

The Role of the Pelalawan Regency General Election Commission in Fulfilling the Political Rights of Persons with Disabilities Based on Law Number 7 of 2017

Hafiz Sutrisno^{1*}, Aminoel Akbar Novi Maimory²

^{1,2}Faculty of Law, Pahlawan Tuanku Tambusai University, Kampar, Riau, Indonesia

*Corresponding author:

E-mail: hafizsutrisno@universitaspahlawan.ac.id

Abstract

This study aims to analyze the role of the Pelalawan Regency General Election Commission (KPU) in fulfilling the political rights of persons with disabilities based on Law Number 7 of 2017 concerning General Elections. This study uses a sociological juridical approach, by examining the provisions of laws and regulations governing the political rights of persons with disabilities and their implementation at the regional level. The results of the study indicate that the Pelalawan Regency KPU has implemented various efforts to ensure the political participation of persons with disabilities, such as providing accessibility facilities at Polling Stations (TPS), involving groups with disabilities in election stages, and inclusive socialization. However, in its implementation, obstacles are still found, including the lack of supporting facilities, limited assistance staff, and low understanding of officers regarding the special needs of persons with disabilities. Therefore, policy strengthening and ongoing training are needed for election organizers to realize the implementation of disability-friendly and fair general elections in accordance with the principle of equal rights of citizens.

Keywords: General Election Commission, Political Rights, Persons with Disabilities, Elections, Accessibility.

I. INTRODUCTION

The 1945 Constitution of the Republic of Indonesia is the basis for implementing democracy nationally. Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia states that: "Sovereignty rests with the people and is implemented according to the Constitution."¹ The meaning of "Sovereignty in the hands of the people" is that the people have sovereignty, responsibility, rights and obligations to democratically elect leaders who will form a government to manage and serve all levels of society, and elect leaders who can voice the aspirations of the people, both input and complaints, or represent the people to oversee the running of the government. To guarantee the welfare of the people's rights, there needs to be a democracy that is transparent, fair, firm and has integrity so that the laws that have been made run properly, so that regulations are needed to regulate them. All levels of society referred to in the 1945 Constitution of the Republic of Indonesia Article 1 paragraph (2) are all groups of society without exception, including people with disabilities.

Democracy as a system has been used as a tool for society. Democracy that occurs around our environment is a right contained in the Law which is obtained since birth, this right obtained by all groups makes our democracy without discrimination, so that it can change life or social order to be peaceful and there is no difference. Equality before the law makes life cleaner, fairer, and peaceful. According to Moh. Mahmud MD, there are two reasons for choosing democracy as a social and state system, namely: (1) almost all countries in the world have made democracy a fundamental principle even though these democratic countries give roles to the state and society in different portions, (2) democracy as a state principle has essentially provided direction for the role of society in organizing

the state as its highest organization. therefore society must broaden its thinking about democracy. One of the democracies that occurs nationally is the election.²

In the realm of constitutional law, the right to participate in politics is a political right which is guaranteed in the 1945 Constitution of the Republic of Indonesia, Article 28D paragraph (2) which states "Every citizen has the right to obtain equal opportunities in government."³Constitutional Law is a branch of legal science that specifically studies legal issues in the context of the state.⁴These regulations reflect that the government is fair and equal in obtaining the rights obtained, especially political rights.

In Law Number 8 of 2016, Article 13 which regulates Political Rights for Persons with Disabilities states that:

1. elect and be elected to public office;
2. channel political aspirations both written and verbal;
3. elect political parties and/or individuals who are participants in the general election;
4. form, become a member and/or administrator of a community organization and/or political party
5. to form and join organizations of persons with disabilities and to represent persons with disabilities at local, national and international levels;

Political rights are obtained from an early age and are ratified at the age of 17, according to PKPU Number 7 of 2022 Article 1 paragraph (19) "Voters are Indonesian citizens who are 17 (seventeen) years old or older, married, or have been married."⁵Political Rights Apply to people who live in an occupied area and have complied with existing laws.

Regulations regarding the fulfillment of their rights are also regulated in the Government Regulation of the Republic of Indonesia Number 70 of 2019 Article 1 paragraph (1) and (2) concerning Planning, Implementation, and Evaluation of Respect, Protection, and Fulfillment of the Rights of Persons with Disabilities: 1. Accessibility is the convenience provided for persons with disabilities in order to realize equal opportunities. 2. Settlements are part of a residential environment consisting of more than one housing unit that has infrastructure, facilities, public utilities, and has other supporting functional activities in urban or rural areas.⁶

In reality, the implementation in the field is not in accordance with existing regulations or policies so that the participation of Persons with Disabilities in the election is only a small percentage, this accommodation must be explained during counseling so that the general public knows that the fulfillment of rights for all groups is equal, it is undeniable that if one day the election arrives on its anniversary but there is no fulfillment of rights that can protest only the general public, because people with disabilities certainly cannot protest about it. Accommodations such as letters made in braille and hearing aids, have not been widely found in the environment during the election, this is an obstacle for the blind, Blindness is a sensory disability of the eye which is explained by:

*"According to Ratnasari in Dr. Imam Yuwono's book, 'a blind person is someone who has less accurate/less good vision compared to sighted people, even though they have been assisted with visual aids and this causes them to need a lot of energy and time to do visual tasks.'"*⁷

The government must participate directly in fulfilling the rights of persons with disabilities, both materially and non-materially. These persons with disabilities have the right to participate in

democracy that occurs in their surrounding areas, which is intended in Law Number 8 of 2016 Article 13 which regulates Political Rights. By understanding the difficulties faced/experienced by blind people, we can better appreciate the importance of the support and policies they need. This is very important so that their rights can be fulfilled. The next challenge for the government is to find ways to fulfill the rights of persons with disabilities, especially since their numbers are quite large. With the aim of ensuring there is no difference in their social lives. The number of persons with disabilities in Indonesia is the largest in the elderly, quoted from the Coordinating Ministry for Human Development and Culture, persons with disabilities in Indonesia reached 22.97 million people or around 8.5% of the total population of Indonesia.⁸Regarding the number of people with disabilities who are blind, the Director of Social Rehabilitation for People with Disabilities at the Ministry of Social Affairs, MO Royani, stated that there are still around 16.6 percent or around 322 thousand more blind people who cannot read and write.

The election itself has its own institution which is called the General Election Commission (KPU). The General Election Commission is regulated in Article 3 Number 15 of 2011 concerning the Implementation of General Elections and is supervised by the Election Supervisory Body (BAWASLU). Bawaslu was formed so that the General Election would be error-free, where the duties of the Election Supervisory Body (BAWASLU) are regulated in Article 101 paragraph (1) of Law Number 7 of 2017, namely to prevent and take action in the district/city area against election violations and disputes regarding the election process.⁹

In 2024, the number of people with disabilities registered at the General Elections Commission (KPU) office for the Simultaneous Elections was 1981, with the following categories:

Table 1 Data on Persons with Disabilities in Pelalawan Regency 2024

No	Year	Persons with Disabilities						Amount
		Physique	Intellectual	Mental	Speech Sensory	Deaf Sensory	Visual Sensory	
1	2024	317	124	513	372	190	402	131

Source: Pelalawan Regency General Election Commission (KPU) Office.

This Brille template or writing is very much needed by the blind, where there are still polling stations that do not provide Brille writing. In the future, there must be corrections in improving this Brille template and there must be new innovations to fulfill the rights of people with disabilities, especially such as hearing aids so that the privacy of these blind people is maintained. There is also General Election Commission Regulation Number 7 of 2022 which states that there must be provisions for people with disabilities, one of which is specifically for the blind is the Brille template.

Disability aids or assistive devices are objects that function to help people with disabilities become independent in their daily activities.¹⁰These tools for people with disabilities come in many forms, as mentioned in the previous paragraph: Braille templates, audiovisuals, and visualizations using advanced technology. Before delving into the technology, I will explain Braille templates. According to Sukmana, as quoted in the journal Cinta Repelinon, et al., they are "a writing system used by blind people for reading and writing."¹¹This Braille can be through technology or manuals like books in general, in this Braille technology there are, some Brille devices that can be updated are products

from Freedom Scientific Focus, Humanware's Braille Connect and Brailiant, and ALVA Satellite.¹² But not all people with visual impairments can use visualization technology because blindness also has levels of symptoms, "According to Aqila Smart in the book Anak Cacat Bukan Apocalypse which is quoted from the journal Kholida, et al, 'blind people are classified into two groups, namely total blindness and low vision (low vision).'"¹³

Formulation of The Problem

Based on the background described above, the following problems can be formulated which will lead to a more focused discussion:

1. What are the legal provisions governing the political rights of people with disabilities based on Law Number 7 of 2017 concerning General Elections?
2. What is the role of the Pelalawan Regency General Election Commission in fulfilling the political rights of people with disabilities in the implementation of elections?
3. What are the obstacles and efforts made by the Pelalawan Regency KPU to overcome obstacles in fulfilling the political rights of people with disabilities in order to create an inclusive and fair election?

II. RESEARCH METHODS

This research uses a sociological juridical approach, combining the study of written legal norms with real-world conditions. This approach is used to determine the extent to which the provisions of Law Number 7 of 2017 concerning General Elections have been implemented by the Pelalawan Regency General Elections Commission (KPU) in fulfilling the political rights of persons with disabilities. This research is descriptive and analytical, describing and analyzing facts and legal regulations related to the protection and fulfillment of the political rights of persons with disabilities.

III. RESEARCH RESULT

1. Legal Provisions Governing the Political Rights of Persons with Disabilities Based on Law Number 7 of 2017 Concerning General Elections

Fulfillment of political rights for people with disabilities is part of the implementation of the principle of equality before the law (equality before the law) as guaranteed in Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia which states that "all citizens have equal status before the law and government and are obliged to uphold the law and government without exception."¹⁴ This principle is the main legal basis for every citizen, including people with disabilities, to enjoy their political rights fully and equally.

a. Recognition of the Political Rights of Persons with Disabilities in Law Number 7 of 2017

Law Number 7 of 2017 concerning General Elections expressly guarantees political rights for all citizens without discrimination, including for persons with disabilities. These provisions are stated in:

1. Article 5 letter k, which states that people with disabilities who meet the requirements have the right to become voters and can exercise their right to vote.¹⁵
2. Article 350 paragraph (2) states that the KPU is obliged to provide convenience to voters with disabilities in casting their votes at the TPS.¹⁶

3. Article 175 paragraph (2) emphasizes that in the permanent voter list (DPT), the KPU is obliged to include information for voters with disabilities so that they can be provided with facilities according to their needs.¹⁷

This provision demonstrates the state's commitment to ensuring that persons with disabilities are not only recognized as voters, but also facilitated to participate effectively and independently in the election process.

b. Obligations of Election Organizers to Guarantee Accessibility

Law Number 7 of 2017 also stipulates the responsibility of the General Elections Commission (KPU), as the election organizing body, to ensure accessibility for voters with disabilities. Article 22, letter e, states that the KPU is tasked with "ensuring the fulfillment of the rights of every citizen to exercise their right to vote and be elected in elections."¹⁸ Furthermore, KPU Regulation (PKPU) Number 25 of 2023 concerning Voting and Counting of Votes in the General Election emphasizes this obligation through Article 350 paragraphs (1)–(4), which require each TPS to provide facilities for people with disabilities, such as braille templates, wheelchair ramps, and assistance that does not interfere with the confidentiality of votes.¹⁹ In addition, KPU Regulation Number 7 of 2022 concerning the Compilation of Voter Lists also stipulates that voter data updating officers (Pantarlih) are required to record a person's disability so that they can be given special treatment and facilities during the voting process.²⁰

c. Relation to Law Number 8 of 2016 concerning Persons with Disabilities

As a special legal basis (*lex specialis*), Law Number 8 of 2016 concerning Persons with Disabilities also affirms that persons with disabilities have the right to participate in politics and government. Article 13, letter f, states that persons with disabilities have the right to "elect and be elected to public office."²¹ This provision is reinforced in Article 75 paragraph (1) which requires the government and regional governments to guarantee the availability of accessibility in the implementation of political rights for people with disabilities.²² Thus, Law Number 7 of 2017 must be read in harmony with Law Number 8 of 2016 so that legal guarantees for the political rights of people with disabilities can be implemented comprehensively.

d. Principle of Non-Discrimination and Inclusive Justice

Law Number 7 of 2017 is actually in line with international principles as stipulated in the Convention on the Rights of Persons with Disabilities (CRPD) which has been ratified through Law Number 19 of 2011. Article 29 of the CRPD states that state parties are obliged to guarantee the rights of persons with disabilities to participate in political and public life effectively and fully, both directly and through freely elected representatives.²³ Thus, implementing elections that are inclusive of people with disabilities is not only a moral and social obligation, but also an international legal and constitutional obligation for Indonesia.

e. Implementation at the Regional Level

As the technical implementer, the Regency/City KPU has the authority to translate the mandate of this Law into operational policies, such as preparing accessible polling stations (TPS), training KPPS (Polres) regarding services for voters with disabilities, and compiling the DPT (Voting List) that

includes disability categories.²⁴ However, the effectiveness of its implementation is still influenced by budget factors, human resource capacity, and cross-institutional cooperation.

2. The Role of the Pelalawan Regency General Election Commission in Fulfilling the Political Rights of Persons with Disabilities in the Implementation of Elections

The General Elections Commission (KPU), as the election organizing body, has a constitutional responsibility to guarantee the fulfillment of the political rights of every citizen without discrimination, including for people with disabilities. This is in line with the provisions of Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that general elections are carried out directly, generally, freely, secretly, honestly, and fairly for all Indonesian people.

In the context of positive law, Law Number 7 of 2017 concerning General Elections explicitly regulates the political rights of persons with disabilities. Article 5, letter k, of the law states that every qualified person with a disability has equal opportunities as a voter, participant, and election organizer.²⁵ This provision is reinforced by General Elections Commission Regulation (PKPU) Number 25 of 2023 concerning Voting and Vote Counting in General Elections, which requires the KPU to provide special facilities for voters with disabilities, including accessibility at polling stations (TPS).²⁶

In practice, the Pelalawan Regency KPU has played an active role in carrying out this mandate through various efforts, including through:²⁷

1. Data collection and updating of the list of disabled voters is carried out specifically to ensure that all people with disabilities are registered as permanent voters (DPT).
2. Provision of accessibility facilities and infrastructure at polling stations, such as braille templates for blind voters, ramps for wheelchair users, and the provision of official companions for voters with disabilities.
3. Implementation of inclusive voter education and outreach, in collaboration with organizations for people with disabilities in Pelalawan Regency to increase political awareness and participation of voters with disabilities.

However, the research results show that there are still a number of obstacles in its implementation, such as the limited number of accessibility facilities, minimal training for polling station officers regarding services for people with disabilities, and low levels of political participation of people with disabilities due to a lack of socialization at the village and sub-district levels.²⁸ These obstacles indicate that the KPU's role in realizing inclusive and fair elections is not yet optimal. Therefore, policy strengthening and capacity building of election organizers are needed through ongoing training and cross-institutional collaboration with the Social Services Agency, educational institutions, and organizations for people with disabilities.²⁹

Conceptually, the fulfillment of the political rights of people with disabilities is an implementation of the principle of equality before the law as stated in Article 27 paragraph (1) of the 1945 Constitution and the principle of non-discrimination in the Convention on the Rights of Persons with Disabilities (CRPD) which has been ratified through Law Number 19 of 2011.³⁰ Thus, the KPU

has a moral and legal obligation to ensure that all citizens, including people with disabilities, can exercise their right to vote independently, safely, and with dignity.³¹

In an interview, the Head of the Pelalawan Regency General Elections Commission (KPU) stated that efforts to improve accessibility for blind voters have reached a significant stage. The KPU is committed to ensuring that all citizens, including those with visual impairments, can exercise their right to vote independently and confidentially, as guaranteed by Law Number 7 of 2017 concerning General Elections. One concrete manifestation of this effort is the provision of braille ballot templates or aids (braille templates) for blind voters.³² This template is used for elections from the presidential level down to regional legislative council (DPRD) members. This assistive device allows blind voters to cast their ballots independently without the need for an assistant, thus maintaining the principles of direct, general, free, confidential, honest, and fair voting.

However, the General Elections Commission (KPU) also acknowledged that technological developments in the provision of digital or electronic voting aids have yet to show significant progress. During the election, technology-based aids were not yet widely available. Innovations such as electronic devices that can read ballots, for example, were still unable to be implemented due to budget constraints, technical readiness, and the lack of regulations specifically governing the use of such technology in the voting process. Nevertheless, in several KPU outreach activities, technology-based aids such as audio recordings or educational videos were used to introduce voting procedures to visually impaired voters. This demonstrates the KPU's awareness and efforts to improve the understanding and preparedness of voters with disabilities for the election.

The KPU head emphasized that the success of inclusive elections depends heavily on coordination with various parties, including organizations for people with disabilities, local governments, and the wider community. Furthermore, the active participation of people with disabilities is also crucial in ensuring the optimal realization of their political rights.³³ From this explanation, it can be concluded that despite various challenges, the General Elections Commission (KPU) has demonstrated commitment and taken concrete steps to ensure accessibility for blind voters, particularly through the provision of braille templates. However, future improvements, particularly in technology and support, are still needed to ensure the election is truly inclusive and reaches all segments of society.

3. HObstacles and Efforts Made by the Pelalawan Regency General Elections Commission to Overcome Obstacles in Fulfilling the Political Rights of Persons with Disabilities in Order to Create an Inclusive and Fair Election Implementation

Elections are a means of realizing popular sovereignty in a democratic state. In practice, all citizens, including the visually impaired, have equal rights to participate in elections, as stipulated in Law Number 7 of 2017 concerning General Elections. Research conducted in Pelalawan Regency identified several obstacles in ensuring political rights for the visually impaired, but the local General Elections Commission (KPU) has also implemented solutions.

a. Limited Accessibility Facilities at Polling Stations

Based on the results of questionnaires and interviews, it was discovered that special facilities such as braille templates are available, but they are not evenly distributed across all polling stations (TPS). The use of braille templates tends to be limited to the presidential election and does not yet cover all levels of the election, such as the House of Representatives (DPR), Regional Representatives Council (DPD), and Regional People's Representative Council (DPRD). This means that some blind voters

still require assistance when casting their ballots, potentially compromising the principle of voter secrecy.

a. Lack of Training for Election Officials

Most election officials surveyed stated they had never received specific training regarding services for blind voters. This lack of training resulted in less than optimal inclusive services for people with disabilities on Election Day.

b. Technical Obstacles in Data Collection of Blind Voters

In terms of data collection, although blind voters are included on the Permanent Voter List (DPT), the data collection does not specifically identify their disabilities in detail. Consequently, the provision of facilities and treatment that should be affirmative has not been implemented effectively.

c. Political Literacy and Access to Information are Still Limited

Interviews revealed that some blind people still don't know that they have political rights guaranteed by law. The KPU's outreach efforts have not yet fully and directly reached the blind community.

d. Lack of Innovation in Accessibility Technology

During the election, digital aids such as audio ballots or accessibility apps were not available to assist blind voters in casting their ballots independently. Technology was only used in a simple form during outreach, but was not available on Election Day.

e. Provision of Braille Templates as the Main Assistive Tool

The Pelalawan Regency General Elections Commission (KPU) has provided Braille ballot templates for blind voters, particularly for the presidential election. This represents an initial commitment to guaranteeing the voting rights of the visually impaired.

f. Socialization through Field Visits

In an effort to reach the disabled community, the General Elections Commission (KPU) conducted direct outreach to groups using educational audio and video media. Although advanced technology was not yet available, the material presented was at least beginning to be tailored to the needs of the visually impaired.

g. Providing Companions on Election Day

Blind people have the right to be accompanied when voting at polling stations. This companion can be a family member or a designated official, provided it doesn't influence the voter's choice. This is an alternative way for voters to exercise their right even if not all facilities are available.

h. Proposal for Special Training and Mentoring for Polling Station Officers

From the research results, the author proposes that in the future the KPU should hold technical training for TPS officers on how to serve voters with disabilities, including simulations of the use of braille aids and ethics of service to those with disabilities.

i. Coordination with Social Services and Disabled Organizations

A concrete step that can be taken going forward is to establish closer cooperation between the General Elections Commission (KPU), the Social Services Agency, and organizations for people with disabilities to ensure that every stage of the election adheres to the principles of inclusivity and non-discrimination.

IV. CONCLUSION

1. The legal provisions governing the political rights of people with disabilities have been clearly regulated in Law Number 7 of 2017 concerning General Elections, specifically in Article 5

letter k, Article 175 paragraph (2), and Article 350 paragraph (2), which guarantees equal opportunities for people with disabilities to become voters, participants, and election organizers. This is in line with the principle of equality before the law as regulated in Article 27 paragraph (1) of the 1945 Constitution.

2. The Pelalawan Regency General Elections Commission (KPU)'s role in fulfilling the political rights of people with disabilities is demonstrated through voter registration, the provision of accessibility facilities at polling stations (such as braille templates and ramps), and the implementation of inclusive voter outreach. These steps demonstrate the KPU's commitment to ensuring participatory and non-discriminatory elections...
3. Obstacles faced by the Pelalawan Regency General Elections Commission (KPU) include limited accessibility at polling stations (TPS), a lack of training for KPPS (polling station) officers regarding services for voters with disabilities, and minimal outreach at the village and sub-district levels. To address these issues, the KPU is implementing strategic efforts to improve its work together with organizations for people with disabilities, strengthening officer training, and optimizing voter data collection and education.

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