

Fulfillment of Voting Rights for Persons with Disabilities in General Elections in Indonesia

Habib Anwar¹, Moh Saleh¹.

¹Master of Law Study Program, Narotama University Surabaya, Indonesia

*Corresponding Author E-mail: habibanwar15@gmail.com

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ABSTARCT

Human rights are fundamental rights inherent in every individual because of their existence as human beings and are based on their dignity. Fulfillment of the right to vote for people with disabilities in general elections is a concrete form of respect for political rights that are universal, inalienable, and guaranteed in national and international law. This study aims to analyze the legal regulations related to the fulfillment of voting rights for people with disabilities in Indonesia and evaluate their compliance with human rights principles. The problems raised in this study include how these legal regulations are formulated in laws and regulations, and to what extent their implementation has fulfilled the principles of non-discrimination and equality. This study uses a normative legal method with a statutory and conceptual approach. The statutory approach is used to examine regulations such as Law Number 8 of 2016, Law Number 7 of 2017, and other implementing regulations, while the conceptual approach is used to explore the principles and legal doctrines related to political rights for people with disabilities. The research results are expected to provide concrete recommendations in formulating more inclusive and equitable policies, in order to support the realization of an election system that guarantees equal political rights for all citizens without discrimination.

Keywords: Fulfillment of Voting Rights, Persons with Disabilities, Elections, Human Rights

1. INTRODUCTION

Human rights (HAM) are fundamental rights inherent in every individual as a human being, not dependent on positive law or societal recognition, but derived from human dignity itself (Donnelly, 2003:7). Regardless of differences in skin color, gender, language, culture, and citizenship, everyone has inalienable rights (Darajati et al., 2020:110). From a legal perspective, the principle of equality before the law guarantees the equality of all individuals before the law and rejects all forms of discrimination (Madung, 2012:172). This principle is reflected in Article 27 Paragraph (1), Article 28D Paragraph (1) and Paragraph (3) of the 1945 NRI Constitution, which guarantees fair legal recognition and protection for all citizens (Waluyo, 2012:1).

One important part of human rights is political rights, including the right to vote and be elected in elections. This right is regulated in Articles 23 and 43 of Law No. 39 of 1999 concerning



Human Rights (Anam, 2011:174), and is also guaranteed in the 1945 Constitution, Law No. 8 of 2016 concerning Persons with Disabilities, Law No. 7 of 2017 concerning Elections, and PKPU No. 7 of 2022 (Yulius et al., 2020:149). Although the legal framework has recognized the right to vote for persons with disabilities, obstacles in practice still often occur. Some of the obstacles faced include limited accessibility of polling stations, lack of assistive devices, minimal assistance, and low socialization of inclusive election procedures (Waworuntu et al., 2022:3; Keintjem, 2023).

Indonesia, as a democratic country, has an obligation to guarantee political participation without discrimination (Ulandari, 2025:12). This is also reinforced by international legal instruments, such as Article 21 of the Universal Declaration of Human Rights and Article 29 of the Convention on the Rights of Persons with Disabilities (CRPD), which have been ratified through Law No. 19 of 2011. The CRPD emphasizes the state's obligation to ensure the full participation of persons with disabilities in political life, including the right to vote and be elected (Dasyah & Desiandri, 2023:29158).

However, various studies show that the implementation of the policy has not fully met the accessibility aspect. Many polling stations are not disability-friendly, officers do not understand special needs, and facilities such as braille ballots are still limited (Dirkareshza et al., 2023:16; Putri & Kristanto, 2024:398). This problem reflects the imbalance between legal norms and field practices.

This study aims to show that the implementation of elections in Indonesia has not fully guaranteed accessibility and independence for voters with disabilities. This problem can be seen from the lack of disability-friendly infrastructure, non-inclusive information, and unclear assistance procedures. These conditions reflect the lack of integration of human rights principles in the implementation of voting rights. Therefore, improvements are needed through strengthening norms in the PKPU, harmonization of national regulations with international human rights instruments, and affirmation of the state's responsibility in fulfilling the political rights of people with disabilities.

2. RESEARCH METHODS

This study uses a normative legal research method, which aims to reveal the truth of the topic through the use of doctrines, rules, and legal principles (Marzuki, 2019:45). The main focus of this approach is on the analysis of positive legal norms, without considering the application of



law in practice (law in action). This study uses two approaches, namely the legislative approach and the conceptual approach.

The legislative approach is carried out by examining all relevant regulations, such as the 1945 Constitution, the Human Rights Law, the Election Law, and the PKPU, with a focus on the analysis of legal norms and their interpretation (Marzuki, 2019:67). This approach aims to provide an effective legal solution in fulfilling the voting rights of people with disabilities so that the election system reflects the value of people's sovereignty.

Meanwhile, the conceptual approach is used to examine the developing legal views and doctrines, in order to obtain an understanding, concept, and legal principles that are relevant to the issue being studied (Marzuki, 2019:89), especially regarding the legal regulation of voting rights for people with disabilities in the Indonesian election.

3. RESULTS AND DISCUSSION

Legal Regulations on Fulfillment of Voting Rights for Persons with Disabilities in General Elections in Indonesia

The right to vote is one of the fundamental rights guaranteed in various national and international legal instruments. This right reflects the principle of democracy that upholds equality and participation of every citizen in the government system. In the context of Indonesian national law, the right to vote for people with disabilities has been regulated in various regulations that aim to ensure that they can participate equally in general elections without discrimination. The 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) as the highest constitution guarantees equal rights for every citizen. Article 27 Paragraph (1) of the 1945 UUD NRI states that "All citizens have the same position before the law and government and are required to uphold the law and government without exception" (Waluyo, 2012:1). This provision emphasizes the principle of non-discrimination, including in the context of political rights. In addition, Article 28D Paragraph (1) states that everyone has the right to recognition, guarantees, protection, and certainty of fair law and equal treatment before the law. Meanwhile, Article (3) emphasizes that every citizen has the right to obtain equal opportunities in government. These three articles emphasize that every individual, including people with disabilities, has the same right to exercise their right to vote.

As a form of strengthening regulations on the rights of people with disabilities, Indonesia has passed Law Number 8 of 2016 concerning Persons with Disabilities. This law specifically recognizes the rights of people with disabilities in various aspects of life, including in the realm of



politics and government. Article 13 of this Law states that every person with disabilities has the right to vote and be elected in general elections. This right shows that the state is obliged to provide adequate protection and facilities so that people with disabilities can exercise their right to vote properly (Yulius et al., 2020:149).

Furthermore, the rights of people with disabilities in general elections are also guaranteed in Law Number 7 of 2017 concerning General Elections. In Article 5, this law stipulates that every citizen who meets the requirements as a voter has the right to cast their vote in elections, including people with disabilities. This provision is reinforced by the General Election Commission Regulation (PKPU) Number 7 of 2022 concerning the Compilation of the Voter List. In Article 13, this PKPU emphasizes that election organizers are required to provide adequate accommodation for persons with disabilities so that they can exercise their voting rights optimally. This accommodation includes the provision of ballot papers in Braille, assistance for voters with intellectual disabilities, and physical accessibility at polling stations (TPS) (Keintjem, 2023). In addition to legal protection at the national level, Indonesia has also ratified various international legal instruments that guarantee political rights for persons with disabilities. One of the main instruments is the Convention on the Rights of Persons with Disabilities (CRPD) which was ratified through Law Number 19 of 2011. Article 29 of the CRPD emphasizes that state parties are required to guarantee the full rights of persons with disabilities to participate in political and public life, including in general elections. This provision requires the state to ensure that the election process is accessible to persons with disabilities, both in terms of infrastructure and policy (Pawestri, 2017:180).

The right to vote for persons with disabilities is also guaranteed in broader human rights instruments, such as the Universal Declaration of Human Rights (UDHR). Article 21 of the UDHR affirms that everyone has the right to participate in the government of his country, either directly or through freely chosen representatives. This affirms that the right to vote is part of a fundamental right that cannot be revoked or restricted without a legitimate reason (Hamzah & Salsabila, 2024:346).

Although there are various regulations that have guaranteed the right to vote for persons with disabilities, in practice there are still various obstacles that hinder their full participation in elections. One of the main challenges is the lack of physical accessibility at polling stations. Many polling stations are not equipped with disability-friendly facilities, such as special lanes for wheelchair users or voting booths that are accessible to persons with sensory disabilities (Ulandari,



2025:48). In addition, there is still a lack of understanding from election officials regarding the special needs of people with disabilities, so that technical problems often occur during voting (Putri & Kristanto, 2024:398). In addition to infrastructure factors, limited information for people with disabilities is also a serious obstacle. Blind and deaf people, for example, often have difficulty in obtaining adequate information about election procedures due to a lack of inclusive socialization (Keintjem, 2023). Lack of assistance is also a challenge, especially for people with intellectual disabilities who need help in understanding the independent and secret voting process (Ulandari, 2025:12).

As a solution to this challenge, various recommendations can be put forward to improve the accessibility and participation of people with disabilities in elections. First, the government needs to increase the provision of disability-friendly facilities at each polling station, including access routes, adapted voting booths, and assistive devices for people with sensory disabilities. Second, election organizers must provide special training to election officials so that they better understand the needs of people with disabilities and how to provide appropriate assistance without eliminating their independence in voting (Dirkareshza, et al. 2023:16). Third, election socialization must be carried out using various inclusive formats, such as videos with sign language, brochures with Braille, and information in audio form for the blind.

Harmony of Legal Regulations on Fulfillment of the Voting Rights of Persons with Disabilities with Human Rights Principles

Human rights are a universal concept inherent in every individual and provide guarantees of protection and equal opportunities in various aspects of life, including in politics. One of the fundamental political rights is the right to vote in general elections. Within the framework of a democratic and legal state such as Indonesia, the fulfillment of voting rights for people with disabilities is an integral part of efforts to ensure equal rights and justice for all citizens (Junaidi et al., 2023:86). This study uses a normative approach method, namely by examining the harmony between laws and regulations governing elections, such as Law Number 7 of 2017 concerning General Elections, Law Number 39 of 1999 concerning Human Rights, and relevant General Election Commission Regulations (PKPU), with the principles of human rights as stated in national and international instruments (Arumsari et al., 2019:13). To analyze this harmony, the discussion is based on the following basic human rights principles:

- 1) Universal Principles



This principle states that human rights apply to everyone without exception, including people with disabilities (Rahmanto, 2019:32). In this context, the provisions in Article 3 of the Human Rights Law emphasize that everyone is born with the same dignity and rights and has the right to fair and equal legal treatment without discrimination, while Article 5 stipulates that every individual, including vulnerable groups, has the right to receive legal treatment and protection in accordance with their human dignity. Therefore, the Election Law and the KPU Regulation should guarantee that there is no discrimination in granting voting rights, including through the provision of equal access at polling stations (TPS). However, an assessment of the laws and regulations shows that although normatively there has been recognition of the voting rights of people with disabilities, not all technical provisions for implementation in the KPU Regulation truly guarantee the universality of such access.

2) Principle of Equality and Non-Discrimination

Article 28I of the 1945 Constitution and Article 3 of the Human Rights Law affirm the principle of equality before the law. The Election Law and the KPU Regulation have contained provisions on special treatment for people with disabilities, but the lack of technical regulations regarding disability-friendly infrastructure at polling stations has created inequality in implementation. This shows a gap between legal regulations and the principle of non-discrimination as guaranteed in human rights. (Ulandari, 2025:49).

3) Principles of Indivisibility, Interdependence, and Interrelatedness

The principle of inseparability implies that all human rights have an equal level of importance, so it is not justified to set aside certain rights or certain categories of rights from all of these rights. The principle of interdependence states that the fulfillment of a certain category of rights is always closely related to the fulfillment of other rights. The principle of interconnectedness means that all human rights are inseparable parts of each other, thus forming a complete unity. These principles emphasize that human rights are interrelated and cannot be separated from each other (Riyadi, 2019:26). These three principles emphasize that all human rights are inseparable, interdependent, and interrelated. In the context of elections, political rights cannot be fulfilled in full if the right to information and political education is not fulfilled. Existing regulations do not adequately regulate the state's obligation to provide inclusive and easily accessible information for people with disabilities, which causes a violation of the principle of interconnectedness between rights.

4) Principle of Participation and Inclusion

Theoretically, the principle of inclusion is a process that allows individuals or certain groups to participate fully or partially in community life (Simarmata, 2017:9). In this context, the Human Rights Law and the Election Law should not only guarantee the recognition of voting rights normatively, but also ensure the existence of an active and inclusive participation mechanism for all citizens, including people with disabilities. However, in regulations such as the PKPU, although there are general provisions regarding voters with disabilities, there are no adequate procedural guarantees to guarantee full inclusion, such as the obligation to provide companions, assistive devices, or information in alternative formats needed by these vulnerable groups.

5) Principle of State Obligations

International law stipulates that the state is one of the legal subjects in the international legal order. Specifically in the context of human rights (HAM), the state is positioned as the main entity that has the responsibility to protect, uphold, respect, and advance human rights, especially for its respective citizens. This responsibility arises because of the state's position as a subject of international law (international person) and as a party to international agreements on human rights, both in the form of conventions, covenants, statutes, and other forms of international agreements (Rahmandani, 2019:52). In this context, as a party that has ratified the Convention on the Rights of Persons with Disabilities (CRPD), Indonesia has a legal obligation to guarantee the fulfillment of voting rights for persons with disabilities in full. Article 71 of the Human Rights Law also emphasizes the role of the state as a protector of human rights. However, in its implementation, there are still shortcomings in the technical regulations and supervision of the implementation of voting rights for persons with disabilities.

6) Inalienable Principle

The principle of inalienability means that human rights cannot be removed or revoked for any reason, because these rights are inherently inherent in every individual as a human being (Smith et al., 2008:11). Human rights are inalienable under any conditions, including in the context of elections, where people with disabilities have the same rights as other citizens to exercise their right to vote without hindrance. The right to vote cannot be removed under any circumstances. Article 43 of the Human Rights Law stipulates that political rights are part of human rights that must be guaranteed by the state. Technical constraints and lack of access in the implementation of elections can be considered as a form of indirect revocation of rights, which is contrary to the principle of inalienability.



7) Principle of Human Dignity

The principle of human dignity emphasizes that every individual must be treated equally and fairly. This implies a prohibition on all forms of discrimination, whether based on race, gender, religion, sexual orientation, or other factors. Human dignity also includes the right of every person to make decisions independently and live their lives according to their personal values and beliefs, as long as it does not harm others. Respecting human dignity means recognizing and appreciating the rights and freedoms of other individuals, and treating them with respect and appreciation in every form of social interaction. Human dignity has moral and ethical aspects that require everyone to treat each other with kindness, empathy, and respect. This reflects the moral responsibility to maintain and support the dignity of each individual (Yusup, 2024:112). Therefore, respect for human dignity is the main basis for the principle of human rights. However, in practice, this principle has not been fully used as a reference, as seen in election regulations that do not guarantee comfort and independence in voting for people with disabilities. The unavailability of adequate aids and information shows that aspects of human dignity are often ignored in the technical formulation of election implementation.

8) Principle of Equality Before the Law

The principle of equality before the law, which in international terms is known as equality before the law, is a principle that has been recognized globally through the Universal Declaration of Human Rights (UDHR) in 1948. This principle must be implemented so that justice can be realized and felt by all levels of society (Madung, 2012:172). In the context of national law, Article 27 of the 1945 Constitution and Article 3 of the Human Rights Law outline that all citizens have equal standing before the law. However, the uneven treatment of disabled voters in elections indicates that this principle has not been implemented optimally in the practice of election law.

4. CONCLUSION

The right to vote is part of a fundamental and inalienable human right, which is guaranteed in the constitution, national laws and regulations, and international legal instruments. Indonesia has various regulations that regulate and guarantee the right to vote for people with disabilities, including through the 1945 Constitution of the Republic of Indonesia, Law No. 8 of 2016 concerning Persons with Disabilities, Law No. 7 of 2017 concerning Elections, and KPU



Regulation No. 7 of 2022. At the international level, Indonesia's commitment is reflected through the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) and support for the Universal Declaration of Human Rights. However, the implementation of the right to vote for people with disabilities still faces significant challenges. The main obstacles lie in the lack of physical accessibility at polling stations, the minimal provision of inclusive information, and the low understanding of election officials regarding the special needs of people with disabilities. As a result, people with disabilities have not been able to fully exercise their right to vote independently, equally, and with dignity. To address these issues, it is necessary to strengthen policies and concrete steps, such as providing disability-friendly infrastructure, training for election officials, and disseminating election information in an easily accessible format. These efforts must be carried out systematically so that elections truly reflect democratic values that are inclusive, fair, and respect the rights of all citizens without discrimination.

Fulfillment of voting rights for people with disabilities in the context of general elections is a concrete manifestation of respect for human rights, especially political rights that are inherent in every citizen without discrimination. The results of the study show that normatively, recognition of the voting rights of people with disabilities has been included in various national regulations, such as Law Number 7 of 2017 concerning Elections, Law Number 39 of 1999 concerning Human Rights, and a number of Regulations of the General Election Commission (PKPU). However, there is a gap between the applicable legal norms and their technical implementation in the field. Based on an analysis of the basic principles of human rights: such as the principles of universality, equality and non-discrimination, the interrelationship between rights, participation and inclusion, state obligations, inalienability, human dignity, and equality before the law, it was found that the technical arrangements for organizing elections have not fully guaranteed accessibility and independence for voters with disabilities. The lack of disability-friendly infrastructure, non-inclusive information, and the absence of clear assistance procedures are indicators that human rights principles have not been fully integrated into the implementation of voting rights. Therefore, corrective measures are needed through strengthening norms in the PKPU, harmonization of regulations with international human rights instruments, and affirmation of state responsibility in ensuring the fulfillment of political rights of persons with disabilities. Only with comprehensive legal adjustments and consistent implementation can human rights principles be realized in real terms in Indonesia's democratic process.

Suggestion



Recommendations for Improving Legal Arrangements in Accordance with Human Rights Principles

Based on the results of a normative study of Law Number 7 of 2017 concerning General Elections, Law Number 39 of 1999 concerning Human Rights, and the Regulation of the General Election Commission (PKPU), it was found that although normatively there is recognition of the voting rights of people with disabilities, its technical implementation does not fully reflect the basic principles of human rights. Therefore, improvements are needed in the legal regulatory aspect, with the following recommendations:

1) Strengthening Norms in PKPU regarding Accessibility

It is necessary to draft and/or revise the KPU Regulation which explicitly regulates the obligation to provide disability-friendly infrastructure at TPS, such as wheelchair ramps, accessible voting booths and Braille ballots, as a form of implementing the principles of universality and equality.

2) Affirmation of Human Rights Principles in Election Legal Products

All technical regulations for the implementation of elections, especially the PKPU, should contain explicit references to relevant human rights principles, such as the principles of non-discrimination, participation, inclusion, and human dignity. This is important to ensure that the implementation of elections is not only administratively legal, but also substantively legitimate according to human rights.

3) Harmonization of Legislation

Harmonization is needed between the Election Law, Human Rights Law, and PKPU with international human rights instruments such as the CRPD (Convention on the Rights of Persons with Disabilities) to ensure the conformity of national norms with international standards, in accordance with the principle of interdependence and interconnectedness between rights.

4) Explicit Inclusion of State Obligations

Election regulations must explicitly state the state's responsibility to ensure the fulfillment of the political rights of people with disabilities, including responsibility for providing easily accessible election information, inclusive political education, and assistance procedures at polling stations, as stated in Article 71 of the Human Rights Law and the principle of state obligations.

5) Strengthening Regulatory Monitoring and Evaluation Mechanisms



Regulations are needed on the evaluation and monitoring mechanisms for the implementation of the voting rights of people with disabilities in elections. This includes the provision of effective complaint facilities and the involvement of independent institutions to ensure state accountability.

By strengthening these normative aspects, legal regulations regarding elections in Indonesia can be more in line with human rights principles, so that the voting rights of people with disabilities are not only recognized normatively, but also guaranteed operationally in their implementation. This is important to realize an inclusive and just democracy in Indonesia.

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