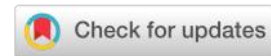




Research Article



Disability and Electoral Justice for Inclusive Participation

Ketut Sukewati Lanang Putra Perbawa ^{1*}, Paul Atagamen Aidonojie ², Benjamin Okorie Ajah ³

¹ Faculty of Law, Universitas Mahasaraswati Denpasar, Denpasar, Indonesia.

² School of Law, Kampala International University, Uganda.

³ National University of Lesotho, Roma, Lesotho.

*Correspondence: sukawatilang@unmas.ac.id

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Abstract: The political participation of people with disabilities is crucial to achieving an inclusive and equitable democracy. Although Indonesia has recognized the political rights of people with disabilities through various regulations, the implementation of these rights still faces significant structural barriers and systemic discrimination. This research aims to analyze the practice of electoral justice for people with disabilities in Indonesia by learning from the experience of South Africa, which has built a comprehensive and inclusive legal framework and election policy. The research method used is normative juridical, with a qualitative comparative study analyzing legal documents, election policies, and implementation practices in both countries. The research results show that, *First*, Indonesia has recognized the political rights of people with disabilities through various regulations. However, realizing these rights is still far from optimal due to structural, administrative, and social barriers. *Second*, South Africa has implemented an effective accessibility policy and involved the Independent Electoral Commission (IEC) in advocacy, voter education, and provision of supporting facilities, thus facilitating the full participation of people with disabilities in the political process. *Third*, more specific legal and policy reforms are needed, as well as increasing the capacity and commitment of election organizing institutions to realize electoral justice that ensures inclusive and meaningful political participation for people with disabilities in Indonesia. This can be done by amending election laws, improving the substance to protect the political rights of people with disabilities, and strengthening institutions such as the General Election Commission and the Election Supervisory Body regarding supervision.

Keywords: Disability; Electoral Justice; Participation; Political Rights;



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INTRODUCTION

The functioning of state governance is underpinned by two primary mechanisms of power: law and democracy. Democracy, rooted in the concept of "rule by the people," signifies that sovereign power resides within the populace. In this context, general elections (hereinafter referred to as "Elections") serve as the cornerstone of a democratic system, facilitating the formation of a representative government and actualizing the sovereignty of the people.¹ The inclusion of voting rights within international legal instruments reflects the recognition of such rights as a powerful means for citizens to challenge state policies that may jeopardize their freedom to participate in electoral processes.² The right to vote further embodies the principle of

¹ Anca Turcu and R. Urbatsch, 'Emigrants vs. Rural Politics: Cosmopolitan Outlooks and Electoral Opposition to Agrarian Parties', *Journal of Rural Studies*, 77 (2020), 138–47 <https://doi.org/10.1016/j.jrurstud.2020.04.014>

² Lili Suriyanti and Afriman Oktavianus, 'Regulatory Reconstruction of Electoral Process Dispute Resolution Based on Justice In Indonesia', *Asian Journal of Social and Humanities*, 3.6 (2025), 1263–70 <https://doi.org/10.59888/ajosh.v3i6.528>



equal participation in governance and safeguards individuals from discriminatory practices. Accordingly, the right to vote is linked to two additional democratic entitlements: the right to vote and the right to be elected.³

Protecting electoral rights has prompted many democratic states to enshrine such rights within their constitutions as a fundamental aspect of citizenship. Nonetheless, exercising the right to vote and be elected remains subject to various legal distinctions and limitations governed by national laws and electoral regulations.⁴ To vote or to stand as a candidate, citizens must fulfil the eligibility requirements and comply with legal restrictions. These legal constraints may affect citizens' ability to vote or to nominate themselves as candidates, including specific groups such as persons with disabilities. This is particularly relevant in light of the six foundational principles of democratic elections: direct, free, general, confidential, honest, and fair.⁵

Despite existing legislation, such as Law Number 8 of 2016 on Persons with Disabilities, individuals with disabilities often continue to face systemic marginalization in the political domain due to perceived physical or cognitive limitations. However, consistent with the values of Pancasila and the 1945 Constitution of the Republic of Indonesia, meaningful electoral participation requires the engagement and contribution of all segments of society throughout each electoral phase, including the selection of representatives and the support of legislative and executive institutions. This inclusive principle unequivocally applies to persons with disabilities, who, as full citizens of Indonesia, are entitled to the same political rights as others.⁶

The right of persons with disabilities to vote and to run for public office is explicitly guaranteed under Article 13(a) of Law Number 8 of 2016. Furthermore, Article 5 of Law Number 7 of 2017 concerning General Elections emphasizes that persons with disabilities must be afforded equal opportunities to participate as voters, provided they meet the established legal criteria. All citizens, including those with disabilities, have the right to stand as candidates for the House of Representatives (DPR), Regional Representative Council (DPD), President and Vice President, Regional Legislative Councils (DPRD), and election management bodies. These provisions illustrate that Indonesian electoral law, as a regulatory framework, guarantees equal political participation for persons with disabilities as voters and candidates, subject to compliance with applicable legal requirements.⁷

Despite the recognition of equal political rights for all citizens, including persons with disabilities, the level of participation among disabled voters in Indonesia remains

³ Oliver Huwyler, 'Linking Individual Electoral Performance to the Composition of Elected Bodies: A Counterfactual-Based Approach', *Electoral Studies*, 95 (2025), 102925 <https://doi.org/10.1016/j.electstud.2025.102925>

⁴ Simon Otjes, 'Electoral Systems and Assembly Size', *Electoral Studies*, 95 (2025), 102922 <https://doi.org/10.1016/j.electstud.2025.102922>

⁵ Or Tuttnauer and Gideon Rahat, 'Institutional Personalism and Personalised Behaviour: Electoral Systems, Candidate Selection Methods, and Politicians' Campaign Strategy', *Electoral Studies*, 94 (2025), 102909 <https://doi.org/10.1016/j.electstud.2025.102909>

⁶ Michał Pierzgalski, Maciej A. Górecki, and Paweł Stępień, 'Magnitude Matters: Voter Turnout under Different Electoral Systems', *Electoral Studies*, 94 (2025), 102910 <https://doi.org/10.1016/j.electstud.2025.102910>

⁷ Made Widyarini Kusuma Wicitra, Wijayanto Wijayanto, and Nunik Retno Herawati, 'The Urgency of Establishing an Electoral Judicial Institution as an Effort to Strengthen the Electoral System in Indonesia', *PERSPEKTIF*, 13.2 (2024), 346–55 <https://doi.org/10.31289/perspektif.v13i2.10699>



significantly low. According to the World Health Organization (WHO), individuals with disabilities comprise approximately 10% of the global population. However, data from the General Election Commission (KPU) based on the 2024 Permanent Voters List indicates that only 1,101,178 voters, or 0.54% of the electorate, are registered as persons with disabilities. The breakdown is as follows: 482,414 individuals with physical disabilities, 298,749 with sensory impairments (including speech and vision impairments), 265,594 with mental disabilities, and 55,421 with intellectual disabilities. These figures are significantly lower than global estimates, suggesting systemic barriers to participation. Among Indonesia's total voter population of 204,807,222, the representation of persons with disabilities remains disproportionately minimal.⁸

Although persons with disabilities are legally entitled to the same political rights as other citizens, in practice, these rights are often inadequately protected and implemented. Discriminatory practices, particularly those related to infrastructure and election-related facilities, hinder the full realization of electoral participation for persons with disabilities.⁹ The General Election Commission (KPU), as the body responsible for administering elections, is legally mandated to uphold the principle of electoral justice, which includes ensuring equal access for all citizens to exercise their constitutional rights. Strengthening the legal and technical aspects of electoral administration is essential to achieving this goal. While regulatory frameworks emphasize inclusive practices and the prioritization of disability-related needs, implementation has often fallen short. The 2019 general elections, for instance, highlighted numerous challenges specific to voters with disabilities, primarily stemming from inadequate accessibility and facility planning on the part of election organizers.¹⁰

Article 42 of Law Number 39 of 1999 on Human Rights stipulates that elderly individuals and those with physical or mental disabilities are entitled to a dignified life, encompassing access to care, education, training, and state-provided special assistance. Nonetheless, such legal protections have proven insufficient in ensuring full and meaningful participation in electoral processes. Persons with disabilities continue to report neglect of their political rights across various stages of the election cycle, including registration, polling access, ballot secrecy, candidacy, access to electoral information, and involvement as election officials.¹¹

Barriers persist in voter data updating, ballot casting, and vote-counting procedures. Challenges include the absence of accessible public service announcements tailored to the needs of persons with disabilities, such as those who are deaf or blind, incomplete voter registration for specific individuals with disabilities, and a lack of

⁸ Didik Suhariyanto, Ade Sathya Sanathana Ishwara, and Sinta Dyah Kirana, 'Enforcement of the Code of Ethics for 2024 Election Organizers in Indonesia: A Substantive Justice Perspective', *Jurnal IUS Kajian Hukum Dan Keadilan*, 12.2 (2024), 357–71 <https://doi.org/10.29303/ius.v12i2.1441>

⁹ Ega Anzani, Rakhmat Saleh, and Yunizir, 'Fulfillment Of The Right To Mental Disability In Elections At Ogan Komering ULU District', *Neo Journal of Economy and Social Humanities*, 2.3 (2023), 194–203 <https://doi.org/10.56403/nejesh.v2i3.111>

¹⁰ Anna Lawson and Angharad E. Beckett, 'The Social and Human Rights Models of Disability: Towards a Complementarity Thesis', *The International Journal of Human Rights*, 25.2 (2021), 348–79 <https://doi.org/10.1080/13642987.2020.1783533>

¹¹ Dian Eka Rahmawati, Nita Aribah Hanif, and Halimah Abdul Manaf, 'The Readiness of Indonesia Government to Realizing Inclusive E-Voting in SGD's Agenda', *SSRN Electronic Journal*, 2025 <https://doi.org/10.2139/ssrn.5186107>



inclusive communication strategies during election socialization. Moreover, many individuals with moderate to severe mental disabilities are effectively disenfranchised due to limited support systems.¹² Accessibility remains a pressing issue, with many polling stations not equipped to accommodate wheelchair users, often requiring electoral officers to bring ballots to voters physically. In some cases, deaf individuals missed their opportunity to vote simply because they could not hear their names being called, leading to their classification as absent.¹³

In addition to the previously discussed issues, the General Election Commission (KPU) has been criticized for its inadequate efforts in safeguarding the political rights of citizens, particularly those of persons with disabilities. This shortcoming is primarily attributed to institutional negligence and a lack of commitment to addressing the unique needs of this marginalized group. Persons with disabilities are especially vulnerable within the electoral context, and there is substantial evidence indicating their continued experience of unequal treatment throughout the election process. Discriminatory attitudes persist, whereby individuals with disabilities are often denied the opportunity to vote, stemming from perceptions that portray them as inferior citizens or social burdens.¹⁴

In this regard, Indonesia could benefit from examining best practices implemented in countries with more inclusive electoral systems, such as South Africa. South Africa is widely recognized for its progressive legal and policy frameworks that ensure the full participation of persons with disabilities in democratic processes. Comprehensive measures have been enacted to guarantee that persons with disabilities can exercise their right to vote on an equal basis with others, thereby strengthening democratic inclusivity. The subsequent section will explore several key lessons Indonesia may learn from the South African experience.¹⁵

One of South Africa's most significant advancements is the constitutional acknowledgement of the right to equality for persons with disabilities, which serves as a foundation for broader disability rights recognition. The country has established an extensive legal framework designed to protect and promote the political, economic, and social rights of individuals with disabilities. Moreover, governmental initiatives have been introduced to enhance the inclusion of persons with disabilities in public services and the labour market, reinforcing their active societal role.¹⁶ South Africa's legal framework includes strong enforcement mechanisms and clear guidelines to

¹² M. Syafi'ie and others, 'Implications of Constitutional Court Decisions on The Protection of The Voting Rights of Persons with Mental Disabilities', *Jurnal Mahkamah: Kajian Ilmu Hukum Dan Hukum Islam*, 7.2 (2022), 149–64 <https://doi.org/10.25217/jm.v7i2.2838>

¹³ Xabier Gainza, Felipe Livert, and Raymundo Jesús Mogollón, 'Electoral Incentives and Distributive Politics in Young Democracies: Evidence from Chile', *Electoral Studies*, 73 (2021), 102377 <https://doi.org/10.1016/j.electstud.2021.102377>

¹⁴ Roulita Eliyanti and Budiman Sinaga, 'Fulfillment of Political Rights of Persons with Disabilities in the 2024 Elections in Indonesia', *Golden Ratio of Data in Summary*, 5.2 (2025), 265–70 <https://doi.org/10.52970/grdis.v5i2.857>

¹⁵ Catherine Boone and others, 'Regional Cleavages in African Politics: Persistent Electoral Blocs and Territorial Oppositions', *Political Geography*, 99 (2022), 102741 <https://doi.org/10.1016/j.polgeo.2022.102741>

¹⁶ Sazi Gcabashe, Sareesha Pillay, and Nangamso Teyise, 'Analyzing the Legislative Prescriptions Representing Persons with Disabilities in South Africa', *Technium Social Sciences Journal*, 34 (2022), 32–40 <https://doi.org/10.47577/tssj.v34i1.6846>



ensure accessibility and participation of persons with disabilities in elections, which Indonesia can adopt to strengthen its legal structures.¹⁷

Previous research by Reher & Evans shows that people with disabilities are often underrepresented in political office, which contributes to a lack of policies that address their specific needs. This underrepresentation is partly due to barriers in the political recruitment process, such as inaccessibility and discriminatory institutional cultures.¹⁸ Later, research by Ratna Sakar showed that political participation empowers individuals with disabilities and allows them to advocate for disability rights, challenge societal stigma, and promote social justice. The involvement of people with disabilities is essential to shaping policies that address the unique challenges of disability.¹⁹ Furthermore, Armin Rabitsch et al.'s research shows that electoral processes can increase inclusiveness for voters with disabilities by ensuring physical accessibility at polling stations, providing relevant information in accessible formats, and removing legal capacity restrictions that hinder participation. In addition, encouraging collaboration between civil society organizations and public authorities can lead to sharing best practices. Implementing measures that address disability-based discrimination and actively involving people with disabilities in electoral processes are essential steps towards achieving greater equality and political participation.²⁰ While previous research has primarily concentrated on the technical accessibility, individual empowerment, and political representation aspects of elections, this study expands the scope by analyzing the structural components of electoral justice, specifically the legal system, election regulations, and oversight mechanisms. Furthermore, this investigation provides a conceptual contribution by integrating the human rights approach, the principles of inclusive democracy, and the theory of electoral justice to evaluate the electoral system's prejudice toward individuals with disabilities.²¹

Accessibility remains a significant challenge in Indonesia, particularly due to the inadequate infrastructure and lack of appropriate facilities at many polling stations to accommodate voters with disabilities. These shortcomings encompass both physical mobility barriers and limited access to assistive technologies. While Indonesia has made notable progress in recognizing the political rights of persons with disabilities, substantial gaps persist in the actual implementation of these rights. As a signatory to the Universal Declaration of Human Rights and various international human rights treaties, including those specifically addressing the rights of persons with disabilities,

¹⁷ Ega Anzani, Rakhmat Saleh, and Yunizir.

¹⁸ Stefanie Reher and Elizabeth Evans, 'No Level Playing Field: Barriers to Disability Representation in Politics', *The Political Quarterly*, 95.4 (2024), 679–83 <https://doi.org/10.1111/1467-923X.13463>

¹⁹ Ratan Sarkar, 'Unlocking Voices: Why Political Participation of Persons with Disabilities Matters', *Journal of South Asian Exchanges*, 1.1 (2024) <https://doi.org/10.21659/jsae/v1n1/v1n108>

²⁰ Armin Rabitsch, Alejandro Moledo, and Michael Lidauer, 'Inclusive Elections? The Case of Persons with Disabilities in the European Union', *South African Journal of International Affairs*, 30.3 (2023), 535–53 <https://doi.org/10.1080/10220461.2023.2275669>

²¹ Azka Abdi Amrullo and Evi Lina Sutrisno, 'Local Election During the Covid-19 Outbreak: Inclusivity and Challenges for Voters with Disabilities', *Politicon: Jurnal Ilmu Politik*, 4.1 (2022), 17–52 <https://doi.org/10.15575/politicon.v4i1.16142>



Indonesia is legally and morally obligated to uphold, protect, and fulfil these fundamental rights.²²

Since its establishment as a democratic nation committed to human rights principles, the Indonesian government has undertaken efforts to safeguard the rights of individuals with disabilities.²³ However, persistent structural and systemic barriers continue to hinder the full realization of inclusive electoral participation. This research serves as an academic endeavour to identify existing deficiencies and injustices within the electoral system and as a means to advocate for more equitable and inclusive policy reforms.²⁴ This research is expected to contribute to strengthening the protection of political rights for persons with disabilities, promoting the integration of inclusive democratic values, and encouraging adherence to constitutional mandates and international human rights commitments.²⁵

METHOD

This research employs a normative legal research method, which involves the analysis of primary and secondary legal sources to examine the theoretical and practical application of legal norms²⁶, particularly regarding the voting rights of persons with disabilities. This method is utilized to explore the foundational principles of electoral equity and the legal recognition of the political rights of individuals with disabilities. The study further investigates the concept of electoral justice within the framework of human rights, inclusive democracy, and the principle of non-discrimination.²⁷ It also engages with theoretical perspectives concerning accessing electoral processes for vulnerable groups, focusing on persons with disabilities. The research draws upon key international legal instruments, including the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of Persons with Disabilities (CRPD), and related United Nations documents. In addition, the study analyzes constitutional provisions, electoral laws, and their implementing regulations in Indonesia and South Africa to evaluate how these legal frameworks uphold the political rights of persons with disabilities and ensure fair electoral practices.²⁸ This comparative analysis is intended to offer recommendations for

²² Dwi Saleha, Bintan R. Saragih, and Tri Sulistyowati, 'Reconstruction of the Threshold Setting for Regional Head Candidacy in the Perspective of Electoral Democracy in Indonesia', *International Journal of Social and Human*, 1.3 (2024), 207–19 <https://doi.org/10.59613/Obk7w887>

²³ Yordan Gunawan and others, 'The Effectiveness of International Law in Limiting Humanitarian Disasters in the Palestine-Israel Conflict', *Journal of Human Rights, Culture and Legal System*, 5.1 (2025), 217–45 <https://doi.org/10.53955/jhcls.v5i1.307>

²⁴ Elly Malihah and others, 'Political Education Intervention on Gender Equality, Disability, and Social Inclusion (GEDSI): Promoting Social Justice and Political Participation among Novice Voters', 2024, pp. 576–90 https://doi.org/10.2991/978-2-38476-303-0_55

²⁵ Soeleman Djaiz Baranyanan, Nilam Firmandayu, and Ravi Danendra, 'The Compliance of Regional Autonomy with State Administrative Court Decisions', *Journal of Sustainable Development and Regulatory Issues (JSDEI)*, 2.1 (2024), 35–52 <https://doi.org/10.53955/jsderi.v2i1.25>

²⁶ Sapriani Sapriani, Reza Octavia Kusumaningtyas, and Khalid Eltayeb Elfaki, 'Strengthening Blue Economy Policy to Achieve Sustainable Fisheries', *Journal of Sustainable Development and Regulatory Issues (JSDEI)*, 2.1 (2024), 1–19 <https://doi.org/10.53955/jsderi.v2i1.23>

²⁷ Orin Gusta Andini and Muhammad Riyan Kachfi Boer, 'Indonesia's Safeguarding of Human Rights to Achieve Sustainable Development Goals: Insights from Australia's Experience', *Journal of Sustainable Development and Regulatory Issues (JSDEI)*, 3.1 (2025), 1–28 <https://doi.org/10.53955/jsderi.v3i1.53>

²⁸ Sholahuddin Al-Fatih and Asrul Ibrahim Nur, 'Does the Constitutional Court on Local Election Responsive Decisions?', *Journal of Human Rights, Culture and Legal System*, 3.3 (2023), 569–96 <https://doi.org/10.53955/jhcls.v3i3.74>



enhancing Indonesia's legal and policy frameworks, making them more inclusive and adaptable to the specific needs of voters with disabilities. The study seeks to identify best practices, existing challenges, and potential lessons from South Africa, a country recognized for its progressive and inclusive approach to promoting electoral justice for persons with disabilities.²⁹

RESULT AND DISCUSSION

The Legal Protection of Electoral Participation for People with Disabilities in Indonesia

Political participation is an essential measure of a democratic system. This means that a country is only considered democratic if the government in power gives people the best chance to get involved in politics. In a democracy, every citizen can participate in the political process. However, the actual percentage of citizens who do so varies. People can choose to be politically active, which means they can help choose leaders. It has different types, including the carrying out of election activities. Election activities include voting in general elections, giving money to a campaign, working on an election, trying to get support for a candidate, or anything else that affects the outcome of the election process.³⁰

The right to vote constitutes a fundamental human right essential to the functioning of democratic societies and the political participation of individuals. It represents an individual's inclusion within the political community and serves as a primary mechanism for expressing political preferences and influencing governmental decision-making. This right is firmly protected under international human rights law, particularly through the International Covenant on Civil and Political Rights (ICCPR). It underscores its central role in ensuring free and fair elections and enabling the expression of the people's will. Recognized as a core civil right, the right to vote is indispensable to the operation of representative democracies, as it empowers citizens to select their leaders and participate in shaping public policy.³¹

But in practice, people with disabilities often don't have full access to the right to vote. To create a fair and inclusive democracy, people with disabilities must be able to vote in elections. In recent years, people have become more aware of how important it is to include people with disabilities in the democratic process, both when it comes to making rules and when it comes to running elections.³² The General Elections Commission (KPU) has officially listed people with disabilities as vulnerable groups.³³ This means that their rights must be protected during the election process.³⁴

²⁹ Sheila Kusuma Wardani Amnesti and others, 'Higher Education with Disabilities Policy: Ensuring Equality Inclusive Education in Indonesia, Singapore and United States', *Journal of Human Rights, Culture and Legal System*, 3.3 (2023), 412–40 <https://doi.org/10.53955/jhcls.v3i3.135>

³⁰ Javier Toscano, 'Performing Representativity, Expanding Democracy: Human Rights as a Blueprint to Demand Voting Rights for Non-Citizen Migrants', *Public Governance, Administration and Finances Law Review*, 9.2 (2024) <https://doi.org/10.53116/pgafmr.7502>

³¹ Luis Eduardo Medina Torres and Edwin Cuitláhuac Ramírez Díaz, 'Electoral Governance: More than Just Electoral Administration', *Mexican Law Review*, 2015 <https://doi.org/10.1016/j.mexlaw.2015.12.002>

³² B.K. Song and Woo Chang Kang, 'Inequality, Local Wealth, and Electoral Politics', *European Journal of Political Economy*, 86 (2025), 102617 <https://doi.org/10.1016/j.ejpoleco.2024.102617>

³³ Ketut Sukewati Lanang Putra Perbawa, Willy Naresta Hanum, and Almaz Karimovich Atabekov, 'Industrialization of Election Infringement in Simultaneous Elections: Lessons from Sweden', *Journal of Human Rights, Culture and Legal System*, 4.2 (2024), 477–509 <https://doi.org/10.53955/jhcls.v4i2.170>



This action shows that the state recognizes their constitutional right to vote and run for office as equal citizens. Even though many international and national legal documents formally recognize the right to participate in politics, people with disabilities still face several challenges, such as structural, administrative, and social barriers. When it comes to elections, people with disabilities often have trouble getting to polling places, finding information they can understand, and having election officials understand their specific needs. This situation raises important questions about how truly inclusive the Indonesian election system is and whether it can uphold the values of equality and non-discrimination. So, it is essential to look more closely at the types and effectiveness of legal protections available to people with disabilities who want to vote in Indonesia.³⁵

On December 20, 2024, the Central Statistics Agency (BPS) released data showing that there were about 22.97 million people with disabilities in Indonesia, which is about 9% of the total population. The 2020 Population Census Long Form was the source of this information. It was carefully looked at to give a complete picture of the living conditions of disabled people in Indonesia. Even though there have been improvements in normative standards, people with disabilities still face many problems when they try to vote. The most common problem with polling places (TPS) is that they are often not accessible to people who are blind or use wheelchairs. Also, the lack of campaign materials in Braille, sign language, or audio formats, and the fact that election information is not accessible to people with different disabilities, makes it harder for them to understand the candidates and available policies. This makes it even harder for people with disabilities to participate in politics, which makes them feel like the democratic system doesn't care about them.³⁶

Disabled voters also don't vote as much as they should. Data from the KPU and Bawaslu show that not all of the more than one million disabled voters on the permanent voter list (DPT) were able to vote in the 2019 election. Many aren't correctly identified or don't get the help they need during the data collection process. This shows that the identification system is weak and that disabled voters need special care to make sure they don't lose their political rights.³⁷

The government and electoral authorities have undertaken various efforts to promote inclusivity, including providing training for KPPS (Voting Organizing Group) officers and formulating technical regulations to accommodate voters with disabilities. Additionally, several regions have initiated the establishment of accessible polling stations, which include notable access routes and support from trained personnel. However, the implementation of these policies remains inconsistent. Discriminatory

³⁴ Bambang Sumantri, Ane Nor Cahya Ilmiah, and Salfanil Farizi, 'Fulfillment of the Constitutional Rights for Persons with Intellectual Disabilities in General Elections', *Journal of Indonesian Constitutional Law*, 1.3 (2024), 176–93 <https://doi.org/10.71239/jicl.v1i3.28>

³⁵ Suparto Suparto and others, 'Establishment of Electoral Court in Indonesia: Problems and Future Challenges', *Journal of Indonesian Legal Studies*, 8.2 (2023) <https://doi.org/10.15294/jils.v8i2.72316>

³⁶ Nofi Sri Utami, Nanik Prasetyoningsih, and Kuswanto Kuswanto, 'Equality of Suffrage for People with Mental Disorders in Malang City', *Indian Journal of Forensic Medicine & Toxicology*, 2021 <https://doi.org/10.37506/ijfmt.v15i1.13607>

³⁷ Erniyanti Erniyanti, Febry Rizky Al Fadilla Sitompul, and Ngatemi Ngatemi, 'The Value Of Justice In Dispute Resolution BAWASLU', *LITERACY: International Scientific Journals of Social, Education, Humanities*, 2.3 (2023), 18–31 <https://doi.org/10.56910/literacy.v2i3.960>



practices against persons with disabilities continue to occur, particularly in remote or underdeveloped areas, where the principle of inclusivity is often neglected.³⁸

The political rights of persons with disabilities extend beyond the act of voting itself; they also encompass the right to stand for public office and participate in the administration. Unfortunately, political representation for persons with disabilities remains extremely limited, both among elected officials and within electoral bodies. This indicates a need for systemic reform to ensure that Indonesia's democratic processes are genuinely representative of all societal groups. Fostering active participation of persons with disabilities at all levels of the electoral process is essential for achieving a more equitable, inclusive, and genuinely democratic political system.³⁹

Indonesia's legal framework strongly supports the political rights of persons with disabilities. Constitutionally, the 1945 Constitution guarantees every citizen the right to participate in governance without discrimination. Law No. 8 of 2016 concerning Persons with Disabilities explicitly affirms their political rights, including voting and running for public office. This law obliges the government to develop the necessary infrastructure and facilities to enable persons with disabilities to exercise their rights, thereby ensuring formal recognition and tangible protection and facilitation by the state.⁴⁰

Similarly, Law No. 7 of 2017 on General Elections includes provisions to enhance accessibility for persons with special needs. The General Election Commission (KPU) has issued various technical guidelines to support the implementation of inclusive electoral practices. These include providing companion assistance for voters with disabilities, the availability of ballots in Braille, and the requirement that polling stations be physically accessible. At the regulatory level, Indonesia has aligned its policies with international standards, particularly the United Nations Convention on the Rights of Persons with Disabilities (CRPD), article 29 explicitly guarantees equal participation in public and political life.⁴¹

Nevertheless, despite a supportive legal framework, the practical enforcement of these protections remains inadequate. Mechanisms for monitoring and addressing violations of the electoral rights of persons with disabilities are particularly weak. There are limited avenues for disability advocacy groups to lodge complaints regarding accessibility barriers or discriminatory treatment during elections. The Election Supervisory Body (Bawaslu) lacks accessible complaint mechanisms like sign language interpretation or disability-friendly digital platforms. This shortcoming reflects a critical gap in remedial protections. It highlights the urgent need for more

³⁸ Agung Barok Pratama and Muhammad Rizal Umam, 'Fulfillment of Constitutional Rights of People with Mental Disabilities in General Elections in the Batang Regency', *Asian Journal of Law and Humanity*, 4.2 (2024), 29–49 <https://doi.org/10.28918/ajlh.v4i2.2>

³⁹ Ján Palguta and Filip Pertold, 'Political Salaries, Electoral Selection and the Incumbency Advantage: Evidence from a Wage Reform', *Journal of Comparative Economics*, 49.4 (2021), 1020–47 <https://doi.org/10.1016/j.jce.2021.04.004>

⁴⁰ Syifa Annisa Yaniar and others, 'Political Participation of Persons with Disabilities in Election: The Case of Regional Elections in Bantul, Indonesia', *JISPO Jurnal Ilmu Sosial Dan Ilmu Politik*, 13.1 (2024), 123–44 <https://doi.org/10.15575/jispo.v13i1.25834>

⁴¹ Habib Anwar and Moh Saleh, 'Fulfillment of Voting Rights for Persons with Disabilities in General Elections in Indonesia', *YURISDIKSI: Jurnal Wacana Hukum Dan Sains*, 20.4 (2025), 522–33 <https://doi.org/10.55173/yurisdiksi.v20i4.267>



responsive enforcement systems to ensure legal guarantees translate into practical, inclusive democratic practices.⁴²

Persons with disabilities are frequently marginalized in political events and processes. Although Law No. 8 of 2016 explicitly guarantees their political rights, including the right to receive political education, numerous obstacles hinder their full political participation, often necessitating external assistance. One of the fundamental approaches to ensuring the realization of their political rights is by providing accessible and inclusive political education. However, limited public understanding among persons with disabilities regarding the role and responsibilities of the General Election Commission (KPU) remains a significant barrier. To better facilitate the electoral participation of persons with disabilities, the KPU must develop targeted outreach programs and incorporate feedback from the disabled community to evaluate and improve its electoral processes.⁴³

Another persistent challenge for the KPU in promoting electoral inclusion is the disparity in access to information about elections. Currently, socialization efforts are primarily concentrated in Special Needs Schools (SLB), excluding a substantial number of individuals with disabilities who do not attend formal education. As a result, many are deprived of crucial information necessary to understand and engage in the electoral process. Adequate budget allocation for inclusive electoral socialization is therefore essential to uphold the voting rights of all citizens, particularly those with disabilities. From the perspective of political equality, the right to vote and to be elected transcends mere legal formality; it represents a fundamental recognition that all citizens possess the moral and intellectual capacity to participate in political life.⁴⁴ This standpoint challenges the discriminatory notion that persons with disabilities are "politically incapable." On the contrary, political equality asserts that every individual is an autonomous political subject entitled to influence representative selection and public policy. Consequently, any obstacles impeding the political participation of persons with disabilities constitute a form of injustice that must be addressed.⁴⁵

Furthermore, the right to vote and be elected signifies societal acknowledgement of an individual's political agency and existence. For persons with disabilities, participating in elections is not merely about casting a vote. It is an affirmation of their equal standing in society. According to the theory of distributive justice, access to political institutions must be adapted to accommodate the diverse needs of marginalized groups. This includes implementing equitable regulations, ensuring physical accessibility at polling stations, and affirming the right of persons with disabilities to run for office. Hence, the state must go beyond guaranteeing "equal

⁴² Dian Eka Rahmawati, Mohamad Anon, and Halimah Abdul Manaf, 'Political Participation of Persons with Disabilities in Inclusive Elections: Towards the SDG's Inclusivity Target', *SSRN Electronic Journal*, 2025 <https://doi.org/10.2139/ssrn.5186141>

⁴³ Dr. Sarbini and Sinarianda Kurnia Hartantien, 'LEGAL PROTECTION OF VULNERABLE GROUPS' RIGHTS IN GENERAL ELECTIONS', *Journal of Court and Justice*, 2023, 14–23 <https://doi.org/10.56943/jcj.v2i2.336>

⁴⁴ Aprilina Pawestri, Wahyu Nurdin Akbar, and Maimunatur Rohmah, 'OPTIMIZATION OF THE GENERAL ELECTION SUPERVISORY BODY IN ENSURING THE FULFILLMENT OF THE RIGHTS OF DISABILITIES', *Jurnal Pamarator: Jurnal Ilmiah Universitas Trunojoyo*, 17.2 (2025), 212–22 <https://doi.org/10.21107/pamarator.v17i2.28876>

⁴⁵ Nofi Sri Utami and others, 'Equality of The Political Rights of People with Mental Disorders (PWMD) in General Elections', *Indian Journal of Forensic Medicine & Toxicology*, 13.4 (2019), 1571 <https://doi.org/10.5958/0973-9130.2019.00527.9>



opportunities" and work toward achieving equitable outcomes through need-based measures. Therefore, the right to vote and to be elected should be interpreted through the lens of substantive justice rather than limited to procedural justice.⁴⁶ Genuine democracy requires the uninhibited participation of all members of society, including persons with disabilities. The principles of social justice and equal political rights underscore that the legitimacy of a political system is closely tied to its ability to ensure inclusive participation. Accordingly, the state bears the responsibility to safeguard these rights legally and actively eliminate the structural and practical barriers preventing persons with disabilities from fully engaging in democratic processes.

The Legal Protection of Electoral Participation for People with Disabilities in South Africa

South Africa has established a comprehensive legal framework to eliminate discrimination and promote equality across all societal sectors, including the political domain. Persons with disabilities are afforded legal protection in exercising their right to vote, reflecting the country's strong commitment to upholding disability rights. This commitment is further demonstrated by South Africa's ratification of international human rights instruments, particularly the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which underscores the right of individuals with disabilities to participate fully in political and public life. However, despite these progressive legal provisions, the full realization of these rights remains hindered by persistent structural barriers and the need for more robust implementation strategies.⁴⁷

South Africa has implemented a comprehensive legal framework to safeguard the rights of persons with disabilities, including their political rights, such as the right to vote. These legal instruments eliminate discrimination and foster equality across all governance sectors.⁴⁸ Article 29 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) explicitly affirms the political rights of persons with disabilities, ensuring their ability to participate fully in political and public life. This encompasses the right to vote and to stand for election and broader participation in civic and governmental processes. As a signatory to the CRPD, South Africa must adhere to these international standards and implement measures that guarantee the full and equal inclusion of persons with disabilities in society.⁴⁹

Article 29 of the Convention on the Rights of Persons with Disabilities (CRPD) mandates that States Parties must ensure that persons with disabilities can effectively participate in political and public life, including the right to vote and to be elected. This obligation requires that polling stations be physically accessible and that voting materials be provided in accessible formats, such as Braille or large print. The article emphasizes the importance of ensuring the accessibility of every stage of the electoral process, from voter registration to ballot casting, tailored to the specific needs of

⁴⁶ Martín Gonzalez-Eiras and Carlos Sanz, 'Women's Representation in Politics: The Effect of Electoral Systems', *Journal of Public Economics*, 198 (2021), 104399 <https://doi.org/10.1016/j.jpubeco.2021.104399>

⁴⁷ Andrés Mauricio Guzmán Rincón and Adriana Caballero Pérez, 'Participación de Personas Con Discapacidad En La Vida Política. Un Análisis de Contenido de La Literatura Reciente (1997-2019)', *Estudios Políticos (Medellín)*, 61, 2021, 154–77 <https://doi.org/10.17533/udea.espo.n61a07>

⁴⁸ Emil Andersson, 'Distributive Justice, Social Cooperation, and the Basis of Equality', *Theoria*, 88.6 (2022), 1180–95 <https://doi.org/10.1111/theo.12433>

⁴⁹ Gcabashe, Pillay, and Teyise.



persons with disabilities. It also highlights the necessity of user-friendly voting tools and inclusive voting procedures.⁵⁰

Furthermore, Article 29 reinforces the principle of non-discrimination, prohibiting any exclusion from political participation based on disability. Therefore, states are required to actively eliminate barriers that hinder political engagement by persons with disabilities. According to CRPD guidelines, accessibility must be guaranteed across all dimensions of political participation, including candidacy for public office. This involves ensuring physical access to voting venues and accessible communication and information platforms. The CRPD also recognizes the need for support mechanisms to enable autonomous and informed voting for individuals with disabilities. Such support includes assistance in the voting process, provided in a manner that respects the individual's freedom of choice and ensures the absence of coercion. Legal and regulatory frameworks must be established to safeguard these rights and ensure that persons with disabilities enjoy equal opportunities in political life.⁵¹

South Africa has taken steps to implement the provisions of Article 29 by enacting legislation that mandates accessible voting procedures and facilities. These efforts include government-led initiatives to improve access to polling stations and ensure voting materials are available in accessible formats such as Braille and audio. Moreover, there is increasing scrutiny of how effectively these measures are implemented. Continuous evaluation is necessary to assess the effectiveness of existing accessibility policies and identify areas requiring further enhancement. Through such measures, the political inclusion and representation of persons with disabilities can be substantially strengthened.⁵²

The Constitution of South Africa (1996) explicitly prohibits discrimination against persons with disabilities and affirms the principle of equality before the law, including in the context of political rights. Sections 9 and 19 of the Constitution guarantee the right to vote, to be elected, and to participate in public affairs. Additionally, the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) of 2000 prohibits direct and indirect discrimination against persons with disabilities, encompassing electoral participation. The Independent Electoral Commission (IEC) of South Africa has actively worked to enhance the electoral involvement of persons with disabilities by providing voting aids, such as templates for the visually impaired and those with intellectual disabilities. Furthermore, polling stations are designed to be accessible to wheelchair users, and election staff receive training to assist voters with disabilities respectfully and equitably.⁵³

⁵⁰ Lili Suriyanti, Atma Suganda, and Ismail Ismail, 'Political Transformation of Electoral Lawmaking: Towards Fair and Transparent Elections', *Asian Journal of Social and Humanities*, 3.3 (2024), 583–90 <https://doi.org/10.59888/ajosh.v3i3.464>

⁵¹ Sebastian Lundmark, Henrik Oscarsson, and Marcus Weissenbilder, 'Confidence in an Election Authority and Satisfaction with Democracy: Evidence from a Quasi-Natural Experiment of a Failed Election in Sweden', *Electoral Studies*, 67 (2020), 102216 <https://doi.org/10.1016/j.electstud.2020.102216>

⁵² Yvette Basson, 'SOCIAL SECURITY FOR PERSONS WITH DISABILITIES IN SOUTH AFRICA: COMPLIANCE WITH ARTICLE 28(2) OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES', *Obiter*, 45.2 (2024) <https://doi.org/10.17159/obiter.v45i2.16019>

⁵³ Wiwit Pratiwi and others, 'Evaluation of the Fulfillment of Political Rights for Persons with Disabilities to Welcome the 2024 General Election', *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 2023, 19–32 <https://doi.org/10.24090/volksgeist.v6i1.7886>



One of South Africa's notable achievements is the IEC's proactive approach to increasing participation among vulnerable groups, including persons with disabilities. Beyond administering elections, the IEC engages in advocacy, public education, and monitoring to promote inclusivity. Indonesia could benefit from the IEC's collaboration with organizations of persons with disabilities (OPDs) to develop adaptive policies and sustainable programs that ensure inclusivity.⁵⁴ Despite strong legislative frameworks and inclusion efforts, persons with disabilities in South Africa continue to face significant challenges. Infrastructural deficits make accessing polling stations difficult, particularly in rural and economically disadvantaged areas. Moreover, persistent social stigma against persons with disabilities involved in politics limits their representation and diminishes their political voice. To better protect persons with disabilities from discrimination throughout the electoral process, the anti-discrimination provisions in election laws should be strengthened, including explicit protections against coercion and intimidation during voting.⁵⁵

For electoral systems to be genuinely inclusive, South Africa and countries such as Indonesia must prioritize the political participation of persons with disabilities within broader democratic reforms. Without affirmative policies and rigorous oversight, general legal protections are insufficient to ensure effective implementation. The involvement of disability advocacy organizations, ongoing voter education, and accountability mechanisms for election management bodies are critical to safeguarding the rights of persons with disabilities to vote and stand for office fairly and dignifiedly. Thus, democracy must transcend the rights of the majority to become a space where all citizens enjoy equal political participation. Indonesia can learn from South Africa's model to develop a more equitable and representative electoral democracy.⁵⁶ Democracies that marginalize persons with disabilities and privilege majority groups perpetuate structural inequalities. South Africa's experience demonstrates that inclusivity is not a burden but rather an indicator of democratic maturity. Indonesia can enhance its electoral system's moral and social legitimacy by adopting similar inclusive practices.

Strengthening Legal Frameworks to Achieve Electoral Justice for Persons with Disabilities

Elections represent a critical moment in determining the future direction of a nation or region, as they provide citizens with the opportunity to select leaders capable of governing effectively. Voters must exercise discernment in choosing representatives who align with their aspirations, given that elections serve as a mechanism for legitimizing political authority. Several key indicators underscore the significance of elections.⁵⁷ These include fostering genuine political competition without interference

⁵⁴ Nurlaily Nurlaily, Agusta R. Minin, and Dinesha Samararatne, 'The Substantive Justice in Regional Elections: A Philosophical and Sociological Comparison of Asian, European, And African Countries', *Jurnal IUS Kajian Hukum Dan Keadilan*, 13.1 (2025), 107–27 <https://doi.org/10.29303/ius.v13i1.1656>

⁵⁵ Emma Elfversson, 'Contentious Cities? Urban Growth and Electoral Violence in Africa', *World Development*, 193 (2025), 107066 <https://doi.org/10.1016/j.worlddev.2025.107066>

⁵⁶ Megan Hofmann and others, 'Living Disability Theory: Reflections on Access, Research, and Design', in *Proceedings of the 22nd International ACM SIGACCESS Conference on Computers and Accessibility* (New York, NY, USA: ACM, 2020), pp. 1–13 <https://doi.org/10.1145/3373625.3416996>

⁵⁷ Ishaq Abrar Mustafa Tarigan, M. Arif Nasution, and Heri Kusmanto, 'Participation of Special Needs Communities in the 2019 Legislative Elections in Medan City', *PERSPEKTIF*, 12.4 (2023), 1287–99 <https://doi.org/10.31289/perspektif.v12i4.10198>



from monopolistic or oligarchic forces; conducting elections periodically by established legal frameworks; guaranteeing equal opportunities for all participants; preventing coercion that may infringe upon individual freedom of choice; and ensuring that the electoral process remains transparent, impartial, and fair.⁵⁸ In this context, electoral justice becomes very important to ensure the general election process runs fairly, equally, and free from discrimination.⁵⁹

Electoral justice comprises three essential components: preventing electoral violations, resolving electoral disputes, and providing alternative mechanisms for addressing conflicts outside conventional legal procedures. Achieving electoral justice requires anticipating and managing criminal and non-criminal disputes before the commencement of the electoral process. According to the International Institute for Democracy and Electoral Assistance (IDEA), electoral justice involves the protection of the political rights of all citizens, including vulnerable groups such as persons with disabilities, as well as the existence of a legal framework capable of effectively resolving electoral disputes.⁶⁰ Electoral justice refers to equal treatment for all individuals throughout the electoral process, including voter registration, access to electoral information, voting, and candidacy. In this context, the fairness of an election is not determined solely by its procedural framework but also by the extent to which all segments of society can participate. Without fully realizing electoral justice, elections lose their significance as democratic instruments that are both representative and inclusive.⁶¹

Elections constitute a fundamental component of a nation's democratic framework, serving to uphold the rule of law, sustain democratic governance, and affirm the protection of human rights. Electoral justice is grounded in the principle that individual rights and privacy must be safeguarded throughout the electoral process.⁶² Political participation extends beyond voting, encompassing broader involvement in decision-making processes. However, the underrepresentation of persons with disabilities in political leadership roles often leads to the marginalization of disability-related issues in public policy agendas. Including persons with disabilities in electoral democracy is thus a critical measure of how effectively the democratic system ensures equal political participation and fosters genuine inclusivity.⁶³

⁵⁸ Sveinung Arnesen and others, 'Support for Electoral System Reform among Voters and Politicians: Studying Information Effects through Survey Experiments', *Electoral Studies*, 71 (2021), 102313 <https://doi.org/10.1016/j.electstud.2021.102313>

⁵⁹ Kenichi Ariga, 'When Do Political Parties Benefit from Incumbents' Personal Votes? Comparative Analysis across Different Electoral Systems', *Electoral Studies*, 68 (2020), 102221 <https://doi.org/10.1016/j.electstud.2020.102221>

⁶⁰ Uu Nurul Huda, Dian Rachmat Gumelar, and Alwi Al Hadad, 'Fortifying Democracy: Deploying Electoral Justice for Robust Personal Data Protection in the Indonesian Election', *Khazanah Hukum*, 6.1 (2024), 24–33 <https://doi.org/10.15575/kh.v6i1.30734>

⁶¹ Andreas Ladner, 'The Impact of the Electoral System on Political Campaigning: Are Candidates for the Council of States More Moderate than Their Fellow Candidates for the National Council?', *Swiss Political Science Review*, 20.4 (2014), 678–96 <https://doi.org/10.1111/spsr.12134>

⁶² Holly Michelle Worthen, 'Rights to the Rescue? The Promotion of Indigenous Women's Political-Electoral Rights and the Rise of the Mexican Security State', *Political Geography*, 85 (2021), 102279 <https://doi.org/10.1016/j.polgeo.2020.102279>

⁶³ Mohammad Badrul Muttakin, Dessalegn Getie Mihret, and Tarek Rana, 'Electoral System, Corporate Political Donation, and Carbon Emission Intensity: Cross-country Evidence', *Business Strategy and the Environment*, 30.4 (2021), 1767–79 <https://doi.org/10.1002/bse.2714>



The International Institute for Democracy and Electoral Assistance (IDEA) emphasizes establishing legally mandated and comprehensive electoral mechanisms. However, it is crucial to recognize that not all legal frameworks align with moral principles. While electoral justice has traditionally centered on adherence to legal norms, it is imperative to undertake substantial reforms to ensure such frameworks reflect ethical standards and democratic values.⁶⁴ In addition to promoting voter participation, the integrity and quality of the electoral process play a critical role in determining the legitimacy of elections. Consequently, establishing robust systems for monitoring and overseeing electoral procedures is essential. In recent years, numerous countries have encountered significant challenges in organizing elections, including electoral malpractice, such as result manipulation and violations of the right to vote.⁶⁵

To uphold the rule of law and democracy, the formulation and enforcement of laws must be carried out by democratic principles. The supremacy of law and establishing a state governed by law are fundamentally rooted in popular sovereignty. Democratic elections must adhere to several essential legal standards, including the delineation of electoral districts, the allocation of seats in the DPR and DPRD, the regulation and transparency of campaign financing, and the assurance of equal voting rights and ballot-counting procedures for all citizens.⁶⁶ Furthermore, the Constitution formally enshrines the principle of legal certainty.⁶⁷ A second principle guarantees fair and transparent competition among electoral candidates. Third, all relevant stakeholders should be actively involved throughout the various stages of the electoral process. Fourth, election administrators must demonstrate impartiality, professionalism, and independence from political affiliations. Adherence to legal norms and procedures is a key indicator of such autonomy. Fifth, the integrity of the processes of voting, vote counting, tabulation, and the reporting of election results must be maintained, as these stages represent the most critical phases in the electoral cycle. Lastly, the resolution of electoral disputes must be conducted fairly, efficiently, and within a reasonable timeframe to preserve public trust in the democratic process.⁶⁸

The aspiration to conduct honest elections stems from a genuine commitment to ensuring fairness and maintaining high electoral standards. Beyond the implementation of elections based on the principles of direct, general, free, confidential, honest, and fair voting (free and fair elections), the legal certainty of electoral outcomes rooted in voter choices (electoral integrity) and the realization of

⁶⁴ Eka Yulyana and others, 'General Election Accessibility in the COVID-19 Pandemic: Democracy's Responsibility to People with Disabilities', *Sage Open*, 14.4 (2024) <https://doi.org/10.1177/21582440241298345>

⁶⁵ Carl Joergen Saxer, 'Game Changing Electoral Reforms and Party System Change? An Analysis of the 2020 National Assembly Election in South Korea', *Heliyon*, 11.2 (2025), e41777 <https://doi.org/10.1016/j.heliyon.2025.e41777>

⁶⁶ Deasy Alemande and others, 'Accessibility of Political Participation for Different Ability in The 2024 General Election in DKI Jakarta', *Unnes Political Science Journal*, 8.2 (2024), 78–84 <https://doi.org/10.15294/upsj.v8i2.15837>

⁶⁷ M Wildan Humaidi, 'THE AMBIVALENCE OF REGIONAL ELECTION DISPUTE RESOLUTION IN INDONESIA: The Dynamics of the Constitutional Court's Interpretation of Dispute Resolution Designs on Regional Election Results', *YUDISIA: Jurnal Pemikiran Hukum Dan Hukum Islam*, 14.2 (2023), 251 <https://doi.org/10.21043/yudisia.v14i2.22742>

⁶⁸ Jóhanna Kristín Birnir and others, 'The Patriarchy in the Parties: Voters, Parties and Women's Electoral Fortunes in the 2024 Legislative Election in Indonesia', *Electoral Studies*, 95 (2025), 102938 <https://doi.org/10.1016/j.electstud.2025.102938>



justice within the electoral process (electoral justice) is critical to the long-term sustainability of democracy in Indonesia.⁶⁹ Therefore, active public participation in the administration of elections is an essential prerequisite that must be consistently maintained and integrated into the electoral process.⁷⁰ The electoral justice system plays a crucial role in determining the fairness and democratic nature of the electoral process. Therefore, it must be designed comprehensively and implemented effectively. To ensure that elections are conducted in a fair, transparent, accessible, equitable, and inclusive, the system must also demonstrate impartiality and independence.⁷¹

Without the assurance of equal access, elections can no longer serve as an inclusive mechanism for democratic participation. Ensuring the full political participation of persons with disabilities is a moral obligation, a constitutional mandate, and a core element of genuine electoral justice. Electoral justice encompasses the entire set of legal mechanisms, procedures, and remedies designed to ensure that every act, process, and decision in the electoral context complies with the law. It also plays a vital role in protecting and restoring voting rights and providing accessible avenues for individuals who believe their rights have been violated to seek redress, whether through complaint mechanisms or judicial review.⁷²

As part of the broader human rights framework, Indonesia is obliged to ensure that all members of society, including persons with disabilities, are afforded meaningful political participation particularly within the governance system of a democratic state. Political rights are essential to the preservation of Indonesia's democratic system and the fulfillment of fundamental human rights. However, the realization of these rights for persons with disabilities remains a significant challenge due to persistent discrimination and exclusion from the political sphere. To date, persons with disabilities in Indonesia have yet to exercise their political rights and participate equally in governance fully.⁷³

Elections labeled "accessible" but lack adequate logistical support such as accessible voting aids, inclusive physical infrastructure, and comprehensible information throughout the electoral process cannot be considered disability-friendly.⁷⁴ It is imperative to recognize that accessibility for persons with disabilities extends beyond physical access to polling stations; it must encompass participation in all phases of the electoral process, including planning, implementation, and evaluation. Such

⁶⁹ Homero Gil de Zúñiga and Trevor Diehl, 'News Finds Me Perception and Democracy: Effects on Political Knowledge, Political Interest, and Voting', *New Media & Society*, 21.6 (2019), 1253–71 <https://doi.org/10.1177/1461444818817548>

⁷⁰ Taufiq Yuli Purnama, Sigit Sapto Nugroho, and Sarbini, 'Elections Integrity: Realizing Ultimate Concern and Electoral Justice', *Journal of Transcendental Law*, 5.2 (2023), 107–22 <https://doi.org/10.23917/jtl.v5i2.2386>

⁷¹ Oriol Marquet, Marta-Beatriz Fernández Núñez, and Monika Maciejewska, 'The Political Price of Superblocks. Electoral Outcomes of Sustainable Transport Interventions in Barcelona', *Environment International*, 189 (2024), 108789 <https://doi.org/10.1016/j.envint.2024.108789>

⁷² Zeth Isaksson and Simon Gren, 'Political Expectations and Electoral Responses to Wind Farm Development in Sweden', *Energy Policy*, 186 (2024), 113984 <https://doi.org/10.1016/j.enpol.2024.113984>

⁷³ Roxana Gutiérrez-Romero and Nayely Iturbe, 'Causes and Electoral Consequences of Political Assassinations: The Role of Organized Crime in Mexico', *Political Geography*, 115 (2024), 103206 <https://doi.org/10.1016/j.polgeo.2024.103206>

⁷⁴ Samantha Elizabeth Fitzgerald, Nathanael Telaumbanua, and Rasji Rasji, 'Comparison Analysis of Open and Closed Proportional Election Systems in the Perspective of State Law in Indonesia', *AURELIA: Jurnal Penelitian Dan Pengabdian Masyarakat Indonesia*, 2.2 (2023), 1188–96 <https://doi.org/10.57235/aurelia.v2i2.695>



participation is a critical component of their political rights. The ongoing denial of these rights reveals systemic legislative design and law enforcement deficiencies.⁷⁵

As the authority responsible for administering elections, the General Elections Commission (KPU) must represent the state in ensuring that all societal groups, including persons with disabilities, have equal opportunities to express their political will. The KPU must guarantee that elections are conducted fairly and inclusively. Although Law No. 8 of 2016 recognizes the political rights of persons with disabilities in Articles 13 and 75, the provisions remain overly general and lack sufficient technical specificity. The vague translation of legal norms into policy has resulted in limited implementation, such as the absence of standardized national guidelines for accessible polling stations, campaign materials, or nomination procedures for candidates with disabilities.⁷⁶

Moreover, Law No. 8/2016 fails to stipulate sanctions for violations of the political rights of persons with disabilities, such as the right to vote and run for public office. Without a robust legal enforcement framework, breaches of electoral accessibility often go unaddressed. Similarly, the Election Law (Law No. 7 of 2017) does not fully safeguard the political rights of persons with disabilities, undermining the electoral process's inclusiveness. This legal gap results in a lack of obligation for election organizers to ensure accessibility, effectively leaving such measures to their discretion rather than as a mandated standard.⁷⁷

To ensure the protection of the political rights of persons with disabilities and the realization of fair and inclusive elections, it is imperative to revise and harmonize the substance of Law No. 8 of 2016 and Law No. 7 of 2017 concerning elections, alongside the technical regulations issued by the General Elections Commission (KPU). This harmonization must go beyond administrative compliance or technical policy adjustments; it must embed the principles of inclusion and reasonable accommodation throughout all stages of the electoral process.⁷⁸ According to the International Institute for Democracy and Electoral Assistance (IDEA), equality in voter registration, voting procedures, and access to electoral information must be guaranteed to ensure equal voting opportunities. Therefore, electoral laws and regulations must explicitly outline the necessary accommodations required for voters with disabilities. These include but are not limited to providing alternative voting methods such as postal or telephone voting for persons with severe disabilities; offering campaign materials in accessible formats such as audio, sign language, or Braille; and ensuring the availability of legal and technical assistance during the exercise of voting rights. Strengthening the protection of political rights for persons with disabilities demands a comprehensive

⁷⁵ Christian Schnaudt, 'Sowing the Seeds of Skepticism? Electoral-Integrity Beliefs among Political Elites', *Electoral Studies*, 84 (2023), 102654 <https://doi.org/10.1016/j.electstud.2023.102654>

⁷⁶ Diastama Anggita Ramadhan, 'The Limitation of Voting Rights for People with Permanent Mental Disabilities in Indonesia: A Debate between Reasonable and Unreasonable Rights', ed. by John Kwame Boateng, *Cogent Social Sciences*, 7.1 (2021) <https://doi.org/10.1080/23311886.2021.1932032>

⁷⁷ Arjuna Al Ichsan Siregar, Fandi Ahmad F, and Indra Firmansyah, 'Rearranging the Village Head Election Justice System Based on the Electoral Justice System and Restorative Justice', *PERSPEKTIF*, 11.3 (2022), 944–55 <https://doi.org/10.31289/perspektif.v11i3.6584>

⁷⁸ Fenty Widya and Sri Wahyuni, 'Do People with Disabilities Have Rights in the Political Arena? A Legal Study on Disability Rights', ed. by M. Aziz and others, *E3S Web of Conferences*, 593 (2024), 11001 <https://doi.org/10.1051/e3sconf/202459311001>



review of the legal framework and the roles of electoral institutions and administrators.⁷⁹

To institutionalize inclusivity, it is essential to establish a dedicated division within the General Elections Commission responsible for overseeing the implementation of inclusive electoral practices. Likewise, the Election Supervisory Body (Bawaslu) should establish a specialized unit tasked with monitoring the protection of political rights for persons with disabilities, including the investigation of discrimination, access barriers, and intimidation faced by disabled voters.⁸⁰ Institutional reforms must also ensure that the General Elections Commission has access to accurate and verified data on voters with disabilities to support the preparation of the permanent voter list (DPT). Importantly, these reforms must be implemented at the national level and across regional election bodies (KPU and Bawaslu at the provincial and district levels) to guarantee nationwide consistency in inclusive practices.⁸¹

Legal and institutional reform, when approached holistically, can significantly advance Indonesia toward achieving genuinely fair and participatory elections for all citizens. Promoting electoral justice for persons with disabilities involves more than merely ensuring physical or technical accessibility; it also entails guaranteeing that their votes carry equal political weight, are treated with the same respect, and enable full and meaningful participation.⁸² In a substantive democracy, persons with disabilities must be recognized as political subjects, which necessitates adopting affirmative policies, providing necessary accommodations, and protecting their rights throughout the electoral process. Accordingly, efforts to strengthen the legal and institutional framework must be systematic, continuous, and well-planned not sporadic or symbolic. Collaboration among civil society organizations, legislators, government institutions, and electoral management bodies is essential to establish a democratic system that includes all citizens, including persons with disabilities.⁸³ Through such efforts, elections can serve as mechanisms for selecting political leaders and as instruments for upholding human rights and ensuring political justice.

CONCLUSION

Indonesia has formally recognized the political rights of persons with disabilities through various laws and policies; however, their actual political participation remains significantly limited due to pervasive structural barriers and systemic discrimination. Empirical data indicate that the representation of persons with disabilities on the voter registry is substantially lower than their proportion in the general population, highlighting persistent challenges related to accessibility and

⁷⁹ Varsha Prasad and Binitha V. Thampi, 'Gender Ideology and Gendered Political Dynamics Shaping Electoral Fortunes of Women Politicians in Kerala, India', *Women's Studies International Forum*, 84 (2021), 102437 <https://doi.org/10.1016/j.wsif.2021.102437>

⁸⁰ Ni Luh Gede Astariyani, Mariko Hattori, and Willy Naresta Hanum, 'The Validity of Sanctions Arrangements in Regional Regulations', *Journal of Human Rights, Culture and Legal System*, 4.3 (2024), 682–705 <https://doi.org/10.53955/jhcls.v4i3.313>

⁸¹ Didik Suhariyanto, 'Constitutional Enforcement and Justice in the Determination of Political Parties (Parpol) as Participants in the 2024 Indonesian Elections', *Proceedings of the 1st International Conference on Social Science (ICSS)*, 3.1 (2024), 199–205 <https://doi.org/10.59188/icss.v3i1.182>

⁸² Agustín Casas, 'The Electoral Benefits of Unemployment, Clientelism and Distributive Politics', *World Development*, 129 (2020), 104908 <https://doi.org/10.1016/j.worlddev.2020.104908>

⁸³ Edor J. Edor, 'John Rawls's Concept of Justice as Fairness', *PINISI Discretion Review*, 4.1 (2020), 179 <https://doi.org/10.26858/pdr.v4i1.16387>



unequal treatment throughout the electoral process. Despite the legal recognition, the practical implementation of these rights faces considerable obstacles, including difficulties in accessing polling stations, insufficient availability of election information in accessible formats, and weak mechanisms for monitoring and addressing electoral violations. Furthermore, the underrepresentation of persons with disabilities in political offices and electoral management bodies underscores the urgent need for systemic reforms to ensure a democratic process that is truly inclusive and equitable. In contrast, South Africa has established a robust legal framework aimed at eliminating discrimination and promoting equality, particularly in safeguarding the political rights of persons with disabilities, including their rights to vote and to stand for public office. The country has ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD). It has operationalized its provisions through national legislation and electoral policies that facilitate full political participation by persons with disabilities. Additionally, the Independent Electoral Commission (IEC) of South Africa actively supports this mandate by conducting voter education and providing disability-friendly facilities, such as voting aids and accessible polling stations. Therefore, comprehensive legal and institutional reforms are imperative to achieve genuinely fair and inclusive elections. These reforms must embed principles of inclusion and reasonable accommodation, supported by a dedicated unit within the election management authority responsible for overseeing their implementation. Ultimately, elections serve not only as mechanisms for selecting political leaders but also as instruments for safeguarding human rights and ensuring political justice. Realizing a democratic system that respects the political rights of all citizens requires coordinated efforts among civil society, legislative bodies, and electoral institutions.

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