

Research Article

Realizing Equality by Increasing Disability Participation Through Inclusive Elections in Indonesia

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Abstract.

The implementation of general elections for Indonesians is a representation of democracy that is held every five years, where candidates for national leaders and civil society participate in the use of their rights to be elected and vote as mandated by Indonesian Law Undang-Undang No. 39 Tahun 1999. For this reason, this research aims to analyze the level of inclusion of peoples with disabilities in the 2024 general election. It uses a descriptive-qualitative approach and secondary data sources that describe the situation faced by disability groups in general elections. This research uses access, participation, control and benefits (APKM) analysis theory to measure the inclusion of people with disabilities in elections. The results showed that the concept of inclusive elections needs to be improved, with the urgency of the 2024 Regional Head Elections, which will be held in the near future, and as a form of effort to grant political rights to peoples with disabilities in accordance with applicable laws and regulations

Keywords: inclusive election, disability, accessibility

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1. INTRODUCTION

Participation and involvement in general elections (Pemilu) is every citizen's right and obligation, both as voters and to be elected. The General Election is an important event for the government as a realization of democratization in the administration of the state. However, in its implementation, we often still find some parts of the community who are not involved in the democratic party, such as voters with disabilities.

People with disabilities have the same rights and opportunities as other citizens, including accessibility in the elections. People with disabilities also have the right to determine the leaders they want, both at the central level through the General Election (Pemilu), and at the regional level through the Regional Head Election (Pilkada). This is as stipulated in the Article 28H paragraph (2) of the Indonesian Constitution (Undang-Undang Dasar Negara Republik Indonesia Pasal 28H ayat (2)) that each people has the



right to receive facilities and special treatment to obtain the same opportunities and benefits in order to achieve equality and justice

Indonesian Law No. 8/2016 Article 13 (Undang-Undang Nomor 8 Tahun 2016 Pasal 13) also mentions political rights for people with disabilities, which includes the right to choose and to be elected in public positions, to voice political aspirations, to choose political parties and/or individuals to become participants in elections, to form members and/or administrators of organizations and/or political parties, to form and join organizations of people with disabilities both at the local, national and international levels, to take an active role in the electoral system, to have accessibility to facilities and infrastructure for general elections and other elections, and to be provided with political education.

Based on report data from the Coordinating Ministry for Human Development and Culture of the Republic of Indonesia (Kemenko PMK, 2021), it is known that the number of people with disabilities in Indonesia in 2023 reached 22.97 million people or around 8.5% of the total population of Indonesia. Seeing this number, it is unfortunate that there are not many voters with disabilities who exercise their political rights in elections and regional elections. One of the factors that influence the low participation rate of peoples with disabilities in exercising their voting rights is accessibility [1]. Barriers experienced by people with disabilities in elections include limited access lack of appropriate information, and restrictions on legal capacity [2].

Accessibility is an important thing to be considered by the government to facilitate people with disabilities in elections, which is part of the basic rights that should be fulfilled. This is in line with Article 5 of Indonesian Law Number 7/2017 (Undang-Undang Nomor 7 Tahun 2017 Pasal 5) about General Elections, which states that people with disabilities have equal rights to vote and be elected, including in terms of accessibility.

Accessibility for people with disabilities is the ease of having opportunities in aspects of life and livelihood. This is as expressed by Tyoso & Amsar (2022) in their research entitled "Evaluation of Accessibility for peoples with Physical Disabilities for the Implementation of Elections and Pilkada in 2024", stating that accessibility is represented through voters' attitudes towards services at polling stations [3]. But in reality, the limited accessibility of peoples with disabilities who have physical limitations is not adequate. Even though regulations related to guarantees of political rights and opportunities to enjoy the right to vote for peoples with disabilities have been formed as a basis for the equality of peoples with disabilities with others.

Meanwhile, Dwintari in her research entitled “Accessibility for peoples with Disabilities in General Elections in Indonesia” also argues that accessibility is part of the human rights of peoples with disabilities that must be fulfilled equally with other normal citizens[1]. As stipulated in Article 28H of the 1945 Constitution of the Republic of Indonesia which reads “Everyone has the right to receive facilities and special treatment to obtain equal opportunities and benefits in order to achieve equality and justice”.

Therefore, the accessibility of peoples with disabilities needs special attention, especially in organizing general elections because basically the accessibility of peoples with disabilities is a basic right that the state must provide to them. The basic rights of peoples with disabilities in order to realize equality and opportunity in aspects of life and livelihood are a guarantee of human rights as stated in Article 41 of Law Number 39 of 1999 (Indonesian Law Undang-Undang No. 39 Tahun 1999 Pasal 41) concerning Human Rights which states that “every citizen has the right to social security needed to live properly and for their full peopleal development”. So that every citizen with disabilities has the right to obtain convenience and special treatment from the state.

Recognition of the right to vote and voters for each individual is also recognized by the international community through Universal Suffrage to prevent discriminatory behavior, such as differences in race, skin color, gender, language, religion, and people with disabilities. Equality of voting rights is also one of the parameters of democratic elections which are characterized by Inclusive Elections. Inclusive elections aim to reduce inequality in voter participation and address other electoral inequalities, besides that inclusive elections can have a broader effect on democracy and policy outcomes.

According to Kartikasari (2017) Inclusive elections are elections that are held by prioritizing equality of voter rights, by providing the widest possible opportunity to all citizens without exception and discrimination of race, ethnicity, gender, disability, economic status, and so on[4].

However, realizing inclusive elections is not easy, according to Permatasari (2023), in Surabaya structural and cultural barriers prevent inclusive elections for blind voters. Structural barriers in realizing inclusive elections are obstacles that come from the structure of election organizers, namely the KPU, PPK (District Election Committee), PPS (Voting Committee), and KPPS (Voting Organizing Group). Structural barriers arise because not all election organizers understand election procedures for voters with disabilities, and there are still laws that are unfair to people with disabilities in elections.

So it is hoped that election authorities will be able to realize this inclusiveness in a sophisticated election so that all citizens get the same justice to vote once in every election. Inclusive elections are also characterized by a high level of voting rights usage. The higher the voting rights used, the more categories of voters are served by the election authority.

Seeing the low participation of people with disabilities in the 2024 elections, through this paper, the author wants to raise the issue of seeking equality and supporting the participation of people with disabilities through inclusive elections in Indonesia. This is done so that the government can prepare more inclusive elections in the next election, especially welcoming the regional head elections (Pilkada) on the next November.

2. THEORETICAL STUDY

2.1. Theory of Political Participation

Political participation is literally defined as the role and participation of citizens in the government process, especially in the entire series of political processes, from the stages of making, assessing to opportunities in implementing decisions[5]. The same thing is also stated by Miriam Budiarjo in Cholisin (2007: 150) who defines political participation as an activity carried out by a people or group of people to participate actively in political life, by choosing state leaders and influencing government policies either directly or indirectly. The activities in question are using voting rights in electing DPR, DPD, DPRD, President and his deputy and regional leaders through elections. Not only that, joining the legislature, becoming a member of party management and general meetings are also part of political participation[5].

According to Surbakti, participation is divided into 2 categories, namely active participation and passive participation. Active participation is defined as activities that focus on political inputs and outputs. Forms of active participation can be in the form of policy proposals/alternatives, criticism and improvement of policies, obeying paying taxes and using voting rights. Meanwhile, passive participation is limited to output in the form of obeying government regulations and limited to implementing all decisions made by the government[6].

The conditions and levels of political participation vary from one community to another, depending on the level of understanding and awareness of political participation. When there are communities that have a high level of participation, it will foster

motivation for other communities [7]. Political participation can be “contagious” from one or a group of people to another. This will affect the quality of democracy, especially in the aspect of political office recruitment. Political participation is also driven by several factors, namely influenced by direct conditions (for example family support, involvement of others, environmental conditions, and threats), political affiliation, non-fulfillment of the rights and obligations of citizens, both in economic, legal, social aspects and the right to life insurance, as well as stimulating factors, (for example socialization on social media about the vision and mission of each candidate, both online and print media) [6].

2.2. General Election

General elections or elections are a means for people’s sovereignty in electing the President and Vice President as well as representatives of the people, namely the DPR, DPD and DPRD which are carried out on the principles of direct, general, free, secret, honest and fair in the Republic of Indonesia based on Pancasila and the Constitution of the Republic of Indonesia. The process of implementing elections periodically and takes a long time, so the process must be prevented from all forms of actions that violate or hinder the process of the election objectives themselves [8]

Elections have seven functions, namely as a forum for delegating political representation, a means of electing political elites, a moment of legitimizing power, controlling authority, one form of manifestation of political accountability, shaping political programs and reshaping public opinion [9]. As a democratic country, elections are the main pillar in the Pancasila democratic system in Indonesia which allows people to exercise their respective political rights in determining the political direction of the country [10].

2.3. People with Disabilities

People with disabilities in Indonesian Law Number 8 of 2016 (Undang-Undang Nomor 8 Tahun 2016) are defined as people who experience limitations for a long period of time in terms of physical, mental, intellectual or sensory and experience obstacles / difficulties in participating fully and effectively with other citizens regarding aspects of equal rights. With the issuance of Indonesian Law No. 8 of 2016 (Undang-Undang Nomor 8 Tahun 2016) on peoples with Disabilities, the Indonesian government has formally defined who is a people with a disability in Indonesia and how to categorize them. This formal regulation is the foundation and basis of understanding for all related

parties and the Indonesian people regarding the definition and categories of peoples with disabilities in Indonesia [11].

With their limitations, people with disabilities often experience stigmatization and discrimination in their daily lives [11]. The concept of disability according to the United Nations (UN) is an effort to change the mindset and behavior of society to learn to recognize people with disabilities [12]. So that people with disabilities should be involved, facilitated, and able to participate in community life.

2.4. Inclusive Election

Guaranteeing the fulfillment of political rights of peoples with disabilities is a manifestation of the implementation of the citizenship paradigm. Inclusive elections for peoples with disabilities are the inclusion of peoples with disabilities at every stage, including providing accessibility and special facilities to prevent obstacles when exercising their political rights, and there must be an understanding of inclusiveness in election organizers [13].

Political rights are one of the implementations of human rights, and every human being, especially in this discussion, namely people with disabilities, also has the same rights, positions, and responsibilities as other Indonesians [14]. As a government effort to realize inclusive elections, the political rights of peoples with disabilities have been regulated in Indonesia Law No. 7/2017 (Undang-Undang No. 7 Tahun 2017). According to this regulation, people with disabilities who meet the requirements have the same opportunity to vote, run for office and participate as election organizers.

3. RESEARCH METHOD

This research applies normative juridical research, which is research conducted by examining secondary data in the form of positive law, principles of legal theory, and legal rules relating to Elections, persons with disabilities, and Human Rights. This research is descriptive-qualitative, where this research aims to analyze and describe the findings systematically, factually, accurately, based on relevant theories of the problems studied, namely the constitutional rights and accessibility of persons with disabilities in the Election. The data sources in this research are obtained from literature studies obtained through various research, journals, books, laws and regulations, which then become primary data in this research. The data obtained is then verified, analyzed,

and conclusions are drawn to provide a recommendation related to the problem being studied.

4. RESULTS AND DISCUSSION

The word “difable” is an acronym for “different abilities people”, which means people with different abilities. Even though people with disabilities have different abilities, it does not mean that people interpret them with pity. Indeed, people with disabilities expect their inclusion in the progress of development. With the limitations that people with disabilities have, it does not necessarily justify the government to exclude people with disabilities, especially in terms of fulfilling citizens’ rights.

People with disabilities are also part of citizens, who have the same rights as other citizens. Therefore, in general elections (elections) people with disabilities also have the right to vote and use their voting rights. Not only that, the aspects of “Luber” (Direct, General, Free and Secret) and “Jurdil” (Honest and Fair) must also be fulfilled by the KPU (General Election Commission) as the election organizer. Equal rights for people with disabilities have always been voiced by NGOs and disability organizations. Some of them are the Sasana Inclusion and Disability Advocacy Movement (SIGAB Indonesia), the Forum of Community Monitors for Disability Inclusive Indonesia (FORMASI Disability), and the YAKKUM Rehabilitation Center. In 2016 during the reign of President Joko Widodo, activists from disability organizations initiated a charter containing three main points for the fulfillment of disability rights. The three points are fighting for the recognition, fulfillment and protection of disability rights which are then contained in Law Number 8 of 2016 concerning Persons with Disabilities.

4.1. APKM (Access, Participation, Control and Benefit) Analysis in Disability Inclusive Election

To realizing the 2024 disability-inclusive General Election, the Election Supervisory Agency (Bawaslu) made regulations to ensure that polling stations (TPS) can be accessed by people with disabilities from various levels. This is made to support the implementation of Article 5 of Law Number 7 / 2017 (Undang-Undang Nomor 7 Tahun 2017 Pasal 5) about General Elections, that persons with disabilities have equal opportunities to vote and be elected. Disability equality in realizing Inclusive Elections can be measured through APKM analysis, namely accessibility, participation,

control and benefits. APKM analysis is commonly used in the GAP (Gender Analysis Pathway) gender analysis model, which is the process of systematically analyzing data and information on the conditions of men and women to identify and reveal positions, functions, roles, and responsibilities in the development process. In the context of disability-inclusive elections, the four aspects of access, participation, control and benefits in the APKM analysis can be applied to measure the level of equal opportunity by observing existing conditions.

In terms of access, the 2024 General Election still has challenges for people with disabilities. This was conveyed by the Chairperson of the Indonesian Disabled Women's Association (HWDI) Surabaya Asti Dani. Asti mentioned that people with disabilities still have difficulty accessing polling stations (TPS) because there are several TPS located in buildings or places that require stairs but are not provided with elevators or ramps. In addition, Asti also mentioned that the space is too narrow, making it difficult to move a wheelchair, and the height of the table for the voting booth is also not well consideredⁱ. In Kupang city, at polling station 003, Naikoten 1 village, the stairs and slippery voting booths are also an impediment for voters with disabilities who use wheelchairsⁱⁱ. Access for voters with visual sensory disabilities in terms of facilities and infrastructure is also unavailable. Data also reported by the Yakkum Rehabilitation Center and Disability Formation showed that, of the 27 percent of polling stations observed, around 43 percent of voters with visual disabilities faced difficulties. Especially when giving their voting rights at the voting booth and often require the help of others. About 35 percent of KPPS officers did not inform voters with visual disabilities about the availability of templates and how to use them, while 33 percent of templates available at polling stations were difficult to use by people with visual disabilitiesⁱⁱⁱ. Not only access difficulties in terms of infrastructure, voters with disabilities also have difficulty accessing information. Referring to the accessibility feasibility data collected by SIGAB, 41 percent of KPPS officers did not provide non-verbal instructions when calling voters with deaf sensory disabilities. This is related to the next data, namely as many as 84 percent of polling stations do not provide Sign Language Interpreters (JBI). With the unavailability of Sign Language Interpreters, around 69 percent of these polling stations did not provide information about voting procedures in sign language^{iv}. So it can be concluded that the 2024 Election still does not fulfill the access aspect in the APKM analysis.

The Participation aspect assesses the level of participation of persons with disabilities in the 2024 General Election. Of the total 1.1 million people with disabilities who are

potential voters in the 2024 General Election, 1.1 million of them were recorded on the 2024 Election Permanent Voter List (DPT) (Kompas, 2024). This number of voters with disabilities accounts for 0.54 percent of the total 204.8 million national voters. When viewed from their participation in the right to vote, the KPU has fulfilled all the rights of persons with disabilities who meet the criteria to become permanent voters. However, participation in the use of the right to be elected is still low. There are only 10 legislative candidates with disabilities competing for seats in the House of Representatives (DPR) (Kompas, 2024). The data shows that active participation of persons with disabilities in exercising their right to vote is high but participation in standing for election is still low.

Control is the ability to participate in decision-making and utilize economic, social, cultural and political resources. This aspect assesses whether there is a gap in decision-making and resource utilization between People with Disabilities and Non-Disabilities. In the 2024 General Election, forms of participation in decision-making are political participation, accessibility, representation in parliament and advocacy movements. In the aspects of participation and accessibility, it has been mentioned in the previous paragraph where the assessment of these two aspects is relatively low. Representation in parliament is not only seen from the number of candidates with disabilities but how far people with disabilities can occupy parliamentary seats and fight for disability rights. This is still low, because there are still administrative barriers in the vacuum of laws providing quotas for legislative members in the political sphere. The vagueness of the quota that strengthens the participation of persons with disabilities in political contestation makes their voting rights not considered. If the nomination is still implemented, persons with disabilities will find it very difficult to win their rights, because during the nomination process, they will be hampered in campaigning and community participation. To increase representation in parliament for people with disabilities, the government should make regulations on the allocation of parliamentary seats such as laws on affirmative politics [15]. In addition, the stigma against people with disabilities is still inherent in society, so many fear that they are unable to lead because even to live their daily lives they still need help from other parties. However, when viewed from the aspect of the advocacy movement, there are several advocacy movements for people with disabilities that actively raise disability issues such as the disability community called Sasana Inclusion and Disability Advocacy Movement (SIGAB Indonesia) and the Forum of Community Monitors for Disability Inclusive Indonesia (FORMASI Disabilitas). The advocacy movement also conducts data collection and research to strengthen them in influencing public policy.

In the benefits aspect, the General Election has benefits as a instrument of democracy, a medium for community participation, a solution to leadership change, to legitimate elected leaders, a place for people to submit aspirations, socialize and establish relationships [16]. People with disabilities can feel the benefits of elections because the level of participation in voting is already high and comprehensive, but with limited participation in the candidacy, administrative barriers, limited accessibility and low control, it shows that the benefits of the 2024 Election still cannot be realized optimally and comprehensively.

TABLE 1: APKM analysis table on the level of inclusiveness of the 2024 Election.

	Access	Participation	Control	Benefit
People with Disabilities	Low	High in voting participation, low in candidacy participation	Low	Low
Non-Disability	High	High	High	High

Based on the APKM analysis, Law No. 7/2017 (Undang-Undang Nomor 7 Tahun 2017), which is a regulation that guarantees disability rights, does not effectively guarantee the rights of people with disabilities. In the realization of its implementation, disability inclusivity in the General Election seems to be only a complement, which is not considered as a significant issue for the Government. The regulations made seem to be only a sedative pill for people with disabilities, just limited to being made but the implementation is not optimized.

4.2. Alternative Solutions And Suggestions For The Government

After the 2024 elections with various polemics over disability inclusion, the government should learn not to repeat the same problems in the 2024 regional elections that will be held in November 2024. KPU and Bawaslu have approximately at least a month from now to resolve these problems. To support the government in realizing the 2024 Regional Elections (Pilkada) that are friendly and inclusive for people with disabilities, the author offers several alternative solutions and suggestions for the government.

4.2.1. Availability of Assistive Devices, Disability Friendly Polling Stations and Socialization

The lack of assistive devices for people with disabilities across the disability spectrum makes polling stations unfriendly to disabilities. Creating inclusive polling stations is one of the efforts to realizing inclusive elections. Election organizers (KPU) have to provide devices that are accessible to voters with disabilities (International Institute for Democracy and Electoral Assistance, 2006). Not only that, election organizers must provide election-related information materials that are suitable for the diversity of disabilities (International Institute for Democracy and Electoral Assistance, 2006). In this case, election organizers must convey election information through socialization with socialization materials that make it easier for blind and deaf voters to understand. These socialization materials include posters for the hearing-impaired, or election manuals using braille for blind voters.

The unavailability of gender-disaggregated databases and the diversity of vulnerabilities result in election organizers not being able to provide special guidelines for voters with disabilities appropriately. For this reason, the author recommends the KPU as the organizer of the Pilkada to provide assistive devices at each polling station, create disability-friendly polling stations, and conduct socialization of voter procedures and publications. This is expected to further facilitate people with disabilities to be independent in exercising their voting rights. In addition, these recommendations are also expected to support the fulfillment of the principles of “Luber” and “Jurdil” for persons with disabilities in the 2024 Pilkada.

4.2.2. Supervision by Bawaslu must be Tightened

Supervision carried out by Bawaslu in the upcoming 2024 Pilkada must be tightened, especially in the aspect of disability-inclusive elections. This is to ensure that the rights of persons with disabilities are fulfilled, such as optimally implementing disability-friendly regulatory policies, making sure that persons with disabilities have the right to vote, recommending that the KPU to provide assistive devices and disability-friendly polling stations, and socializing voter procedures and publications to facilitate access for persons with disabilities.

4.2.3. Providing Assistance for People with Disabilities

In this case, to realize inclusive elections for people with disabilities, it is necessary to provide assistance for them at the time of voter registration or voting. Although there are risks that need to be considered, such as affecting the principle of election confidentiality. Therefore, it is necessary to choose a disability companion who really has integrity and professionalism in carrying out his duties as a companion for voters with disabilities.

5. CONCLUSION

Participating in general elections is the right and responsibility of every citizen, both as voters and elected. The involvement of people with disabilities in elections is a manifestation of the fulfillment citizen's rights. This research highlights the importance of accessibility for people with physical disabilities in the implementation of the 2024 General and Regional Elections. Accessibility is the main key in realizing inclusive and fair political participation for all citizens, including people with disabilities. As an integral part of society, people with disabilities have the same rights to participate in the democratic process, as guaranteed by various existing laws and regulations.

However, the findings of this research show that there are still many challenges in implementing accessibility policies in the field. Obstacles such as non-disability-friendly polling stations, limited assistive devices, and violations of the principles of "Luber" and "Jurdil" emphasize the need for further efforts to improve the Election and Regional Head Election system in Indonesia.

Recommendations, including the availability of assistive devices at polling stations, increased supervision by Bawaslu, and wider socialization, are expected to help address these issues. With these measures, it is hoped that the 2024 elections can become more inclusive and allow people with disabilities to exercise their right to vote fully and freely.

It is hoped that every election and regional head election in Indonesia can truly reflect the principles of inclusivity and fairness for all citizens, without exception. Therefore, all parties, including the government, election organizers, community organizations, and persons with disabilities themselves, must work together to realize this goal.

Endnotes

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