

Fulfillment of Political Rights of Persons with Disabilities in the 2024 Elections in Indonesia

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ARTICLE HISTORY

Received: November 30, 2024

Revised: January 30, 2025

Accepted: February 17, 2025

DOI

<https://doi.org/10.52970/grdis.v5i2.857>

ABSTRACT

In a democratic system, regional head elections (Pilkada) are one of the important pillars to elect leaders and representatives of the people. However, inaccurate voter data in the integrity of elections often causes problems in the implementation of elections including double data. Double data not only undermines the principle of fairness but also has the potential to reduce public trust in democracy. Therefore, election monitoring is essential to maintain the fairness and openness of the voting process. People's constitutional rights are affected by this issue, as they need assistance to report changes in voter data or match unregistered data. Almost all communities in Medan have conducted matching and research (coklit) properly, according to the election monitoring results. However, the issue of double data is still a problem that must be monitored again by Bawaslu. The author collects information about the 2024 Pilkada from the Election Supervisory Board of Medan City. That there are still many double data that occur in the community. The purpose of this research is to find out how well the coklit works to avoid double data and how it affects voting and fairness. This research shows that most citizens of Medan City have followed the procedures when conducting coklit, thus reducing the possibility of double data. Transparency, public trust, and community engagement in the elections also increased as a result. In addition, this monitoring activity also provides suggestions for improving the double data prevention system, including increasing cooperation between election organizers and independent monitors, expanding coklit socialization to the community, and using artificial intelligence-based technology for automatic detection. Such measures are essential to ensure integrity, fairness and transparency in elections.

Keywords: Political Rights, Persons with Disabilities, Election 2024.

I. Introduction

Elections are a democratic process in the government of a country, where citizens can vote and be elected as representatives of the people and leaders who will lead the government (Ariyanti et al, 2021) Every citizen, including people with disabilities, has the basic right to vote and be elected. This is regulated in Article 27 paragraph (1) of the Constitution of the Republic of Indonesia, which states "All citizens are equal before the law and government and shall uphold the law and government with no exception", as well as Article 13 letter (a) of Law Number 8 of 2016 concerning Persons with Disabilities, which states "Persons with disabilities have the right to elect and be elected in public office", despite this many persons with disabilities continue to face difficulties in obtaining their political rights (Law Number 8 of 2016).



This article examines how people with disabilities receive their political rights during elections in Indonesia. The selection of Indonesia as the subject of analysis is based on the large number of people with disabilities in the country. In the 2024 general election in Indonesia, the number of voters with disabilities into several categories, such as: physical disability 482,414 voters (43.8%); sensory disabilities 298,749 voters (27.1%); mental disabilities 264,594 voters (24%); and intellectual disabilities 55,421 voters (5%) (Arifin et al, 2023). In addition to the large population of people with disabilities in the country, there are several challenges that people with disabilities go through in obtaining their political rights. This article is based on concerns about the low political participation of persons with disabilities in general elections, which is caused by various factors, such as: the difficulty of accessibility of infrastructure and information, as well as the lack of awareness and understanding of election organizers and the public. Seeing the many challenges faced by persons with disabilities in accessing their political rights, the issues that will be explained further are: First, how is the regulation of political rights of persons with disabilities; Second, how is the guarantee of accessibility for persons with disabilities in general elections; Third, how is the fulfillment of political rights of persons with disabilities that occur in the 2024 general elections in Indonesia; Fourth, how is the protection of political rights of persons with disabilities whose rights are not fulfilled.

II. Research Method

This article uses a normative juridical approach that focuses on the analysis of legal norms which includes a thorough examination of the applicable legal regulations to gain an understanding of the laws governing the political rights of persons with disabilities in Indonesia: 1) Legislation: Reviewing the provisions of Law Number 8 of 2016 concerning Persons with Disabilities and other relevant legislation related to the rights of Persons with Disabilities; 2) Regulations: Reviewing regulations made by the General Election Commission (KPU) and other relevant institutions on how to make elections more accessible for persons with disabilities; 3) Journals: Reviewing previous research on the political rights of persons with disabilities in Indonesia.

III. Result and Discussion

3.1. Political Rights Arrangements for Persons with Disabilities

Political rights are an important foundation in ensuring the participation of every citizen in a democracy (Basniwati & Nugraha, 2019). These political rights include the right to vote in general elections, the right to stand as a candidate in elections, and the right to engage in the political process as a whole. Law No. 7/2017 on General Elections regulates rights for incapacitated people. The law not only affirms the political rights of persons with disabilities, but also states that persons with disabilities are entitled to easy access to decide on their choices. Article 5 of Law No. 7/2017 states that persons with disabilities who qualify have the same opportunity as voters for DPR candidates, DPD candidates, presidential and vice presidential candidates, DPRD candidates, and election organizers. The meaning of "equal opportunity" in the article allows people with disabilities to participate in the administration of the state and in all matters. With the existence of Law Number 7 of 2017, people with disabilities can now be more recognized and appreciated in the democratic process (Law Number 7 of 2017).

Human rights are fundamental rights inherent in every human being. The Universal Declaration of Human Rights Article 21, states: 1) Everyone has the right to take part in the government of his country, directly or through freely elected representatives; 2) Everyone has the right to equal opportunity to be appointed to the government of his country; 3) The will of the people must be the basis of government power, this will must be expressed at elections held periodically and purely, with general and equal suffrage, secret ballot or with procedures that guarantee freedom of speech (Dasyah & Desiandri, 2023). Law Number 8 of 2016 on Persons with Disabilities. Article 13 point c and point f states that persons with disabilities have the right to: 1) Choose

political parties and/or individuals who are participants in general elections; 2) Actively participate in the electoral system at all stages and/or parts of the organization.

3.2. Guaranteeing Accessibility for Persons with Disabilities in General Elections

Article 29 states that in relation to participation in politics and community life, member states guarantee the political rights of persons with disabilities and provide opportunities for them to exercise these rights on an equal basis with other members of society (Dwintari, 2021). In Article 1 paragraph (4) of Law Number 8 of 2017 concerning Persons with Disabilities, and Article 13 sub point g states that Persons with Disabilities are able to obtain easy access to infrastructure and facilities for organizing general elections, elections for governors, regents / mayors, village head elections or other designations (Rengganis et al, 2021).

The General Election Commission (KPU) Regulation No. 23/2008 on Guidelines for the Implementation of Socialization and Information Dissemination for the Election of Members of the House of Representatives (DPR), the Regional Representatives Council (DPD), and the Provincial and Regency/City People's Representatives Councils emphasizes the importance of socialization and dissemination of election information to groups of voters who have special needs, including individuals with disabilities (General Election Commission Regulation No. 23/2008). The types of accessibility that can be accessed by voters with disabilities are as follows (Arifin et al, 2023):

- Accessibility of Non-Physical Election Information: The hearing impaired can use Indonesian sign language or written walk. In addition, information is provided to the visually impaired in the form of sound or braille.
- Physical Accessibility: The polling station is in a level location and there are no obstacles; wheelchair users can access the polling station entrance as it is 90 cm wide; the voting booth table is 75 cm and hollow; the ballot box table is also 35 cm high, so people with wheelchairs can access it; new tools for visually impaired voters are accessible in the polling station format and form c3/companion form.

3.3. Fulfillment of Political Rights of Persons with Disabilities in the 2024 Elections in Indonesia

Sasana Inklusi dan Gerakan Advokasi Difabel (SIGAB) Indonesia, Yakkum Rehabilitation Center, and Formasi Disabilitas released a 2024 Election monitoring report with support from the INKLUSI Program (Australia-Indonesia Partnership for Inclusive Communities). The report shows that there were violations against voters with disabilities during the 2024 election. Involving 218 volunteer monitors from 20 provinces, who were divided into 218 polling stations in 42 districts / cities. The research took place from the campaign period to vote counting and voting (Ansar & Hasmiyati, 2024).

Voters with disabilities are not getting the services, assistance and accessibility they need because there is no data on them in 45% of polling stations. Based on monitoring results, one of the main problems encountered is the lack of data on registered voters with disabilities that prevents them from participating in the electoral process. For example, some voters with disabilities may not register because voter registration information is not accessible (Disability formation, March 22, 2024). According to Nur Syarif Ramadhan, the main problem in the monitoring report is the lack of data on registered voters with disabilities so that they are unable to participate in the election. Voters with disabilities did not receive assistance from KPPS officers. When using the ballot box, 54% of voters with disabilities who use wheelchairs experience difficulties. (Disability formation, March 22, 2024). In addition, 41% of KPPS officers did not provide non-verbal instructions to voters with deaf sensory disabilities, 69% of officers did not provide information on voting procedures using sign language, and 84% of polling stations did not provide JBI. Not many election officers understood the tamplate for voters with visual sensory disabilities. 43% of voters with visual disabilities experienced difficulties when exercising their voting rights at the voting booth. As many as 35% of KPPS officers did not

inform voters with visual disabilities about the use of templates, and 33% found it difficult to use the template. In some polling stations, there were 45 polling stations in 15 provinces that had not completed the c3 form. (Disability formation, March 22, 2024). From the monitoring results, there was little participation from people with disabilities in contributing to the campaign. This suggests that voters with disabilities should be better recognized and included in the political process. In addition, it should be noted that voters with disabilities have limitations in obtaining information and getting attention from political parties.

3.4. Protection of political rights of persons with disabilities whose rights are not fulfilled

Every person with a disability is guaranteed the same rights to participate in the political process, including the right to vote and become a presidential candidate. This right is protected by several laws, such as Law No. 7/2017 on General Elections, and Law No. 10/2016 on the Election of Governors, Regents and Mayors. This shows that the state is committed to ensuring that people with disabilities are actively involved in politics. Despite this, people with disabilities continue to experience challenges in exercising their political rights. Some of these challenges include (Azhari, December 30, 2023):

- Physical Constraints at Polling Stations (TPS): Limited physical accessibility in many polling stations does not meet the required accessibility standards.
- Lack of Accessible Information: The lack of information relating to election campaigns means that they often do not have access to campaign materials and have difficulty understanding them because formats such as braille, sign language and audio descriptions are missing.
- Lack of Political Education: People with disabilities have a low understanding of politics and elections, and their lack of political education means they do not understand their political rights. People with disabilities need special support, accessible information resources and political education programs.
- One of the barriers for people with disabilities to participate in politics is the limited rules relating to electoral accessibility. KPU Regulation No.18/PL.02/9/2020 addresses electoral accessibility but does not address success metrics or technical details.
- Lack of support for political affirmation policies for persons with disabilities: Representatives of persons with disabilities in political parties and legislative bodies do not have equal political opportunities. They have difficulty competing against non-disabled candidates because there is no policy governing representation quotas.

If the political rights of persons with disabilities are not fulfilled, then persons with disabilities have the right to make a report in order to get justice. Civil Code Article 1365 states that "Every act that violates the law and brings harm to another person, obliges the person who causes the harm through his fault to compensate for the loss." As a result, persons with disabilities have the right to file a complaint if their political rights are violated. Here are the procedures for reporting if Persons with Disabilities are not given special facilities during elections:

- Report to Bawaslu (Bawaslu Regulation Number 1 of 2018):
 - Mechanism: Persons with disabilities can report to Bawaslu (Election Supervisory Agency) either directly to the local Bawaslu office, through the website, or through the Siwaslu application.
 - Legal Basis: Article 45 of Law No. 7/2017 on General Elections (Election Law) states that Bawaslu has the authority to supervise the implementation of elections, including supervision of the holding of elections with fairness and integrity.
 - Report Content: The report must contain the identity of the reporter, the identity of the reported party, the chronology of events, and evidence of violations.

- Report to DKPP (DKPP Regulation Number 1 of 2017):
 - Mechanism: If violations are committed by election organizers (KPU, Bawaslu, or Panwaslu), persons with disabilities can report to DKPP (Honorary Council of Election Organizers).
 - Legal Basis: Article 11 paragraph (1) of Law No. 10/2016 on the Implementation of General Elections (Election Implementation Law) states that DKPP has the authority to examine and decide on alleged violations of the Election Organizer's Code of Ethics.
 - Report Content: The report must contain the identity of the reporter, the identity of the reported party, the chronology of events, and evidence of violations.

Keep in mind that when you report the incident in accordance with the timeframe specified by each agency, and document the entire reporting process, including the date, time, and identity of the officer who received your report.

IV. Conclusion

Law No. 7/2017 on General Elections and Law No. 8/2016 on Persons with Disabilities explicitly guarantee the political rights of persons with disabilities. This is in line with the Universal Declaration of Human Rights which states that everyone has the right to participate in government and has the same opportunity to be appointed in government positions. Thus, persons with disabilities have the same rights to elect and be elected, as well as to actively participate in the political process, so that they can be recognized and valued in the democratic process. The UN Convention on the Rights of Persons with Disabilities and Indonesian legislation guarantee the political rights of persons with disabilities and accessibility for them in the electoral process. This includes access to information in easily understood forms, such as sign language, braille and audio, as well as physical access to disability-friendly polling stations. The aim is to ensure that people with disabilities can participate in elections on an equal basis with other members of society.

The 2024 Election monitoring report conducted by SIGAB Indonesia, Yakkum Rehabilitation Center, and Disability Formation shows that there are still many violations of the rights of voters with disabilities. The main problem faced is the lack of data on registered voters with disabilities, so they do not receive adequate services, assistance and accessibility. This results in voters with disabilities experiencing difficulties in participating in the electoral process, such as difficulty using the ballot box, lack of information in sign language, and unavailability of assistive devices such as JBI and templates. This report shows that there needs to be more serious efforts to improve the inclusiveness of elections for voters with disabilities, including accurate data collection, training of KPPS officers, and provision of adequate accessibility. Although Indonesian law guarantees the political rights of persons with disabilities, there are still many challenges they face in exercising these rights. These include physical accessibility at polling stations, lack of accessible information, lack of political education, lack of specific rules on election accessibility, and lack of support for political affirmation policies. To overcome this, there needs to be more serious efforts from the government, KPU, and political parties to ensure that people with disabilities can participate fully and equally in the political process. People with disabilities also have the right to report if their political rights are violated, and they can do so through Bawaslu, or DKPP.

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