
Fulfillment Of The Right To Mental Disability In Elections At Ogan Komerang Ulu District

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ABSTRACT

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The right to vote is an inherent human right, universally recognized and protected by international law. It is essential to ensure that every eligible citizen is given equal rights and opportunities to participate in the democratic process by casting their vote without exception. Because the non-involvement of persons with disabilities takes away from the true meaning of democracy, they must be involved in the democratic process. If the political rights of a person or group are not fulfilled, the election may be questioned. To guarantee fair elections, persons with disabilities must be equally involved in the electoral process. This study uses a normative analysis method which begins with describing legal facts, then seeks a solution through a critical analysis of existing positive legal norms. Protection for persons with disabilities has existed since Indonesia ratified the UNCRC in 2011, even the derivative regulations already exist in Law No. 8 of 2016 which regulates the rights of persons with disabilities. Data at the Ogan Komerang Ulu Election Commission shows that mental disabilities are the second largest in number of physical disabilities with a total of 256 people in 13 sub-districts in South Ogan Komerang Ulu, they are people whose political rights should be protected by being given space to be creative.

Keywords: Mental Disability, Elections

1. INTRODUCTION

Indonesia is a democracy that allows its people to express their opinions freely. The state is a tool of society that has the authority to regulate human relations and shows symptoms of power in society. Humans do not only live in an environment of cooperation, but also in an environment of antagonism and conflict. The state is an organization that has the ability to legally impose its authority in a region against other power groups and set goals for people's lives. As a democratic country, holding elections in Indonesia is an event that is always awaited by the public, because elections are actually considered a benchmark for implementing democracy. Election results held with openness and freedom of opinion and association are considered to reflect the aspirations of the people.

Ensuring elections are conducted with integrity depends on upholding the basic principle of respecting voting rights. The right to vote is an inherent human right, universally recognized and protected by international law. It is essential to ensure that every eligible citizen is given equal rights and opportunities to participate in the democratic process by casting their vote without exception. The International Covenant on Civil and Political Rights prohibits all forms of discrimination that impair the right to vote. In addition, Article 21 of the Universal Declaration of Human Rights states that government power must be based on the will of the people, which must be expressed through free and fair elections with universal and equal suffrage, and by secret ballot or other means that guarantee freedom of expression. In Indonesia the right to vote is one of the political rights whose existence is guaranteed by the 1945 Constitution. Article 27 paragraph (1) of the 1945 Constitution states, "All citizens have the same position before law and government and are obliged to uphold the law and government without exception."

However, the fact that elections are the only way to gain power in a democratic system has shown that conditions are not automatically equal. Indeed, for some citizens, what happens when applying "of the people, by the people, and for the people" is discrimination. A person's right to vote is often disrupted because of administrative procedures and regulations that impede or prevent citizens from exercising their right to vote. Society for Elections and Democracy conducted research and found that certain provisions and provisions in the Election Law did not provide sufficient guarantees to ensure that indigenous peoples and persons with psychosocial disabilities could vote. This highlights the need for reform to address these issues and ensure that everyone has equal access to their right to vote.

Diffable himself according to law No. 8 of 2016 concerning Persons with Disabilities is defined as any person who experiences physical, intellectual, mental, and/or sensory limitations for a long time in interacting with the environment may experience obstacles and difficulties to participate fully and effectively with other citizens based on equal rights.

The Convention on the Rights of Persons with Disabilities (CRPD) is the United Nations' commitment to inclusive and disability-friendly development. This convention has been ratified by 182 countries around the world, which then create a national plan that supports the implementation of respect for the rights of persons with disabilities. As one of the countries that have ratified the UNCRPD into legislation, namely into Law No. 19 of 2011 concerning Ratification of the Convention On The Rights Of Persons With Disabilities (Convention Regarding the Rights of Persons with Disabilities) on 10 November 2011 with the ratification of this UNCRPD the state is obliged to safeguard one of the rights of persons with disabilities. The purpose of this Convention is to promote, protect and ensure that all persons with disabilities enjoy the full and equal enjoyment of human rights and fundamental freedoms. The convention also aims to promote respect for the dignity accorded to them. Because persons with disabilities are often not considered as part of a citizen or considered as a human being, the definition of this scope is very important.

In the 2019 election, the KPU announced that people with mental disorders have voting rights in the election on April 17 2019, this was reinforced by KPU RI Regulation No. 37 of 2018. In the 2019 election, it is estimated that around 3,500 voters with mental disorders whose existence has become pros and cons. In addition, suffrage violations enter the domain of social media. Amidst intense political polarization and fierce competition between candidates, the 2019 election also attracted attention on social media. Indonesian politicians continue to reinforce the perception that the social media debate is causing more polarization than it really is. When buzzers, black campaigns and fake news appear on the internet, they have created a very heated debate.

In the 2019 elections, there was still confusion regarding the rules and implementation for persons with psychosocial disabilities to be able to vote. There is a requirement that you have to show a doctor's certificate stating that you are a person with a psychosocial or mental disability. It is felt to be something that is burdensome because it is considered to be able to eliminate the civil rights of the person. Because based on Article 433 of the Criminal Code in general it states that a person who cannot use his mind even though he can occasionally have to be placed under guardianship causes people with psychosocial or mental disorders to be placed under guardianship. Placing a person under guardianship causes representation in every action taken, this has the potential to be abused in elections where there is an assumption that voting can be represented.

Because the non-involvement of persons with disabilities takes away from the true meaning of democracy, they must be involved in the democratic process. If the political rights of a person or group are not fulfilled, the election may be questioned. To guarantee fair elections, persons with disabilities must be equally involved in the electoral process. The government often ignores the voting rights of persons with disabilities, especially persons with mental disabilities.

Now that after 2019 Indonesia will hold a democratic party which usually occurs once every 5 years, namely in 2024, the government is already preparing to welcome the elections in the coming year. The question that arises is whether psychosocial disabilities have a place in this election? Have they had clear arrangements so that there is no confusion in the news like what happened in 2019? Ogan Komering Ulu Regency is one of the areas in South Sumatra which of course participates in the political party, Ogan Komering Ulu Regency has 270,765 voters. Until the end of 2015, the administrative area of Ogan Komering Ulu Regency was divided into 13 sub-districts consisting of 14 Sub-Districts and 143 Villages with the district capital being Baturaja which is located in East Baturaja District.

Research on the use of mental disability rights in elections in Ogan Komering Ulu District is a research that has never been done by anyone else. This is based on several previous studies that the authors searched for, no research has been found that specifically discusses the rights of mental disabilities, especially with regard to its location in Ogan Komering Ulu District. This assumption is based on the following previous studies that the author has explored: a study on disability in general conducted by Tiffany Mariana, so this study was carried out in general on the political rights of persons with disabilities, so the conclusion is also general that a special study is needed on the electoral rights of persons with disabilities mental disability. Then there is also a general disability study conducted by Hilmi Ardani Nasution which focuses on the study in the special area of Yokyakarta, so it is very different from the location of the research that the researchers conducted, namely in Ogan Komering Ulu District. Furthermore, there is also a study on disability suffrage conducted by Henny Andriani and Feri Amsari which focuses on the study in West Sumatra Province. Apart from being a very general study, the location of the research is also very different from the study the author conducted. So based on several specific studies according to their respective perspectives, it can be concluded that the study being carried out is very different in focus of study and research location so that this study has a novelty value that is very possible to be studied and published widely.

2. LITERATURE REVIEW

Existence of Psychosocial Disabilities and their political rights in the National Laws and Regulations

Since the Unitary State of the Republic of Indonesia was founded in 1945, Indonesia has defended human rights, this attitude is contained in the Pancasila and the 1945 Constitution, which stipulate state provisions regarding respect for the human rights of citizens. This enables the administration of the state to protect and guarantee the rights of citizens (citizens) and the constitutional rights of citizens (constitutional citizens). The right to vote or to vote (the right to vote) is the basic right (basic right) of every person.

The World Health Organization (WHO) in The International Classification of Impairment, Disability and Handicap has defined three terms related to disability: impairment, disability and disability. Impairment refers to a loss or abnormality of psychological, physiological or anatomical structure or function. Disability is a limitation or loss of ability due to an impairment that prevents an individual from carrying out an activity normally. Handicap is a disadvantage that hinders an individual's ability to fulfill his or her normal role, as a result of an impairment or disability. However, this can vary depending on social, cultural, age, and gender factors.

Several laws that discuss the rights of persons with disabilities in Indonesia, such as Law Number 7 of 2017 concerning General Elections and Law Number 19 of 2011 concerning the Ratification of the United Nations Convention, explain the rights of persons with disabilities. Persons with Disabilities, Law Number 8 of 2016 concerning Persons with Disabilities, and Law Number 18 of 2014 concerning Mental Health. With the help of the several laws mentioned above, it is clear that all persons with disabilities have equal opportunities to participate in political life. There should be no discrimination, exclusion or differentiation against individuals with certain disabilities. Including, but not limited to, the right of persons with mental disabilities to be registered as voters and exercise their right to vote.

The Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), and the International Covenant on Economic, Social and Cultural Affairs (1966) do not mention disability as a protected category in their equality clauses. Disability is only mentioned as a human rights issue in documents related to social security and health prevention policies. The Declaration on the Rights of Persons with Disabilities was promulgated for the first time in the 1970s, with the Declaration on Mentally Retarded Persons (1971) and the Declaration on the Rights of Persons with Disabilities (1975). However, these early instruments still reflected the notion of disability as a medical model, which saw persons with disabilities as people with medical problems who needed social security and the benefits it provided.

In India, there is a movement that supports the fulfillment of the rights of persons with disabilities. Disability groups in Parliament began to appear in the 1990s, mainly related to law making. Rehabilitation Council of India Act (1992); Persons with Disabilities: Equal Opportunities, Protection of Rights, and Full Participation Act (1995); and the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation, and Multiple Disabilities Act (1999) are examples of regulations that were later created. Throughout its past, India has enacted laws relating to persons with disabilities starting in 1912 with the Indian Lunacy Act. This law was later revised and renamed the

Mental Health Act in 1987, which was then enacted in 1993. The law that was developed was heavily influenced by court decisions, which was to be expected as India still adheres to common standards. the law of the legal system introduced by the British. The birth of this regulation has sparked an advocacy movement for the rights of persons with disabilities.

Chapter XA of the 1945 Constitution of the Republic of Indonesia after the Amendment talks about Human Rights. The provisions listed there form the protection of the constitutional rights of all citizens, including citizens with disabilities. The entire provision can be divided into two types, namely special human rights protection for citizens and human rights protection for everyone. Of the 26 provisions in Chapter XA, there is one article that regulates special protection for persons with disabilities, namely Article 28H paragraph (2) which states that, "everyone has the right to receive special facilities and treatment to obtain equal opportunities and benefits to achieve equality and justice" The provisions of this Article use the terminology for everyone, which means that there is no limit to who belongs to the group addressed by the Article. However, the Constitutional Court provides an interpretation of this article, namely for those who experience marginalization, backwardness, exclusion, restrictions, discrimination, disparities in participation in politics and public life stemming from continuous structural and socio-cultural inequalities in society (discrimination), both formal or informal, in the public or private sphere or what is known as affirmative action. There are at least three decisions stating the interpretation and meaning of "everyone" in Article 28 H paragraph (2), namely the Constitutional Court Decision Number 10-17-23/PUU-VII/2009; MK Decision Number 143/PUU-VII/2009; and MK Decision No. 16/PUU-VIII/2010. According to this meaning, the provisions of Article 28H paragraph (2) of the 1945 Constitution of the Republic of Indonesia concerning persons with disabilities are included in the term "everyone". Moreover, when one interprets the meaning of "convenience" and "special treatment", they are not meant to represent discriminatory treatment, but rather the fulfillment of constitutional rights.

Law No. 8 of 2016 introduces the term "disability" and uses it officially. The law does not use the term "disability", but uses the term "persons with disabilities". According to the Big Indonesian Dictionary, "sufferer" is defined as a person who bears (suffers from) something. While "disability" is an Indonesian word that comes from the absorption of the English word disability (plural: disabilities) which means disability or disability. and difficulties in interacting with the environment, and causing limitations in carrying out tasks or daily activities.

As part of efforts to incorporate the principles of the Convention on the Rights of Persons with Disabilities (CRPD) into the Indonesian legal system and government, deliberations on Law No. 8 of 2016 resulted in this concept. However, Law No. 19 of 2011 concerning Ratification of the Rights of Persons with Disabilities (Law No. 19 of 2011) is the previous law that used the term persons with disabilities.

The term "person with disabilities" was introduced in Indonesia's Law No 19 of 2011 as a translation of the same term used in the Convention on the Rights of Persons with Disabilities (CRPD), which Indonesia co-signed in 2006. The CRPD serves as a foundation to reshape perspective on disability and to promote the protection and fulfillment of the rights of individuals with disabilities in Indonesia. While "Persons with Disabilities" is the most commonly used term, other terms such as "Disabilities" , "Special Needs", and "Person with Disabilities" are also used in Indonesia. In addition, some people use specific terms for certain disabilities, such as "tuna" or regional language variations such as "deaf", "blind" and "people with mental disorders".

Based on Article 4 paragraph (1) of Law No. 8 of 2016 concerning the Rights of Persons with Disabilities, disability is divided into four parts, namely physical disability, intellectual disability, mental disability, and/or sensory disability. In Article 4 paragraph (2) of Law No. 8 of 2016, the scope of disability can also be seen based on the number of barriers, whether single disability, multiple (two types of disabilities), or multiple (more than two types of disabilities).

Apart from that, the concept of persons with disabilities has of course developed from the UNCRPD where in article 1 paragraph 2 of the UNCRPD it is stated that: Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which when interacting with various barriers, may hinder their full and effective participation in society on an equal basis with others. This illustrates that the UNCRPD does not limit what concepts are conditions of disability in this way this concept can continue to develop with the times.

Political rights of persons with disabilities

Political rights are included in Human Rights. The right to vote or vote is a basic right of every person or citizen that must be guaranteed by the state. Human rights, according to Mahfud MD, are rights that are inherent in human dignity as creatures created by God and have been owned by humans since birth, so these rights are natural, not given to people or the state. Article 19 paragraph (1) and Article 22C (1) of the 1945 Constitution establish provisions regarding this matter. Discrimination based on race, wealth, religion, or descent is not justified, as the explanations of several articles show. The state must fulfill the human rights of every citizen, especially in terms of the right to vote in general elections. This provision means that all forms of legal products governing elections, presidential elections, and local elections, especially those governing citizens' suffrage, should enable every citizen to be able to vote.

The basic right of every person or citizen is the right to vote or vote, which must be fulfilled by the state without discrimination based on race, wealth, religion or descent. While the right to vote in writing is regulated in the 1945 Constitution, starting from Article 27 paragraphs (1) and (2); Article 28, Article 28D paragraph (3); and Article 28E paragraph (3), the state must fulfill all forms of human rights of every citizen in general elections. The state must fulfill the human rights of every citizen, especially in terms of participation in democratic parties such as General Elections, Presidential Elections, and Regional Head Elections. . In terms of political rights, every citizen, including persons with disabilities, has the same rights to participate in political life, including the right to be elected and to be elected in general elections based on equal rights, the right to participate in government, and the right to be appointed to government positions. . Thus, as citizens, persons with disabilities have the right to be involved in political life and receive the same political rights as citizens of other countries without feeling discriminated against. In Law Number 8 of 2016, article 5 points and article 13 regulate the political rights of persons with disabilities, including the right to political education, the right to vote, the right to convey their political aspirations openly orally and in writing, and the right to participate actively in each stage of the selection.

Protection of political rights is a very important aspect in the administration of the Indonesian state, as stated in the preamble to the 1945 Constitution of the Republic of Indonesia. In particular, the right to vote and be elected is a fundamental human right and is protected by various constitutional provisions such as Article 27 paragraph (1), Article 28D paragraph (3), and Article 28E paragraph (3), as well as the Human Rights Law Number 39 of 1999, Article 43 paragraph (1), International Covenant on Civil and Political Rights, Article 28 H paragraph 2, and Article 28 I paragraph (2). Election Law Number 7 of 2017 also lays out the legal framework to protect these rights. In the event that laws or regulations are considered unfavorable and violate the constitutional rights of citizens, individuals can seek legal protection through the process of reviewing laws.

The political rights of persons with disabilities are regulated in article 13 of Law No. 8 of 2016 concerning persons with disabilities wherein the article regulates the political rights of persons with disabilities including the following rights: a. elect and be elected to public office; b. channeling political aspirations both in writing and verbally; c. vote for political parties and/or individuals participating in general elections; d. form, become members, and/or administrators of community organizations and/or political parties; e. form and join organizations of Persons with Disabilities and to represent Persons with Disabilities at local, national and international levels; f. participate actively in the general election system at all stages and/or parts of its implementation; g. obtain accessibility to the facilities and infrastructure for holding general elections, elections for governors, regents/mayors, and elections for village heads or by other names; and h. get political education.

The participation of persons with disabilities in elections is regulated by Law Number 7 of 2019 concerning elections. In addition to affirming the political rights of disabilities, Article 5 reads as follows: "What is meant by 'equal opportunities' are conditions that provide opportunities and/or provide access to persons with disabilities to channel their potential in all aspects of administering the State and society." It is clear that in our legal instruments we regulate the political rights of persons with disabilities as equal in the eyes of the law, so that we cannot exclude them in normal life. Their rights must be treated and protected in the state.

3. RESEARCH METHODS

This study aims to analyze the existence of psychosocial disabilities in Indonesian legal instruments, especially in the field of elections and then to analyze the implementation of elections in Ogan Komering Ulu Regency related to psychosocial disabilities. Normative juridical research is doctrinal law research which is also often referred to as

library research or document study. It is called doctrinal legal research or normative research because this research is conducted or aimed only at written regulations or other legal materials. This type of legal research is called clinical legal research, which begins with describing legal facts, then seeks a solution through a critical analysis of existing positive legal norms, and then finds in concreto law to resolve a particular legal case.

4. RESULT AND ANALYSIS

Article 4 of Law No. 8 of 2016 states that the types of persons with disabilities are physical disabilities, mental disabilities, intellectual disabilities, and sensory disabilities. Based on the elucidation of the law What is meant by "Mentally Disabled Persons" is impaired functioning of thought, emotion, and behaviour, including: a. psychosocial including schizophrenia, bipolar, depression, anxiety, and personality disorders; and b. Developmental disabilities that affect social interaction skills include autism and hyperactivity. Based on the explanation of the article included in the category of Psychosocial Disabilities are:

1. Schizophrenia: Schizophrenia is a group of psychotic disorders that cause distortion of thought processes, sometimes producing feelings of power from outside oneself, sometimes strange delusions, perceptual disorders, autism, and abnormal reactions that are integrated with real situations or actually control themselves.
2. Bipolar: Bipolar disorder is a chronic or episodic mental disorder that occurs intermittently at irregular intervals and causes unusual, often extreme and fluctuating changes in mood, energy, activity, and concentration or focus. In other words, bipolar disorder is a mental disorder characterized by changes in mood, activity, and energy.
3. Depression: Depression is a prolonged mood disorder that colors all mental processes (thinking, feeling, and behaving). It is usually characterized by great sadness, feelings of worthlessness, and feelings of guilt, such as withdrawal, sleeplessness, loss of appetite, and interest in daily activities. In general, feelings of hopelessness and helplessness are the most common.
4. Anxiety: Anxiety, one of the most common psychiatric disorders, appears reflexively when a person experiences stress or tension. In stressful situations, humans often experience anxiety, which causes us to behave strangely, such as trembling in the legs, arms and the whole body, moving too much, scratching the head, bowing, rubbing the nose, urinating too often, and even have stomach pain. These are all signs of an anxiety disorder that everyone may have experienced.

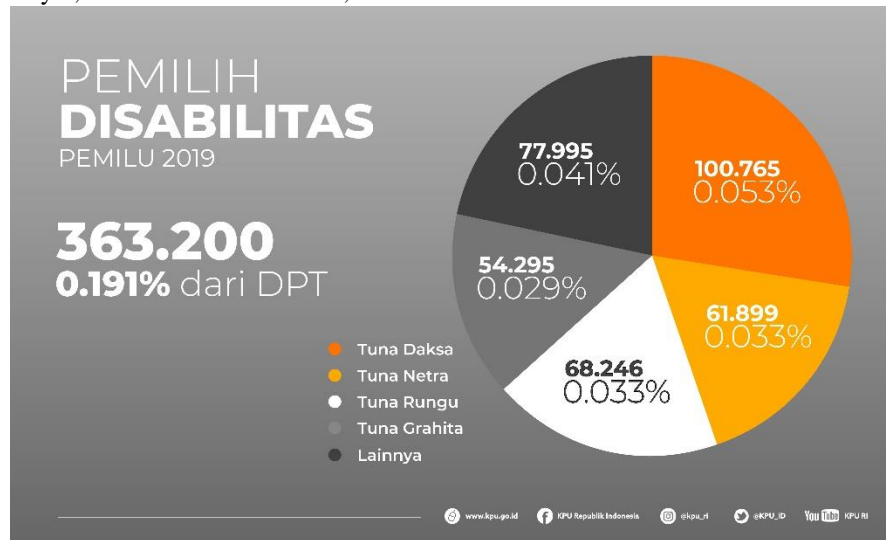
This category is most often referred to by the general public as "crazy people", "mental disorders", "ODGJ" and many more, even though there are many levels and scales of these various diseases. It cannot be said that when someone is indicated by one of these conditions, they will lose their minds, let alone lose their political rights. People with psychosocial disabilities (ODP) are a group of disabilities that often escape policy consideration because they face limited rights and barriers to participation due to actual or perceived mental disorders. They don't care whether they have been identified or diagnosed with a mental disorder.

Actually, the problem of disability is a complex problem and involves various scientific disciplines. As stated in the CRPD points, efforts to protect, fulfill and respect the rights of persons with disabilities, especially ODP, must be carried out at a comprehensive level and involve various scientific fields such as health, law, economics and socio-culture. From a legal standpoint, ODP continues to experience discrimination because they are not recognized as legal subjects or have the ability to perform legal actions such as entering into contracts, entering into trade agreements, and so on. Article 433 of the Civil Code, which regulates pardon, is one of the policies that apply in Indonesia. That article gives authority to make ODP decisions to other people.

Based on this article, it can be concluded that a person who is incompetent, even though he can use his mind occasionally, must be placed under guardianship. The word must emphasizes that Indonesia adheres to a substituted decision making system or an empowerment system for people with disabilities who are considered legally incompetent. According to Subekti, the position of a person who has been placed under guardianship is the same as a minor, he cannot carry out legal actions legally. If article 433 is adjusted to law No. 8 of 2016 concerning Persons with Disabilities article 32 which says that persons with disabilities can be declared incompetent based on a district court decision, in essence the explanation that can be declared incompetent are those who are immature and/or under guardianship. So those who can be placed under guardianship are persons with intellectual disabilities such as below average levels of intelligence; mental disabilities and Down syndrome and people with mental disabilities due to

impaired thinking, emotion and behavior due to schizophrenia, bipolar, depression, anxiety and personality disorders; autism and hyperactivity.

During the 2019 elections, ODP, who were identified as crazy people, were the main target of suffrage. One of the most prominent examples is a series of tweets from a Twitter account with more than 600,000 followers attacking the suffrage of psychosocial disabilities. Similar content that interferes with the right to vote of people with mental disabilities has also been found on Facebook. A video taken for election socialization at a rehabilitation center for mental disabilities is cut out of context and captioned, "Official Crazy People Voted for the 2019 Presidential Election. The KPU conducts socialization at homes for people with mental disabilities Official Crazy people participated in the 2019 Presidential Election." What is your opinion? Please comment on your opinion. As of April 6, 2021, the video that aired on January 1, 2019 has been viewed 3,600 times and received 37 comments.



Picture 1. Number of voters with disabilities in the 2019 elections

Source :<https://opendata.kpu.go.id/>

The picture above is the number of voters with disabilities in the 2019 election, the word used or the code used to classify persons with disabilities is tuna. It can be seen in the figure that the majority of voters are disabled people where disabled people are people with imperfect body conditions or in the language of Law No. 8 of 2016 with physical disabilities, the number is 100,765 people or 0.053% of the final voter list. Then followed by the blind, deaf, mentally impaired and then other categories which are not given an explanation of what is included in the other categories. If you look at the picture above by excluding other categories, it can be seen that the majority of disabilities designated as DPT are persons with physical disabilities, intellectual disabilities, and sensory disabilities, namely physically disabled (incomplete limbs), blind (cannot see), deaf (not can hear), mental retardation (impaired development of learning, reasoning, social, and life skills). Where based on the explanation of Law No. 8 of 2016:

1. What is meant by "Physical Disabled Persons" are impaired movement functions, including amputation, paralyzed or stiff, paraplegic, cerebral palsy (CP), due to stroke, due to leprosy, and small people.
2. What is meant by "Persons with Intellectual Disabilities" are impaired thinking functions due to a below average level of intelligence, including slow learning, mental disabilities and down syndrome.
3. What is meant by "Persons with Mental Disabilities" are impaired thinking, emotional, and behavioural functions.
4. What is meant by "Persons with Sensory Disabilities" are disturbances in one of the functions of the five senses, including visual disabilities, hearing disabilities, and/or speech disabilities.

With the data in the figure, if we exclude other categories, it can be concluded that persons with disabilities do not have a portion at all or there are no DPT who are persons with mental disabilities, let alone psychosocial disabilities. This can happen due to the issue of mental disability which has been tried in such a way before the 2019 elections, not to mention other difficulties such as the KTP requirement, being rejected by TPS officials because they do not have a doctor's certificate, or the issue of being replaced with the right to vote because of the probate system in Indonesia. These reasons limit the rights of persons with mental disabilities, especially psychosocial disabilities, even

though based on existing regulations we must respect the principle of full participation for persons with disabilities where they can participate actively in all aspects of life as citizens.

The Constitutional Court has actually guaranteed the right to vote for people with mental disorders. According to MK Decision No. 135/PUUXIII/2015, paragraph (3) letter a Article 57 of the Pilkada Law is contrary to the 1945 Constitution because the phrase "mental or memory disorder" does not mean "experiencing mental disorder and/or permanent memory impairment which according to mental health professionals has deprived a person of ability to vote in general elections." This indicates that in fact mental disabilities are not a problem to participate in elections and are not excluded from elections. In addition, hate spin on ODGJ has an impact on election organizers who do not understand the right to vote for mental disabilities. The disinformation that accompanies hate spin makes them hesitate to register the right to vote for mental disabilities. This also happened in the Ogan Komering Ulu district, the interview was conducted with Rahmad Hidayat S.HI, who is a member of the Ogan Komering Ulu Regency KPU for the 2019-2024 period, he is in the data and information planning division. According to him, the difficulty in collecting data lies because there are no technical guidelines and implementation instructions related to elections for persons with disabilities, especially with psychosocial disabilities. So it is difficult to verify the data. In addition, according to him, the issue of ODGJ voters in 2019 had a major influence on the preparation of the final voter list. So they are still fumbling with the preparation of the final voter list in Ogan Komering Ulu Regency.

Since the start of the voter data updating stage, the KPU has ensured that the political rights of persons with disabilities are fulfilled for the 2024 elections. During the Matching and Research (Coklit) stage, the Voter Data Update Officer (PPDP) is required to register voters with disabilities by including the disability type code in the remarks column. Where is the code:

Code 1 : Physical disability

Code 2: Intellectual disability

Code 3: Mental disability

Code 4 : Speech impaired

Code 5 : Deaf

Code 6 : Blind

Table 1. Data on Voters with Disabilities in Ogan Komering Ulu District in the 2024 Election

Subdistrict	1 Physical)	2 (Intellectual)	3 (Mental)	4 (Speech impaired)	5 (Deaf)	6 (Blind)
Sosoh Buay Rayap	23	3	16	13	2	9
Pengandonan	13	0	3	3	0	5
Peninjauan	68	3	27	16	7	16
Baturaja Barat	63	4	21	7	1	10
Baturaja Timur	160	11	74	36	12	27
Ulu Ogan	12	0	6	6	1	1
Semidang Aji	26	1	13	7	1	8
Lubuk Batang	67	3	22	13	2	8
Lengkiti	36	5	21	8	3	6
Sinar Peninjauan	17	0	13	7	1	7
Lubuk Raja	50	9	24	15	15	14
Muara Jaya	14	0	5	0	0	2
Kedaton Peninjauan Raya	28	7	11	12	4	6
Sum	577	46	256	143	49	119

Source: Ogan Komering Ulu Regency Permanent Voters List in the 2024 Election.

It can be seen in the table shown above that the number of people with mental disabilities in Ogan Komering Ulu Regency totaled 256 people spread over 13 sub-districts in Ogan Komering Ulu Regency, with the most sub-districts in East Baturaja, numbering 74 people. This data shows that many voters fall into the category of voters with mental disabilities. In the 2020 elections in nine provinces which held gubernatorial elections and 237 regencies/cities which held regent and mayor elections, the turnout for disabled voters averaged 64.62%. This data is collected by Rumahpemilu.org from the General Election Commission (KPU).

5. CONCLUSION

Protection for persons with disabilities has existed since Indonesia ratified the UNCRPD in 2011, even the derivative regulations already exist in Law No. 8 of 2016 which regulates the rights of persons with disabilities. In elections, persons with disabilities have been fighting for their rights since 2014 so that in 2019 persons with disabilities can vote, but this issue has become controversial regarding persons with mental disabilities or in this case persons with psychosocial disabilities under the pretext of "why are crazy people told to vote" these words become an attack on people with mental disabilities even though based on Indonesian legal instruments they have the same rights as other disabilities in the category. Data at the Ogan Komering Ulu Election Commission shows that mental disabilities are the second largest in number of physical disabilities with a total of 256 people in 13 sub-districts in South Ogan Komering Ulu, they are people whose political rights should be protected by being given space to be creative.

ACKNOWLEDGEMENTS

This research and publication can be carried out as planned thanks to the assistance of various parties, especially the Law Masters student campus at the University of Lampung and also the Lecturer in Government Science campus at Baturaja University. Therefore we are very grateful for the various assistance that has been given both morally and spiritually.

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