

**EVALUATION OF LAW NUMBER 8 OF 2019 CONCERNING THE
FULFILLMENT OF THE POLITICAL RIGHTS OF PEOPLE WITH
DISABILITIES IN 2014 & 2019 ELECTION
(Research Study: General Election Commission (KPU) of Sleman Regency)**

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ABSTRACT

This thesis discusses about the Evaluation of the Implementation of Law Number 8 of 2016 Concerning Fulfillment of the Political Rights for Disabilities in 2014 & 2019 Election in Sleman Regency. The obligation to fulfill political rights for persons with disabilities is a duty for the government and also KPU as the election organizer. Law No.8 of 2016 was later established in order to regulate the rights referred to this case in the form of providing accessibility, facilities, and also special needs for persons with disabilities. Sleman Regency itself is the largest contributor of disability voters in D. I Yogyakarta Province. Meanwhile, based on information gathered by researcher, there are still many problems that occur in terms of fulfilling the rights of persons with disabilities in the field. In this study the researcher will also use a comparative study between 2014 elections before this law implemented, and 2019 elections after this law has been implemented.

In this study, researcher used a qualitative method that is describing the problems that occur in the field and the factors that cause these problems then arise. Furthermore, researchers will use the method of data triangulation through interviews & documentation with parties related to this case to compare information that researcher got.

The research result shows that several indicators in the measurement of policy evaluation had not been fulfilled properly and there were still some problems that occurred in the field. The factors that influence this law were because KPU were lack of human resources and also lack of funds or budget. Meanwhile, in terms of comparison, researcher can conclude that there are no significant differences and changes from the 2014 elections & 2019 elections. Therefore, the researcher suggest to KPU that they should make the data collection directly and should be carried out by people who truly understand the categories of disability so that no more data errors in the field. In terms of providing the access, KPU should to conduct the outreach to all persons with disability

and also providing them the additional services as “pick-up balls” for people with disabilities who has difficulty in mobility to decrease the GOLPUT rate.

Keywords: Policy Evaluation, Elections, Rights of Persons with Disabilities.

Background

Indonesia is a democratic country that upholds the values of the law which is the most important instrument of a country which is made to create prosperity, security, and protection for every citizen of Indonesia. The government as the holder of power in a country has set the course of the process of life in a country based on the constitution without distinguishing one group of people from another. Citizens' rights are very vital and must be considered properly, The State should regulate the rights of citizens through the equitable laws and policies through the central government, regional governments, and institutions related to the community directly in the process. Human rights for persons with disabilities become a hot topic in government, especially during elections. The government and related institutions continuously make improvements and reinforcement of laws relating to the political rights of

persons with disabilities so that in practice every citizen has the same rights without discrimination. No exception to the general election, human rights for persons with disabilities are still often ignored and even violated. Generally, violations occur because the fulfillment of the needs of persons with disabilities is very complex and may be considered difficult for some people. Law No.8 Article 1 Paragraph 2 of 2016 states that "Equality of opportunity is a situation that provides opportunities and/or provides access to persons with disabilities to channel potential in all aspects of the administration of the state and society".

Law No.8 Article 1 Paragraph 8 of 2016 states that "Accessibility is the convenience provided for people with disabilities to realize equality of opportunity".

The General Election Commission as the organizer of the election wishes to continuously

improve and optimize performance to equalize Human Rights (HAM) to persons with disabilities in elections. In a formal juridical arrangement, the initial step to fulfill the human rights of persons with disabilities must begin with a Regional Regulation (Perda) that guarantees the fulfillment of the rights of persons with disabilities from the lowest level or the smallest scope (Karim, 2017). In reality, that found in the field, disregard for the rights of persons with disabilities in elections includes:

- a. The right to be registered to vote
- b. The Right of access to TPS
- c. The right to keep their vote-secrets
- d. The right to be elected as a member of the legislature
- e. The right to get the information about elections
- f. The right to participate in elections.

Sleman Regency is the largest contributor to the Special Voters List (DPK) with a total of 4,626 people. This number is relatively smaller compared to the 2014 election. The DPK covers disabilities with the following categories;

1. Mental Disability
2. Physical Disability
 - a. Tuna Daksa (Body Disorders)
 - b. Tuna Netra (Visual Disorders)
 - c. Tunarungu (Hearing Disorders)
 - d. Tunawicara (Speech Disorders)
3. Tunaganda (Double Disabilities) (Reefani, 2013)

Problem Questions

The formulation of the problem in this study is as follows:

1. How is the evaluation of the Law No. 8 of 2016 implementation?
2. What factors influence the unsuccessful of the

implementation of the Law No. 8 of 2016?

Research Purpose

Based on the problem questions above, the research purpose are as follows:

1. To find out how was the evaluation of the Law No.8 of 2016 carried out by the Election Comission (KPU) and Sleman Regency Government.
2. To find out the factors that influence the unsuccessful of the implementation of Law No.8 of 2016.

Research Methods

1. Research Type

This research is research that will use qualitative research methods. Qualitative research is research that is used to examine the condition of natural objects, where researchers are the key instruments (Sugiyono, 2005).

Qualitative research is also research that intends to understand what phenomena are experienced by research subjects such as behavior, perception, motivation, action, holistically, and by means of descriptions in the form of words and language, in a special natural context and by utilizing various natural method (Moleong, 2006). Qualitative research is a series of activities starting from the search, discovery, and processing or writing of data in accordance with the phenomena that occur in the field.

2. Research Location

This research will be in focused in General Election Commission

(KPU) Sleman Regency and also in Sidoarum Village, Godean District, Sleman Regency.

3. Data Analysis Technique

Data analysis is the process of systematically describing and compiling data obtained from interviews, literature studies, documentation, and other data sources so that it is easy to understand. The data analysis technique used by this researcher uses a qualitative descriptive technique based on the researchers' reasoning ability in linking theory to the facts and information found in the field. In this study, researchers are going to use a combination of triangulation methods. The method is done by

comparing information or data in several different ways. In qualitative research, researcher used interview, observation and survey methods. To obtain the correctness of suitable information and a complete picture of certain information, researcher can use interview and observation or observation methods to find out the truth. In addition, researchers can also use different informants to check the truth of the information. For example, besides from interviews and observations, researcher can use participant observation, written documents, archives, historical documents, official records, personal notes or writings

and pictures or photographs. Each of these methods will produce different evidence or data, which in turn will provide different views about the phenomenon under the case of Evaluation of the Application of Law No.8 Year 2016 Concerning the Fulfillment of Political Rights of Persons with Disabilities in the 2014 elections & 2019 elections. Following is the informants list:

Table 1. Informants List

| No | Name | Information |
|----|--------------------|--|
| 1 | Aswino Wardhana | Head of Technical Division Of KPU Sleman Regency |

| | | |
|---|------------------------------|---|
| 2 | Indah Sri Wulandari | Head of Data & Information Division of KPU Sleman Regency |
| 3 | M. Abdul Karim Mustofa | Head of Election Oversight Body (BAWASLU) of Sleman Regency |
| 4 | Watini | Person with Physical Disability |
| 5 | Supriyatno | Person with Visual Disorder & Head of PERTUNI |

| | | |
|--|--|---------------------|
| | | Godean District. |
|--|--|---------------------|

(Source: Personal Data of the Author)

Discussion

According to William N. Dunn to conduct an evaluation, several indicators are needed which then become an illustration of the success or failure of a policy that has been made. In this study, the author focused on 6 evaluation indicators according to William N. Dunn.

1. Effectiveness

Effectiveness is an indicator that gives an answer whether the results of the desired policy implementation have been achieved (Dunn W. N., Evaluation

of Public Policy, 1994). The effectiveness of Law No. 8 of 2016 concerning Fulfillment of Political Rights of Persons with Disabilities in the 2014 & 2019 Elections in Sleman Regency can be seen from the desired results of policy planning.

a. Data Collection and Mapping of Disability Voters

In fulfilling the first parameter, the KPU is deemed to have failed to fulfill it. In the field there are still problems complained by persons with disabilities in Sidoarum Village, Godean District. Such problems include the Disability Voter List that is considered invalid. According to Mr. Supriyatno (person with visual

disorders) in Cokrobedog Village, Sidoarum Village, he is not registered as a voter with a disability. This is what the author believes can cause problems at polling stations on election day both from the preparation of facilities and assistive devices, because the KPU does not have valid data regarding voters with disabilities at the polling station. According to him, KPU and the village government have never conducted a door-to-door data collection for each person with a disability (Supriyatno, Nopember 7th 2019). Another finding that the author got in the field related to the invalid data on disability voters provided by the KPU is that most

of the names on the disability voter list are not persons with disabilities, but of normal and healthy people.

b. Organizing Election Education for Disability

The second parameter was organizing the election education for disabilities voters and it's already reached by holding the socialization regarding to the election materials for the disabilities. The socialization was done by KPU & several disability community/group. According to Mr. Supriyatno (person with visual disoreder) who also a Chairman of PERTUNI Godean District, the organization he

participated in actually did not get the opportunity to participate the socialization with the Sleman Regency KPU. The socialization he received was provincial level socialization, socialization from the Provincial KPU of D.I Yogyakarta (Supriyatno, Nopember 7th 2019). The same response also came from the Head of BAWASLU Sleman Regency that he still receive many reports related to uneven socialization carried out by KPU. It means that the provision of election education, in this case was the socialization has not been done evenly for all people with disabilities.

c. Accessible TPS Location. Based on the results of a joint interview with the KPU, the KPU claimed to have implemented the SOP in accordance with applicable regulations. In other words KPU always considers carefully the election-related matters in the pre-election including the selection of places to be made into accessible TPS for persons with disabilities (Aswino, Indah, October 31st 2019). This is in line with the confession of Mr. Supriyatno and Mrs. Watini, persons with disability in Sidoarum Village who claimed that the polling station where they conducted the

election was accessible and easy to reach (Supriyatno, Nopember 7th 2019). It means that the provision of accessible locations for persons with disabilities has been done well.

- d. The fourth parameter was provision of the special needs of people with disability. In carrying out the KPU program, which is socialization, the KPU constantly innovates to provide tools and props that ease for persons with disabilities. For example, KPU provided books containing election material with braille letters that are specific to people with visual disorders, and KPU provided video as a watch for hearing &

speaking disorders in which there is a translation of body language that is easy to be understood. Furthermore, at the time of the election, KPU provided a C3 form, which is a form containing a letter of approval for assistance for persons with disabilities who need assistance at the polling station. In the TPS area there were also templates that contain procedures for selecting persons with disabilities. TPS location and layout adjustments were also considered carefully (Aswino, Indah, October 31st 2019). It can be concluded that the provision of facilities and accessibility as well as tools and

special needs have been carried out well by the KPU.

2. Efficiency

a. Holding the election Socialization

The first parameter was holding a socialization concerning the election materials. After conducting research, the author then gained a new perspective from persons with disabilities in Sidoarum Village, Godean District. According to Mr. Supriyatno (person with visual disorder) who is also served as Chairman of PERTUNI Godean District, the organization he participated in actually did not get the opportunity to socialize together with the Sleman Regency KPU and the socialization he

received was only provincial level socialization, socialization from the Provincial KPU D.I Yogyakarta (Supriyatno, Nopember 7th 2019).

a. Provision of the election

socialization facilities. In conducting the socialization, KPU innovated to make various kinds of teaching aids containing content and important matters related to the election in the form of a braille book for visual disability. Video content in which there is a physical language translator for people with hearing impairments and speech impaired.

b. Holding the Technical Guidance for KPPS. The last parameter was holding the technical guidance for the KPPS. KPU also holds the technical guidance for KPPS which includes material on their duties and obligations before and after the election, which also includes technical instructions for KPPS to serve voters with disabilities.

3. Adequacy

Adequacy is a view of how far the achievement of the desired results solves the problem at hand. The accuracy can be in the form of how far the act can solve the problems that occur. Adequacy also deals with how far the level

of effectiveness of these regulations so that they can satisfy the needs, values, or opportunities and answer problems that occur. (Dunn W. N., Evaluation of Public Policy, 1994)

a. Proper Programs.

Based on the findings of the author regarding the effectiveness of law no.8 of 2016, the first parameter was holding a proper program for the disability voters, programs as part of KPU's responsibility and concern are always carried out. The programs are in the form of data collection and mapping of TPS with disability voters who then relate directly to the ease of

distribution of logistics specials. The next program is election-related socialization of voters with disabilities. The next program is technical guidance for KPPS for the creation of convenient and easy elections for persons with disabilities.

b. Providing Accesibility, facilities, and special needs

The second parameter was providing the accessibility, facilities, and special needs of people with disabilities which also have been carried out by the KPU, especially in considering the place that will be the location of the polling station so that it

is accessible and easily accessible for persons with disabilities. Through an interview with the General Election Commission (KPU), Mr. Aswino explained that the KPU always strives to meet all the needs of voters with disabilities including:

- 1) Provision of C3 form or form of assistance for persons with disabilities who need a companion when making an election.
- 2) Provision of election material templates with braille letters for persons with visual impairment.
- 3) Preparation of places, especially election booths

so that they are accessible and easily accessed to persons with disabilities who use wheelchairs. (Aswino, Indah, October 31st 2019)

4) Additional Services

An additional service that the author intend to do is pick up the ball that should be carried out by the KPU. The ball pick-up service in this sense is in the form of additional services in the form of intercourse for persons with disabilities who have mobility constraints in order to be able to attend polling stations to give their voting rights. New problems revealed during in-

depth research were the absence of ball pick-up facilities complained of by most people with disabilities. The ball pick-up facility in question is the readiness of the KPU and the Organizing Committee to facilitate persons with disabilities who are impeded by mobility so they cannot attend the polling station.

4. Equity

The intended of equity is whether the benefits have been distributed equally among different groups. In this case, persons with disabilities are categorized in many types, with different needs. In this

equalization assessment, it will then be discussed whether the facilities, accessibility, and tools provided by the General Election Commission can be felt by all categories of persons with disabilities.

a. Accessible TPS Location for all Types of Disability

Long before election day, KPU had prepared everything carefully including determining the location of accessible TPS for persons with disabilities and the mapping was done based on data collection at any polling station with disabilities so as to facilitate the Commission in determining the location and

distribution of special logistics.

b. Election Materials & Special Needs for all Types of Disability

Persons with disabilities are people with disabilities as well as people in general. Therefore, the needs they need at the time of election are very complex and varied, depending on the type of disability they have. For the provision of material for persons with disabilities, KPU Sleman has provided several tools for persons with disabilities in each polling station based on data collected previously. The tool is in the

form of a election template in braille letters and ballots with braille letters for visual disorders. Overall, what the author can conclude in this level of equity is that the KPU has maximally fulfilled facilities and special needs for voters with disabilities from various categories so that there is no discrimination in the field, so that all types of disabilities feel satisfied and comfortable in the TPS, accessible TPS locations for all categories of persons with disabilities.

5. Responsiveness

Responsiveness is a view of whether the results of

policies made successfully satisfy the needs of the object or target, (Dunn W. N., Evaluation of Public Policy, 1994).

a. Right on Targets

After conducting research, researcher gets answers from informants about their satisfaction with the implementation of Law no. 8 of 2016 and according to them, they are very grateful for the existence of the Act so that their rights can be more considered. According to Supriyatno, a resident of Sidoarum Village, he felt helped because at this time there were so many parties

who were intensively making improvements to fulfill the rights of persons with disabilities. It means that the implementation of Law No. 8 of 2016 already right on the target mainly in the electoral series, starting from pre-election socialization to the provision of accessibility, facilities and tools for people with disabilities during the election.

b. Target Satisfaction

According to Mr. Supriyatno, although it has not been fully successful and there are still one or two problems appearing in practice, he acknowledged that this was

common in the early implementation of a policy. He also hoped that the government and the Election Commission would continue to innovate and make improvements for the realization of elections that are accessible and comfortable for people with disabilities (Supriyatno, November 7th 2019). In contrast to Mr. Supriyatno, Ms. Watini acknowledged that she had felt helped, but had not reached the point of satisfaction. According to her, the implementation of this law is only the first step of a government effort to fulfill the

rights of persons with disabilities so there are still many problems that arise. She hopes that in the future practice of implementing Law number 8 of 2016 will be improved so that it can be implemented as should and also minimize the problems that still often arise (Watini, Nophember 7th 2019).

6. Appropriateness

Appropriateness is a theory that refers to the results of the objectives of a policy and really useful and valuable for a group, (Dunn W. N., Evaluation of Public Policy, 1994).

- a. The Intended Result are Valuable for Groups

According to the KPU Commissariat for Data & Information, Ms. Indah, the fulfillment of the rights of persons with disabilities is very important and valuable both in terms of the perspective of democracy and in terms of human rights. As a human being born with the rights she has, Ms. Indah feels that the fulfillment of the rights for persons with disabilities is as important as the fulfillment of the rights for healthy and normal people. It's just that according to her, persons with disabilities have special needs so that in terms of their provision must be truly

really pay close attention and mature (Aswino, Indah, October 31st 2019).

- b. The Result Achieved are Valuable/Beneficial to the Targets. From the perspective of persons with disabilities, they assume that the results of the implementation of this law are very valuable to them. The equality of rights and opportunities afforded to them, coupled with the provision of special facilities and tools for persons with disabilities is a new breath for them. According to Mr. Supriyatno, the fulfillment of the rights of persons with disabilities in the present is

increasingly becoming the attention of the government, accompanied by improvements and innovations for better reforms so that the intended end result can be achieved well. It is very valuable according to him, (Supriyatno, Nopember 7th 2019).

Factors that Influence the Unsuccessful of the Law No.8 of 2016

After conducting research and data collection, the author obtain information about the factors that influence the implementation of Law No. 8 of 2016 as follows:

- 1) Lack of Human Resources so that the data collection is not done door-to-door, causing inaccurate voter data with disabilities. Based on the results of the author's research, the first factor affecting data invalidation is due to a lack of human resources which then makes it difficult for the KPU to collect data. Most of the data was collected through groups and organizations of people with disabilities and some of it was also obtained from data from the sub-district level. The things that then occur are the invalid data obtained because not all people with disabilities are incorporated into organizations or groups of people with disabilities and there are still many people with disabilities out there who feel untouched just because they are not affiliated with any disability organization. In addition, data collection per sub-district was also deemed insufficient because there was no door-to-door data collection conducted by the sub-district but only through mouth-to-mouth.
- 2) Lack of Budget & Costs so that pre-election programs such as socialization cannot

be carried out maximally and evenly to all organizations / groups of people with disabilities. Lack of funds and financing is a complex problem in this regard. A program will not run smoothly without sufficient funds and budget. According to the KPU commissioners, to save costs, socialization is carried out between regular gatherings at DPOs, so that expenses can be handled properly. However, given the large number of disability organizations divided by sub-districts, the costs required are certainly not

small, and in the end cannot be covered properly.

Conclusion

Based on the results of research that the author do related to the evaluation of the implementation of Law No. 8 of 2016 concerning the fulfillment of political rights for persons with disabilities in the 2014 elections and 2019 elections in Sleman Regency by using indicators of effectiveness, efficiency, adequacy, equity, responsiveness, and appropriateness, the author concluded as follows:

1. The effectiveness rate in the implementation of the Law No.8 of 2016 is still

negative because of there are still many problems that arose in the field, namely the problem of invalid data on voters with disabilities in the Sleman Regency KPU. The factor that influence the negative rate of effectiveness were because KPU are lack of human resource to do door-to-door data collecting.

2. The efficiency rate in the implementation of Law No.8 of 2016 has is still negative because with limited costs and human resources, KPU has not been able to reach all

groups of people with disabilities in Sleman Regency. The factor that influence the negative rate of efficiency were because KPU are lack of budget so that they couldn't hold the socialization fairly to all PWD's voters in Sleman Regency.

3. The adequacy rate of the implementation of Law No. 8 of 2016 is felt to be lacking and negative because although the KPU has been able to provide the right program accompanied by the provision of facilities for persons with disabilities,

the KPU has not provided additional services in the form of ball pick-up services for persons with disabilities who are handicapped by mobility, so as to suppress abstentions (GOLPUT) in Sleman Regency. The factor that influence the negative rate of adequacy were because KPU are lack of budgeting & human resource so that they couldn't provide any pick-up services for PWD's voters.

4. In terms of the equity rate in the implementation of Law No.8 2016 is positive

and enough because Sleman KPU has been able to provide an accessible TPS location, election materials that is understandable, as well as special needs for all types of disabilities participating in elections.

5. In terms of the responsiveness rate in the implementation of Law No.8 of 2016 is already positive and enough because it is right on the target of persons with disabilities as well as targets intended to be satisfied with the implementation of the Act.

6. In terms of appropriateness, in the implementation of Law No.8 2016 is positive and enough because both parties, both between the KPU as the executor of the election and also the person with disability as the target of implementing Law No. 8 of 2016 is well aware that the results of the implementation of the Act are very valuable both for the equality of human rights and for democratic life in this country.
7. In terms of comparisons according to the results of the author's research, between the 2014 elections before Law No.8 in 2016 came into force, and the 2019 elections after the law came into effect, the author can conclude that no difference whatsoever occurred in the field. This is caused by the existence of KPU regulations, for example regulation no. 29 of 2009 which first regulates the special rights for persons with disabilities at the time of the election which later became the technical basis for organizing elections in 2014. Therefore, the

author can conclude that in terms of preparation and programs carried out by the KPU is not far different from year to year.

Based on the conclusions the author describe above, it can be concluded that the 3 evaluation indicators have not actually been fulfilled, in other words it is still negative. While the other 3 indicators are well fulfilled, or in other words it's positive. Whereas the main indicator in evaluating a law is to measure its effectiveness. Effectiveness is a way to measure whether the intended purpose of making a policy has been achieved or vice versa. In evaluating Law No.8 of

2016 in Sleman Regency, the main indicator is effectiveness has not been fulfilled properly or in other words it is still negative, this then makes the author conclude that the application of Law No.8 of 2016 in Sleman Regency it has not been fully successful due to several factors namely the lack of human resources to carry out the specified programs and also the lack of budget to be able to distribute the same benefits to all groups of people with disabilities in Sleman Regency.

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