

MEETING THE RIGHTS OF DIFFABLE IN THE GENERAL ELECTION OF THE REGENT AND VICE REGENT OF KUPANG REGENCY IN 2018

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ABSTRACT

This research was related to the Election of the Regent and Vice Regent of Kupang Regency in 2018 that had several major issues. In this research, however, the main issue discussed is a decision taken by Kupang Regency Election Commission (KPU) as a state representation in promoting the principle of fair justice to the political rights of people with disabilities (the diffable). This research aims to find out the steps taken by KPU of Kupang Regency in seeking to empower the rights and participation of diffable in the regency. The research method used in this study was empirical, using interview techniques that were carried out to get information from the respondents who took part in electing the Regent and Vice Regent of Kupang Regency in 2018. This research was carried out in Kupang Regency related to the provision of accessibility to elections for persons with disabilities and the constraints they faced in fulfilling their rights in the election, including internal and external factors that influence them. Internal factors are the reasons for voters not to use their voting rights in elections originating from themselves including technical, knowledge and occupational reasons, while external factors are factors originating from outside the voters themselves which result in voters not using their voting rights, namely, socialization, socio-economic factors, and political factors. Based on the results of the research it can be concluded that the KPU of Kupang Regency has fulfilled the rights of the diffable to participate in the election, but there needs to be an increase in the provision of information dissemination and political education from village up to sub-district levels.

Keywords: fulfillment of rights, elections and persons with disabilities.

INTRODUCTION

Indonesia as a rule of law recognizes and upholds Human Rights as natural human rights. This is shown in the 1945 Constitution as the constitution of the Republic of Indonesia that every citizen has the same position in law and government. The momentum of reform in 1998 had a profound influence on the changes in the regulation of human rights in Indonesia, more specifically the amendment to the 1945 Constitution of the Republic of Indonesia (UUD NKRI 1945) which added Article 28 I-28 J concerning Human Rights the original text only regulates the rights of citizens¹⁰³. The inclusion of Human Rights in the

¹⁰³ . The rights of citizens are defined as gifts from the state while human rights are universal rights due to human nature, not a gift.

1945 Constitution of the Republic of Indonesia has officially made it a constitutional right of every citizen or "constitutional rights"¹⁰⁴

The fulfillment of the rights of every human being in addition to being agreed in various conferences that produce international human rights instruments is also not immune from government interference¹⁰⁵. Therefore, the protection and respect and upholding of human rights is strongly voiced in Indonesia for the achievement of prosperity, respect for humanity, justice and happiness as citizens. The protection, respect and enforcement of human rights based on their universal nature will be successful if the practice of marginalization and discrimination of the rights of persons with disabilities has been eliminated.

Fulfillment of the rights of persons with disabilities in Indonesia began with the birth of Law Number 4 of 1997 concerning Disabled Persons, then in its development through Law Number 19 of 2011 concerning Ratification of the Convention on the Rights of Persons with Disabilities Indonesia also ratified the convention on rights people with disabilities and most recently the birth of Law No. 8 of 2016 concerning Persons with Disabilities. These developments provide more space and guarantees for the fulfillment of the rights of persons with disabilities in order to achieve justice and improve equality for persons with disabilities.

With regard to political rights, the 1945 Constitution as the constitution of the Republic of Indonesia has mandated that every citizen has an equal position in law and government¹⁰⁶. This is also explained in Article 23 paragraph (1), Article 43 of Law Number 39 of 1999 concerning Human Rights which gives the broadest possible space for every citizen to participate in government, using his right to vote and his right to vote in elections

¹⁰⁴ Zulkarnain Ridlwan in the journal "Protection of constitutional rights of persons with disabilities (Rights of persons with disabilities)", published in the fiat justisia journal of legal studies, Volume 7, No 2, May-Agustus 2013, p. 231.

¹⁰⁵ In accordance with article 28 I-J of the 1945 constitution of the republic of Indonesia. The protection of the enforcement and fulfillment of human rights is the responsibility of the state, especially the government 1434, 3442.

¹⁰⁶ .Article 27 paragraph 1 of the 1945 constitution reads "all citizens are at the same position in law and government with no exception.

and the right to join and establish certain political parties. In Law Number 7 of 2017 concerning Elections it has been stated in Article 5 that states: "persons with disabilities who meet the requirements have the same opportunities as voters, as candidates for DPR members, as DPD candidates, as presidential / vice presidential candidates, as candidates of DPRD member, and as the organizer of the election"¹⁰⁷

The Indonesian Constitution has also mandated the Government and state institutions, namely the General Election Commission (KPU) which has the direct task of organizing General Elections (Elections) to be responsible for fulfilling the political rights of persons with disabilities without discrimination. Regional General Election Commission (KPU) is given the authority to hold the implementation of Election of Regent and Deputy Regent according to the purpose of Law No. 7 of 2017 concerning General Elections. One of his tasks is to conduct voter education and socialization so that every citizen including citizens with disabilities can exercise their right to vote without discrimination, but in reality has not been able to reach all voters with disabilities. Election systems in the regions should be able to realize the strengthening of local democracy, one of which is by strengthening the accessibility of disabled voters to be able to use their right to vote as citizens guaranteed by the constitution without discrimination.

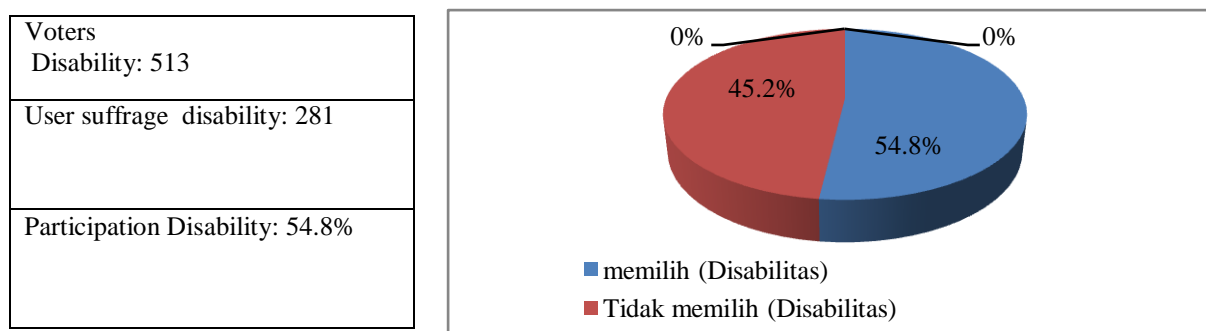
Kupang Regency Election Commission (KPU) as the organizer of the General Election (Election) domiciled in Kupang Regency, has the task of organizing the Election of Regent and Vice Regent of Kupang Regency in 2018 to provide administrative and technical services regarding the Election of Regents and Vice Regents of Kupang Regency to persons with disabilities in accordance with what is mandated by the prevailing laws and regulations.

Although the state has recognized the political rights of persons with disabilities, the level of participation of persons with disabilities in the Election of the Regent and Deputy

¹⁰⁷ .Law number 7 of 2017, article 5

Regent of Kupang in Kupang Regency in 2018 is still low at 54.8%. The following details the data:

Table 1.
Percentage of Users with Voting Rights of Persons with Disabilities in the General Election of the Regent and Deputy Regent of Kupang Regency in 2018



Source: Institute for Election Commission of Regent and Deputy Regent of Kupang Regency in 2018

Based on the above table, it can be seen that in the election of the Regent and Deputy Regent of Kupang Regency in 2018 the level of participation of persons with disabilities has not been maximally realized, amounting to 281 people who use their voting rights from the total number of persons with disabilities registered in the DPT of 513 people spread in several districts in the election area for the Regent and Deputy Regent in Kupang Regency in 2018.

Based on the description above, the researcher is interested in researching about "Fulfilling the Rights and Participation of Persons with Disabilities in the Election of the Regent and Deputy Regent in Kupang Regency in 2018".

1. Formulation of the problem

Based on the background description above, this study refers to the question of what steps are taken by the Kupang Regency Election Commission as a state representation in promoting the principle of balanced justice and increasing political participation of people with disabilities

2. Research purposes

The research objective to be achieved by researchers is to find out the steps taken by the election organizers in Kupang District in seeking fulfillment of the rights and participation of persons with disabilities.

3. Research methods

The typology in this study is empirical legal research that is examining a phenomenon or state of the object of research in detail by gathering the reality that occurs and developing existing concepts¹⁰⁸. Data collection techniques with interview techniques and literature study. The approach used in this study is an empirical approach with in-depth interview techniques conducted with informants and respondents determined by sampling¹⁰⁹ withdrawal methods and literature studies, namely by examining the applicable legal rules related to the rights of persons with disabilities.

4. Research Results and Discussion

Steps - Steps to Fulfill the Rights and Participation of Persons with Disabilities by the KPU in the Election of Regional Heads in Kupang Regency in 2018.

The general election is one of the 5 annual activities carried out by the Central KPU, with assistance from the Provincial KPU and the City / Regency KPU. The KPU and its ranks which were given the mandate by the 1945 Constitution as the organizer of the election tried to facilitate well all citizens in exercising their constitutional rights. The juridical and technical aspects of the administration of elections were perfected to meet the principle of justice for all citizens. All technical regulations regarding the administration of elections always pay attention to the interests of persons with disabilities for the fulfillment of the rights of persons with disabilities and increase political participation.

Based on that, the activity should be carried out properly, but sometimes the obstacle is the implementation of the fulfillment of these rights whether it has been carried out based

¹⁰⁸ .Kartini Kartono. 1996. Introduction to social research methodology. Bandung : Manjar Maju, p. 32

¹⁰⁹ .Soerjono Soekanto and Sri Mamudji. 1985. Normative Legal Research a short review. Jakarta : Rajawali Press, p. 52

on applicable laws and regulations. To analyze the steps to fulfill rights by the Kupang Regency KPU in the regional head election activities, the researchers in the results of this study divided and analyzed them into three stages, namely.

- Stage of data collection on disability voters

KPU Kab. Kupang in fulfilling the rights of persons with disabilities by collecting voters' data without ignoring the rights of persons with disabilities. Through matching and research activities carried out by PPDP to obtain data on disability voters who are eligible to vote by registering it on the voter list. This is consistent with the results of interviews conducted by researchers with informants as chair of the data collection and data definition definition as follows¹¹⁰:

"In this case, we as voting assembly officers provide a disability type code in the information column of the voter list, number 1 for the physically challenged, number 2 for the blind, number 3 for the hearing / speech impaired, number 4 for mentally disabled people and number 5 for tuna the other. So that voters with disabilities can be grouped together to make it easier for us to guarantee their rights in the future on socialization activities and providing access at the time of voting. This can be proven that in the Kupang district head election in 2018 there was no additional voter list for voters with disabilities".

- Conduct dissemination at the level of KDP, PPS and KPPS and at organizations / forums of communication of persons with disabilities

Kupang Regency KPU promotes disability voters to ad hoc organizers at the sub-district level and calls on ad hoc organizers to pay more attention to voters with disabilities starting from the registration stage to the voting stage. In addition, the KPU district. Kupang also socializes disability groups in organizations / forums of persons with disabilities domiciled in Kupang Regency and always provides information through electronic media, print media and other social media. This is as

¹¹⁰ .Results of an interview with the head of the data collection division and the Kupang Regency KPU data update on August 6, 2019, at 11 : 15 WITA

said by the informant As the head of the technical implementation of the provision of information and communication¹¹¹:

"The socialization was carried out at the district level to PPK to treat voters with disabilities. Besides that, they also held a socialization in the form of a communication forum for several organizations of persons with disabilities in Kupang District, namely PERTUNI and followed by the provision of information through electronic, print and other social media".

Some respondents who were involved as members of DPOs said that¹¹²:

"We got a notification from the head of the organization to take part in the socialization activities by the KPU and participated in the opportunity to have a dialogue with the election organizer regarding the election process later and we will also be trained in the simulation of the voting process later".

- Make TPS accessible for persons with disabilities

At this stage, Kupang Regency KPU coordinates in stages with PPK, PPS and KPPS by calling on KKPS to overhaul the making of polling stations with access for disabled voters. From the results of the researchers' interviews with the KPU commissioners, the field implementers said that¹¹³:

"We made a circular to ad hoc organizers, starting with PPK, PPS and KPPS to create a polling station by making it easier for voters with disabilities in accordance with the KPPS guidebook, 2018".

- ⇒ *TPS is not established on rocky, hilly, surrounded by ditches or ditches, or with steps.*
- ⇒ *Stool table height is at least 75 -100 cm from the floor and at least 1 meter is between the table and the TPS divider*
- ⇒ *Ballot table height is at least 35 cm from the floor*
- ⇒ *Make sure that there are no objects hanging on the ceiling that can make the blind hit*
- ⇒ *TPS equipment must be arranged in such a way that there is sufficient distance for the wheelchair user to move freely at the TPS.*

- Voting stage

¹¹¹ .Results of an interview with the chairman of the technical implementation of Kupang Regency KPU information giving on August 6, 2019, at 12 : 00 WITA

¹¹² .Results of interviews with disabled respondents in Kupang district on August 8 2019, at 09 :20 WITA

¹¹³ .The result of the interview with the head of the technical division field on august 06 2019, at 12 :45 WITA

⇒ The preparatory stage is by holding ballots in the form of brile letters for persons with blind disabilities. Based on the results of interviews with several persons with visual impairments said that¹¹⁴:

"We were given good service by KKPS officers, by helping us to be registered and invited us in advance to use voting rights without following the registration queue number, but there were also those who said that we continued to queue up according to the registration number until we waited to be called. Besides that, although the organizer provides access to help in the form of brile letters, but we prefer not to use them, we ask for assistance from the family to help us because using brile letters takes a very long time and not all of us can master the use of brile letters well. "

So far, based on the results of research by researchers, there has not yet been one voter with a disability who said he used his voting rights with the help of a brile lettering device at the polling station.

⇒ Provide a Model C7 form (participant Present list) in which information provides if the voter is a person with a disability and type of voter disability to facilitate voters for services and assistance.

⇒ Providing facilities for voters with disabilities who need assistance to be accompanied by their own facilitators or KPPS officers by way of assistance must fill out C3 form (mentoring form) based on the KKPS guidebook with disability-friendly service procedures. In this stage the Chairperson of the KKPS explains to the disability voter that in exercising their voting rights, the disability voter can and is entitled to be accompanied by family / friends who are appointed by the voters or mentoring by one of the KPPS members.

Based on the results of interviews with respondents with disabilities who are blind and the prosecutor said that they prefer assistance from the family rather than KKPS

¹¹⁴.Results of interviews with blind persons with disabilities in Kupang district on August 11 2019, at 10 :00 WITA

members while for voters with disabilities, they are better able to use their right to vote without assistance.

From various research data, in broad outline researchers can classify into two major groups namely internal factors and external factors that cause low levels of disability voter participation.

a. Internal factors

Internal factors are the reasons for voters not to use their right to vote in elections originating from themselves including technical reasons, knowledge and understanding and work.

First, the technical reason I mean is the technical constraints experienced by voters that prevent them from using their right to vote. Like when voter voting was sick, felt ashamed to leave, chose to keep working, was outside the area, as well as various other reasons that were personal regarding voters.

Secondly is Knowledge and understanding. At this stage all respondents said that they knew about the existence of regional election in Kupang District, the level of knowledge obtained came from various kinds of information, some said that they heard from electronic and social media namely radio and newspapers, some read and saw on banners - banners on the edge of the road and those who hear it from talks around neighborhoods and public gathering places, such as in village offices, public hospitals and markets. As for the knowledge of the candidate pairs and political parties from the candidate pairs and the programs offered, these disabilities are familiar with competing pairs and political parties, but their understanding is also diverse, from those who are unable to convey a description of the candidate's profile, or who have only a few know the profile, just know enough to use the track record of the regional head candidate for consideration in choosing.

Third, the voter work factor in the understanding of researchers has a large contribution, because there are many disability voters whose income is closely related to the intensity of work. Not working means no income. As researchers have encountered in the field, many voters with disabilities work as weaving and sewing, farmers, sellers, students, cooking coffee, and cleaning the church.

So in the understanding of researchers in conditions like this, they are faced with two choices, namely the use of the right to vote that will threaten the decline in income or go to work and not choose.

b. External factors

External factors are factors originating from outside the voters which result in voters not using their voting rights. There are three factors in this category.

First, the socialization factor; Dissemination or dissemination of the election is very important to be carried out in an effort to increase electoral participation, given the electoral area in Kupang district is very broad and most of its territory is in remote villages and still very difficult to reach from access to transportation and information. For this reason, the dissemination of electoral information is considered important so that it demands election organizers, election participants, and all stakeholders, both CBOs engaged in persons with disabilities, NGOs, and non-disabled communities to continue to always disseminate this information.

Secondly, political factors; This factor is a reason or cause that caused by the political aspects of persons with disabilities not wanting to vote. Such as distrust of the party, do not have a choice of one particular candidate pair or do not believe that the elections will bring changes and improvements to the region. This condition encourages disability voters not to use their voting rights. Political stigma is dirty, evil, justifies any means and so on, worsening disability voters' trust in politics. This stigma is formed because of the nature of

some politicians who fall into the category of instant politics, politics which only approaches disability voters when there is a political agenda such as the election appearing.

The third socioeconomic factor; Economic factors are one of the factors why a voter with a disability does not use his right to vote in an election. This happens when democracy that has been carried out so far is not directly proportional to prosperity and promises of equality for voters with disabilities. When the face of democracy is presented in the real framework of the people's direct participation in determining their leaders, it does not have a positive impact on voters with disabilities. There was a shift in the view of the traditional society that truly believed in its leader and placed the leader as a representative in determining the fate of the people but shifted to a materialistic society where finding money was more important.

CLOSING

Based on the results, it can be concluded that the steps to fulfill rights by the Kupang Regency KPU in the 2018 regional head election activities include three stages, namely data collection, socialization and services and provision of accessibility for persons with disabilities. Whereas the factors that influence the low participation of persons with disabilities are internal and external factors. Internal factors are the reasons for voters not to use their right to vote in elections originating from themselves including technical reasons, knowledge and understanding and work. Whereas external factors are factors originating from outside the voters which result in voters not using their voting rights.

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