Implementation of Regional Regulation of Yogyakarta Special Region No 4 of 2012 Concerning Protection and Fulfillment of The Rights of Disability Children

Komang Ema Marsitadewi
Politics and Social Sciences Faculty, Universitas Warmadewa, Denpasar, Bali-Indonesia
emarsitadewi@gmail.com

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Abstract

The study was conducted in Sleman, Yogyakarta. It aims to examine the implementation of Regional Regulation of Yogyakarta Special Region No. 4 of 2012 concerning Protection and Fulfillment of the Rights of Disability Children. This study was conducted using qualitative research method. Qualitative research is a type of research that produces description of observable people behaviors, both in oral and in written form. The researcher tries to produce descriptive data i.e. data that are spoken or written by the object of study itself and the object of behavior that can be observed, which in this case is concerning the implementation of Regional Regulation of Yogyakarta Special Region No. 4 of 2012 concerning Protection and Fulfillment of the Rights of Disability Children.

Keywords: Implementation; disability children; regulation; yogyakarta special region

I. INTRODUCTION

Regulation of Special Region of Yogyakarta No. 4 of 2012 concerning Protection and Fulfillment of the Rights of Persons with Disabilities is useful to ensure the good efforts to protect, fulfill, and respect the disability rights of Special Regions.

This regulation of Yogyakarta Special Region arose from the marginalization of the needs of disabled people. In fact, these people with disabilities should get the same rights as other people in general.

The existence of this Regional Regulation is expected to help meet the needs of persons with disabilities in Yogyakarta, whose number currently reached 2,344 people. However, comparing to the condition of Yogyakarta, fulfilling the needs of the diffable remains far from what was stated in the Regional Regulation of Yogyakarta Special Region, one of which is fulfilling political needs. People with disabilities should have equal opportunities in political participation. However, the situation is the Government of Yogyakarta Special Region still cannot provide adequate facilities for the disabled people to participate in the election.

Unsupportive facilities and infrastructure cause limited access of diffables in the election. This condition is contrary with the awards received by Yogyakarta. This city won an award from election commission for its efforts to make the city is more diffable-friendly. This is inappropriate considering there are still many facilities and infrastructure that are lacking for the diffable. Some of these problems are inaccessible voting booths, especially for disabled people because they are not friendly to wheelchair users, non-braille ballots and lack of socialization from the candidates to persons with disabilities, so that it makes these people turns into netral group.

Referring to the previous study on diffabled conducted by Kwiotek and McDonnell on Disability using Anquality Framework, disable persons received a lot of injustice in income, livelihood, or employment (Kwitoek & McDonnell, 2003). The present study is expected to produce a framework that can be used to evaluate the overall disability in the present. Because the research focuses on the framework in responding to the injustice situation, this issue becomes a gap that could be utilized by other researchers to examine disability in other fields.

The gap is then used by the present researcher to highlight the availability of accessibility for disabled people, not only students at the time of the election. In addition, to appraise the government
seriousness in implementing legislation that has been made, researcher also want to examine the attractiveness of people with disabilities in political participation. From the background above, the problems examined in this study are:

1) How is the of Regulation of Special Region of Yogyakarta No. 4 of 2012 concerning the Protection and Fulfillment of the Rights of Persons with Disabilities related to the accessibility of persons with disabilities in political participation (Election)?

2) What kinds of conditions led to the success or failure of the implementation of the Yogyakarta Special Region Regulation No. 4 of 2012 concerning the Protection and Fulfillment of the Rights of Persons with Disabilities, especially in political participation?

II. LITERATURE REVIEW

Performance of Implementation of Yogyakarta Special Region Regulation No. 4 of 2012 concerning Protection and Fulfillment of the Rights of Persons with Disabilities

The study, conducted by Russell, entitled “Health and History” in 2011, stated that disability is a limitation of culture that consciously or unconsciously places people as physically, intellectually, or psychologically different from other people. The development of the terminology of disability in Indonesia is still limited to people who have disablement so that those are seen as weak people.

Tanya also supports this in her research on disability, entitled “Disability: The Old and The New”. The study explains that disability labels for people who are not the same as society generally grow from stigma in community. The result of the research is significantly useful because it can help in understanding why the discrimination against persons with disabilities in Indonesia is overwhelmingly severe.

The weak position of persons with disabilities encourages the protection and fulfillment of the rights of persons with disabilities compared to the normal people in general. Handicap people have the same human rights as normal human beings. This is in accordance with the statement of the United Nation Human Rights that:

Participation in political and public life is a human right as well as an important step in the process of enjoying other human rights. It encompasses the right to vote and the right to be elected. However, it goes beyond formal democratic processes and includes broader participation, such as participation in decision-making on law and policy as well as participation in development and humanitarian assistance.

Indicators for the Performance of Implementation of Yogyakarta Regional Regulation No. 4 of 2012

Output is required to measure the performance of a certain policy implementation. In other words, it is used to assess the tangible impact of a perceived policy to targeted groups. In measuring through the output, there is an instrument required, called indicator. According to Purwanto & Dyah, several indicators can be made as benchmarks in assessing the output. These indicators are (Purwanto & Dyah, 2007):

1) access: used to find out whether or not the program or service provided is easy to reach to the target group;
2) frequency: used to measure how often the target group can get the services promised by one policy or program;
3) coverage: used to measure the size of the target groups that could be reached (having obtained services, grants, fund transfers, etc.) from the public policies implemented;
4) bias: used to assess whether or not the service provided by implementer is biased (distorted), or given to non-target community groups;
5) Service delivery: used to assess whether the services provided in the implementation of a program are carried out on time or not; and
6) Accountability: used to assess whether the actions of the implementers in carrying out their duties to deliver outputs of policy to the target groups could be accounted for or not.

Associated with implementation of Yogyakarta Special Region Regulation No. 4 of 2012
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Accessibility is the indicator that is used in assessment. Accessibility is used in evaluating the performance of the regulation. This is because in a previous study conducted by Dewi, one of the obstacles in providing cordial elections to disabled people is the limited election facilities, which can be used by persons with disabilities.

Thai also stated that CDPO report issued in April 2013 found that disabled people are excluded from the political process due to lack of information about elections, inaccessible polling stations, and lack of support from family and authorities.

Affecting conditions to the performance of the Regional Regulation of Yogyakarta Special Region No. 4 of 2012

Conditions that affect the Performance of the Regional Regulation No. 4 of 2012

In implementing a policy, many factors that lead to success or failed policies in their implementation. Research conducted by Comprehensive Community Based Rehabilitation in Tanzania proves that the success of the election emphasized on equality for persons with disabilities (Comprehensive Community Based Rehabilitation in Tanzania (CCBRT), 2010). Where, in Tanzania, the government does various things to ensure people with disabilities participate in political process. It is revealed that the success of election implementation for persons with disabilities depends on ability, commitment, and good relations between stakeholders.

In Indonesia, bad stigma is still attached to the people with disability. Handicap is classified as disgrace and second class citizens. Many of those persons with disabilities prefer not to appear or be directly involved even in political and social life.

Conditional Factors

According to Edward, there are four indicators influence the success of policy implementation, such as communication, resources, disposition, and bureaucratic structure (Edward, 1980). Those variables are inappropriate to assess the success or failure of policies for disabled people in Yogyakarta. This theory does not see the condition of society and target groups. As explained in Comprehensive Community Based Rehabilitation in Tanzania (CCBRT) (2010) research in Tanzania, the huge contributions like perspective changing of disabled people themselves are in order to create more friendly election process (Comprehensive Community Based Rehabilitation in Tanzania (CCBRT), 2010).

According to S. Van Meter and Van Horn, there are six indicators influencing the policy implementation, such as policy standards and objectives, resources, relationships between organizations, characteristics of implementing agents, socio-political economic conditions, and the disposition of the implementer. The existence of socio-political and economic conditions in this theory adds the weakness of variables from Edward (Edward, 1980). The disadvantage of Van Meter and van Horn's theory is that it uses a top-down approach. A top-down approach is less appropriate when applied in evaluating this regulation. In a better election implementation, the Canadian government emphasizes the use of bottom-up. The Canadian government creates an advisory group consisting of persons with disabilities from each type of disability. The creation of an advisory group consisting of persons with disabilities emphasizes the use of bottom-up as an approach in decision-making.

From the explanation above, it can be concluded that the variables used in assessing the failure and success of implementing Regional Regulations are the ability of the implementor, including commitments. Another variable used is the environmental conditions of people with disabilities. Difference social conditions can affect the implementation of a policy.

III. METHODS

This research was conducted using qualitative research method. The researcher sought to produce descriptive data, which in this matter is concerning the implementation of Yogyakarta Special Region Regulation No. 4 of 2012 concerning the Protection and Fulfillment of the Rights of Persons with Disabilities.

In this case, the location of the study considers several aspects, such as the accessibility of
location, availability of time, and the ease of key informants. Therefore, the researcher then chose Sleman as location of the study.

Primary data were obtained from information provided by persons with hearing impairments, and persons with disabilities.

The technique used by researchers as data collection instrument in this study is observation. Interviews were conducted at the General Election Office of Sleman Regency, Persons with Disabilities, Blindness, and Deaf.

IV. RESEARCH RESULTS AND DISCUSSION

Implementation Performance

Accessibility

In assessing the implementation performance of Regional Regulations on the Protection and Fulfillment of the Rights disabled people, accessibility was used in appraising the performance of the policy implementation. Accessibility factors are helpful to evaluate the government program, which in this case accessibility of election site for disabled people.

Disabled person should have equal rights with common people in all aspects, including political right. The ease of achieving program goals depends greatly on how the government provides access to the target group of the policy, especially for persons with disabilities. An informant with a disability also revealed this.

“We can elect as long as there are supported facilities. Like me, I have private car so I can go to election place by myself easily, how about others? They will face difficulty to reach the place. Government does not provide supported facilities for handicap people like us.”

As stated by an informant, the availability of facilities is substantial in enhancing the participation of persons with disabilities in elections. Other informants who are deaf people also revealed this.

“I can not hear properly but I still can see. Therefore, evidently I can participate in election. However, for blind people, it will be very though because they cannot read and the government does not provide ballot with braille. Of course, they cannot participate.”

Based on the results of the interview above it can be said that accessibility is an important part. The unavailability of adequate accessibility is the reason for persons with disabilities to be reluctant to participate in elections. A statement expressed by another blind informant also reinforced this.

“I do not want to participate in election; I cannot choose any of politic actors. I do not kow who the candidates are because I cannot see. There is no braile in the ballot. Of course, I do not know the candidates. They also do not care about us. We came to the election site through long journey and there was nothing. Nothing had happened.”

Minimum accessibility causes difficulties for persons with disabilities to vote. Inadequate facilities will narrow down the space for political participation. The incompleteness of facilities and infrastructure for persons with disabilities in conducting elections also has an impact on electoral principles. In the other words, inadequate government facilities are also violating the principles of elections. Political voice should be the rights of persons with disabilities too.

“I do not want to choose. I do not want to experience my friend’s incident in Election Day. So many people swarmed aound so there is no confidentiality. We should choose as freely and confidentially. However, because I am blind, election committee asked for help for me but the impact was I felt uncomfortable at all in the end.”

Persons with disabilities, particularly on confidentiality principle, could not experience a direct, public, free, confidential, honest, and fair election at the most.

The limited facilities and infrastructure of the general election, which later narrowed the access for persons with disabilities, were not only expressed by persons with disabilities but also expressed by the General Election Commission party. They also confirmed that statement.

“We kept trying to meet all of the community needs, particularly for disabled persons. Indeed, there is still limitation for infrastructure. We faced difficulty to provide all because limited available funds. It was not easy also to record and provide all of needed facilities.”
From the various interview results above, it can be concluded that accessibility for persons with disabilities to the election is still very limited. Whereas in Regional Regulation No. 4 of 2012 has stated that persons with disabilities should have equal rights to participate in politics process including election.

**Determining conditions**

**Environment**

The success or failure of a policy can be determined by many variables. In assessing the success or failure in the implementation of the Regional Regulation of Special Region of Yogyakarta No. 4 of 2012 concerning the Fulfillment and Protection of the Rights of Persons with Disabilities, environment is one of these variables. The environment variable referred to here is the condition of society in the case of social conditions that can thwart the policy or make it successful.

In the case of disability as explained above, that public acceptance of disability in Indonesia remains minimal. The statement of one of the blind informants supports this:

“People definitely will ask if I can participate or not in election. People are questioning because I only focus on my mobile phone. I can reply message, whatsapp chat or blackberry messengers. I use mobile phone not only for listening to music but also for other functions. However if people see me, they certainly will ask if I can or not.”

The statement above reinforces that the social conditions of the community could determine the enthusiasm of persons with disabilities in elections. A deaf informant also feels people who are not able to accept the existence of persons with disabilities who later make persons with disabilities do not have the courage to participate in elections.

“Just stay at home. Later, if I choose this candidate in General Election Place (TPU) the commission will talk badly about me. Although I did not hear, but I notice they talk about me. They also seldom greet me. If the situation is like that, I prefer to stay at home.”

The social conditions of the people who could more facilitate really help people with disabilities do things that have been deemed incapable of doing by handicap people as well as participating in elections.

“I participated in election. I used to take apart. My neighboor also used to see me participate in the election. I work now so there is no strange aymore.”

The statement above helps prove that the condition of the community, which no longer discriminates against disabled people greatly, helps those people to be active in the social fields.

From the research results, it can be said that social environment conditions of the community greatly influence the success or failure in fulfilling the rights of persons with disabilities. The population of Indonesia, especially Sleman of Yogyakarta remains cannot be included as open community and treat persons with disabilities well. There is still a lot of discrimination in fulfilling the rights of persons with disabilities, such as political rights. Even though, the political participation of people with disabilities can improve the quality of government policies.

**Government Commitment**

The success implementation of the Yogyakarta Special Region Regulation No. 4 of 2012 concerning the Protection and Fulfillment of the Rights of Persons with Disabilities is the government's commitment. In Yogyakarta, precisely Sleman, the government has tried to provide maximum fulfillment of the rights of persons with disabilities in various fields.

“We, as the most authorized actors in the election keep on trying to do improvement in election process for disabled people. Slowly we will make it friendly for those people. “

People with disabilities still consider that the government is not serious in accommodating the needs of people with special needs.

“I have never gotten ballot before because we are not exist here. Government never takes care of us seriously because we have not effect at all. “

The opinions, which are expressed by disabled informants, are also justified by other persons with special needs.

“It is not only because the absence of braile and printed-letter in ballot or minimum funds for financing friendly-election for us but also lack of commitment from government. So they considered
the main reason only minimum fund.”

From the results of data analysis derived from field research, it shows that the low government commitment makes political participation of persons with disabilities also low. In Sleman, the government itself feels that they had done a lot to fulfill the rights of persons with disabilities. Nevertheless, it turns out that people with special needs cannot feel the effort from government.

V. CONCLUSION

Availability of accessibility for persons with disabilities is the most imperative part of the election process. With the availability of good access for persons with disabilities, those people will be able to participate in general sorting. However, in reality, the availability of access for handicap people in Yogyakarta is still limited even though the Yogyakarta government itself has regulated the fulfillment of political rights including elections for persons with special needs.

Low accessibility also has an impact on the reduction rates of persons with disabilities in political participation. There are two determining factors, which influence minimum political participation of disabled people, such as the environment and government commitment. Sleman citizen still cannot accept the existence and cannot treat persons with disabilities in general public. There is a lot of discrimination in fulfilling the rights of persons with disabilities, such as political rights caused by the unsupported environment or the social conditions of surrounding people.

Another determining factor is the commitment of local government. Low commitment influences minimum political participation of persons with disabilities since there are handicap people who are not included in the voter list and the absence of braille letters.

REFERENCES


