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## **Fulfillment of Constitutional Rights of People with Mental Disabilities in General Elections in the Batang Regency**

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### **Abstract**

Fulfillment of the political rights of persons with mental disabilities in Batang district receives serious attention because they face challenges in exercising their political rights. This includes the right to vote, to be involved in the political decision-making process and to participate actively in democratic life. The purpose of writing this thesis is to find out how the constitutional rights of persons with mental disabilities are fulfilled in general elections in Batang Regency and to find out why the fulfillment of the constitutional rights of persons with mental disabilities in general elections in Batang Regency has not been fulfilled. This research is an empirical juridical research using a qualitative approach and using primary legal materials in the form of data taken directly from the field and secondary data from relevant legal documents. The results of this study are that in the implementation of fulfilling the constitutional rights of persons with mental disabilities in general elections in Batang Regency there are still many obstacles in its implementation both from the governing regulations, law enforcement officials, and the community, therefore there are is still much to be evaluated and corrected so that fulfillment of the political rights of persons with mental disabilities can run well and smoothly.

**Keywords:** Persons with Mental Disabilities; General Elections; Political Rights

### **Abstrak**

Pemenuhan hak politik penyandang disabilitas mental di kabupaten batang mendapat perhatian serius karena mereka menghadapi tantangan dalam menjalankan hak-hak politiknya. Termasuk hak untuk memilih, terlibat dalam proses pembuatan keputusan politik dan partisipasi secara aktif dalam kehidupan demokratis. Tujuan dari penulisan skripsi ini adalah untuk mengetahui bagaimana pemenuhan hak konstitusional penyandang disabilitas dalam pemilihan umum di Kabupaten Batang dan untuk mengetahui mengapa pemenuhan hak konstitusional penyandang disabilitas mental dalam pemilihan umum di

Kabupaten Batang belum terpenuhi. Penelitian ini merupakan penelitian yuridis empiris dengan menggunakan pendekatan kualitatif serta menggunakan bahan hukum primer berupa data yang diambil langsung dari lapangan dan data sekunder dari dokumen hukum yang relevan. Adapun hasil dari penelitian ini adalah pelaksanaan pemenuhan hak konstitusional penyandang disabilitas mental dalam pemilihan umum di Kabupaten Batang masih banyak terjadi kendala dalam pelaksanaannya baik dari peraturan yang mengatur, aparat penegak hukum, sarana prasarana maupun masyarakat maka dari itu masih banyak yang harus dievaluasi dan diperbaiki agar pemenuhan hak politik penyandang disabilitas mental dapat berjalan dengan baik dan lancar.

**Kata kunci:** Penyandang Disabilitas Mental; Pemilihan Umum; Hak Politik

## Introduction

Indonesia is a country that adheres to understand democracy , where citizens are given freedom For emit opinion , good in the form of input or criticism . As a country that practices system democracy , one of the size democracy is to practice election general to member legislative and presidential held every 5 years once . In the General Election that was held in 5 Years very Where Election implemented in a way direct , general , free , confidential , honest and fair or normal abbreviated as LUBERJURDIL. Article 202 paragraph (2) and Article 210 paragraph (3) of Law No. 7 of 2017 concerning Election mention that eligible voters follow collection votes at the polling station only voters who have an Electronic Population Identification Card (KTP- el ). The following is the sound from Article 202 paragraph (2) namely : " Voter List" as referred to in paragraph (1) at least load number parent population , name , date born , type gender , and address of Indonesian citizens, who have right " To choose ." And Article 210 paragraph (3): " To can entered to in the voter list additionally , someone must show proof sign resident electronics and related evidence has registered as Voters in the voter list remain at the original TPS ." Other requirements must be filled for citizens for give right voice namely , 17 years old , has Indonesian citizen status , registered as voters , have e-KTP, healthy physical and spiritual . The conditions mentioned on Of course almost The same applicable for the sufferer disability , but sufferer disability have right alone in give right vote in the election general .

Persons with Disabilities is the image used For describe condition somebody with mental, physical , emotional , sensory , cognitive , and combination conditions from condition this is what is lacking qualified . Indonesia is a country with various disabilities . However government Alone not enough pay attention to it . This is proven with indifference

government to realization right they . sufferers disability Still ostracized by society and government . The existence of they like treat they as society that does not useful and useless Can like another normal human being .

Due to this reason that , Indonesia has Law on Persons with Disabilities Number 8 of 2016 which provides runway solid law For ensure life all citizens , including sufferer disabilities who have legal status and have right the same basic with Indonesian citizens and as an integral part of public as the people of Indonesia. They face more challenges big than community non-disabled Because obstacle For access service public , such as access to service health , work , politics and education .

A number of The law explains about rights sufferer disabilities , including Constitution Number 7 of 2017 concerning General Election , Law Number 19 of 2011 concerning Ratification UN Convention on the Rights of Persons with Disabilities , Law Number 8 of 2016 concerning Persons with Disabilities , Law Number 18 of 2014 concerning 4 Mental Health and in the Regency Stem Of course There is the regulation Alone about right sufferer disability that is Regional Regulation Number 6 of 2019 concerning sufferer disabilities . There are several The law mentioned naturally all sufferer disability Can have equal access For follow participate in life politics . Not allowed . There is differences , discrimination , or exception to group disability certain . Including , rights for sufferer mental disability for enter in the voter list and use right choose it . Problem about right voice sufferer disability often sidelined by the government , especially for sufferer mentally disabled . is children who have weakness in aspect think and reason so that ability learning and socializing below average . Children with intellectual disabilities experience disturbance in development Power he thought as well as all over aspect his personality , as well as his limitations from aspect physical , intellectual , social and emotional or a combination from all matter the so that influence ability For life with his strength in the middle society , as simple as whatever matter the .

A number of constraint in giving right political sufferer disability sufferer mental disability in follow participation political is sufferer mental disability is considered No speak law so that experience constraint in use right choose in the election general . People with mental disabilities in the district Stem given right his politics through a number of condition as well as mentoring specifically for those with disabilities mental disabilities can use his

rights without must waiting long, some other obstacles such as this mental illness nature relapse so that need announcement specifically for sufferers this mental illness want to come For participate to place collection vote (TPS).

## **Method**

Study This nature juridical-empirical , which aims For evaluate how far is the effectiveness law in society . Research juridical-empirical This merge perspective law normative or ideal (Das Sollen ) with reality implementation law in society (Das Sein). Researcher want to see How written law Work in practice , and how implementation the can associated with theory enforcement law and theory constitutional . Enforcement theory law underline importance law as tool For reach justice and order social , while theory constitutional focused on fulfillment and protection rights guaranteed by the constitution .

Approach research used is approach sociology law , which sees law in context social and assessing How formal law functions in society . With approach this , researcher No only describe law as a static norm, but also digging , linking , even to criticize How law the implemented and understood by the community . The approach This help in evaluate effectiveness enforcement law in protect right sufferer disability as well as to study conformity between practice existing law with principles constitutional guarantees equality and protection right .

Study This conducted at the Commission General Elections Commission (KPU), Supervisory Body Election (BAWASLU), and community disabled . Locations the chosen Because contains data and documents important relevant with objective research . Data collection from places This expected give description comprehensive about How rights sufferer disability be noticed in implementation election . Data sources consist of from primary and secondary data . Primary data is obtained from results interviews and observations directly to the KPU and BAWASLU, which provide view about implementation regulation related election for sufferer disability . Secondary data obtained through studies bibliography , which includes material primary law such as Constitution Number 8 of 2016 concerning Persons with Disabilities and Regional Regulations of the Regency Stem Number 6 of 2019 concerning Persons with Disabilities . Legal materials secondary covers books ,

journals , and articles that analyze issue fulfillment rights and protection law for sufferer mental disability .

## **Discussion**

### **A. Fulfillment Constitutional Rights of People with Mental Disabilities in General Elections**

Constitutional rights sufferer disability Still must arranged with both in the constitution and in the laws with objective No only bear fulfillment right as well as all that is needed for sufferer disabilities . In addition , the rules about right sufferer disability in the constitution and Constitution wanted Can strengthen commitment to progress as well as protection for all over right sufferer disability in Indonesia. Constitutional rights sufferer disability This need For set up Good in constitution both inside and outside laws that aim No only For ensure fulfillment rights and needs of persons with disabilities disabilities , but also provides not quite enough accountable to the government and society For more play a role active in give protection to dignity and honor of the people with disabilities disability . So from that , right sufferer disability Can made into as protected rights in constitutional or right constitutional .

People with mental disabilities have the right named fundamental rights such as other human beings as well as sufferer disability get treatment special or Can interpreted like in matter get same service like same facilities like other humans in other words who are easy to access For sufferer disability . Don't until sufferer disability This always castrated and discriminated against his rights so that they the more marginalized and increasingly left behind Far from other normal citizens .

*Accessible* in dictionary Merriam-Webster (1828) defined as say characteristic Which has the same meaning as can accessible , easy faced , able used or viewed ( available ) , capable understood or appreciated , capable influenced ( open ) , and easy used or accessed by sufferer disability ( adapted) For used by for sufferer disability ). Whereas according to The Sound of the Bell (2011:11), accessibility is the convenience that provided for sufferer disability use realize similarity chance in all aspect life and livelihood . Based on theory that is what is meant with accessibility is a convenience For sufferer disability Which used For realize similarity chance in all over aspect life including life do politics .

For know How organization election general Which accessible to sufferer disability , according to criteria Which as delivered by Panchansky & Thomas (1981). The dimensions For know the election that access namely related with *accessibility, accommodation , availability , And acceptability.* as following .

### 1. Accessibility

Accessibility is available facilities for sufferer disability easy accessible , easy used in a way independent by the recipient disabilities consisting of from accessibility physical and non- physical . Accessibility physique is a convenience For access facility general . Whereas non- physical accessibility is a the convenience provided for everyone for can with easy access service information . accessibility physique consists of from means And infrastructure support like place collection voice as well as various completeness And availability Which needed by voters . Whereas accessibility non physique covering standard service accessibility elections and information regarding with election . On basically , procurement socialization Which optimal about organization Electionis one of form giving access to the people with disabilities disability , namely accessibility non- physical Which related with right access on information .

Related accessibility non physical , Mr. Sunu banner the end KPU Stem say as following :

"So the bearer of disability Already There is his association , so every there is a meeting event coordination or The socialization carried out by the KPU was good it's at the KPU office or outside Certain We invite one of them sufferer disability Because That Already There is a his association So we invite the chairman . "

On basically , procurement socialization Which optimal about organization Electionis one of form giving access to the people with disabilities disability , namely accessibility non- physical Which related with right access on information . KPU as party guarantor answer state has strive for overall facility so that accessible for all over element public , specifically sufferer disability . However , this the different by party family sufferer mental disability said socialization Elections in Regency stem Not yet evenly . Mrs. Ariyah as Mother from sufferer mental disability says :

" related socialization That I never knew from before , because I No follow community nothing the result I have minimal information I only know from TV The

same information from the people around even then applicable For general No special For disabled So yes origin vote Just . "

Based on Exposure results study can known whether implementation socialization in progress lame or no . While socialization only available For community sufferer disability , person with disabilities disability that is not member community confess that they No get socialization .

Besides accessibility non- physical , accessibility physique Also become factor most important in realize organization Election Which inclusive . The connection in strive for accessibility physique , in organization Election has there is guidelines in create a TPS so that you can accessible for all over public specifically sufferer disability . Distance between table And size door enter and go out has set up such that in order to be able to make it easier mobility voters .

## **2. Accommodation ( *accommodation* )**

Accommodation ( *accommodation* ) namely related with system service Place Voting Voice Which relate with convenience utilization (O'clock open visitors , time Wait service and its length time Wait For promise service ). In addition to this said , the existence of understanding Language and interpretation in procurement service need known , namely in matter process collection voice in place Voting in which there is necessary terms delivered with Language in a way special to voters sufferer disability in accordance with limitations and need Which owned .

A father with disabilities mental disability , which is called father mukri at the time implementation Election get service the less Good related deadline time Wait in give voice stateas following .

"Yes time That Already come from Morning , Already queue . But No called out The same the officer until Afternoon . Whereas queue I from Morning ."

Although implementation Election has scheduled , in fact Still there is injustice Which in experience by voters disability , namely existence voters Which No Can get rightchoose it with reason letter the votes provided by the KPPS have been finished .

Even though voters who concerned has wait from Morning until TPS closed For give his voice .

### 3. Availability ( *availability* )

In availability there is four component which can seen that is covering *Man*, *Material*, *Method* and *Machine* . Man availability is existence source Power man support service . Selection General will it is said accessible to sufferer disability If sufficient availability *man* , Where with availability man or officer TPS Which adequate all over sufferer disability can served at the time election general ongoing . So that sufferer disability can channeling right voice they on election in a luber manner Fair .

Availability *The material* in question is availability logistics adequate in accordance with need sufferer disability . Availability *material* in Election related with availability logistics on moment implementation elections , which include letter sound , tool help vote , box sound , sound template for sufferer disability , as well as tool help vote for sufferer disability . Election general it is said access to sufferer disability if fulfil availability material the .

Availability *Method* relate with method service Which done by officer like efficiency time in give service . availability *method* in election Which accessible for sufferer disability related with method Which used officer TPS in serve sufferer disability on moment election ongoing . Standard services performed TPS officers refer to the Guide book KPPS Voting and Counting of Election Votes 2019 which has been provided by the KPU, so that all over officer will operate standard service as per what has been set . One of the provision in rule the is that voters with disability must own priority For served by officers collection voice Because limitations physique can hinder they in give right his voice in Elections .

And availability *Machine* related with availability equipment Supporter service or facility Supporter like means infrastructure in accordance with needs . Availability of machines in Accessible elections for sufferer disability related with availability like page parking , place collection voice Which accessible , room Wait , provision fashion between pick up from House going to TPS and on the contrary for sufferer disability .

Concerning availability logistics Election , KPU Regency Stem explain as following :

" For example, blind people We prepare letter braille voice or which has been There is special For blind to make it easier sufferer blind , for deaf We Later provide member family For translate what they want and for its confidentiality Still guaranteed . For sufferer mental and intellectual disabilities need existence letter information from House Sick soul So We Can determine voters experience disturbance a soul like What . "

Based on supervision carried out by Bawaslu Regency Stem along with ranks in subdistrict And village as well as supervisor TPS, party Election Supervisory Agency explain as following :

"There is a disability his physical how come there then the somewhat A little make it difficult walk on the stairs for example he must use chair wheel , use crutches , etc. right. That will difficult to tread ladder ladder that . Why is the TPS made stairs ? Have children stairs ? Well this There is the impact to there so he difficulty lol if so means this is TPS not accessible . Well that's it part from what we guard until with point That for people , people with disabilities disability . "

Based on Mr. Mukri's presentation as the father of sufferer mentally disabled , he say :

" According to I Already Enough Sir , the facilities are only there a number of things that are true must fixed . Like Lots happened like writing that didn't appropriate , can said to be a misprint So his writing No Can read . He also said for other disabilities such as blindness that's the sound template Still many are mist . "

From statement various party the can known that KPU and Bawaslu Already make an effort as much as possible Possible For make it easier sufferer disability and non disability so that Election 2019 walk accessible . However , in provision letter voice and template For sufferer blind Still can it is said Not yet accessible .

#### **4. Acceptability ( *acceptability* )**

In terms of This represented with attitude voters sufferer disability as user right choose to service officer Place Voting and on the contrary . *Acceptability* or acceptance , in the relationship with election Which access to sufferer disability interpreted as the attitude shown by officers at the TPS to voters with disability and on the contrary namely attitude reception by sufferer disability Which shown to officers on site collection voice .

According to Exposure father fikin as family from sufferer mentally disabled . He say :

" According to I personal , So Actually KPU Alone as organizer Already try and strive as much as possible perhaps for the implementation election last year 2019 inclusive . From officer Alone Already follow procedure Which should . Only just Still There is inadequate facilities and perception public to sufferer disability viewed more low compared to normal society on generally which own physique and psychic Which perfect . "

Access to the disabled disability in 2019 Election in Regency Stem seen from dimensions *acceptability* already attempted by the KPU and Bawaslu , but Not yet fully accessible and friendly to sufferer disability . Matter the proven with Still existence treatment Which No fairto voters with sufferer disability , including from perception part public .

Persons with disabilities own right For participate active or participate in politics . As citizens , persons with disabilities disability own right For pick and choose in a way equal , without discrimination . It means sufferer disability own equal opportunity For value rights basic , including rights political like right choose . That is in accordance with Constitution Number 8 of 2016 concerning Persons with Disabilities which states that : "The Unitary State of the Republic of Indonesia guarantees continuity life every citizens , including people with disabilities disabilities that have position law and have right basic the same human being as an Indonesian citizen and as part No inseparable from Indonesian citizens and society are trust and grace of God Almighty, to life progress and develop in a way fair and dignified ." Election equal opportunity is elections that are not discriminatory and provide access or convenience for sufferer disability For use right elect , nominate yourself , and act as organizer election . Based on statement said , the organizer election must provide means For carry out right political sufferer disabilities in society and become bridge for sufferer disability For participate in election general .

## **B. Fulfillment of Constitutional Rights of People with Mental Disabilities in General Elections in the Regency Trunk .**

Decision Court Constitutional Court (MK) Number 135/PUU-VIII/2015 ( MK Decision 135) brings perspective new in protection right choose sufferer mental disabilities in

Indonesia. The verdict This confess that condition disturbed his soul / memory is No can equated between one person with another person , so that No can become condition For register somebody become voters in General Election ( Pemilu ) and Election Regional Head ( Pilkada ). MK Decision 135 provides role big in state efforts to provide confession to capacity law of people with mental disabilities , as well as protect right choose it .

The changes brought about by MK Decision 135 are in line with changes that also occur in the instrument law international in to give meaning to right choose for sufferer mental disability . In the concept of Human Rights Human (HAM), rights choose is part from right civil listed politics in Convention International *Convention of Civil and Political Rights* ( ICCPR). Initially , the ICCPR included condition disturbance soul as reason For limit right choose sufferer mental disabilities ( *derogable rights* ). However after validation *Convention on the Rights of Persons with Disabilities* ( CRPD ) , then right choose for sufferer disability become No can restricted . Even the state is obliged For remove a number of obstacle implementation right choose sufferer disabilities , which have the potential limit or remove right choose for sufferer disability . In the context of right choose for sufferer mental disabilities , the state's obligation is confess capacity law , and strive support for people with disabilities mentally disabled capable For take decision Alone in a way independent .

In the district stem Alone fulfillment right political sufferer mental disability still constrained in its implementation is considered Not yet to prosper sufferer disability . Fulfillment right political sufferer mental disabilities in the Regency Stem can seen from a number of indicators , namely :

### **1. Legal Substance**

Regulation area is an integral part of draft regulation legislation . From article 1 paragraph (7) of the Law Number 10 of 2004 Concerning formation Regulation Legislation , Regulations area is regulation legislation formed by the regional people's representative council with agreement together head Regional regulations are description more carry on from regulation more legislation tall as well as is the rules made For carry out regulation existing legislation on with pay attention to the characteristics of each region . Regional Regulations are prohibited contradictory with interest general , regulations more legislation tall as well as bylaw area other .

In fulfillment right political sufferer disability , has set up in District Regional Regulation Stem Number 6 of 2019 concerning sufferer disability , which is in his explain that : *“Persons with Disabilities have equal rights and opportunities in convey opinion in field governance , development and/ or community in a way verbally , in writing , and/ or through Language signal ”*. In case This clear that sufferer disability have equal rights in all field including right politics .

The policy that has been designed or made by the government center will become regulations that will be implemented in government area including in the Regency Bar . With existence Regional Regulations in the Regency Stem means area it has also been confess existence equality right for sufferer disabilities in the District Batang . Government area Regency Stem must capable give A effective policies and must also be welfare oriented sufferer disability .

District Regional Regulation Stem Number 6 of 2019 concerning Persons with Disabilities Still weak in the contents . It should be The Regional Regulation must more detailed and more notice rights political sufferer disabilities . Such as No existence regulations that explain related to special TPS sufferer disabilities and facilities letter information doctor . In the regulations area regency explained facilities provided only provision tool socialization accessible and appropriate elections with disability , provision interpreter Language signals , providing templates ( tools help vote For blind ) , place collection accessible sound , and provision of place collection voice around for sufferer disabilities that are constrained mobility .

Still many lack in Contents procedure District Regional Regulation Stem Number 6 of 2019 concerning Persons with Disabilities , the procedures explained Not yet make it easier sufferer disability in get service right politics and still Lots sufferer disabilities that are experienced difficulty Because not enough to explain procedure Contents regulation area the .

For support performance organizer election in service right political must There is clear and complete procedures notice sufferer disability so that the implementation convenience and justice in the election process general . Procedure clear service is factor affecting realization quality service . District Regional Regulation Stem Number 6 of 2019 Concerning Persons with Disabilities must paying attention to the principles of utility

and effectiveness , meaning every regulation legislation made Because indeed it is true needed and useful in arrange life society, nation and state .

With lack of rules that are not efficient , will resulting in sufferer disability the more discriminated against and marginalized . Because the authorities law only will carry out task they are inside the rules explained . Even though Still Lots lack Contents from regulation that which should be sufferer disability more worthy get service or facility from Contents regulation the .

## 2. Legal Structure

Structure law own strong influence to color culture Law . Culture law is mental attitude is decisive How law used , avoided , or even misused . Structure law that does not capable move system law will create non-compliance ( *disobedience* ) towards law . With thus structure abusive law law will give birth to culture to bend and abuse law . The running of structure law is very dependent on its implementers that is apparatus enforcer law .

Structure law in matter This includes , Commission General Elections Commission (KPU) and Bawaslu Regency Trunk . In the process of implementation elections , enforcement law set up in the Constitution Number 7 of 2017 Concerning General Election , namely center enforcement law integrated which is hereinafter referred to as The Truth is center activity enforcement law act criminal elections consisting of on element Election Supervisory Body , Election Supervisory Body Province , and/ or Election Supervisory Agency Regency /City, Republic of Indonesia National Police , Regional Police , and/ or Resort Police , and the Attorney General's Office of the Republic of Indonesia, the High Prosecutor's Office , and/ or District Attorney's Office . In the factor enforcement law This required mentality enforcer good law to realize it right good politics for sufferer disability .

In terms of this , researcher Already interview to Bawaslu and KPU Regency Stem How enforcer law This operate his task . First researcher interviewed Mr. Sunu Panji Utomo, SH as Head Substance of Legal and Human Resources Section Commission District General Election Trunk . He say :

" For example, blind people We prepare letter the sound of the boiler or the one that has There is special For blind to make it easier sufferer blind , for deaf We Later provide member family For translate what they want and to its confidentiality Still

guaranteed . From the KPU if No There is letter information from House Sick No brave submit right his voice . Regarding special TPS disability That No there is , TPS still The same together , just later sufferer disability categorized There is the code . ”

From the statement above , it is clear that the KPU only operate his job just nature formality only . Based only on with existing regulations . Indeed No something is wrong in statement That But KPU should be more notice need sufferer disabilities that are not There is in regulations . Such as , special TPS for people with disabilities , letters information doctors , and safe and comfortable polling stations for sufferer disability so that they No depressed and more humanize people with disabilities disability This . Success in fulfillment right political sufferer disability is very dependent to the apparatus that carries it out ( law enforcement) law ) start from lowest level until top level . Apparatus enforcer law must own ability more and profession in handle right political sufferer disability and moral courage of officers enforcer law is demanded at a time tested For do invention law ( *legality* ), so that No There is reason classic behind principle narrow legality that rule legislation No complete or Not yet There is legislation that regulates it . The apparatus enforcer law must own ability more in notice sufferer disability , knowledge , insight , high discipline and dedication in carry out his job so that No There is Again sufferer disabilities are discriminated against and increasingly marginalized .

Organizer Election in matter This Commission General Election has role central and strategic For in a way direct give contribution for journey life nation and state in system state administration every five years For to organize election general which is the embodiment of the process of people's sovereignty as important thing determine principle legality , principle legitimacy and principles credibility for a government supported by all the people, and the process implemented in accordance measurable stages .

### 3. Infrastructure

Accessibility for disability prioritized in matter availability and eligibility friendly facilities disability Accessibility in question that is facilities provided by the organizer service and given special for the disabled disability as effort achievement similarity with society in general in various aspect life Government as provider service main must

capable fulfil equal rights for sufferer disability . Right to facilities and services that make it easier for everyone is part from Human Rights Humans . Besides that rights for sufferer disability is also emphasized in Article 41 Paragraph 2 of Law no. 39 of 1999 concerning Human Rights Human Rights (Human Rights Law), which states that : " *Every sufferer disabled , people who are old continue , woman pregnant and child child , has the right to obtain convenience and treatment special* ". As has been described in the paragraph above , the sufferer disability own the same position , rights and obligations with non - disabled citizens who are equally own right live and defend his life . Civil and political rights looked up to and respected its existence by the state so that humans free enjoy his rights and freedoms in field civil and political whose fulfillment become not quite enough the state's answer . However Still Lots found that facilities provided by the government Not yet support fully accessibility fulfillment right political for sufferer disability .

Researcher interview Mother aria as party family from sufferer mental and intellectual disabilities called Taufik . Here Exposure source person sufferer non-organizational / community disabilities :

" related socialization That I never knew from before , because I No follow community nothing the result I have minimal information I only know from TV The same information from the people around even then applicable For general No special For disabled So yes origin vote Just . "

Based on Exposure results research , can known If implementation socialization happen inequality . Socialization only done in the community sufferer disability whereas sufferer disabilities that are not registered as member community confess No Once get socialization . But Bawaslu and KPU are making every effort socialization carried out That No only socialization so that rights choose the disabled This fulfilled or just participate . But also invite people with disabilities disability For jump more in Again like follow as well as supervise the walk election general together Election Supervisory Agency .

Furthermore, it is also related letter information the doctor who must There is For get right voice for sufferer disability , social services try For fulfil facility the but happen inequality Again because that 's the only thing get facility the just sufferer disabilities that have registered with the Department of Social Services only . Likewise with the

accessibility and facilities provided by the KPU Regency Batang and Bawaslu Regency Trunk . According to Exposure informants , accessibility and facilities provided Still Not yet maximum . In order to run with comfortable in implementation election Public also needs accessible TPS . The government regency stem Not yet provide special TPS for sufferer disabilities , they only providing public TPS which is very necessary and needed sufferer disability Because need they of course different . The main factors that influence inequality means or facilities provided is limited budget so that only target to community sufferer disability just .

Obligations and responsibilities Government is take the right step For ensure access means infrastructure for sufferer disability , above base similarity with inhabitant others , against environment physical , transportation , information , and communication , including system as well as technology information and communication , as well as access to facilities and services other services are open or available For public , both in the regions urban and rural . So that No There is Again sufferer discriminated against disabilities .

#### **4. Community Culture**

Culture law related with awareness law society . The more tall awareness law public so will created culture good and lawful law change pattern think public about law during this . In simple , level compliance public to law is one of indicator functioning law . In addition to being related with factor society , culture law is also related with environment Where law That valid and determined . In relation with enforcement law , factors culture influence How attitudes and behavior public when know that a rule That There is .

According to Constitution Number 19 of 2011 Concerning Ratification of the Rights of Persons with Disabilities , persons with disabilities disability namely people who have limitations physical , mental, intellectual or sensory in term long time in interact with environment and attitude its people can meet obstacles that make it difficult For participate full and effective based on similarity rights . Disabilities who have problem welfare social need get attention so that they can carry out his role as public should be . Persons with Disabilities is those whose bodies in need special so that hinder his ability For carry out function social in society .

Persons with Disabilities in a way psychic will experiencing low feelings self and difficulties in adapt oneself in society , because Perception and treatment public in diverse environment to sufferer Disability , even tend from public there are some in the form of reproach or twelve pity when look at them . Even though There are also people who view sufferer Disability with perception positive as fellow creature God's glorious creation .

Regency Community Stem in look at sufferer related mental disabilities with right political appear various kinds of comments . Many people still stigmatized that sufferer disability No entitled and not worthy get right his voice Because public think that sufferer that mental disability including crazy people . Stigmatized society like That the cause Because ignorance they related What That sufferer disability and ignorance related existing regulations . Problems other is existence reluctance from family , relatives , or public around For strive for protection right choose for sufferer mental disability .

Problems faced by people with disabilities Disability the need handled as early as maybe so that they No experience anxiety excessive , broken hope , shame excessive , like alone and looking low himself . Condition the if left alone will disturbing trust self sufferer Disability in carry out all his activities in scope social in society . It is stated that “ Disability ” is a concept that explains results from interaction between individuals who have limitations physique or mental/ intellectual with attitudes and environment that become inhibitor ability they participate in society in a way full and have equal rights with other people . Attitude society and policy government that accommodates human rights principles of non- discrimination , equality as well as equal opportunity and recognition existence limitations that can overcome If attempted accessibility physical and non- physical is factor important in overcome a condition called “ Disability ”.

Improvement awareness society and responsibility the State's responsibility for overcome Disability become task important from community nations in the world so everyone , regardless from type and severity disability that is capable enjoy rights they are the most genuine . Enforcement law is obligation from all over component society and for that , understanding about rights and obligations become condition absolute .

Society is not viewer How law enforced will but public active play a role in the process of enforcement law .

Therefore , the situation institution law will become the true law accepted by society or a community certain is very much determined by the existence of culture law public or the community concerned . Culture law as proposed by Lawrence M. Friedman is attitude man to law and system law , belief , values his thoughts and hopes , in other words, culture law is atmosphere thought social and power social determining How law used avoided or misused . Without culture law , system law No empowered . Therefore that , situation institution law will become the real law accepted and used by the community or a community Certain things are very much determined by culture law public or the community concerned .

The purpose of the Indonesian state is people's welfare which means the state, government or institution whatever carry out obligation in protect human rights Humans in every man without except , this means that Human Rights Man is as form reject measure and purpose in organization life socialize . With Thus , it is very clear that Human Rights Man absolute owned by everyone and everyone own equal opportunity . Human rights Man is rights inherent in the nature and existence man as a creature of the Almighty God, and is His obligatory grace respected , upheld high and protected by the state, law , government and every person for the sake of honor as well as protection dignity and honor man .

However , the lack of attention on fulfillment rights to sufferer disability become question big for government Indonesia as has been explained above , already should become task government in operate regulation in accordance with just law , as well as in fulfillment right the basic principles that should be guarantee and acknowledgement to rights sufferer disability given as set out inside every Indonesian state regulations .

Bawaslu and KPU as institution supervisor and organizer in election general Not yet fulfil responsibility Meanwhile , welfare absolute is right base for every citizens . And the State must responsible full For give welfare for every citizens so that they can life with worthy . Welfare state or *welfare state* is the concept of a state that can ensure life worthy For every inhabitant his country Good in the form of service politics , health , religion , and so on . Ideology *welfare state* teach about a greater role for the state wide

rather than just as guard night , which by *Utrecht* it is said that field work government a modern state of law is very broad , namely on duty guard security in the broadest sense of the word , namely security social in all field community in a *welfare state* . With existence The concept of the welfare state The state has responsibility full For protect the people from discrimination , ignorance , backwardness , poverty as well as life healthy . In other words, the welfare state that is covers politics and economics .

Constitutional rights sufferer disability Still must arranged with both in the constitution and in the laws with objective No only bear fulfillment right as well as all that is needed for sufferer disabilities . In addition , the rules about right sufferer disability in the constitution and Constitution wanted Can strengthen commitment to progress as well as protection for all over right sufferer disability in Indonesia. Constitutional rights sufferer disability This need For set up Good in constitution both inside and outside laws that aim No only For ensure fulfillment rights and needs the disabled disabilities , but also provides not quite enough accountable to the government and society For more play a role active in give protection to dignity and honor of the people with disabilities disability . So from that , right sufferer disability Can made into as protected rights in constitutional or right constitutional . Don't until sufferer disability This always castrated and discriminated against his rights so that they the more marginalized and increasingly left behind Far from other normal citizens .

## **Conclusion**

Fulfillment right constitutional sufferer mental disability in election common in the Regency Stem , based on Regional Regulation Number 6 of 2019 concerning Persons with Disabilities , shows that Still there is various obstacles that hinder fulfillment rights In the context of substance law , there is emptiness regulations that cause implementation rule No fully ensure rights constitutional sufferer mental disability . Structure law operated by the committee organizer election general more formal and procedural in nature , without sufficient escort For ensure inclusion in a way comprehensive . This is exacerbated by the lack of facility adequate support , which should be allow accessibility full for sufferer disability .

Culture community in the Regency Stem Still show existence discrimination that views that sufferer mental disability does not worthy or No own right For participate in the political process . This stigma cause marginalization and worsening awareness public about importance inclusion

political for all citizens , without except . Besides , no optimal fulfillment right constitutional this is also influenced by the lack of facilities and means that enable access voters mental disability . Inadequacy This cause concerns among sufferer disability as well as increase risk marginalization more carry on . There is also potential abuse right voice they , who threaten fairness and validity of the election process . The situation This confirm importance repair in policy , infrastructure , and education society so that rights constitutional sufferer mental disabilities can realized in a way maximum and equal with principles constitutional .

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