in need of special education, and teenagers (disabled for some reasons), regardless of developmental defects or financial difficulties. is a method of education that emphasizes integration into the general education process with a focus on life adaptation. M. Abdullayeva acknowledged inclusive education as a state-mandated educational system. [5]

We might conclude that including inclusive education as an educational system under this description is illegal. The following is the composition of the educational system, according to Article 6 of the Law of the Republic of Uzbekistan "On Education":

- state education standards, state education requirements, educational plans, and educational programs;
- educational organizations implementing state educational standards, state educational requirements, and educational programs;
- organizations that evaluate the quality of education;
- scientific-pedagogical institutions that carry out the research necessary to ensure the functioning and development of the education system;
- state administration bodies in the field of education, as well as organizations owned by them. [3]

According to Article 15 of this law, inclusive education is a type of education. In other words, inclusive education is a type of education rather than a system of education.

According to another team of researchers, Sh. Khaydarova and M. Nishonova, inclusive education is a type of educational process in which all students, regardless of their physical, mental, or other difficulties, are typically provided with all the conditions necessary to meet their needs in their residence and environment. Preschool education groups are ones that kids form so they may learn alongside their schoolmates. [7] In other words, they acknowledge inclusive education as a technique for educating both healthy and impaired children in preschool settings and schools under the same circumstances.

We believe it is rather mistaken to accept even these definitions as being completely supplied. The argument is that inclusion in education has a smaller reach now. To be more precise, inclusive education should be offered in higher education as well as professional education (vocational schools, colleges, and technical institutes), in addition to pre-school educational institutions and schools. The decision of the President of the Republic of Uzbekistan, No. PQ-4860, dated October 13, 2020, and

titled "On Measures to Further Improve the System of Education for Children with Special Educational Needs" (On Measures to Further Improve the System of Education for Children with Special Educational Needs), is the foundation for this opinion. We may support it with the standard that states that educational buildings in general secondary, professional, and higher education institutions as well as student homes must be equipped with the essential circumstances (ramps, handrails, etc. at the entry to the buildings). This norm envisages the organization of such a form of education in professional and higher education institutions. [4]

On the other hand, it might be acknowledged as usual because these researchers only observed inclusive education in pre-school educational institutions and schools. Due to current regulations, the growth of inclusive education in the public school system is only achievable in 2020–2025.

In general, it is clear that several academics have studied inclusive education, and nearly all of them have divergent opinions.

The notion of inclusive education is the subject of several discussions, all of which, according to S. Stubbs, have a good impact on the advancement of this type of education. He acknowledged this individually and pushed the idea that these debates are taking place. He claims that inclusive education is an educational approach that adjusts the system to the child, not the other way around. [9]

The researcher's opinions are regarded as being extremely reasonable in our viewpoint. Because providing chances for students (individuals) with physical, mental, sensory, or mental challenges to obtain specialized instruction in educational settings is at the heart of inclusive education. The same clause is specified in Article 20 of the Law of the Republic of Uzbekistan "On Education," as can be seen. That is, in his opinion, inclusive education aims to give all students equal opportunity to receive instruction in educational institutions while taking into consideration the wide range of personal educational requirements and talents. [2]

Despite many helpful changes, it is vital to acknowledge that the administration of inclusive education still has significant issues. We'll try to illustrate these issues below:

Firstly, pre-school education groups and schools were the only emphasis of inclusive education. There are various ways to demonstrate this. If the Law "On Education"'s articles 8 through 14 represent the many forms of education, only article 9 specifically addresses the topic of inclusive education in the form of general secondary and secondary special education. Other forms of schooling do not exhibit inclusive education.

Secondly, we looked at the fundamentals of inclusive education, which gives both healthy and handicapped people the chance to acquire an education in the same settings at the same institution of higher learning. But regrettably, there aren't any restrooms, ramps, or elevators in around 70% of the educational institutions in use today. All of these, it is reasonable to assume, present challenges to the planning of inclusive education.

Thirdly, the educational options available to kids with special needs are drastically reduced by the lack of instructional material, electronic textbooks, and audiobooks.

Fourthly, since they are humiliated of their restricted talents, many persons with disabilities choose not to pursue their education in educational institutions.

These issues provide a significant barrier to the growth of inclusive education. Therefore, a number of recommendations are made in place of a conclusion that might address these issues:

First and foremost, the President of the Republic of Uzbekistan approved Decision No. PQ-4860 dated October 13, 2020, "On Measures to Further Improve the System of Education for Children with Special Educational Needs," which states that the concept of inclusive education must be adopted in pre-school education, professional education, higher education, and post-secondary education. Additionally, it is feasible to include all forms of education in a single paradigm. It may

be claimed that the establishment of such a legislative foundation opens the door for practical, focused, and successful action to ensure that children with special educational needs have access to education in all forms of education.

Second, the following third clause is suggested to be added to Article 11 of the Law of the Republic of Uzbekistan "On Education":

"Persons with physical, mental, and sensory disabilities, as well as persons who need long-term treatment, receive inclusive education in state and non-state higher education institutions."

The addition of this addendum to the Law "On Education" provides a strong legal foundation for protecting students with special educational needs' right to inclusive education in public and private higher education institutions.

Thirdly, according to State Statistics Committee statistics, there are currently around 20,000 organizations involved in preschool education, general secondary education, professional education, and higher education. However, it is clear that relatively few of these educational facilities offer accommodations for those with impairments. Therefore, all circumstances (ramps, elevators, classrooms, restrooms, etc.) at educational institutions should be created in order to guarantee the right to inclusive education, which is a constitutional right of our citizens. People with disabilities feel more liberated in educational settings when they feel less dependent on outside assistance. It goes without saying that this will improve their schooling.

Fourth, it is suggested that at least 20% of the yearly quotas for remote learning in higher education institutions be set aside exclusively for students with exceptional educational needs. For those with varying degrees of disability, this opens up the potential of distant higher education, which is fairly pleasant for them. For instance, this is crucial for those who feel humiliated of their handicap. They will be able to continue their education as a consequence, together with all of their peers and other students, without feeling as though their prospects are restricted in any manner.

Fifth, more special education materials, electronic resources, and audio textbooks are required in educational facilities for students with special needs. His educational opportunities are therefore adequately provided.

In the end, it can be claimed that it is vital to improve inclusive education in higher education and ensure that those with special educational needs have the right to pursue higher education in a time when the defense of human rights is the primary concern. In order to fulfill its constitutional commitments, the state must thus give this sector considerable consideration.

Resources

1. Speech of the President of the Republic of Uzbekistan Shavkat Mirziyoyev at the ceremony dedicated to the Day of Teachers and Coaches. 30.09.2020, <https://president.uz/en/lists/view/3864>
2. Constitution of the Republic of Uzbekistan. 04/30/2023, National Legislative Information Base, 05/01/2023, No. 03/23/837/0241, <https://lex.uz/docs/6451070>
3. Law of the Republic of Uzbekistan "On Education". National database of legislative information, 12.10.2021, No. 03/21/721/0952, <https://lex.uz/docs/5700831>
4. Resolution PQ-4860 of the President of the Republic of Uzbekistan dated October 13, 2020. National database of legal documents, 14.10.2020, No. 07/20/4860/1383, <https://lex.uz/docs/5044711>
5. Ibodullayevna A. M. INKLYUZIV TA'LIM TIZIMINI RIVOJLANTIRISHNING NAZARIY VA AMALIY AHAMIYATI //PEDAGOGS jurnali. – 2023. – T. 30. – №. 2. – C. 49-52.

6. Bokiev Jakhongir Nurmatjon o'g'li (2022) "RIGHTS TO EDUCATION IN DEVELOPED COUNTRIES' CONSTITUTIONS", Conferencea , pp. 176–179. Available at: <https://conferencea.org/index.php/conferences/article/view/1255> (Accessed: 12 August 2023).
7. Narzullayevna X. S., Raxmonqulovna N. M. INKLYUZIV TA'LIM-BOLA IMKONIYATLARINING POYDEVORIDIR //Proceedings of International Conference on Modern Science and Scientific Studies. – 2023. – Т. 2. – №. 6. – С. 139-143.
8. Бокиев Ж. Олий таълим соҳасида давлат органларининг таълим олиш ҳуқуқини таъминлаш билан боғлиқ ваколатлари //Общество и инновации. – 2022. – Т. 3. – №. 7/S. – С. 130-137.
9. Stubbs S. Inclusive education //Where there are few resources. Oslo, The Atlas Alliance Publ. – 2008.
10. Сафарова Х. Совершенствование конституционно-правовых гарантий обеспечения права граждан на квалифицированное медицинское обслуживание в Узбекистане //Review of law sciences. – 2020. – Т. 5. – №. Спецвыпуск. – С. 34-43.
11. Nurmatjon o'g'li B. J. RIGHTS TO EDUCATION IN DEVELOPED COUNTRIES'CONSTITUTIONS //Conferencea. – 2022. – С. 176-179.
12. <https://stat.uz/uz/> - Ўзбекистон Республикаси Президенти ҳузуридаги статистика агентлиги расмий сайти.