

The Complexity of Fulfilling the Rights of Persons with Disabilities in the Implementation of Elections: A Literature Study

Muhammad Risal Arifin

Bakrie University and risal.muhammad76@gmail.com

ABSTRACT

General elections are a form of channeling people's sovereignty to produce a democratic government. Every democratic country wants to create inclusive elections. In the implementation of elections, the participation of the entire community is one of the main factors in the success of inclusive elections. Therefore, the participation of persons with disabilities as vulnerable groups in the implementation of elections is a crucial issue that needs attention. The limitations that persons with disabilities have often result in problems in fulfilling their rights in the implementation of elections. Therefore, regulations are needed so that the distribution of the rights of persons with disabilities in elections can be realized. This research uses a literature approach. This research aims to present the complexity of persons with disabilities in the implementation of elections so that it is expected to contribute to the benchmark for inclusive elections.

Keywords: Complexity, Disabilities, Election, Rights

INTRODUCTION

Democracy can be interpreted as a form of political system in a country and is the political culture of a nation [1]. Where democracy is applied almost all over the world as a general concept that prioritizes the fulfillment of people's political rights [2]. On the other hand, democracy is also a form of government that is organized based on the principles of popular sovereignty, political equality, and dialogue with society [3].

Democracy was originally an idea that described power as coming from the people, by the people, and for the people [4]. Democracy is a vital organ in a country that adheres to a democratic system. Where the position of government is linked between the distribution of state power obtained from the people and must also be used for the prosperity and welfare of the people themselves [5]. So the center of a democratic state is community participation in all aspects of government as a form of popular sovereignty [6].

Democracy has a goal and orientation towards the interests of the entire community, not certain groups or groups of people [7]. Where democracy that upholds the sovereignty of the people has several advantages, including 1) guaranteed standards of human rights for citizens; 2) The certainty of individual freedom for every citizen; 3) Assisting the community in protecting their interests; 4) Certainty and protection in exercising their rights and obligations as citizens; and 5) Ensuring the overall development of humanity [8]. With guarantees for citizens, a democratic state can be realized.

Democracy is a country that adheres to a system of government with popular sovereignty as its main principle [5]. The main characteristic of a democratic country is the participation and involvement of the community in government [6]. Therefore, one of the manifestations of democracy is through the holding of general elections.

Elections are interpreted as efforts and procedures in realizing democracy. Where elections and democracy can be interpreted as "qonditio sine qua non", the no one can not exist without the others [2]. On the other hand, one of the pillars of democracy is the mechanism for expressing

opinions and sovereignty of the people periodically through elections, where elections are a means and an effort to equalize the basic rights of citizens [9]. Therefore, the implementation of elections is a concrete manifestation of the distribution of citizens' rights and also the realization of popular sovereignty.

Elections are a representation of the concept of democracy, which guarantees popular sovereignty, equality in all fields, freedom of opinion, and justice that must be implemented by the state [10]. The implementation of elections requires principles that uphold it, and are in line with the prevailing democratic system [11].

In the implementation of elections, every democratic country expects the realization of inclusive elections. Where inclusive elections involve the participation of citizens who have the right to participate in elections [12]. The inclusive election itself is carried out with the principles of direct, general, free, and secret, as well as honest and fair [13]. The realization of this principle is a factor that leads to inclusive elections. Inclusive elections are interpreted as a forum for community participation to give their sovereignty and/or their choice as the determinant of the country's future [14]. Community participation in the implementation of elections is a major factor in the success of the election itself. Where public participation in elections is used as a benchmark for evaluation and control of the government [15]. Therefore, it is necessary to guarantee the participation of vulnerable groups in the implementation of elections.

Vulnerable groups are those who experience obstacles or limitations in living or enjoying a decent standard of living [16]. In the context of elections, vulnerable groups include women, the elderly, indigenous peoples, marginalized communities, and people with disabilities [17]. These vulnerable groups are entitled to special treatment or protection to be able to participate, especially in elections.

One of the vulnerable groups that need attention is people with disabilities. Where the involvement of persons with disabilities in politics is also an indicator that the implementation of elections has upheld the principle of inclusiveness, which has provided opportunities for all voters to exercise their voting rights without any religious, gender, or physical condition barriers [18]. However, people with disabilities still receive discriminatory treatment or neglect of their rights and participation in elections [19]. On the other hand, the limitations of persons with disabilities often cause problems in fulfilling their participation in elections [20]. That way, special attention is needed for people with disabilities so that they can participate or channel their rights in the implementation of elections, to create inclusive elections.

METHODS

In this study, we used a qualitative method and/or literature study. Where qualitative research has the aim of 1) Describing the object of research. Describing this research object can be done through photographs, narrating, and so on; and 2) Explaining the phenomena that occur. The phenomena that occur in the field are not the same as what is the goal or the core of the problem, in other words, what appears may be different from the main purpose, so a more detailed, detailed, and systematic explanation is needed [21].

The data used in this research uses secondary data through literature studies with previous studies, or laws governing persons with disabilities. Technical data analysis in this research uses steps such as: 1) collecting and determining data sources; 2) the collected data is presented in one folder; 3) normalizing data to equalize data into the same format, so that they can be compatible with each other; and 4) analyzing data by considering, mapping, and reviewing existing data.

RESULTS AND DISCUSSION

People with Disabilities

A person with a disability can be defined as someone who suffers from something that limits and/or damages a person's mental and physical abilities. Persons with disabilities are those who have mental, physical, sensory, and/or intellectual limitations for a long period. The limitations they have hampered their activities in the social environment.

Referring to Law Number 8 of 2016 concerning Persons with Disabilities explains that:

1. 'Persons with Mental Disabilities' are those who have impairments in the functions of thought, emotion, and behavior.
2. 'Persons with Physical Disabilities' are those who have impaired movement function, whether it is caused by amputation, paralysis or stiffness, paraplegia, due to stroke, or cerebral palsy (CP) due to leprosy, and small people.
3. 'Persons with Sensory Disabilities' are those who have impairments in one of the five senses, be it visual disability (impaired vision/eye function), hearing disability (impaired hearing/ear function), and/or speech disability (impaired speech function).
4. 'Persons with Intellectual Disabilities' are those who have impairments in the functioning of the mind that results from below-average intelligence levels, including mental disabilities, Down syndrome, and slow learning.

The limitations experienced by people with disabilities prevent them from contributing and joining in various activities carried out in the social environment [22]. On the other hand, in the external environment, there is still a lack and low level of understanding and handling of people with disabilities, stigma, and also isolation experienced by people with disabilities [23]. With these problems experienced, not a few of them receive various forms of discrimination in the surrounding environment.

At the same time, a report issued by the World Health Organization (WHO) in 2021 noted that around 1.3 billion people in the world have disabilities [24]. With this high number, special attention is needed in fulfilling the rights of persons with disabilities in various fields.

Complexities of Disability in Elections

The participation of persons with disabilities in elections is a key indicator of the success of inclusive elections. Inclusive elections involve the participation of all citizens who have the right to vote in elections, including persons with disabilities. However, the limitations they have often hinder people with disabilities in channeling their rights, including in the implementation of elections.

There are several complexities experienced and/or faced by persons with disabilities in exercising their voting rights as citizens in the implementation of elections, as follows:

Table 1. Complexities of Disability in Elections

No	Author	Complexity
1	Hilmi Ardian Nasution & Marwandianto [25]	<ul style="list-style-type: none"> • The political rights of persons with disabilities are still neglected; • Persons with disabilities who are not registered as voters;

		<ul style="list-style-type: none">• Announcements or socialization of election stages that are not disability-friendly / deaf and blind people• Polling station locations that are not accessible for wheelchair users
2	Honorata Ratnawati Dwi Putranti, Charis Cristiani, Emeliana Sri Pudjiarti [26]	<ul style="list-style-type: none">• Socialization that has not reached all voters with disabilities;• Lack of disability-specific assistance at polling stations;• Officers who are not disability-friendly, do not provide briefings to voters with disabilities.
3	Viera Mayasari Sri Rengganis, Hadi Ismail Sidiki, Fajar Saputra, Winengku Damarjati [18]	<ul style="list-style-type: none">• Invalid Permanent Voter List of voters with disabilities;• Lack of understanding of voters with disabilities regarding voting procedures;• Lack of understanding of the Voting Organizing Group regarding disability and disability policies;• Lack of electoral socialization process for persons with disabilities who are not members of organizations;• Voters with disabilities who lack political education;• Inadequate facilities and infrastructure for the implementation of elections
4	Asrorul Mais, Lailil Aflahkul Yaum [27]	<ul style="list-style-type: none">• Persons with disabilities have not received the right to opportunities and treatment in politics;• There is still neglect of the right to be registered as voter;• Accessibility at polling stations that are still less disability-friendly;• Lack of information about elections;• There is still neglect of the right to take part in the elections.

5	Viera Mayasari Sri Rengganis [28]	<ul style="list-style-type: none">• The lack of participation of persons with disabilities is due to their low level of political education;• Trauma and/or fear in persons with disabilities to participate in politics.
6	Afriliya Sabatini [29]	<ul style="list-style-type: none">• The political rights of voters with disabilities are still undermined;• Low awareness and knowledge of political literacy, both regarding the system, stages and mechanisms of elections, making the voting rights of voters with disabilities vulnerable to manipulation.
7	Agus Dedi, U. Runalan Soedarmo [30]	<ul style="list-style-type: none">• Voters with disabilities still do not get the same rights, treatment, position and role as voters;• Voters with disabilities do not exercise their right to vote, due to lack of confidence so that there is no courage to go to the polling station;• There is a bad assumption or stigma about people with disabilities;• Low education or political literacy of persons with disabilities;• Inadequate facilities and infrastructure for voters with disabilities.
8	Liza Noviani, Subhilhar, Muryanto Amin [14]	<ul style="list-style-type: none">• Uneven socialization of elections for persons with disabilities;• Electoral socialization is only carried out for persons with disabilities who are members / active in a community or organization, while those who are not members do not get an invitation to participate in the socialization of elections.
9	Nurbeti, Helmi Chandra [31]	<ul style="list-style-type: none">• There are many views and assumptions about people with disabilities as disabled and weak, which negates the ability and integrity

		of people with disabilities to be involved in elections;
		<ul style="list-style-type: none"> • Election organizers who have difficulty delivering socialization materials to persons with disabilities; • Limited access to information; • Unavailability of some technical instruments; • The view of the general public underestimates the dignity of persons with disabilities as voters.
10	Umi Qodarsasi [32]	<ul style="list-style-type: none"> • Lack of access to parliament and information on political issues, inadequate support, prevailing stereotypes about people with disabilities; • Some disabling conditions that do not allow voters with disabilities to travel to polling stations; • There are still people with disabilities who are not registered as voters;

The complexities mentioned in table 1, show that there are many challenges and/or complexities faced by persons with disabilities in fulfilling their voting rights in elections, The data found that the complexity of fulfilling the rights of persons with disabilities in the implementation of elections, which still occurs a lot, is accessibility for persons with disabilities, the number of persons with disabilities who are not registered as voters, socialization that is less inclusive and equitable, and the negative stigma of the community towards persons with disabilities, which results in voters with disabilities not channeling their votes in the implementation of elections.

Some of the complexities include the accessibility of facilities such as access to polling locations that are not disability-friendly, for example, polling locations that are uphill and or through stairs will be difficult to pass by persons with physical disabilities who use mobility aids such as wheelchairs and walking sticks.

As well as the accessibility of information for voters. The limitations of people with disabilities often make it difficult for them to receive information. As is the case with people with sensory disabilities, namely hearing-impaired people who find it difficult to receive audio information, translator aids such as sign language are needed. Then the visually impaired have difficulty in seeing or reading the information they receive, so they need audio or voice translators who can convey the election information.

CONCLUSION

The participation of the whole community in elections is an indicator of the success of inclusive elections, including the participation of persons with disabilities. However, people with disabilities still experience difficulties or complexities that hinder them from exercising their right to vote and even the right to be elected as election participants.

The limitations that persons with disabilities have require the government to be able to provide solutions to the problems faced in channeling their voting rights. Where people with disabilities who are integral citizens, have the same rights and obligations and are protected by law and/or legislation. Thus, guaranteed participation, accessibility, and protection in the implementation of elections is a right owned by persons with disabilities that must be realized by the government.

And the government, through election organizers, needs to be able to increase the participation of voters with disabilities in elections by providing political literacy through electoral socialization. It is expected that socialization has considered the accessibility of facilities, infrastructure, or information for people with disabilities so that people with disabilities can easily access it. Special education for the public about people with disabilities is also needed to increase awareness of people with disabilities so that there is no longer a stigma or bad view of people with disabilities. That way, the hope of realizing inclusive elections can be realized.

REFERENCES

- [1] E. Rosana, "Negara Demokrasi dan Hak Asasi Manusia," *J. TAPIS*, vol. 12, no. 1, pp. 37–53, 2016.
- [2] P. E. D. Antari, "Interpretasi Demokrasi Dalam Sistem Mekanis Terbuka Pemilihan Umum di Indonesia," *J. Panor. Huk.*, vol. 3, no. 1, pp. 87–104, 2018.
- [3] A. Agussalim and D. N. Handayani, "Peran Komisi Pemilihan Umum Dalam Meningkatkan Kualitas Demokrasi di Kota Gorontalo," *J. Ilm. Muqoddimah J. Ilmu Sos. Polit. dan Hum.*, vol. 5, no. 1, pp. 138–147, 2021, [Online]. Available: <http://jurnal.um-tapsel.ac.id/index.php/muqoddimah>
- [4] A. Zaini, "Negara Hukum, Demokrasi, dan HAM," *al Qisthas J. Huk. dan Polit.*, vol. 11, no. 1, pp. 13–48, 2020.
- [5] Jailani, "Sistem Demokrasi di Indonesia Ditinjau Dari Sudut Hukum Ketatanegaraan," *J. Inov.*, vol. 8, no. 1, pp. 134–147, 2015, [Online]. Available: <http://tikiacendekia.wordpress.com>
- [6] Budiono, "Menggagas Sistem Pemilihan Umum yang Sesuai Dengan Sistem Demokrasi Indonesia," *J. Ilm. Dunia Huk.*, vol. 13, no. 1, pp. 33–44, 2017.
- [7] Suhartini, "Demokrasi dan Negara Hukum," *J. Jure*, vol. 11, no. 1, pp. 62–78, 2019.
- [8] Y. Widianingsih, "Demokrasi dan Pemilu di Indonesia: Suatu Tinjauan Dari Aspek Sejarah dan Sosialogi Politik," *J. Signal*, vol. 5, no. 2, pp. 1–19, 2017.
- [9] N. Indradjaja, M. A. Abid, and V. Andarini, "Pemilihan Umum Serentak dan Wacana Penundaan Pemilihan Umum dalam Perspektif Azas Demokrasi Indonesia," *Wijaya Putra Law Rev.*, vol. 1, no. 2, pp. 108–119, Oct. 2022, [Online]. Available: <https://www.kompas.id/baca/polhuk/2021/11/17/penentuan-jadwal-pemilu-tak-serumit->
- [10] A. Sugitanata and A. Majid, "Sistem Pemilu Sebagai Wujud Demokrasi di Indonesia: Antara Orde Lama: Orde Baru dan Reformasi," *Qaumiyah J. Huk. Tata Negara*, vol. 2, no. 1, pp. 1–21, 2021, [Online]. Available: <https://jurnal.unigal.ac.id/index.php/galuhjustisi/article/view/2139>.
- [11] A. Prayogo, "Bawaslu: Pengawasan dan Tantangan Mewujudkan Pemilu Demokratis," *J. Ilmu Sos. dan Ilmu Polit.*, vol. 11, no. 3, pp. 246–260, 2022, [Online]. Available: www.publikasi.unitri.ac.id
- [12] M. Muslih, A. P. Perdana, and K. F. Kurnia, "Peran Partai Politik Dalam Penyelenggaraan

- Pemilu yang Aspiratif dan Demokratif," *Justicia Sains J. Ilmu Huk.*, vol. 6, no. 1, pp. 180–202, 2021, doi: 10.24967/jcs.v6i1.1334.
- [13] A. Hidayat, "Manfaat Pelaksanaan Pemilu untuk Kesejahteraan Masyarakat," *Polit. J. Ilmu Polit.*, vol. 2, no. 1, pp. 61–74, 2020.
- [14] L. Noviani, S. Subhilhar, and M. Amin, "Analisis Faktor Determinan Tingkat Partisipasi Pemilih Penyandang Disabilitas Pada Pemilihan Umum 2019," *PERSPEKTIF*, vol. 10, no. 1, pp. 88–99, Jan. 2021, doi: 10.31289/perspektif.v10i1.4074.
- [15] D. M. Liando, "Pemilu dan Partisipasi Politik Masyarakat (Studi Pada Pemilihan Anggota Legislatif Dan Pemilihan Presiden Dan Calon Wakil Presiden Di Kabupaten Minahasa Tahun 2014)," *J. LPPM Bid. EkoSosBudKum*, vol. 3, no. 2, pp. 14–28, 2016.
- [16] S. Humaedi, B. Wibowo, and S. T. Raharjo, "Kelompok Rentan dan Kebutuhannya (Sebuah Kajian Hasil Pemetaan Sosial CSR PT Indonesia Power UPJP Kamojang)," *Share Soc. Work J.*, vol. 10, no. 1, pp. 51–72, 2020, doi: 10.24198/share.v10i1.26896.
- [17] D. Irawan and M. . A. Nurmanto, "Kelompok Rentan dan Tantangan Pemilu Inklusif 2024 Studi Kasus Perilaku Pemilih Pada Komunitas Masyarakat Dayak Bumi Segandu Indramayu," *Elect. Gov. J. Tata Kelola Pemilu Indones.*, vol. 4, no. 1, pp. 102–120, 2022, [Online]. Available: www.journal.kpu.go.id
- [18] V. M. S. Rengganis, H. I. Sidiki, F. Saputra, and W. Damarjati, "Problematika Partisipasi Pemilih Penyandang Disabilitas dalam Pemilihan Serentak Lanjutan 2020," *Elect. Gov. J. Tata Kelola Pemilu Indones.*, vol. 3, no. 1, pp. 116–137, 2021.
- [19] D. Roth, T. Pure, S. Rabinowitz, and C. Kaufman-Scarborough, "Disability Awareness, Training, and Empowerment: A New Paradigm for Raising Disability Awareness on a University Campus for Faculty, Staff, and Students," *Soc. Incl.*, vol. 6, no. 4, pp. 116–124, Dec. 2018, doi: 10.17645/si.v6i4.1636.
- [20] M. N. Ramadhan, "Memaknai Urgensi Perlindungan dan Pemenuhan Hak Politik Penyandang Disabilitas: Menyongsong Pemilihan Serentak Tahun 2024," *J. Bawaslu Provinsi Kepul. Riau*, vol. 3, no. 2, pp. 22–37, 2021.
- [21] M. R. Fadli, "Memahami Desain Metode Penelitian Kualitatif," *Humanika, Kaji. Ilm. Mata Kuliah Umum*, vol. 21, no. 1, pp. 33–54, 2021, doi: 10.21831/hum.v21i1.
- [22] E. A. T. Allo, "Penyandang Disabilitas di Indoneisa," *Nusant. J. Ilmu Pengetah. Sos.*, vol. 9, no. 2, pp. 807–812, 2022, doi: 10.31604/jips.v9i2.2022.807-812.
- [23] D. M. Anggraeni and F. G. Sukmono, "Representasi Kelompok Minoritas Disabilitas Netra Dalam Film Dokumenter The Unseen Words," *J. Interak.*, vol. 3, no. 2, pp. 180–199, 2019.
- [24] K. Kamenov, D. Barrett, Pearce. Emma, and A. Cieza, "Global Report on Health Equity for Persons with Disabilities," Geneva, 2022.
- [25] H. A. Nasution and M. Marwandianto, "Memilih dan Dipilih, Hak Politik Penyandang Disabilitas dalam Kontestasi Pemilihan Umum: Studi Daerah Istimewa Yogyakarta," *J. HAM*, vol. 10, no. 2, pp. 161–178, Nov. 2019, doi: 10.30641/ham.2019.10.161-178.
- [26] H. R. D. Putranti, C. Christiani, and E. S. Pudjiarti, "Problematik Aksebilitas Pemilih Penyandang Disabilitas Sensorik Pada Pemilihan Umum Walikota Kota Semarang Tahun 2020," *JPPMI J. Pengabd. Pada Masy. Indones.*, vol. 1, no. 3, pp. 72–84, 2022.
- [27] A. Mais and L. A. Yaum, "Aksesibilitas dan Partisipasi Politik Penyandang Disabilitas di Kabupaten Jember," *KagangaJurnal Pendidik. Sej. dan Ris. Sos.*, vol. 2, no. 2, pp. 78–87, Dec. 2019, doi: 10.31539/kaganga.v2i2.830.
- [28] V. M. S. Rengganis, "Literasi Pemilih Penyandang Disabilitas: Identifikasi Permasalahan dan Solusinya di Kabupaten Sleman," *Elect. Gov. J. Tata Kelola Pemilu Indones.*, vol. 1, no. 1, pp. 82–103, 2019, [Online]. Available: www.journal.kpu.go.id
- [29] A. Sabatini, "Partisipasi Politik Penyandang Disabilitas Dalam Pemilihan Kepala Daerah Kota Pekanbaru Tahun 2017 Di Kecamatan Tenayan Raya," *Jom FISIP*, vol. 4, no. 2, pp. 1–15, 2017.

- [30] A. Dedi and U. R. Soedarmo, "Partisipasi Politik Pemilih Disabilitas Di Kabupaten Ciamis Pada Pemilu Serentak Tahun 2019," *J. MODERAT*, vol. 6, no. 1, pp. 14–28, 2020.
- [31] Nurbeti and H. Chandra, "Pemenuhan Hak Pilih Bagi Disabilitas dalam Pemilu oleh KPU di Sumatera Barat," *KERTHA WICAKSANA*, vol. 15, no. 2, pp. 130–137, Jul. 2021, doi: 10.22225/kw.15.2.2021.130-137.
- [32] U. Qodarsasi, "Partisipasi Pemilih Disabilitas Dalam Pemilihan Kepala Daerah (Pilkada) Kabupaten Kudus Tahun 2018," *IJTIMAIYA J. Soc. Sci. Teach.*, vol. 5, no. 1, pp. 87–106, Jun. 2021, doi: 10.21043/ji.v5i1.10159.