

ABSTRAK

Secara konstitusional, setiap warga negara memiliki hak yang sama untuk berpartisipasi dalam proses demokrasi, termasuk penyandang disabilitas sebagai kelompok rentan yang secara konstitusional memperoleh perlindungan khusus. Dalam pelaksanaannya di Kecamatan Pamekasan dan Kecamatan Pegantenan masih ditemukan berbagai hambatan berupa keterbatasan fasilitas ramah disabilitas. Kondisi tersebut berpotensi menunjukkan adanya ketidaksesuaian antara norma hukum yang mengatur jaminan hak penyandang disabilitas dengan implementasinya di lapangan, sehingga berpotensi terjadi kesenjangan antara *das sollen* dan *das sein* dalam pemenuhan hak politik kelompok penyandang disabilitas. Permasalahan yang dikaji adalah evaluasi pemenuhan aksesibilitas oleh penyelenggara pemilu dan peran mekanisme pengawasan dalam menjaminkannya.

Penelitian ini merupakan penelitian hukum empiris (yuridis empiris) dengan pendekatan fakta (*The Fact Approach*), menggunakan data primer berupa wawancara dengan KPU, Bawaslu, KPPS/PPS, dan pemilih penyandang disabilitas yang ditentukan secara *purposive sampling*, serta data sekunder berupa peraturan perundang-undangan dan literatur.

Hasil penelitian menunjukkan bahwa kewajiban hukum penyediaan aksesibilitas belum dipenuhi: dari 469 TPS di kedua kecamatan hanya 2 TPS yang menyediakan alat bantu, sementara fasilitas seperti *template braille*, jalur landai, dan layanan bahasa isyarat tidak tersedia secara memadai, sehingga berimplikasi diskriminatif (diskriminasi tidak langsung) terhadap penyandang disabilitas. Peran pengawasan Bawaslu juga belum berjalan efektif karena pengawasan terhadap pemenuhan hak kelompok rentan belum menjadi fokus dan belum bersifat preventif. Penelitian ini menyarankan penguatan kewajiban penyediaan aksesibilitas oleh KPU serta penegasan kewenangan pengawasan aksesibilitas secara normatif bagi Bawaslu.

Kata kunci: aksesibilitas, penyandang disabilitas, pemilu, hak asasi manusia, pengawasan.

ABSTRACT

Constitutionally, every citizen has the same right to participate in the democratic process, including people with disabilities as a vulnerable group that constitutionally receives special protection. In practice, in Pamekasan District and Pegantenan District, there are still various obstacles in the form of limited disability-friendly facilities. This situation could indicate a mismatch between the legal norms that guarantee the rights of people with disabilities and their implementation in the field, which could lead to a gap between the 'das sollen' and 'das sein' in fulfilling the political rights of people with disabilities. The issue being examined is the evaluation of accessibility fulfillment by election organizers and the role of oversight mechanisms in ensuring it.

This study is an empirical legal research (juridical-empirical) with a fact-based approach (The Fact Approach), using primary data in the form of interviews with the KPU, Bawaslu, KPPS/PPS, and voters with disabilities chosen through purposive sampling, as well as secondary data in the form of laws and regulations and literature.

The findings show that the legal obligation to provide accessibility has not been fulfilled: of 469 polling stations in both districts, only 2 provided assistive tools, while facilities such as braille templates, ramps, and sign-language services were inadequate, thus having a discriminatory implication (indirect discrimination) toward persons with disabilities. The supervisory role of Bawaslu has also been ineffective because oversight of the protection of vulnerable groups has not been a focus and has not been preventive. This study recommends strengthening the KPU's obligation to provide accessibility and normatively affirming Bawaslu's authority to supervise accessibility.

Keywords: *accessibility, persons with disabilities, general election, human rights, supervision.*