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EXAMINING THE IMPLEMENTATION OF LAW NO. 8/2016 AND LAW NO. 7/2017: FOR INCLUSIVE ELECTION THROUGH THE LENS OF PERSONS WITH DISABILITIES (PWDS) IN INDONESIA'S 2024 ELECTION

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Abstract: Despite the progressive legislative framework established by Law No. 8 of 2016 and Law No. 7 of 2017, significant issues regarding the accessibility and participation of persons with disabilities persisted, notably their exclusion from the Permanent Voter List (DPT). Using a qualitative approach, this paper examines the implementation of these laws, focusing on whether they effectively ensured equal electoral participation rights for persons with disabilities and removed barriers to their participation, and to provide insights and identify areas for improvement.

Keywords: Disability, Election, Inclusion.

1. Introduction

The 2024 General Election in Indonesia, which was held to elect the President and Vice President, members of the House of Representatives (DPR RI), Provincial Representatives DPRD I), Regency/City Representatives (DPRD II), and the Regional Advisory Council (DPD), was conducted in a peaceful and orderly manner. The election results have been publicly announced. Although the outcomes may not have satisfied all parties, the 2024 election served as a crucial exercise in democracy, highlighting the importance of ensuring that one of the pillars of democracy, the election, has been conducted successfully.

Since the enactment of Law No. 8 of 2016 concerning Persons with Disabilities (PWDs) and Law No. 7 of 2017 concerning General Election, Indonesia has held two general elections, in 2019 and 2024. Despite the progressive legislative framework, the 2024 election revealed persistent issues related to the accessibility and participation of people with disabilities. The primary challenges faced by people with disabilities include





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voter registration, accessibility, and pervasive negative stigma. (Fajri, Ramadhan, Palani, & Yazid, 2021). A significant problem identified was the exclusion of many individuals with disabilities from the Permanent Voter List or *Daftar Pemilih Tetap (DPT)*, which hindered election organizers' recognition and fulfillment of their specific needs. This lack of proper data collection and consideration has posed challenges in making the electoral process fully inclusive for all citizens.

In this context, this paper aims to examine the implementation of Law No. 8 of 2016, particularly Article 13, and Law No. 7 of 2017 particularly Article 5, which governs political rights, through the lens of the experiences of persons with disabilities during the 2024 General Election. More specifically, this paper intends to evaluate how these articles ensure equal electoral participation rights for persons with disabilities and to determine if laws have effectively removed barriers and increased participation. By analyzing their participation and the obstacles they faced, the study seeks to provide insights into the current legal framework's effectiveness and identify areas for improvement to ensure that future elections can better accommodate and empower all segments of the population, particularly those with disabilities.

2. Methods

This study employs a qualitative method, utilizing a combination of literature review and interviews with key informants. The initial phase of data collection began with four key informants who are actively involved in disability forums. Using the snowball method, these initial informants recommended additional individuals for subsequent interviews. This approach facilitated the identification of a broader network of participants who have relevant experiences and insights into the political participation of persons with disabilities.

The qualitative method was chosen for its ability to provide in-depth understanding and rich (Beaton et al, 2001), contextualized data on the implementation of political rights for persons with disabilities. Literature reviews allowed for the examination of existing research and legal frameworks, while interviews provided firsthand accounts and perspectives from those directly affected by these policies. The use of the snowball method ensured that the study could capture a diverse range of experiences and opinions, thus enhancing the comprehensiveness and validity of the findings.

3. Literature Review

This paper adopts the Social Model of Disability and Political Participation theories and analyzes the perspective through the policy implementation framework to examine the political participation of persons with disabilities in Indonesia's 2024 General Election. The Social Model of Disability is essential for understanding how societal barriers, rather than individual impairments, hinder the participation of people with disabilities. This model helps identify and critique the systemic obstacles within the electoral process that prevent full inclusion and equal participation. The Social Model of





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Disability, developed in the 1980s by disability rights activists such as Mike Oliver, shifts the focus from individual impairments to the societal barriers that restrict people with disabilities. This model posits that disability is not an inherent trait but rather a result of the interaction between individuals and an unaccommodating society. The main idea is that societal structures, attitudes, and environments need to be adapted to include people with disabilities, rather than expecting individuals to adapt to a non-inclusive society. The model challenges the traditional medical model, which views disability as a problem residing in the individual, and instead promotes a more inclusive and equitable approach to addressing disability issues.

In addition, the Theory of Political Participation provides insight into the various factors that enable or inhibit active engagement in political processes, highlighting the importance of accessibility and support systems for marginalized groups. The Theory of Political Participation, notably developed by Sidney Verba, Kay Lehman Schlozman, and Henry E. Brady in their work "Voice and Equality" (1995), provides a framework for understanding the factors that influence individuals' engagement in the political process. The theory suggests that political participation is determined by a combination of resources (such as time, money, and civic skills), psychological engagement (political interest and efficacy), and recruitment networks (being asked or encouraged to participate). This theory is crucial for analysing how these elements affect the political involvement of persons with disabilities. It highlights the importance of ensuring that people with disabilities have the necessary resources, motivation, and support to engage in political activities. By applying this theory, the paper explores the specific barriers and facilitators of political participation for persons with disabilities in the context of Indonesia's electoral processes.

Additionally, the Policy Implementation Network Approach is applied to evaluate how effectively the laws and regulations, particularly Article 13, Law No. 8 of 2016, and Article 5, Law No. 7 of 2017, are put into practice. This approach is outlined in the book "Policy Implementation in Federal and Unitary Systems: Questions of Analysis and Design" by Edward C. Page, and Michael Goldsmith (2015). This examines the processes and challenges involved in translating policy decisions into effective programs and actions, understanding the gaps between policy formulation and execution, and assessing factors such as the clarity of legal provisions, the capacity and coordination of implementing agencies, and the involvement of stakeholders.

4. Result

4.1. Concept and Understanding of Disabilities

Globally and in Indonesia, the terminology used for disabilities varies, each reflecting different connotations and viewpoints. Historically, the term "disabilities" was often equated with "deficiency" and carried a negative stigma, including in Indonesia. In 1977 Law No. 4, individuals with disabilities were referred to as "Penyandang Cacat" or "People with Defects" (Irwanto, Eva, Asmin, Mimi, & Okta, 2010). Terms like "cacat," "defect," or "handicapped" suggest damage, portraying individuals with disabilities as



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broken or worthless. This perception has deeply impacted societal attitudes, leading to instances where parents abandon or hide children with disabilities.

The Convention on the Rights of Persons with Disabilities (CRPD) adopts the term "Persons with Disabilities," denoting individuals with "long-term physical, mental, intellectual, or sensory impairments which, when combined with various obstacles, may hinder their complete and effective integration into society on an equal basis with others" (CRPD, 2006). This notion arises from the interplay between individuals with disabilities and attitudinal and environmental barriers that obstruct their full societal engagement (Suharto, 2022). Suharto further elaborates that these barriers can result in limited activities, constrained participation in community endeavours, and impairments affecting bodily functions or structures to varying extents.

In Indonesia, the terminology has evolved, transitioning from "orang cacat/defect" to "penyandang cacat/defected persons," "orang berkebutuhan khusus/people with special needs," "orang dengan disabilitas/persons with disabilities," and eventually embracing the more positive term "difabel," derived from "different ability." Since 2016, Indonesia officially recognized the term "penyandang disabilitas," although it has been in use since the country ratified the CRPD in November 2011. "Penyandang disabilitas" encompasses individuals with enduring physical, mental, intellectual, or sensory impairments that, when coupled with various barriers, may obstruct their full and effective societal integration based on the principle of equality (Law No. 8 of 2016).

4.2. The Protection and Promotion of Political Rights for Persons with Disabilities in Indonesia

The political rights of persons with disabilities are explicitly protected under Indonesian law. Article 5 of Law No. 7 of 2017 on General Elections states that "Persons with disabilities who meet the requirements have the same opportunities as voters, as candidates for members of the DPR, as candidates for members of the DPD, as candidates for President/Vice President, as candidates for members of the DPRD and the member of Election Organizers". This legislation ensures that individuals with disabilities are given equal opportunities to participate in all aspects of the electoral process, from voting to running for public office.

Furthermore, Law No. 8 of 2016, specifically Article 13, addresses the political rights of persons with disabilities. It mandates that individuals with disabilities must be granted equal rights and opportunities to engage in political participation during elections. This includes not only the right to vote but also the right to be elected to public office. By enacting this law, Indonesia underscores its commitment to creating an inclusive electoral process that accommodates the needs and rights of all citizens, regardless of their physical or mental capabilities.

As a nation, Indonesia acknowledges and protects the rights of every citizen to participate in the democratic process, including the right to vote and be elected, the execution of public affairs, and access to public services. Being a signatory to the

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International Covenant on Civil and Political Rights (ICCPR), Indonesia is obliged to implement and adhere to the rules stipulated in the ICCPR. This international treaty legally binds countries to respect human rights as outlined in the Universal Declaration of Human Rights (UDHR). Specifically, Article 21(3) of the ICCPR emphasizes that "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic elections..." Therefore, Indonesia must ensure that its electoral processes are inclusive and reflective of the will of all its citizens, including those with disabilities.

4.3. Voter Registration and Identification

The initial step for the participation of persons with disabilities in the election is to ensure that they are registered as voters. However, although the law guarantees the same rights for persons with disabilities to participate in elections, not all of them are automatically registered. Data from the General Election Commission/*Komisi Pemilihan Umum* (KPU), the number of voters with disabilities included in the 2024 Election Voter List (DPT) is 1,101,178 voters, which is only 0.54% of the total voters (204,8 million) national voters in the DPT. KPU Commissioner Betty Epsilon Idroos explained that these voters with disabilities are divided into four categories: 482,414 voters with physical disabilities, 298,749 voters with sensory disabilities, 264,594 voters with mental disabilities, and 55,421 voters with intellectual disabilities (Katadata, 2024).

This figure is far lower than the estimated number of people with disabilities eligible to vote, which is around 37.4 million (BPS Long Form Census, 2020). This means approximately 97.06% of people with disabilities are not included in the voter list. In addition, the report also found that the majority of voters with disabilities (44.9%) are still registered as regular voters, while only 35.7% are registered as voters with disabilities.

To get a more detailed picture of the gap between eligible disability voters and those who are registered, disability advocates conducted a survey. The survey was conducted by the Forum for Inclusive Disability Monitoring in Indonesia, in collaboration with SIGAB, the YAKKUM Rehabilitation Center, and the FORMASI Disabilitas, findings shed light on the participation of persons with disabilities in the 2024 General Election. Out of the 479 respondents surveyed, a significant portion, comprising 341 individuals, reported being registered as voters for the election. However, a notable discrepancy emerged, as 68 respondents claimed they had not been registered, while 63 were uncertain of their registration status, and 7 chose not to provide an answer. This disparity indicates a significant gap in the registration process, raising concerns about the inclusivity of electoral procedures for persons with disabilities (FORMASI, n.d. 2024).

Further analysis of the survey data revealed disparities in voter registration status among respondents with disabilities. Among those who identified as voters, only 127 individuals were registered as voters with disabilities, while the majority, totaling 295 respondents, were registered as regular voters. This disparity highlights a systemic issue in the registration process, where persons with disabilities may face barriers to being properly categorized as voters with specific needs. Such findings underscore the urgent



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need for enhanced measures to ensure the accurate and inclusive registration of persons with disabilities in electoral systems.

Overall, the survey outcomes portray a concerning picture of the registration status of persons with disabilities in the 2024 General Election in Indonesia. With only a minority of respondents identifying as voters with disabilities, and a significant proportion unsure or unregistered, there is a clear imperative for electoral authorities to address these disparities. Efforts to improve accessibility, raise awareness about voter registration procedures among persons with disabilities, and implement targeted outreach programs are essential steps towards fostering greater inclusivity and ensuring that the voices of all citizens, including those with disabilities, are heard and represented in the democratic process.

4.4. Accessibility of Electoral Processes

In the context of accessibility, the 2024 Indonesian Election revealed significant challenges faced by persons with disabilities. For instance, many polling stations (TPS) locations were still found to be inaccessible, creating difficulties for wheelchair users, visually impaired individuals, and others with physical disabilities. The lack of accessibility at polling stations has discouraged voters with physical impairments from participating in elections. An informant in Pasar Minggu, South Jakarta, reported that his mother, who uses a wheelchair, was unable to vote because the polling station was not wheelchair accessible. The absence of ramps at the polling station prevented his mother and other wheelchair user voters from entering the voting area, forcing them to abstain from the voting process. This situation highlights how inaccessible polling stations can hinder the voting rights of physically impaired voters, ultimately reducing their participation in the democratic process. Not only do they lack ramps, but numerous polling stations have no tactile paving, and other necessary accommodations, preventing equitable access. Furthermore, many visually impaired voters encountered issues with braille templates for ballots; these were often unavailable or damaged, reflecting a lack of attention to their critical importance. This aligns with findings from global research, which indicate that individuals living with disabilities frequently encounter stigma and discrimination, social exclusion, and physical obstacles to accessing services, such as public transportation and building accessibility (Neille & Penn, 2015).

Additionally, the absence of sign language interpreters or polling staff proficient in basic sign language left deaf voters without essential support, severely limiting their ability to access election information.

A similar study highlights that the regulations fail to ensure accessibility for persons with disabilities to exercise their political rights, including the rights to be registered to vote, access voting stations, cast their votes confidentially, be elected to the legislature, access election information, and join election organizers (Pratiwi, Fitri, Fernando, & Barkhuizen, 2023).

Despite some progress, the enabling environment for persons with disabilities in the 2024 election was unevenly implemented. Informants acknowledged improvements

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in the inclusion of disabled individuals during the election preparation phase, with some even participating as election organizers. However, this progress was not consistent across all regions. In many polling stations, there was widespread confusion due to inadequate dissemination of information. For example, there were misunderstandings about whether persons with vision disabilities could bring companions to assist them in voting. Other issues included a lack of clear guidelines for accommodating various disabilities and insufficient training for election officials on handling specific needs, such as providing tactile ballots or ensuring physical access to polling booths.

4.5. Voter Education and Awareness

A high level of awareness and understanding among people with disabilities regarding their political rights is crucial for fostering inclusive political participation. A study by Formasi Disabilitas revealed that 77% of respondents have a very good understanding of the six rights of people with disabilities in the context of voting. More importantly, 95.5% of them express the importance of defending and advocating for their political rights. However, despite this high awareness, there are still significant barriers hindering the active participation of people with disabilities in the electoral process (Formasi Disabilitas, 2024).

One major obstacle is accessing information related to elections. The study found that respondents with disabilities struggle to understand the complex language used in various electoral information. This leads to a gap in information access, with intellectually disabled individuals (2.3%), deaf individuals (15.7%), and visually impaired individuals (11.7%) being the most marginalized groups in accessing election-related information (lbid).

A person with Down syndrome in Malang admitted to feeling confused when seeing so many images printed on the ballot paper in the voting booth. Although he had seen the same paper in the waiting area, when it was time to vote, he did not understand why there were so many ballot papers. Ultimately, he chose to leave without voting. Cases of confusion like this, according to interviews with persons with disabilities, are quite common among their peers.

Despite these barriers, people with disabilities also demonstrate interest and active participation in the political process. Although only 22.8% of respondents admit to being involved in campaign activities with political parties or presidential candidates, this signifies significant motivation. The primary motivations driving disability participation include a desire for social interaction (41%) and an interest in the visions and missions of candidates (32%). This highlights the importance of listening to the voices of people with disabilities and creating a political environment that is inclusive for all citizens (Ibid).

4.6. Positive Shift in Attitude Towards Disability

The attitude of society towards persons with disabilities, particularly in the context of the election, has shown noticeable improvement. The study found that both election officials and the general public have become more aware of the importance of



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political rights for persons with disabilities. There is growing recognition of the need to support their participation in elections.

However, gaps remain; for instance, some blind voters were not assisted, such as allowing a companion to help them vote, especially in situations where accessible voting materials like braille templates were not available. Voters with physical disabilities also need assistance at the polling station to open the ballot paper. If the ballot paper is too wide and the voter has limited use of their hands, they must be assisted by a designated officer (Tyoso & Amsar, 2022).

This indicates that while attitudes are shifting positively, practical support and consistent implementation of inclusive practices still require significant enhancement.

4.7. Political Participation and Representation of PWDs

The under-registration of persons with disabilities in Indonesia's 2024 election, where around 97% were not registered, can be attributed to several factors. One significant reason is the lack of accessibility in the voter registration process. Many registration centers and processes are not designed to accommodate the needs of persons with disabilities. Physical barriers such as inaccessible buildings, lack of ramps, and inadequate transportation options can make it challenging for individuals with mobility impairments to reach registration locations. Additionally, there may be a lack of information available in accessible formats, such as braille, sign language, or easy-to-read text, making it difficult for individuals with visual or hearing impairments to understand and complete the registration process.

Another contributing factor is the lack of awareness and outreach efforts targeted at persons with disabilities. Often, voter education campaigns do not adequately reach or address the specific needs of this demographic. Many persons with disabilities may not be aware of their rights to vote or the steps needed to register. Moreover, there may be a general lack of information about the existence of accommodations and support available during the registration process. This gap in awareness can lead to lower motivation and participation among persons with disabilities in electoral processes.

Social and attitudinal barriers also play a crucial role in the under-registration of persons with disabilities. Discriminatory attitudes and stigma towards disability can discourage individuals from participating in public life, including voting. There may be a prevailing belief that persons with disabilities are not capable of making informed decisions, leading to their exclusion from the voter registration process. Furthermore, societal attitudes and lack of support from family members or caregivers can also impede the registration of persons with disabilities, as they may not receive the necessary encouragement or assistance to complete the process.

Lastly, systemic and administrative challenges within the electoral system can hinder the registration of persons with disabilities. Electoral authorities may lack the training and resources needed to adequately support and facilitate the registration of voters with disabilities. There may also be gaps in data collection and management, making it difficult to identify and reach out to unregistered individuals with disabilities.

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Without deliberate efforts to integrate disability-inclusive practices into the electoral system, the registration of persons with disabilities is likely to remain low. Addressing these barriers requires a multifaceted approach, including enhancing accessibility, increasing awareness and outreach, combating discriminatory attitudes, and strengthening administrative capacities to ensure that persons with disabilities can fully exercise their right to vote.

4.8. Addressing Policy Implementation Disparities: Challenges in Accessibility and Resource Provision.

Drawing from both the research findings and the existing laws and regulations that mandate equal rights for persons with disabilities to participate in the electoral process, it becomes evident that there exists a significant gap between policy intentions and implementation on the ground. Despite legal provisions guaranteeing the rights of persons with disabilities, challenges persist in providing adequate accessibility and supportive infrastructure during elections. The lack of accessible facilities, such as polling stations with ramps and tactile voting materials, hinders the full participation of persons with disabilities. Moreover, insufficient allocation of resources and inadequate dissemination of information further exacerbate these disparities, leading to underrepresentation and disenfranchisement among this demographic.

An analysis of the impact of accessibility measures and accommodations provided during the election process reveals both successes and shortcomings. While efforts to enhance accessibility, such as the provision of accessible voting booths and sign language interpreters, have undoubtedly facilitated greater participation among persons with disabilities, the survey findings highlight persistent gaps in implementation. Many respondents reported encountering barriers and difficulties accessing polling stations, indicating that current measures are insufficient to ensure full and equitable participation. Furthermore, the unequal distribution of resources and varying levels of awareness among election officials contribute to inconsistencies in the implementation of accessibility measures, further marginalizing persons with disabilities.

In light of these challenges, policymakers, electoral authorities, and civil society organizations must collaborate on initiatives aimed at enhancing the inclusion of persons with disabilities in future elections. Recommendations include strengthening legislative frameworks to enforce accessibility standards, allocating adequate resources to ensure the provision of necessary accommodations, and conducting comprehensive training programs for election officials on disability rights and inclusive practices. Additionally, there is a need for heightened awareness campaigns targeting both persons with disabilities and the broader community to promote understanding and support for their participation in the electoral process. By implementing these recommendations, stakeholders can work towards building a more inclusive and representative democracy that upholds the rights and dignity of all citizens, regardless of disability.

5. Conclusion

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In Indonesia's 2024 election, the participation of persons with disabilities was hindered by various challenges, notably their low registration rate as voters. Despite legal guarantees of equal participation rights, only 0.54% of voters listed in the 2024 Election Voter List (DPT) were persons with disabilities, significantly below the estimated eligible disability population of 37.4 million. Accessibility issues compounded this problem, with many polling stations lacking facilities for wheelchair users and other individuals with physical disabilities, discouraging their engagement in the electoral process. A lack of ramps, tactile paving, and braille templates, as well as the absence of sign language interpreters, further marginalized voters with disabilities, highlighting the need for comprehensive accessibility measures.

Despite their low registration rate, persons with disabilities demonstrate a strong awareness of their political rights, with a majority expressing a good understanding of their rights and the importance of advocating for them. However, significant barriers persist, particularly in accessing election-related information. Language complexities in electoral materials pose challenges for a quarter of respondents, disproportionately affecting intellectually disabled, deaf, and visually impaired individuals. Despite these obstacles, there remains a notable interest among persons with disabilities in political activities, driven by social interaction and an interest in candidates' platforms.

The under-registration of persons with disabilities in the 2024 election can be attributed to several factors, including the lack of accessible voter registration processes and inadequate awareness and outreach efforts targeting this demographic. The absence of accommodations and support during registration, coupled with a general lack of information, contributes to their exclusion from the electoral process. Addressing these challenges requires concerted efforts to enhance accessibility, improve voter education, and raise awareness about the rights and needs of persons with disabilities, ensuring their full and equal participation in future elections.

The findings underscore the necessity of adopting the Social Model of Disability in electoral processes, which emphasizes removing societal and environmental barriers to ensure full participation for persons with disabilities. This approach advocates for structural changes, comprehensive training for election officials, and widespread public awareness campaigns to create an inclusive electoral system. Ensuring that all polling stations are fully accessible, providing adequate resources such as functional braille templates and sign language interpreters, and fostering a supportive societal attitude are essential steps toward achieving true electoral inclusivity. By addressing these issues, Indonesia can better uphold the political rights of persons with disabilities, as mandated by national and international laws.

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