



Examining Inclusive Democracy: The Political Rights Of People With Intellectual Disabilities In Indonesia

Menelaah Demokrasi Inklusif: Hak-Hak Politik Penyandang Disabilitas Intelektual di Indonesia

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Abstract

This study examines the fulfilment of political rights for people with intellectual disabilities in the 2024 Indonesian General Election, focusing on the urban-coastal context of Pekalongan City. Despite formal constitutional guarantees and the landmark Constitutional Court Ruling No. 135/PUU-XIII/2015—which removed voting barriers for citizens with mental and intellectual disabilities—substantive inclusion remains in a highly fragile state. Using empirical legal methods and a socio-legal approach, this study examines the gap between the normative democratic framework and the sociological reality at polling stations (TPS). Data were collected through in-depth interviews with the General Election Commission (KPU), disability organisations (PPDI), and families of voters with intellectual disabilities. By applying Amartya Sen's Capabilities Approach and Social Citizenship Theory, this study reveals that voters with intellectual disabilities face systemic "substantive exclusion" characterised by a lack of cognitive accessibility in polling materials, as well as the persistence of patron-client voting patterns dominated by family guardians. This article argues that true democratic inclusivity must go beyond formal administrative procedures by incorporating easily readable visual standards and supported decision-making models. Finally, this research proposes a collaborative electoral governance model to transition the voting system for people with disabilities from mere symbolic inclusion to dignified, rights-based political participation.

Abstrak

Penelitian ini mengkaji pemenuhan hak-hak politik bagi penyandang disabilitas intelektual dalam Pemilihan Umum Indonesia 2024, dengan fokus pada konteks perkotaan-pesisir Kota Pekalongan. Meskipun terdapat jaminan konstitusional formal dan Putusan Mahkamah Konstitusi No. 135/PUU-XIII/2015 yang bersejarah—yang menghapus hambatan pemungutan suara bagi warga negara penyandang disabilitas mental dan intelektual—inklusi substantif tetap berada dalam kondisi yang sangat rapuh. Dengan menggunakan metode hukum empiris dan pendekatan sosiologi-hukum, penelitian ini mengkaji kesenjangan antara kerangka kerja demokrasi normatif dan realitas sosiologis di tempat pemungutan suara (TPS). Data dikumpulkan melalui wawancara mendalam dengan panitia pemilihan umum (KPU), organisasi penyandang disabilitas (PPDI), dan keluarga pemilih dengan disabilitas intelektual. Dengan menerapkan Pendekatan Kapabilitas Amartya Sen dan Teori Kewarganegaraan Sosial, studi ini mengungkapkan bahwa pemilih dengan disabilitas intelektual menghadapi "pengucilan substantif"



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sistemik yang ditandai oleh kurangnya aksesibilitas kognitif dalam materi pemungutan suara serta berlanjutnya pola pemungutan suara patron-klien yang didominasi oleh wali keluarga. Artikel ini berpendapat bahwa inklusivitas demokratis yang sejati harus melampaui prosedur administratif formal dengan memasukkan standar visual yang mudah dibaca dan model pengambilan keputusan yang didukung. Akhirnya, penelitian ini mengusulkan model tata kelola pemilu kolaboratif untuk mentransisikan sistem pemungutan suara bagi penyandang disabilitas dari sekadar inklusi simbolis menjadi partisipasi politik yang bermartabat dan berbasis hak.

INTRODUCTION

The realisation of an inclusive democratic system in the Southeast Asian region currently faces significant challenges in the form of the marginalisation of the political rights of people with disabilities, particularly those with intellectual disabilities. This humanitarian issue persists due to a public perception characterised by cognitive bias, which assumes that the ability to vote in elections is possessed only by individuals with unimpeded, perfect intellectual capacity. The Universal Declaration of Human Rights (UDHR)⁶² and the UN Convention on the Rights of Persons with Disabilities (CRPD)⁶³ explicitly mandate that cognitive impairments must not be used as justification for depriving a citizen of their right to vote under any democratic regime. However, empirical data from various elections across Asia indicates that people with intellectual disabilities frequently face systematic exclusion, ranging from the voter registration process to physical and cognitive accessibility at polling stations (TPS). The author argues that this disregard for political rights is not merely a technical issue of electoral operations, but a form of denial of *human dignity* and the social citizenship rights of vulnerable groups. A mature democracy should not be measured by how efficiently the administrative processes of the electoral system are conducted, but rather by the extent to which it is able to include the most marginalised citizens in the voting booth with dignity. Therefore, a thorough review of all regulatory instruments and electoral practices is required to expose the covert exclusion of people with intellectual disabilities at both regional and national levels.

In Indonesia, the constitutional guarantee of political rights for persons with disabilities has been reinforced through Constitutional Court Decision No. 135/PUU-XIII/2015, yet its implementation at the sociological level remains marked by acute legal tensions. This landmark ruling progressively removed discriminatory provisions in electoral law that prohibited citizens with mental or memory impairments (mental and intellectual disabilities) from exercising their right to vote. Normatively, Law No. 7 of 2017 on General Elections and the General Elections Commission Regulation (PKPU) have adopted this ruling by guaranteeing the voting rights of people with disabilities without exception and mandating the provision of support facilities at polling stations. However, in the sociological reality across various regions, including the city of Pekalongan in the 2024 General Election, these normative guarantees frequently come up against bureaucratic barriers, the lack of cognitively accessible voting instruments, and the

⁶² Article 25 point 1 United Nations, "Universal Declaration of Human Rights 1948" (n.d.), <https://www.supremecourt.ge/files/upload-file/pdf/act3.pdf>.

⁶³ Mashood A. Baderin and Manisuli Ssenyonjo, *International Human Rights Law: Six Decades after the UDHR and Beyond*, *International Human Rights Law: Six Decades after the UDHR and Beyond*, 2013.

confusion of Polling Station Committee (KPPS) officials on the ground—. The author assesses that this situation gives rise to a democratic paradox, wherein the political rights of people with intellectual disabilities are grandly recognised at the constitutional level, yet are gradually negated at the administrative and practical levels. This inconsistency demonstrates that our positive law remains trapped in a sterile formalism of inclusion, lacking a commitment to providing substantive, humanistic accessibility for voters with special needs. In conclusion, this legal tension demands a critical analysis that exposes the gulf between rights on paper (*law in books*) and the fulfilment of rights in the voting booth (*law in action*).

Although numerous studies on the political rights of persons with disabilities in elections have been published, the majority of the existing literature remains dominated by normative-procedural legal analyses and a narrow focus on physical disabilities. Previous research has generally focused on the provision of accessible polling stations for people with visual or physical disabilities, whilst neglecting the complexity of the cognitive accommodations required by people with intellectual disabilities.⁶⁴ Other researchers have attempted to address the voting rights of people with mental disabilities, yet their analysis is limited to administrative registration regulations without addressing the sociological human dimension, family power dynamics, and voting dynamics at polling stations.⁶⁵ There is currently no socio-legal research that critically examines the sociology of elections for people with intellectual disabilities within urban-coastal communities such as Pekalongan City, which is fraught with challenges of socio-cultural stigma and infrastructure limitations. The author addresses this academic *gap* by offering a critical analysis that positions people with intellectual disabilities not as administrative objects of the electoral process, but as subjects of social citizenship whose rights are interrogated through the *Capability Approach*. This article does not merely evaluate the performance of the General Elections Commission (KPU), but deconstructs the socio-cultural barriers that result in the substantive marginalisation of the political rights of people with intellectual disabilities. In conclusion, this research positions itself as an important conceptual contribution towards the development of a model of electoral governance that is cognitively inclusive and upholds human dignity in Asia.

This study puts forward the analytical proposition that the fulfilment of the political rights of people with intellectual disabilities in Indonesia is currently trapped in the illusion of ‘symbolic inclusion’, which overlooks substantive justice. The hypothesis put forward is that the KPU’s failure to provide cognitively accessible voting instruments perpetuates a patron-client electoral pattern that undermines the political autonomy of people with disabilities. Preliminary observations in Pekalongan City confirm that the absence of pictorial ballot papers or easy-to-read visual guides forces voters with intellectual disabilities to rely entirely on the decisions of their companions or family

⁶⁴ Nicholas Manktelow et al., “The Perspectives of People with Intellectual Disabilities on Their Experience of Voting in UK General Elections,” *Journal of Applied Research in Intellectual Disabilities* 36, no. 3 (2023): 629–40, <https://doi.org/https://doi.org/10.1111/jar.13087>.

⁶⁵ Evangelis A L Tompoliu, Wenly R J Lolong, and Merry L Kumajas, “Perlindungan Hukum Terhadap Penyandang Disabilitas Mental Dalam Pemilihan Umum,” *Khatulistiwa: Jurnal Pendidikan Dan Sosial Humaniora* 5, no. 4 (2025); Björn Boman, “Democratically Included ? A Systematic Literature Review on Voter Turnout of People with Intellectual Disabilities,” *Political Science*, no. October (2024): 1–8, <https://doi.org/10.3389/fpos.2024.1485383>.

guardians when casting their votes. Empirical data also indicates that the sociocultural stigma prevalent within coastal communities drives families to deliberately conceal family members with disabilities from the voter verification and registration process (coklit) to avoid social embarrassment. The author argues that this situation demands a radical reorientation in electoral governance: from a procedural inclusion model that merely pursues quantitative data towards an ecological-humanistic inclusion model that guarantees voting autonomy. We must redesign how the electoral system can be reconstructed as a space that upholds human rights regardless of voters' intellectual capacities. In conclusion, true inclusive democracy will only be achieved if human values and legal protection are organically integrated into the national electoral voting booth.

METHODS

This study employs an empirical juridical research design situated within the framework of *the socio-legal approach* in order to comprehensively analyse the fulfilment of the right to vote for people with intellectual disabilities. This methodological choice is based on the need to view law not merely as a closed and rigid system of norms, but as a social process that interacts directly with the sociocultural structures of society.⁶⁶ The socio-legal approach enables the researcher to combine an analysis of electoral legislation with theories of political sociology to test the extent to which KPU regulations function effectively at the grassroots level.⁶⁷ Armia emphasises that an empirical approach in legal research is crucial for uncovering deviations or functional failures of a rule when applied to marginalised social groups.⁶⁸ The author employs this framework to evaluate how the legal reasoning of the electoral bureaucracy negotiates with the reality of intellectual disability in Pekalongan City during the 2024 General Election. This is crucial because the constitutional guarantee of the right to vote often suffers a reduction in meaning when confronted with voters' limited cognitive capacity and the unpreparedness of polling station infrastructure. Therefore, this choice of method ensures an in-depth analysis that is sensitive to sociological human dimensions and avoids becoming trapped in dry legalistic formalism.

The case approach is specifically applied in this study by using Pekalongan City as the main case study representing urban-coastal areas in Central Java. The selection of Pekalongan City is based on the unique sociocultural characteristics of its community, where geographical challenges (such as persistent tidal flooding) intertwine with socio-economic challenges in affecting electoral accessibility for vulnerable groups. The unit of analysis in this study is the process of fulfilling the right to vote for dozens of people with intellectual disabilities, both those registered and those not registered on the final voter list (DPT) for the 2024 General Election. Based on data from the Pekalongan City Election Commission (KPU), although awareness-raising on inclusion has been carried out, the

⁶⁶ Soetandyo Wignjosoebroto, "Ragam-Ragam Penelitian Hukum," in *Metode Penelitian Hukum; Konstelasi Dan Refleksi*, ed. Sulistyowati Irianto dan Shidarta, 1st ed. (Jakarta: Yayasan Pustaka Obor Indonesia, 2017).

⁶⁷ Sulistyowati Irianto, "Metode Penelitian Kualitatif Dalam Metodologi Penelitian Ilmu Hukum," *Jurnal Hukum & Pembangunan* 2, no. 1 (2002): 155, <https://doi.org/10.21143/jhp.vol32.no2.1339>.

⁶⁸ Muhammad Siddiq Armia, *Penentuan Metode Dan Pendekatan Penelitian Hukum*, ed. Iur Chairul Fahmi (Banda Aceh: Lembaga Kajian KONstitusi Indonesia (LKKI) Universitas Islam Negeri Ar-Raniry Banda Aceh, 2022).

level of active participation and independence of voters with intellectual disabilities at polling stations remains very low and is dominated by family accompaniment. The author analyses that this case study is crucial for capturing how economic inequality and local cultural stigma interact to limit the political space of people with disabilities at the local level. Examining a concrete case in Pekalongan will reveal the real dynamics within the voting booth that have so far gone unrecorded in the KPU's macro-quantitative administrative reports. In conclusion, this case-based approach in a specific location acts as a legal-empirical microscope to test the credibility of the commitment to national electoral inclusivity at the local level.

The data sources in this study rely entirely on primary data collected directly in the field and secondary data in the form of credible legal materials. The use of primary data is crucial because this study aims to record *the lived experiences* of people with intellectual disabilities, whilst secondary data serves as the normative foundation for the analysis. Primary data was obtained through in-depth interviews with the Commissioner of the Pekalongan City Election Commission (KPU) Technical Division, the Election Supervisory Agency (Bawaslu), the Chair of the Indonesian Association of Persons with Disabilities (PPDI) Pekalongan, and several family members supporting people with intellectual disabilities. Secondary data includes primary legal materials such as Constitutional Court Decision No. 135/PUU-XIII/2015, Law No. 7 of 2017 on Elections, the KPU Regulation on Voter Data Updates, and the Pekalongan City KPU's 2024 statistical document on the voter list for people with disabilities. The author ensured the validity of the data through source and method triangulation, in order to compare the accuracy of information between the statements of election officials and the reality experienced by families of people with disabilities on the ground. This rich collection of sociological and normative data prevents the research from becoming speculative and maintains the objectivity of the writing in accordance with the strict standards of the AJLH. Thus, the strength of this primary and secondary data forms a solid foundation for constructing a critical argument regarding the reformulation of inclusive election policies.

Data collection in this study was carried out through *in-depth interviews*, limited participatory observation within the voters' community, and a targeted review of the literature. In-depth interviews were selected purposively to explore the understanding, psychological barriers, and sociocultural sanctions experienced by families of people with intellectual disabilities regarding political participation in elections. The inclusion criteria for field informants established by the researcher include: (1) Election officials directly involved in the voter list data updating process, (2) PPDI officials advocating for the political rights of people with disabilities, and (3) Parents/guardians of people with intellectual disabilities accompanying them into the polling booth during the 2024 General Election. Suteki states that the documentation of legal materials and the verbatim recording of structured interviews are crucial for maintaining the consistency of the researcher's line of reasoning in empirical legal research.⁶⁹ The author carried out audio recording, verbatim transcription, and systematic coding of interview data to enable objective analysis without distortion of meaning. Through intensive fieldwork, the researcher was able to map the power imbalances between election organisers and

⁶⁹ Suteki & Galang Taufani, *Metodologi Penelitian Hukum (Filsafat, Teori Dan Praktik)*, 1th ed. (Depok: RajaGrafindo Persada, 2020).

people with disabilities who are cognitively marginalised. In conclusion, this standardised data collection technique ensures that all field data presented possesses a high level of validity and accuracy.

The data analysis was conducted qualitatively using a descriptive-analytical approach and the *Comparative Socio-Legal Analysis* method to examine the gap between formal and substantive rights. This method was chosen because it is highly reliable in testing the consistency of the application of legal rules with the dynamics of the social behaviour of the actors involved. The data analysis process is carried out through three structured stages: (1) Data reduction, namely selecting interview results and KPU regulatory documents relating to accessibility for people with disabilities; (2) Data presentation, namely comparing constitutional normative standards with empirical findings in Pekalongan; and (3) Inductive conclusion drawing.⁷⁰ The author employs this analytical method to determine whether the low level of independence among voters with intellectual disabilities is caused by inherent cognitive limitations or systemic failures on the part of the KPU in facilitating their cognitive needs. Through descriptive-analytical analysis, this study critically evaluates the bias within the electoral bureaucracy, which tends to prioritise quantitative participation targets over the quality of voting autonomy for vulnerable voters. This analysis guides readers to view the urgency of electoral procedural law reform for people with intellectual disabilities objectively and in depth. Ultimately, this analytical technique serves as the primary tool for producing accountable conclusions and offering concrete recommendations for the improvement of the national electoral system in the future..

RESULT AND DISCUSSION

Empirical Findings on the Regulatory Landscape, Voter Registration Challenges, and Polling Station Realities

The regulatory landscape in Indonesia following Constitutional Court Ruling No. 135/PUU-XIII/2015 has, in normative terms, provided sufficiently progressive guarantees for the fulfilment of the voting rights of people with intellectual disabilities in the 2024 General Election. The General Election Commission Regulation (PKPU) on the Compilation of Voter Lists explicitly categorises people with mental and intellectual disabilities as valid voters who must be specifically recorded by voter data update officers (Pantarlilh) during the field verification process.⁷¹ This regulation is designed to ensure that there is no longer any disregard for voter data based on mental capacity, a practice that was frequently carried out legally by the electoral bureaucracy during the pre-reform era. Law No. 7 of 2017 on General Elections also requires the General Elections Commission (KPU) to provide facilities for voters with disabilities at polling stations, including the right to be accompanied by a companion of the voter's choice, who must sign a confidentiality statement form (Form Model C.Pendamping-KPU).⁷² The author analyses

⁷⁰ Soerjono Soekanto, *Pengantar Penelitian Hukum*, 3rd ed. (Jakarta: UI-Press, 1986).

⁷¹ Bambang Sumantri¹, 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, no. 2 (2024).

⁷² Erga Yuhandra et al., "The Implementation of Disability Rights Fulfillment in the General Election in Kuningan Regency Based on Law No. 7 of 2017 on General Elections," *Journal of Sharia and Islamic Law Research Studies* 10, no. June (2025): 61–68.

that, in theory, this national regulation reflects the state's strong commitment to adopting the principles of *human rights* and inclusive democracy in accordance with the international standards of the CRPD. However, the beauty of this regulatory text often loses its sociological grounding when it is translated into technical instructions at the lowest level of election officials (Voting Station Committees), who receive insufficient specialised training on handling voters with cognitive impairments. Consequently, the existing regulations merely fulfil the aspect of formal legal certainty (*certainty of rules*) but do not yet fully guarantee substantive justice (*certainty of protection*).

The empirical reality in Pekalongan City during the 2024 General Election reveals highly complex administrative challenges in the process of data collection and registration of voters with intellectual disabilities into the Official Voter List (DPT). The data collection process carried out by Pantarlih often faces sociocultural obstacles in the form of families' reluctance to disclose the presence of family members with intellectual disabilities due to fear of negative stigma from neighbours. A report from the Pekalongan City branch of the Indonesian Association of Persons with Disabilities (PPDI) confirms that there are still many people with intellectual disabilities in coastal areas such as North Pekalongan who are not recorded in the Voter List because they are deliberately 'hidden' by their families from the data collection officers. Statistical data from the Pekalongan City Election Commission (KPU) shows that the number of registered voters with intellectual disabilities is very low compared to the actual population projections from the local social services department, proving the existence of inaccurate data collection in the field. The author argues that this inaccuracy in the data is a direct result of the Pekalongan KPU's failure to adopt a culturally sensitive and persuasive outreach approach towards families of people with disabilities. Election administration is often handled in a mechanistic and rushed manner by Pantarlih officials who are solely focused on meeting the extremely tight deadlines for the voter registration process. In conclusion, this inaccuracy in the data on voters with intellectual disabilities demonstrates that administrative inclusivity in elections in Pekalongan City still leaves serious issues of disregard for civil rights at the grassroots level.

The 2024 elections in Pekalongan City reveal a striking disparity between formal inclusion on paper and *the* substantive *exclusion* experienced by people with intellectual disabilities at polling stations. Although they are formally registered on the electoral roll and invited to cast their votes, the physical facilities and voting procedures provided at polling stations are completely unsuited to the needs of those with cognitive impairments. Field monitoring results indicate that the narrow size of the voting booths, the very large and complex design of the ballot papers without photographs of the legislative candidates, and the absence of simple visual guides make it difficult for voters with intellectual disabilities to understand the voting process independently. Interviews with several accompanying family members in Bandengan Sub-district confirmed that people with intellectual disabilities felt confused and experienced psychological distress when faced with five highly complex ballot papers in the voting booth. The author analyses that this situation demonstrates that the Pekalongan Election Commission (KPU) is engaging in indirect discrimination by applying a uniform voting method to all voters without providing *reasonable* accommodation for cognitive impairments. The inclusion touted by the election organisers ultimately remains merely symbolic, with voters with special

needs positioned merely as a means to fulfil voter quotas, without any guarantee of dignified political autonomy. In conclusion, this disparity underscores that without the provision of adequate cognitive accessibility, the presence of people with intellectual disabilities at polling stations is merely a cosmetic aspect of democracy devoid of substantive justice.

Documented Disparities: Domestic Patronage, Cognitive Obstacles, and Structural Advocacy Constraints

Sociocultural barriers originating from the families of voters with intellectual disabilities in Pekalongan act as a thick wall that undermines political independence and perpetuates unhealthy patron-client voting patterns. Parents or family guardians often adopt an excessively overprotective attitude, assuming that their children with intellectual disabilities lack the mental capacity to understand political issues or to vote independently. Based on interviews with parents of people with disabilities in West Pekalongan, they acknowledged that when accompanying their children into the voting booth, they directly guided and determined the vote according to the parents' own political preferences. This pattern is supported by sociological data, which shows that not a single voter with an intellectual disability interviewed was able to cast their vote independently without direct instruction from their accompanying guardian. The author assesses that this family intervention has reduced the political autonomy of people with intellectual disabilities, transforming their right to vote into an "additional right to vote" for the guardian through a mechanism of family patronage. The social stigma that views people with intellectual disabilities as "incomplete" legal subjects deprives them of their fundamental right to form their own political opinions free from external coercion. Consequently, these sociocultural barriers demonstrate that, without specific political education for families, the electoral autonomy of people with intellectual disabilities in Pekalongan will always be co-opted by the dominance of domestic patronage.

The ineffectiveness of the voting aids provided at polling stations and the absence of 'easy-to-read' information standards were the main causes of the curtailment of the voting rights of people with intellectual disabilities in the 2024 General Election in Pekalongan City. The voting aids provided by the General Election Commission (KPU), such as Braille *templates*, were designed solely to accommodate voters with visual impairments, whilst no visual aids or simplified language were prepared for people with intellectual disabilities. The design of five large ballot papers featuring hundreds of names of legislative candidates without photographs constitutes a form of "structured cognitive barrier" that is impossible for voters with intellectual disabilities to navigate. Research in the field of public information accessibility (such as Rodrigues et al., 2021) demonstrates that without information adaptations in the form of simple visual guides, people with intellectual disabilities will experience cognitive disorientation when faced with complex choices. The author argues that the Pekalongan City Election Commission (KPU) committed a systemic failure by failing to design or pilot test draft visual guides that are easy to read in areas with a high concentration of people with intellectual disabilities. Consequently, the complex ballot paper forced the voting process to be entirely handed over to an assistant, negating the principle of secrecy in the direct, general, free and secret (Luber) elections. In conclusion, the ineffectiveness of this aid confirms that the

Pekalongan KPU has not yet considered cognitive accessibility as part of the mandatory legal protection standards for voters with special needs.

The role of the Indonesian Association of Persons with Disabilities (PPDI) in Pekalongan City in advocating for the fulfilment of the political rights of people with intellectual disabilities in the 2024 General Election faces significant structural and financial constraints. Although PPDI actively coordinates with the General Election Commission (KPU) to highlight the need for electoral accessibility, their bargaining position is often weakened by limited operational budgets and minimal involvement in plenary meetings determining polling station technical arrangements. In the various election awareness-raising activities organised by the Pekalongan KPU, the representation of people with intellectual disabilities has been minimal, as the KPU's outreach efforts have primarily targeted people with physical disabilities, who are perceived as being easier to engage with. PPDI's advocacy documents indicate that their proposal to provide specialised cognitive facilitators at every polling station could not be accommodated by the KPU, citing limited funding allocations and the absence of a technical legal framework within the national KPU guidelines. The author observes that PPDI Pekalongan is positioned merely as a supplementary partner to fulfil the formality of civil society organisation participation in the KPU's performance report, rather than as a strategic partner in decision-making. This situation results in the voices and specific needs of people with intellectual disabilities remaining overlooked in the operational design of the election at the city level. In conclusion, the ineffectiveness of PPDI's advocacy demonstrates that without institutional reform and budgetary support from the state, the electoral inclusion movement in Pekalongan City will remain stagnant.

Theoretical Anatomy and Deconstruction of Cognitive Exclusion and Bureaucratic Ritualism

An examination of the capability *gap* faced by voters with intellectual disabilities in Pekalongan City reveals a systemic failure on the part of the state to transform formal voting rights into substantive capabilities that uphold dignity. Referring to Amartya Sen's *Capability Approach*,⁷³ electoral justice should not be measured by how inclusive the voter list data is on paper, but rather by how capable voters with special needs are of exercising that right independently in the polling booth. The inherent cognitive barriers (*internal conversion factor*) faced by people with intellectual disabilities in Pekalongan are exacerbated by the Pekalongan Election Commission's (KPU) failure to provide external accommodation (*external conversion factor*) in the form of visually accessible ballot papers. Paul Ricoeur asserts that treating people with limitations in the same way as able-bodied people without providing specific affirmative facilities constitutes a form of institutionalised structural injustice.⁷⁴ The author analyses that when the Pekalongan KPU refused to design a cognitively accessible election guide, the institution consciously allowed *capability deprivation* to occur against people with intellectual disabilities. Consequently, the formal right to vote guaranteed by the constitution is degraded into a meaningless instrument that cannot be exercised independently by those entitled to it. Therefore, Sen's theoretical analysis demonstrates that the Pekalongan KPU is

⁷³ Amartya Sen, *Development as Freedom* (New York: Alfred A. Knopf, 1999).

⁷⁴ Paul Ricoeur, "The Capability Approach: Theoretical Discussion," in *Transforming Unjust Structures*, Severine D (Dordrecht: Springer, 2006), 17–27.

methodologically at fault for implementing an electoral model that is discriminatory towards cognitively vulnerable groups.

A deconstruction of the patron-client voting patterns that dominate voters with intellectual disabilities in Pekalongan reveals the breakdown of the principles of direct, free and secret voting (Luber) within the polling booths of the 2024 General Election. The lack of cognitive accessibility at polling stations forces people with intellectual disabilities to completely hand over their voting decisions to their accompanying guardians or family members.⁷⁵ Empirical findings in West Pekalongan show that family members act as political patrons who unilaterally determine the choice of party and legislative candidates, negating the autonomous rights of people with disabilities as independent political subjects. This pattern violates the essence of Article 2 of the 1945 Constitution, which guarantees the integrity of every citizen's right to vote, free from any form of intervention or coercion by others, including even the closest family members. The author argues that the current KPU support model—which merely requires the signing of a confidentiality form—fails to address the root of the problem of power relations within patriarchal households. Judicial support should be directed towards facilitating independent voting through visual methods, rather than legitimising acts of 'decision substitution' that deprive voters with disabilities of their political autonomy. In conclusion, this deconstruction underscores that without reform of voting procedures, the voting rights of people with intellectual disabilities in Pekalongan will continue to be exploited as additional votes for their patrons.

A critical analysis of the implementation of Constitutional Court Decision No. 135/PUU-XIII/2015 in the city of Pekalongan reveals stagnation and bureaucratic non-compliance at the grassroots level of election administration. This Constitutional Court decision constitutes a progressive constitutional mandate requiring the state to fully restore the voting rights of people with mental and intellectual disabilities without administrative discrimination. However, the research findings indicate that the Pekalongan City Election Commission (KPU) has interpreted this progressive ruling merely within the formal limits of voter registration in the Official Voter List (DPT), without following it up by designing a voting procedure that is cognitively accessible. This failure violates the principle of fair legal certainty and the principle of the fulfilment of human rights as mandated in Article 28I of the 1945 Constitution in a substantive manner. The author analyses that the main obstacle to the implementation of this Constitutional Court ruling is the absence of legal sanctions or strict oversight mechanisms from the Supreme Court or the General Election Supervisory Agency (Bawaslu) regarding the ineffectiveness of the KPU's services at the local level. The Pekalongan KPU hides behind the argument of technical limitations and the absence of operational guidelines from the National KPU () to legitimise the disregard for the human rights of voters with cognitive disabilities. Consequently, the Constitutional Court's progressive jurisprudence has proven ineffective at the local level in Pekalongan because the electoral bureaucracy remains trapped in a legalistic-formalistic paradigm that is insensitive to substantive justice for people with disabilities.

⁷⁵ Nina A Kohn, "Cognitive Impairment and the Right to Vote: Rethinking the Meaning of Accessible Elections," 2008, <https://api.semanticscholar.org/CorpusID:142420531>.

Testing T.H. Marshall's theory of social citizenship against the circumstances of voters with intellectual disabilities in Pekalongan reveals the existence of covert social exclusion behind the façade of formal inclusion touted by the state. Marshall asserts that legitimate citizenship requires a balance between civil and political rights and the fulfilment of social rights that guarantee equal participation in national life.⁷⁶ In the city of Pekalongan, the state grants the formal political right to vote but fails to fulfil it socially due to the absence of cognitively accessible electoral infrastructure at every polling station. Consequently, people with intellectual disabilities remain sociologically alienated from the democratic process because they are unable to interact independently with complex voting instruments.⁷⁷ The author argues that this inequality creates *second-class citizens*, where the fulfilment of their rights is positioned as 'charity' rather than a *legal duty*. The state has failed to fulfil its fiduciary role in eliminating the sociocultural barriers that marginalise people with disabilities from the democratic public sphere. In conclusion, the application of Marshall's theory demonstrates that without the fulfilment of social rights in the form of appropriate cognitive accommodation, the political citizenship status of people with intellectual disabilities in Pekalongan is merely a discriminatory constitutional illusion.

An analysis of the Pekalongan KPU's policy using Gustav Radbruch's theory of the three fundamental legal values reveals a predominance of the value of formal legal certainty, at the expense of the values of utility and human justice. The Pekalongan KPU consistently hides behind the shield of technical regulatory certainty (PKPU and Election Guidelines), which do not stipulate an obligation to provide cognitive-friendly visual aids, to justify the absence of such facilities at polling stations. Radbruch explains that in an ideal situation, the three fundamental legal values—justice (*gerechtigkeit*), utility (*zweckmäßigkeit*), and certainty (*rechtssicherheit*)—must operate in balance; however, in the event of a sharp conflict, certainty must yield to true substantive justice.⁷⁸ In this case, in order to comply with the uniformity of electoral administration, the KPU has sacrificed the utility of the voting booth for people with intellectual disabilities and undermined the sense of social justice for the accompanying families who are burdened on the ground. The author argues that technical regulations that perpetuate cognitive exclusion against vulnerable groups such as people with disabilities constitute a form of administrative oppression (*statutory lawlessness*) that violates the universal human rights enshrined in the 1945 Constitution. Electoral law must no longer be treated as a rigid administrative text to justify indirect discrimination against citizens with limited mental capacity. In conclusion, Radbruch's value test demonstrates that the electoral administration system in Pekalongan suffers from an acute moral deficit due to the neglect of the values of justice and social utility in favour of mere formal compliance.

Sharp criticism of the Pekalongan City KPU's bureaucratic bias has exposed a failure of electoral inclusion rooted in the culture of '*ritualistic compliance*' (superficial

⁷⁶ Oser J. Hooghe M, "Social and Political Citizenship in European Public Opinion: An Empirical Analysis of T.H. Marshall's Concept of Social Rights," *Government and Opposition* 53, no. 4 (2018), <https://doi.org/10.1017/gov.2017.11>.

⁷⁷ Wiwit Pratiwi, Sherly Nelsa, and Zico Junius Fernando, "Evaluation of the Fulfillment of Political Rights for Persons with Disabilities to Welcome the 2024 General Election," *Volkgeist* VI, no. 40 (2024): 19–32, <https://doi.org/10.24090/volkgeist.v6i1.7886>.

⁷⁸ Gustav Radbruch, *Filosofia Do Direito*, Armenio Am (Coimbrea, 1997).

compliance) among local election organisers. The Pekalongan KPU tends to consider its commitment to electoral inclusivity fulfilled the moment data on voters with intellectual disabilities is successfully entered into the final voter list (DPT). This bureaucratic work culture overlooks qualitative evaluation of how these voters with disabilities exercise their right to vote at polling stations independently, safely, and confidentially without external coercion. In contrast, the Pekalongan KPU's 2024 Election evaluation report reveals a complete absence of discussion regarding the effectiveness of cognitive aids and the level of independence of voters with disabilities within the voting booths. The author assesses that the Pekalongan KPU is trapped in an 'administrative convenience' bias that prioritises achieving quantitative voter participation targets for the sake of budget accountability reports to the central KPU. They have sacrificed the substantive rights and human dignity of people with intellectual disabilities for the sake of internal bureaucratic convenience, as they do not wish to go to the trouble of designing and training Polling Station Officials (KPPS) on cognitive-friendly support techniques. Therefore, this critique underscores that the Pekalongan KPU's commitment to inclusion remains merely cosmetic rhetoric that fails to address the substance of electoral justice for vulnerable groups.

Rejection of the judicial formalism approach demands that the General Elections Commission (KPU) and electoral oversight bodies do not merely act as rigid, procedural enforcers of the law on the ground. Electoral administrators have a constitutionally mandated humanitarian responsibility to exercise their discretion to provide effective legal protection for the political rights of people with intellectual disabilities. Ronald Dworkin reminds us that law is a matter of moral integrity, whereby law enforcement officials are obliged to seek out the fundamental moral principles of justice before rigidly applying the provisions of the law.⁷⁹ When the KPU refuses to provide cognitively accessible facilities at polling stations on the grounds that there is no written mandate in the Election Law, they are in fact committing a clear constitutional dereliction of duty that threatens the fundamental rights of citizens. The author argues that the Pekalongan KPU must have the courage to pioneer legal innovation (*rechtsvinding*) by designing local regulations responsive to the sociological needs of people with intellectual disabilities at the sub-district level. Electoral justice must not be rendered ineffective by administrative rigidity if this results in judicial discrimination against citizens with limited mental capacity. In conclusion, the moral responsibility of election organisers demands that they formulate progressive policies which synthesise the legal certainty of the state with the substantive welfare of human rights protection.

Theoretical Discourse and Deconstruction of Cognitive Exclusion and Bureaucratic Ritualism

As a way out of this legal impasse, this study proposes a constructive reconstruction model known as **Collaborative Electoral Governance** in Pekalongan. This model posits that ensuring the right to vote for people with intellectual disabilities will not be achieved through a repressive, top-down administrative approach, but must instead actively involve the entire social ecosystem at the grassroots level. This synergy is built by

⁷⁹ Ronald Dworkin, *Law's Empire* (London: The Belknap Press, 1986); Ronald Dworkin, *Taking Rights Seriously* (Cambridge: Harvard University Press, 1977).

reformulating the procedures for voter verification and voting through close cooperation between the General Election Commission (KPU), the Social Affairs Department, the Indonesian Association of Persons with Disabilities (PPDI), and the neighbourhood communities on disability readiness. Through this model, PPDI is given an official role as a facilitator of cognitive elections at every polling station to help educate polling station officials and accompany voters with intellectual disabilities without intervening in their choice. The author argues that this ecological collaborative model positions local communities as strategic allies in the protection of human rights, rather than as passive objects of the state's electoral bureaucracy. In this way, families no longer hide their disabled members out of social shame, but actively participate in ensuring the success of the elections because they feel assured of their children's right to vote with dignity and independence. In conclusion, this ecological governance model offers an integrative solution capable of preserving the harmony of local values whilst upholding the supremacy of the national right to vote for people with disabilities.

To ensure legal certainty whilst safeguarding the political autonomy of voters with cognitive disabilities, this study proposes the formulation of electoral legal policies involving the application of **Easy-to-Read Visual** standards and the **Supported Decision-Making** model. The *Easy-to-Read* standard requires the General Election Commission (KPU) to modify ballot papers for people with intellectual disabilities by including clear photographs of legislative candidates, simple party logos, and the use of contrasting colours to facilitate visual identification. Meanwhile, the *Supported Decision-Making* model replaces the dominant conventional model of support (*substitute decision-making*) by limiting the role of the support person to that of a physical facilitator who assists with the voting process, rather than as a determiner of the political choices of voters with disabilities. Practices in advanced democratic nations demonstrate that the implementation of these two concepts has succeeded in drastically restoring the voting autonomy of people with intellectual disabilities whilst safeguarding the secrecy of their choices in the voting booth. The author assesses that this formulation clearly distinguishes between the inherent "cognitive limitations" of people with disabilities and their "constitutional right to vote" as independent legal subjects guaranteed by the state. Consequently, inclusive elections are no longer viewed merely as a symbolic socialisation project, but as a progressive judicial instrument that systematically educates and upholds the human rights of people with disabilities. In conclusion, this formulation of visual standards and supported decision-making models represents a modern electoral jurisprudential solution capable of fairly balancing the state's legal certainty with substantive human justice.

CONCLUSION

This study concludes that the fulfilment of the political rights of people with intellectual disabilities in the 2024 General Election in Pekalongan City remains trapped in the illusion of 'formal inclusion', which masks massive substantive exclusion at the grassroots level. Although, in normative terms, the Constitution and Constitutional Court Decision No. 135/PUU-XIII/2015 have restored the voting rights of people with intellectual disabilities, the Pekalongan City Election Commission (KPU) has failed to

translate this into cognitively accessible voting facilities at polling stations. As a result of the KPU's structural unpreparedness, voters with intellectual disabilities have lost their political autonomy and right to secrecy, as the voting process is absolutely dominated by family guardians through a patron-client relationship. A socio-legal analysis demonstrates that the sociocultural stigma prevalent in the coastal villages of Pekalongan also prompts parents to conceal the existence of family members with disabilities from the voter registration process to avoid social sanctions from the community. The author asserts that allowing this ineffectiveness in electoral services to continue without adequate cognitive accommodation constitutes a form of indirect discrimination that violates the state's fiduciary responsibility mandate. Therefore, a paradigmatic reconstruction of electoral management is required: from a procedural-quantitative unification model towards an ecological-collaborative electoral governance model based on the promotion of the human rights of persons with disabilities. In conclusion, electoral system reform for people with intellectual disabilities is an urgent moral and constitutional obligation to realise a fair and inclusive democratic sovereignty in Indonesia.

The originality and main strength of this research lie in its boldness in undertaking a socio-legal deconstruction of the illusion of electoral inclusion for vulnerable groups through the integration of T.H. Marshall's Theory of Social Citizenship and Amartya Sen's Capabilities Approach. This study successfully moves beyond the boundaries of conventional normative-administrative electoral studies by presenting an in-depth sociological analysis of how power relations at the domestic family level co-opt the independent voting rights of people with intellectual disabilities. However, this study has limitations in terms of the scope of empirical data, which remains confined to the administrative area of Pekalongan City and does not yet encompass the sociocultural variations of indigenous rural communities in remote areas, which face distinct accessibility challenges. The limited observation period during the brief election period also restricts a comprehensive analysis of the long-term impact of electoral exclusion on the social participation of people with disabilities following the 2024 election. The author acknowledges that the dynamics of interaction within the actual polling booth require a more intensive ethnographic study of electoral justice to capture the emotional aspects of voters with disabilities. These limitations open up vast opportunities for future researchers to conduct cross-regional field research on the effectiveness of disability advocacy movements in demanding their constitutional rights. However, this article has successfully provided a very robust conceptual blueprint to initiate the legislative process for reforming an inclusive and accountable cognitive-friendly electoral system in Indonesia.

To address these administrative and ethical disparities, this study formulates strategic recommendations for the General Elections Commission (KPU) of the Republic of Indonesia to immediately draft regulations at the level of a KPU Regulation (PKPU) establishing standardised parameters for cognitive accessibility at every polling station. This new regulation must mandate the provision of ballot papers meeting *Easy-to-Read Visual* standards (photographs of legislative candidates and simple pictorial guides) and implement a *Supported Decision-Making* model to limit intervention by family carers. The Pekalongan City Government is recommended to collaborate with the Social Affairs

Department and the Pekalongan Branch of the Indonesian Association of People with Intellectual Disabilities (PPDI) to launch an electoral ecological ethics training programme for families of people with disabilities, with a view to eroding discriminatory local socio-cultural stigmas. The Election Supervisory Agency (Bawaslu) and independent election monitors must also be equipped with specialised monitoring tools capable of consistently detecting and addressing all forms of violations of the voting rights of people with intellectual disabilities at the Polling Station Committee (KPPS) level. The author emphasises that it is only through ecological-integrative collaboration between state bureaucracy, disability organisations, and the family community that the protection of the human rights of people with disabilities can be upheld organically and sustainably. Public legal awareness campaigns regarding the dangers of cognitive exclusion in elections must be massively scaled up to build collective awareness within civil society in safeguarding the course of inclusive democracy. In conclusion, the enforcement of this principle of electoral justice is an absolute prerequisite for safeguarding the dignity of the national constitutional legal system from the grip of procedural injustice in the conduct of elections.

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DECLARATION OF CONFLICTING INTERESTS –14pt, Cambria Bold (1.15 space)

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