

Ensuring Political Rights for People with Disabilities in Serang Regency

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Abstract

Citizens have rights that must be respected during general elections. Among these rights is the recognition of women's political rights, which is a means of ensuring that people with disabilities have the same opportunities as voters, candidates for the House of Representatives, Regional Representative Board, President or Vice President, Provincial Legislatives Council, etc. provided they meet the requirements outlined in Law No. 7 of 2017. The lack of participation of people with disabilities in politics in Serang Regency binds women with impairments from exercising their political rights. This article aims to describe the progress in fulfilling the political rights of individuals with disabilities in Serang Regency. The article's subject was selected using a purposeful method during the writing process. The research findings indicate that individuals with disabilities in Serang Regency still face significant barriers in exercising their political rights. The reason for this is that people are unaware of their political rights, which include those of people with disabilities. As a result, there is a common misconception that individuals with disabilities, especially women, are deemed unfit to run for public office or serve as legislative candidates due to perceived physical limitations that hinder their ability to fulfill their responsibilities effectively.

Keywords: Political Rights, Disabilities, General Election

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A. INTRODUCTION

Indonesia, a nation founded on principles of law and democracy. It can be seen from its sovereignty which is in the hands of its people as stated in the Preamble of 1945 Constitution. Indonesia's democratic system empowers its people to shape the nation's future through regular general elections. In this case, the people will be the party who determine the figures who will represent them by sitting, carrying out the duties and mandate of the people in Representative Council (DPR), Regional Representative Council (DPRD), and also the president who will lead Indonesia.

As stated in the 1945 constitutional No. 8 of 2012 about general election of the members of the Representative Council, Regional Representative Council and Regional People's Representative Council, the definition of general elections is detail explained, where it is written that general elections are a means of implementing people's sovereignty which is carried out directly, publicly, freely, secretly, honestly and fairly in The Unitary State of Indonesia based on Pancasila and 1945 Constitution.¹

However, the general election nowadays is actually considered as an open competition, it's caused many actions to gain people support through their votes. This condition quietly creates intensive among voters and election participants, the government, General Elections Commission, election

¹ The Law of the Republic of Indonesia, "The Law of the Republic of Indonesia No. 8 of 2012 about the General Election of the House of Representatives, Regional Legislative Council and Provincial Legislative Council," 2012.

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Cucum Rohmawati, Iin Ratna Sumirat, Miftahu Jami Nakdan, Mohd Na'eim Ajis supervisory institutions, and also the observers. This interaction can be seen from the voters who are in an equal position with other elements. Then, political parties as the election participants need people support as the voters, as well as the general election commission who try to increase people's participation in the implementation of general elections.²

One of the challenges in implementing general elections is ensuring the fulfillment of Indonesian citizens' rights to participate, including both the right to vote and the right to be voted for.³ So, everybody has the right to be fulfilled in politics. In this instance, the citizens are people who have an official position as full members of a country.⁴ They are individuals who have fulfilled the eligibility conditions to cast a ballot, regardless of their gender, race, class, religion, or even whether they are disabled or not.

In the meantime, Law 62 of 1958 states that:

"Indonesian citizens or citizens of the Republic of Indonesia are a group of people who have the basis of the laws and agreements and regulations in force since the proclamation of independence on August 17 1945 and have become citizens of the Republic of Indonesia."

In this context, citizens are individuals who meet the criteria to vote and stand for election, irrespective of their gender, race, social class, religion, or disability status.

According to Law Number 8 of 2016, what is meant by Persons with Disabilities is anyone who experiences physical, intellectual, mental and/or

² Sarbaini, "Demokratisasi Dan Kebebasan Memilih Warga Negara Dalam Pemilihan Umum," *Jurnal Inovatif* Volume III, no. No. 1 (2015): 107.

³ HA Nasution and Marwandianto., "Memilih Dan Dipilih, Hak Politik Penyandang Disabilitas Dalam Kontestasi Pemilihan Umum: Studi Daerah Istimewa Yogyakarta.," *Jurnal HLAM* Volume 10, no. Nomor 2 (2019): 162–63.

⁴ Austin Ranney G, *An Introduction to Political Science* (New Jersey: Prentice Hall, 1993).

sensory limitations for a long period of time who, in interacting with the environment, may experience obstacles and difficulties in participating fully and effectively with other citizens based on equal rights.⁵ Meanwhile, disability is a loss or limitation individuals in participating in daily activities in society, not only due to physical or psychological disorders but also as a result there are social obstacles that also contribute.⁶

As per the definition provided in Law Number 8 of 2016's Article 1 point 1, individuals with disabilities are those who have long-term physical, mental, intellectual, and/or sensory limitations and who may encounter barriers and challenges when interacting with their surroundings, making it difficult for them to fully and effectively participate in society. other nations according to equal rights.⁷

Furthermore, people with disability are those who have the experience of any condition that makes it more difficult for a person to do certain activities or have equitable access within a given society.⁸

The United Nations Convention on the Rights of Persons with Disabilities defines disability as long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder [a person's] full and effective participation in society on an equal basis with others.⁹

Disabilities may be cognitive, developmental, intellectual, mental,

⁵ The Law of the Republic of Indonesia, "The Law of the Republic of Indonesia No. 8 of 2016 about People with Disabilities," 2016.

⁶ Prasetyo F.A., "Disabilitas Dan Isu Kesehatan. Buletin Jendela Data Dan Infomasi Kesehatan: Situasi Penyandang Disabilitas, Semester 2," 2014, 31–40.

⁷ The Law of the Republic of Indonesia, "The Law of the Republic of Indonesia No. 8 of 2016 about People with Disabilities."

⁸ Centers for Disease Control and Prevention, "Disability and Health Overview | CDC," 2014.

⁹ United Nations Convention on the Rights of Persons with Disabilities, "Human Rights and Person with Disabilities," 2006.

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Cucum Rohmawati, In Ratna Sumirat, Miftahu Jami Nakadan, Mohd Na'eim Ajis physical, sensory, or a combination of multiple factors. Disabilities can be present from birth or can be acquired during a person's lifetime. Historically, disabilities have only been recognized based on a narrow set of criteria—however, disabilities are not binary and can be present in unique characteristics depending on the individual.¹⁰

Basically, it is everyone's right to participate actively in politics. Numerous international and state legal frameworks contain laws pertaining to political rights. The Universal Declaration of Human Rights also known as UDHR in Indonesian, which contains the main rights, and basic freedoms are used as a reference in upholding and respecting human rights, as well as the principles and objectives of the United Nations Charter.¹¹

Thus, as stipulated in Article 21 Point 1 of the UDHR, persons with disabilities are likewise entitled to actively participate in political life as citizens of Indonesia. The right to vote and the ability to vote should receive more attention when it comes to the rights of people with disabilities because it is still widely believed that people with disabilities are flawed and that they will be unable to fulfill their parliamentary duties. So, they are assumed to be an eligible group either to vote and be voted.

In the meantime, as stated in Article 27 Paragraph 1, every citizen has the rights and is guaranteed to be treated equally by the state (1), which stated that:

¹⁰ L Francis and A Silvers, "Perspectives on the Meaning of "Disability," *AMA Journal of Ethics*. 18, no. (10) (2016): 1025–1033, doi:doi:10.1001/journalofethics.2016.18.10.pfor2-1610.

¹¹ Hilmi Ardani Nasution Nasution and Marwandianto., "Memilih Dan Dipilih, Hak Politik Penyandang Disabilitas Dalam Kontestasi Pemilihan Umum: Studi Daerah Istimewa Yogyakarta.," *Jurnal HAM* Vol. 10, no. No. 2 (2019): 163–64.

*"Under the law and the government, every citizen is in the same position and is required to uphold these institutions without exception."*¹²

This provision is reaffirmed in article 28 I paragraph (2) which stated that:

*"Everyone has the right to be free from all forms of discrimination and protection toward such discriminatory treatments."*¹³

Then, in the context of Human Rights, it is also stated that every person has the same position and they should be treated equally by the state as mandated in Article 3 Paragraph (3) of Law Number 39 of 1999, which is written that:

*"Everyone has the right to the protection of human rights and basic human freedoms, without any discrimination."*¹⁴

The issue regarding the participation of disabled groups in political activities is certainly inseparable from the technical order, when they nominate themselves as people's representatives in a general elections, they are not given any support by the existence of the requirements in the terms "physically and mentally healthy" which prejudice, especially for those who will register as prospective legislative candidates from groups of people with disabilities. Besides that, there is neither understanding nor solution related to the problem of violation in the implementation of general election.

¹² 1945 Constitution of the Republic of Indonesia, "1945 Constitution of the Republic of Indonesia, Article 27 about The Rights and Responsibilities of Indonesian Citizens Paragraph (1)," 1945.

¹³ 1945 Constitution of the Republic of Indonesia, "1945 Constitution of the Republic of Indonesia, Article 28 I about The Right of Indonesian Citizens Not to Be Discriminated Paragraph (2)," 1945.

¹⁴ The Law of the Republic of Indonesia, "Article 3 Paragraph (3) of Law Number 39 of 1999 about Human Rights," 1999.

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Furthermore, a number of laws and rules limit the ability of those with impairments to exercise their political rights. For example, the omission of laws which support the principle of non-discrimination in the regulation of general election, as well as the inclusion of requirements for physical and mental health, which are detrimental terminology and does not refer to the Law Number 36 of 2009 about Health.¹⁵

What specific measures are being implemented to safeguard the political rights of individuals with disabilities during general election campaigns? According to the constitution, the state, and particularly the government, must uphold the rights of individuals with disabilities to equal opportunities to exercise their right to vote in elections as well as the right to facilities and special treatment.

Indonesia has taken action by ratifying the International Covenant on Civil and Political Rights through Law Number 12 of 2005 concerning Ratification of the International Covenant on Civil and Political Rights. As a nation that upholds legal values, Indonesia is undoubtedly required to establish and respect human rights. That does, however, mean that the Indonesian government must fulfill its obligation to ensure that its citizens' civil and political rights are implemented.

Those implementation and honor toward human rights certainly requires accessibility. Everybody can freely, confidentially, and independently utilize their parliament duties either to elect, be elected or encharged with as a general election organizer in this condition without any obstacles. In this context, accessibility refers to the resources and services that make it simpler for those with disabilities to exercise their right to vote during general elections campaigns.

¹⁵ Indra Dewi and Wulandari Yettik, *Prinsip-Prinsip Dasar Abli Gizi*. (Jakarta: Dunia Cerdas, 2013).

It can be said that accessibility is a basic need, it's not a request for privilege, and it should be provided in the implementation of general elections.

Essentially, ensuring accessibility in general elections for people with disabilities aligns with the regulations outlined in the Convention on the Rights of Persons with Disabilities (CRPD). Article 29 of Convention on the Rights of Persons with Disabilities, which governs the exercise of political and public life, states that:

"The government shall uphold the political rights of individuals with disabilities, provide them with equal access to their rights, and take the necessary steps to: (a) make sure that individuals with disabilities have the freedom to completely and effectively engage in politics and public life, either directly or through representatives. This includes their rights and the ability to vote and be voted for ...".¹⁶

Despite the fact that Law Number 8 of 2016's Article 13 expressly outlines the political rights of people with impairments, such as:

- (1) electing and being succeed in winning a governmental office;
- (2) expressing vocal and writing political aspirations;
- (3) selecting candidates for general elections, political parties, or individual candidates;
- (4) establishing, joining, and/or serving as an administrator of a political party or community organization;
- (5) creating and joining groups that support people with disabilities and act as their local, national, and worldwide representatives;
- (6) engaging in active participation in the general election system throughout all phases and/or segments of its execution;

¹⁶ Rhona K.M. Smith, *Hukum Hak Asasi Manusia*. (Yogyakarta: PUSHAM UII, 2008).

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- (7) gaining access to the infrastructure and facilities needed to organize elections for village chiefs, governors, regents, and mayors, among other positions;
- (8) and getting knowledge of politics.¹⁷

In actually, the disabled community is neglected and denied access to the same rights as other groups of people, including political rights in Serang Regency. From year to another year of politics, there are neither candidates found as the Representative Council (DPR), nor Regional People's Representative Council (DPRD) from groups of those with disabilities, including in Serang Regency. Despite the fact that there has been data collection on individuals with impairments since 2019, very few of them actually use their right to vote.

In each municipal electoral district, general election commission maintains a record of individuals with disabilities and adds unique columns specifically for potential voters on the Temporary Voter List (DPS) and Permanent Voter List (DPT). include a range of disabled individuals from every voter. Naturally, even if people with disabilities have many challenges in fulfilling their civic responsibilities, the purpose of this register is to raise awareness of potential changes in the way that citizens are served. similar to assistance for people with disabilities.

Banten's 2020 Simultaneous Regional Election has 616 voters with physical disabilities, 144 voters with intellectual impairments, 345 voters with mental disabilities, and 390 voters with sensory disorders among its disabled voters. This shows that people with disabilities in Serang Regency only have their

¹⁷ The Law of the Republic of Indonesia, "The Law of the Republic of Indonesia No. 8 of 2016 about People with Disabilities."

political rights as voter (the right to vote), meanwhile there was no data of them as passive voter (the right to be voted).

So, it can be concluded that the political rights of people with disabilities in Serang Regency have not been fulfilled. Despite this, Law Number 7 of 2017 concerning General Elections notes "equality of opportunity" in the explanation of article 5, where the phrase stresses giving individuals with disabilities chances and/or access to realize their potential in all spheres of the state and society.¹⁸

There are undoubtedly groups or individuals with disabilities living in almost every Indonesian Province, including Serang Regency; therefore, their political rights-including the ability to vote and be elected as representatives should be upheld and fulfilled.

The active involvement of voters with disabilities in politics signifies the commitment to inclusive elections, where every voter should have the opportunity to vote without facing barriers based on race, religion, gender, age, physical condition, or location.¹⁹

Almost all regions in Indonesia, including Serang Regency, definitely have residents who are groups or people with disabilities, so their political rights should be respected and fulfilled, not only as voters but also to be elected as representatives. The general election, which is people's party and requires the votes of disabled people in order to be a true form of democracy, will have a significant impact on the future changes in Indonesia, particularly those pertaining to the disabled population, as it demonstrates their equal rights in politics as other Indonesian citizens.

¹⁸ The Law of the Republic of Indonesia, "Law Number 7 of 2017 Concerning General Elections," 2017.

¹⁹ K. Nugroho and F. D. M. Liando, "Nilai Dan Asas Pemilu. Dalam P. U. Tanthowi, A. Perdana, & M. Sukmajati (Ed.), *Tata Kelola Pemilu Di Indonesia*," *Komisi Pemilihan Umum Republik Indonesia*, n.d., 23–56.

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This study aimed to assess the extent to which individuals with disabilities in Serang Regency can exercise their political rights amidst the challenges identified earlier.

B. RESEARCH METHOD

This research was carried out by using qualitative method. Qualitative in a research was intended to understand phenomena about what research subjects experience, for example, behavior, perceptions, motivations, actions, etc., holistically by describing in the form of words and language in a special natural context and by utilizing various scientific methods.²⁰

Case study analysis based on techniques, data and source triangulation was the analytical technique employed. Case study is an exploration of a “bounded system or a case (multiple cases) overtime through detailed, in-depth data collection involving multiple sources of information rich in context.²¹ A case study should not be equated with observational studies as this would rule out historical case studies.²²

For data collection methods, literature studies and field research which consisted of observations and in-depth interviews were carried out. Primary data was gathered through in-depth interviews and observations at the research site, while secondary data was collected from relevant sources. An in-depth interview is a type of qualitative interview in which a researcher records the responses to general, open-ended questions posed to one or more participants. The purpose

²⁰ L. J. Moleong, *Metode Penelitian Kualitatif*. (Bandung: PT. Remaja. Rosdakarya., 2017).

²¹ Patricia A. Duff, *Case Study Research in Applied Linguistic* (New York: Taylor and Francis Group, 2008).

²² David Nunan, *Research Method's in Language Learning* (New York: Cambridge University Press, 1992).

of the study was to gather comprehensive data regarding the protection of political rights for individuals with disabilities in Serang Regency.²³

Meanwhile, the researchers with phenomenal systematics used observation as a form of direct observation to gather information about the subject of their investigation. Observation enhances researchers' capacities for trust, focus, unconscious behavior, and habitual behavior.²⁴ Through observation, researchers can become a source of data by experiencing and feeling what the subject is experiencing. In order to uphold the political rights of individuals with disabilities in Serang Regency, the Serang district general election commission's plan will be closely and thoroughly observed by researchers in this study. These observations were made during the course of the investigation.

In addition, secondary data is data was generated from online news sites (websites), journals, and books which were relevant to the research. Then, the data was analyzed by using interactive model which groups the data analysis into three stages; (1) data reduction, (2) data display, and (3) drawing conclusions/ Verification.²⁵

The technical analysis was carried out to test the validity of the data obtained, so that it is tested based on the objectives of the research. Meanwhile, data triangulation is a technique for examining data by utilizing something other than the data obtained for inspection purposes or as a data comparison.²⁶

²³ John W. Cresswell, *Educational Research: Planning, Conducting and Evaluating Quantitative and Qualitative Research, 3rd Ed.* (New Jersey: Pearson Merrill Prentice-Hall, 2008).

²⁴ Moleong, *Metode Penelitian Kualitatif*.

²⁵ Miles Huberman and Johnny Saldana, *Qualitative Data Analysis, A. Methods Sourcebook, Edition 3* (USA: Sage Publications, 2008).

²⁶ Moleong, *Metode Penelitian Kualitatif*.

C. RESULT AND DISCUSSION

Compared to other community groups, people with disabilities continue to have restricted access to political, economic, educational, and informational resources. As such, the state's three primary functions as an impartial body are as follows:

- (1) *obligation to respect*;
- (2) *obligation to protect*; and
- (3) *obligation to fulfill*.²⁷

One of the responsibilities of general election commission is to uphold the rights of every person, particularly to guarantee the exercise of political rights. In order to accomplish this goal, voter outreach and education initiatives are implemented, which will promote greater participation from all demographics, including those with impairments.

Anyone can participate in community politics as a means of putting democracy into practice, including people with disabilities. Giving every people the equal right to participate actively in elections is one way to do this. The regulation of general election commission, which oversees, among other things, the following, has effectively carried out this task, transferring authority from the central of general election commission to the regional general election commission:

- (1) Equal opportunities and access for all citizens in the conduct of elections;

²⁷ A Sujatmoko, *Hukum HAM Dan Hukum Humaniter* (Jakarta: Rajagrafindo Persada, 2015).

- (2) Commitment to providing equal rights in elections, including political rights, accessibility, public services, and voter data collection.

People with disabilities must undoubtedly participate in the application of democratic values. The existence of democracy itself is called into question when people with disabilities face discrimination and are excluded from general elections, as this indicates that their democratic rights are not being upheld. Meanwhile, the integrity of general elections will certainly involve all levels of society without discrimination in any form, including the participation of people with disabilities. Therefore, the participation of people with disabilities has an important role in the implementation of general elections.

This is further supported by the Human Rights that Indonesia has upheld since gaining independence in 1945. Indonesia has demonstrated its appreciation of these rights through Pancasila and the 1945 Constitution, which details the state's obligations to uphold citizens' human rights. This allows for the guarantee and protection of citizens' constitutional rights as well as human rights to be realized in state administration. The right to vote is a fundamental freedom that the government completely upholds for every citizen. In addition, citizens possess the right to vote, which is derived from their human rights and is predicated on human dignity rather than being bestowed by society.²⁸

In an effort to guarantee that individuals with disabilities can participate directly in selecting representatives for the 2024 election, General Election Commission of Serang Regency has undertaken initiatives. Collaborating with Disability Organizations, Social Services, and the Demography and Civil Registry Office to enhance initiatives. Besides traditional methods such as billboards and brochures, the General Election Commission of Serang Regency has leveraged

²⁸ Smith, *Hukum Hak Asasi Manusia*.

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Cucum Rohmawati, In Ratna Sumirat, Miftahu Jami Nakdan, Mohd Na'eim Ajis online media for outreach. When compared to the previous election cycle, the percentage of voters with impairments who participated likewise showed an increase.

Furthermore, the General Election Commission of Serang Regency has implemented initiatives such as accessible polling stations and voter education programs to ensure the political rights of individuals with impairments are upheld.

Since the beginning of the voter data updating stage, the General Election Commission of Serang Regency has also made accommodations for the exercise of people with disabilities' political rights. Updates to Voter Data Officers must record voters with disabilities by entering the disability type code in the information box during the Matching and Research stages. Here's how this disability code can be explained:

- Code 1 : Physical Disability
- Code 2 : Intellectual Disability
- Code 3 : Mental Disability, and
- Code 4 : Sensory Disability

The data on people with disabilities listed in the Serang Regency's Permanent Voter List (DPT) indicate the actual voter participation. From 1,180,789 permanent voters, they come from 29 sub-districts. From the total permanent voter list, there are 4,613 voters who are people with disabilities.

The list of permanent voters consisting of people with disabilities in Serang Regency is as follows:

Tabel 1 The Details of Voters with Disabilities in Serang Regency

2023

No	The Types of Disability	Total
1	Physical Disability	1.890
2	Mental Disability	937
3	Intellectual Disability	221
4	Speech Sensory Disability	578
5	Deaf Sensory Disability	329
6	Visual Sensory Disability	658
	Total	4.613

Source: General Election Commission of Serang Regency, 2023

The data above illustrates the number of voters with disabilities in Serang Regency who are registered as permanent voters. Indeed, so far there are no problems found in accommodating people with disabilities to participate in the politic, on the contrary, political parties should be careful for this special opportunities of people with disabilities in Serang Regency, whose number is quite high, where the special qualifications for those with disabilities are required so that when they can be involved as a party member in politic. Because in putting up themselves, either as a regional head or as a member of the legislative, there are several disabilities which are not allowed, one of them is mental disability. Because one of the requirements to become a candidate for regional head or member of the legislative is having a healthy mind and be independent, so those who have mental disabilities are considered unable to fulfill the requirements. Besides that, it is worried that when they are elected as

Cucum Rohmawati, Iin Ratna Sumirat, Miftahu Jami Nakdan, Mohd Na'eim Ajis representative in the government, their existence will become an opportunity for crime and misuse by others who have personal or group interests.

a. Socialization

The first step in encouraging voters with disabilities to participate is to conduct a number of political outreach initiatives. One step in the socialization process is political socialization. According to Rocher, socialization is a lifelong process that involves absorbing and internalizing sociocultural elements.

Stacey, on the other hand, sees socialization as the process through which a person picks up skills, values, and beliefs that come together to form an attitude. In summary, socialization is the process by which people pick up attitudes, values, beliefs, and behaviors from the wider community. Political socialization is the process of gaining political values, beliefs, attitudes, or behaviors.²⁹

People with disabilities have unique media needs because they may not receive information in the same way as others. Details about the general election's phases, the candidates' goals and missions, and their campaign materials for those who are blind or visually handicapped, it also need a braille.

Deaf individuals with impairments require a sign interpreter to understand the information effectively. In fact, General Election Commission and General Election Supervisory Agency asked individuals with impairments to participate in a number of their public service announcements. However, it is evident that public service messages still lack the interpreters necessary for individuals with speech and hearing impairments.

²⁹ Haryanto, *Sosialisasi Politik: Suatu Pemahaman Awal* (Yogyakarta: PolGov, 2018).

So far, the socialization which was carried out toward people with disabilities in Serang regency was still on the explanation about their right to vote and the procedures about how to vote in the polling stations which were friendly them as disabilities. Because what they knew was about their obligation to come to the polling stations and use their right to vote, there has no further explanation about their rights other than that. Besides that, the General Election Commission of Serang Regency also explained in their explanation that they also encountered difficulties.

They got difficulties in conveying the points of socialization to the people with disabilities, because many of them had special needs that required attention, moreover it was also found that people with disabilities had a low level of participation even just to vote, this is proven by the large number of them who are included in the permanent voters but when the general election was carried out, they did not come to the polling place to vote. So, it can be concluded that they also did not use their right even just to vote.

General Election Commission of Serang Regency admitted that there were barriers to information dissemination during this socialization process. This is because deaf translators are not yet a part of the technical outreach. They claim that making a video simulation of each handicap category's selection process is a more efficient way to conduct outreach.

b) Accessibility

In general elections, accessibility means that all citizens must be able to directly, publicly, freely, discreetly, and independently exercise their political rights (voting, being elected, and being appointed as

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Cucum Rohmawati, Iin Ratna Sumirat, Miftahu Jami Nakdan, Mohd Na'eim Ajis election organizers) without facing any barriers. Availability The facilities and services that can facilitate the exercise of a person's right to vote in a general election by people with disabilities are intended here. Not a kind of compensation for those with impairments, accessibility is a universal demand. Every level of current elections must address the requirement for accessibility.

Apart from the regulations of general election which still created a lot of understanding for people with disabilities, General Election Commission of Serang Regency as the organizers and also political parties, which caused many people with disabilities found the difficulties to carry out the campaigns to the places where it was held because there was no differences among people with disabilities and non-disabled. However, General Election Commission as the organizers should certainly understand that not all campaign locations could be reached by people with disabilities. Besides that, there would be many obstacles found by people with disabilities if the facilities were not provided as an access for delivering their speeches. For example, there were the candidates who have speech disability, they certainly needed special facilities, whereas in the practice there were no facilities found for campaigning for those people with speech disabilities.

The Convention on the Rights of Persons with Disabilities (CRPD), which governs the rights of individuals with disabilities, also protects guarantees pertaining to accessibility during elections. Article 29 of the Convention on the Rights of Persons with Disabilities (CRPD), which governs public participation in politics, states that nations must ensure that individuals with disabilities have equal access to political life and the means to exercise those rights. They also have to take action to guarantee that individuals with disabilities can fully and effectively

participate in political and public life, either directly or through representatives who are freely chosen. This includes the right and opportunity for individuals with disabilities to vote and hold public office. A figure People with disabilities are also subject to numerous other laws and covenants that govern their political rights. The desire of individuals with disabilities to exercise their right to vote for him in the general election will be directly impacted by the accessibility of the facilities.

c) Challenges Faced by Individuals with Disabilities

In addition to the previously mentioned obstacles, individuals with disabilities also face challenges stemming from within their own community. Internally, people with disabilities themselves were still not fully cognizant of the significance of general elections. There were still some who believe that elections won't result in change and who are indifferent. Because they were mentality weak, they did not have high self-confidence, especially to involve in the politics.³⁰

Moreover, with their disabilities, many of them had a minimal level of education. Then, many of them also had low financial capabilities which made them far from the sufficient. So, when they were given an opportunity to use their right to nominate themselves in general election, in this case they could use their political right to be voted as the representative council based on the regulations and equal rights that they had, it is worried that they themselves could not obey the existing regulations. Hence, it is imperative for the government, particularly the

³⁰ K Z Paltiel, "Campaign Finance: Contrasting Practices and Reforms," *Democracy at the Polls*, 1981, https://www.aci.org/wp-content/uploads/2017/07/Democracy-at-the-Polls_text.pdf#page=149.

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General Election Commission and political parties, to create opportunities for individuals with disabilities to exercise their political rights to vote. This necessitates increased efforts from the government, particularly the General Election Commission and political parties, to create opportunities for individuals with disabilities to exercise their political rights to vote, focus and commitment moving forward. For this reason, sustainable voter education methods are needed.

d) Environment

According to Law Number 8 of 2016's Article 1 Paragraph 1, a person is considered to be disabled if they have long-term physical, intellectual, mental, or sensory limitations. They may also encounter barriers and difficulties when interacting with their surroundings, making it difficult for them to fully and effectively participate in society as equal citizens.³¹

In providing an understanding and supporting people with disabilities in their participation in general elections, the participation of environment for people with disability, especially family is really important. Because, in the various activities carried out by people with disabilities, the family was the party who knows best, they had the closeness. However, many families of people with disabilities deliberately did not want to provide opportunities for their family members who have disabilities. The family was reluctant because they felt that disability was a disgrace, so they closed themselves off.

³¹ Y M Alex-Assensoh, *Democracy at Risk: How Political Choices Undermine Citizen Participation and What We Can Do about It* (books.google.com, 2005), https://books.google.com/books?hl=en&lr=&id=UBygpQi_TUcC&oi=fnd&pg=PR7&dq=money+has+a+significant+impact+on+presidential+elections+in+democracies&ots=HhBS1AX53X&sig=M_BVZs1o-TS7W1v31Yp2PBfNVeA.

The existence of people with disabilities go through a process of social marginalization. Here, social exclusion is understood to mean prejudice against the rights of individuals with disabilities. In actuality, negative stigma from families and society is how persons with disabilities experience this exclusion. Families become indifferent toward those with impairments, taking them for granted and refusing to accompany them to voting places due to the presumption that they are incapable of speaking for themselves. Disability advocates acknowledge that although individuals with disabilities are aware of their political rights on an internal level, family members are still not as aware of the need to help their disabled family members.

General election commission of Serang Regency has to do this in order to arrange socialization activities that will subsequently be implemented with families of disabled children. Disability-affiliated families will raise awareness about the need to transport impaired voters to the polling place and to the socialization location.

e) Lack of Attention form Serang Regency Government about the Regulation for disabilities.

In order to guarantee equal rights and opportunities for people with disabilities toward a successful, independent, and discrimination-free existence, as outlined in statutory laws, policies and regulations for people with disabilities are crucial. In order to plan, carry out, and assess the respect, protection, and fulfillment of the rights of people with disabilities, policies and strategies are also required.³²

³² K J Rajagukguk, S Aripin, and ..., "Simultaneous General Election: It Is Fair for Democracy in Indonesia," *JIP (Jurnal Ilmu ...)*, 2021, <https://www.governmentjournal.org/index.php/jip/article/view/186>.

So far, the regulations regarding guarantee for people with disabilities in the Banten Province are contained in the Banten Province Regional Regulation Number 14 of 2019. From these regional regulations, many districts and cities in the Banten Province had their own Regency and City regulations as the reinforcement. The following are the regional city and district regulations pertaining to the guarantee for individuals with disabilities:

1. Cilegon Mayor Regulation Number 1 of 2022 concerning Dignified Civil Social Security.
2. Regional Regulation of Serang City Number 13 of 2019 concerning People with Disabilities.
3. Tangerang City Number 3 of 2021: Regional Regulation on the Respect, Protection, and Realization of the Rights of Individuals with Disabilities
4. South Tangerang City Regional Regulations Number 18 of 2019 concerning the Implementation of Protection for Persons with Disabilities.
5. Tangerang Regency Regional Regulation Number 11 of 2018 on the Defense and Realization of People with Disabilities' Rights.

While some regions in Banten Province have regulations concerning insurance for people with disabilities, others, including Serang Regency, lack such provisions.³³ In fact, the regional regulations of Serang Regency regarding people with disabilities should be existed

³³ J F Kovalski et al, *The RTI Approach to Evaluating Learning Disabilities* (books.google.com, 2022), https://books.google.com/books?hl=en&lr=&id=TjCDEAAAQBAJ&oi=fnd&pg=PP1&dq=the+effectiveness+of+the+implementation+of+differentiated+learning+in+improving+the+learning+outcomes+of+students+with+special+learning+needs+in+elementary+schools&ots=WP_IHeWJOI&si

separately as a form of equal rights between disabled and non-disabled. However, what has become a realization is the enactment of the Regional Regulation regarding People with Social Welfare Problems. It should be understood that Social Welfare Problems and disability are two different things. Social Welfare Problems were focus on the social welfare which includes the poverty, street children and derelict people. Meanwhile, what people with disabilities needed were different things from Social Welfare Problems.

There are actually a number of factors that can promote political participation:

- (a) Conditions that are directly influenced by factors like the weather, family support, social interaction, environmental conditions, and threat;
- (b) Political affiliation;
- (c) The failure to uphold the rights and obligations of citizenship, including the right to life guarantees and the economic, legal, and social aspects of citizenship;
- (d) The presence of motivating factors, such as socialization about the goals and missions of each candidate on social media and in print media.³⁴

D. CONCLUSION

It is clear from the foregoing discussion that individuals with impairments essentially enjoy the same rights when it comes to voting and holding public office. The ability to perform their duties and obligations as The House of Representatives of the Republic of Indonesia (DPR), Local People's

³⁴ D Hendrik, "Variabel-Variabel Yang Mempengaruhi Rendahnya Partisipasi Politik Masyarakat Dalam Pilkada Walikota Dan Wakil Walikota Padang," *Jurnal Demokrasi*, 2010, 137–48.

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Representative Council (DPRD), and the incoming president of the Republic of Indonesia is one of the requirements that individuals with disabilities must meet in order to be eligible to run for President and Vice President.

Thus, the regulatory framework is assumed to be an obstacle in fulfilling the political rights of citizens, especially people with disabilities in Serang Regency because it has multiple interpretation of people with disabilities participating in general elections, both the right to vote and be voted. The regulation does explicitly mention the requirements and political rights for people with disabilities, but there is no detailed explanation regarding the existing regulations, because the term *physically and mentally health* as one of the requirements, has multiple interpretations, even though there is an explanation that physical disabilities are not included in the category of impairment. It cannot be denied that there is a clause which stated that people with physical disabilities are not included in the category of health problems. Then it rises the different views, and it is worried to rise out a new paradigm in the society, political parties and general election commission, which will further obstruct the political rights of people with disabilities themselves. Then, obstacles found in fulfilling the political rights of people with disabilities in Serang Regency are the factors of Socialization, Accessibility, Disabilities themselves, the environment and the lack of attention of the Serang Regency Government regarding Regulations for Persons with Disabilities.

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